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## **ARTICLE 1: TITLE, APPLICATION, PURPOSE, EXEMPTION, INTERPRETATION, PLANNING AND ZONING COMMISSION**

### **Section 1.01: Title**

This ordinance shall be known as the Zoning Ordinance for Webster County, Iowa.

### **Section 1.02: Application**

This ordinance shall apply to the unincorporated territory of Webster County, Iowa.

### **Section 1.03: Purpose**

The zoning ordinance 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 Webster County, Iowa. The ordinance has been made with reasonable consideration, among other things, for the existing use and character of property, to the character of the particular district involved, and its peculiar suitability for particular uses, to trends of growth or change, and 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 Webster County, Iowa.

### **Section 1.04: Farms Exempt**

In accordance with the provisions of Chapter 335, Code of Iowa, except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.

In order for the land to be designated as a farm, it shall be an operation of the usual nature of local farms, raising crops and/or livestock (such as corn, grain, beans, cattle, sheep, hogs). Animals on such farms shall be raised, housed, and fed on the same farm. House and farm ground must be contiguous.

### **Section 1.05: Interpretation**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, sustainability or general welfare. It is not intended by this ordinance to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premise or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, ordinances, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

### **Section 1.06 Disclaimer Regarding “Approval” Of County Representatives**

Whenever the words “approve”, “approved”, “approval” or similar words are used in describing actions taken by the Zoning Administrator, Planning and Zoning Commission, Board of Adjustment, County Engineer, or the County Board of Supervisors, such words shall be construed as ministerial acts which only entail review for compliance with the Ordinance. Webster County makes no warranties, either expressed or implied, that any plans, plats, subdivision, re-zoning, variance, or any other actions that constitute “approval” by Webster County are merchantable, fit for any particular purpose, or free from design or construction defects.

**Section 1.07      Amendment Table**

<b>Date</b>	<b>Ordinance No.</b>	<b>Section No.</b>	<b>—</b>	<b>Text Amendments</b>
4-19-2011	046	3.12.03(nonconforming structures - % of damage rebuild factor eliminated), 3.18.03 (accessory structures in front of principal structures wording), 4.01(rename TA-1 to A-2 zoning district), 4.05(rename TA-1 to A-2 zoning district), and 7.03(signs - change PUD to ME district and increase max size for real estate signs in ME zone to 32sq’).		
5-6-2014	046	4.04(change name to ag preservation district), 4.04.03(20)(added government and essential services CUP wording), 4.05.03(22)(added government and essential services CUP wording), 4.06.03(7)(added government and essential services CUP wording), 4.07.03(wording added for land uses on parcels larger than 3 acres), 4.07.03(9)(added government and essential services CUP wording), 4.08.03(7)(added government and essential services CUP wording), 4.09.03(4)(added government and essential services CUP wording), 4.10.02(41)(added wording for educational, research, training and testing facilities related to manufacturing and business services, etc.), 4.10.03(10)(added government and essential services CUP wording), 4.11.03(1)(added government and essential services CUP wording), 4.11.06(2a)(changed wording related to parking surface paving requirement), and 4.12.03(3)(added government and essential services CUP wording). CUP = conditional use permit		
8-18-2015	046	4.04.06(rear yard setbacks decreased), 4.05.06(rear yard setbacks decreased), 4.06.06 (rear yard setbacks decreased), 4.07.06(rear yard setbacks decreased), 4.04.05(9a) (homestead density exceptions wording change), and 4.05.05(10a)(homestead density exceptions wording change).		
3-20-2018	046	4.04.05(9a)(changed Homestead Density Exception to “regardless of existing density” of A-1 district), 4.05.05(10a)(changed Homestead Density Exception to “regardless of existing density” of A-2 district), 4.10.07(changed max height of all structures in all categories of table from 35’ to 100’ in the I-1 district), 7.02.06(added a definition of pole sign); 7.03(Item 1)(deleted columns TA-1, I-2, & CO from table), 7.03(Item 1 [also])(eliminated the CUP requirement for subdivision entrance signs in the R-1, R-2 and R-3 districts; projecting signs in the A-2, C-1, I-1 and ME districts; wall signs in the R-3 district, & ground or low profiles signs in the A-1, A-2, R-1, R-2, R-3, C-1, I-1 & ME districts & allows them by right if sign type standards are met except for wall signs in the R-3 district where they would not be permitted. Lastly, it amended the table by replacing the “+,” “-,” “C” notation system with: P = permitted, N = not permitted and C = conditional use permit notation system), 7.03(Item 2)(reduced the max sign area for real estate signs from 32 to 6 sq.’ except in the A-1 & A-2 districts, deleted the columns TA-1, I-2, CO from the table & added the AG/I district & applied the former numbers of the I-2 column to that district), 7.03(Item 3)(deleted TA-1, I-2 & CO rows from table & put the AG/I district in the former I-2 row wording), 7.03(Item 4)(renamed the TA-1 the A-2 district, deleted the non-existing districts of C-2, MUC, I -2 & CO, added a row each for AG/I & ME districts, & set the sign area max at 50 sq.’ & set the sign height max at 10’ in those districts), 7.05(added wording to regulate electronic message board/center type signs).		

## Zoning Map Amendments

Case No. (all RZ's)	Date Approved by BOS	Applicant	Zoning District Re- quest (from and to)	Location or Partial Legal Description
2009-01	12-15-2009	Rick Harrington	From A-1 to A-2.	6.71-acres in the NE 1/4 of the NW 1/4 of Section 25, Township 88 North and Range 28 West of the 5th P.M.
2010-01	1-11-2011	Michael Grell	From ME to A-2.	Three parcels (+/- 39-acres) in the NE 1/4 of the SE 1/4 of Section 32, T89N & R28W.
2011-01	5-31-2011	Michael Moore for Ft. Dodge Asphalt	From A-2 to ME.	All of the SW 1/4 of Section 10, T89N & R29W except for 4 separate parcels of 06-10-300- 003, 006, 009, and 010.
2011-02	8-30-2011	New Coop	From R-2 to I-1.	Various parcels in Sections 20, 21, 28 and 29 of T88N & R30W.
2012-01	3-6-2012	BOS (for Ag Park)	From A-1 to Ag/I.	Various parcels in Section 24, T89N & R30W and also parts of Section 19, T89N & R30 W.
2012-05	10-16-2012	Michael Moore	From ME to A-2.	The E/2 of the SE 1/4 of Section 9, T89N & R29W.
2013-01	4-2-2013	Curtis & Brandi Alexander	From A-1 to A-2.	A portion of the NE 1/4 of the NE 1/4 of Section 6, T88N & R29W.
2013-04	11-12-2013	Carl Gross	From A-1 to R-2.	8.0-acres in the SE 1/4 of the SW 1/4 of Section 35, T90N & R29W.
2013-05	11-12-2013	Tanner Lundberg	From A-1 to A-2.	The East 7.0-acres of the NE 1/4 of the SE 1/4 of Section 33, T86N & R27W.
2013-06	11-12-2013	Travis Reiling	From A-1 to A-2.	9.3-acres as a part of the NW 1/4 of Section 5, T86N & R27W.
2014- no case num- ber	5-6-2014	PZC (from an- nual review mtg)	From ME To R-2.	Lot 13 of Savage Addition and Lots 46 -51 and 77-86 of Savage Addition 2nd, located in Section 2, T88N & R29W.
2014-01	9-2-2014	Mike Halligan	From A-1 to A-2.	Part of the NW 1/4 of Section 10, T87N & R28W.
2015-01	8-18-2015	New Coop	From A-1 to I-1.	A parcel in the NW 1/4 of the NE 1/4 of the NE 1/4 of Section 29, T88N & R30W.
2015-02	8-25-2015	Lynette Grady	From ME to A-2.	Part of Lot 4 of Peterson's Subdivision in the NW 1/4 of Section 7, T88N, R28W.
2016-01	4-26-2016	Brian Mundie	From A-1 to A-2.	Part of the E/2 of the SE 1/4 of Section 12, T88N, R29W.
2016-03	2-27-2018	Steve Kersten for NCIRSWA	From R-1 to I-1.	Lots 1, 2 & 3 and part of Lot 24, and Lots 25 & 26, all part of the County Auditor's Taxation Plat in the NW 1/4 of the SE 1/4 of Section 32, T89N & R28W.

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## ARTICLE 2: DEFINITIONS

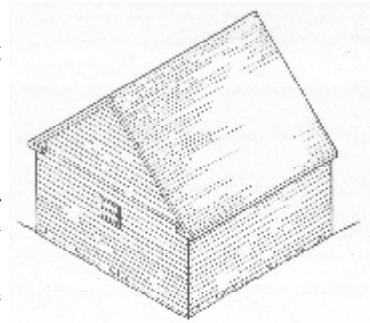
### **Section 2.01 Construction and General Terminology**

For the purpose of carrying out the intent of this Ordinance, words, phrases, and terms shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; those in the plural number include the singular; and the masculine gender shall include the feminine.

- 2.01.01 The word "Assessor" shall mean the Webster County Assessor.
- 2.01.02 The words "Board" or "Board of Supervisors or County Board" shall mean the Webster County Board of Supervisors.
- 2.01.03 The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
- 2.01.04 The word "Commission" shall mean the Webster County Planning and Zoning Commission.
- 2.01.05 The word "County" shall mean Webster County, Iowa.
- 2.01.06 The words "County Recorder" shall mean the Webster County Recorder.
- 2.01.07 The word "County Engineer" or "Engineer" shall mean the Webster County Engineer or the County Engineer's Office or Secondary Roads Department.
- 2.01.08 The word "District" shall refer to any zoning district created for the purpose of regulating specific uses within a defined area.
- 2.01.09 The word "Federal" shall mean the Government of the United States of America.
- 2.01.10 The word "shall" is mandatory; and the word "may" is permissive.
- 2.01.11 The word "State" shall mean the State of Iowa.
- 2.01.12 The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."
- 2.01.13 The words "Zoning Map" shall mean the Official Zoning Map of Webster County.
- 2.01.14 The word "Administrator" shall mean the Webster County Zoning Administrator.
- 2.01.15 The word "Ordinance" shall mean the Webster County Zoning Ordinance.
- 2.01.16 The words "Comprehensive Plan" shall mean the Webster County Comprehensive Development Plan.
- 2.01.17 Abbreviations and Acronyms

For purposes of this Ordinance this section contains a listing of abbreviations and acronyms used throughout this document.

- IAC= Iowa Administrative Code
- I.C. = Iowa Code or Code of Iowa
- IDNR = Iowa Department of Natural Resources or successor department
- FAA = Federal Aviation Administration
- FCC = Federal Communication Commission
- FEMA = Federal Emergency Management Agency
- kV = Kilovolt
- kW = Kilowatt
- NPDES = National Pollutant Discharge Elimination System
- NRCS = Natural Resources Conservation Service
- LFO = Livestock Feeding Operation
- USDA = United States Department of Agriculture



**Garage or shed**  
Accessory Building  
Accessory Use  
Accessory Structure



**Acreage**

## **Section 2.02      Definition of Terms**

**ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

**ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

**ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

**ACCESSORY BUILDING** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes garages, carports, and small storage sheds.

**ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

**ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

**ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

**ACREAGE** shall mean any tract or parcel of land that does not qualify as a farm or development.

**ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

**ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

**ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

**ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."



**Airport**

**ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT NOVELTY BUSINESS** shall mean a business which has as a prin-

cipal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

**ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

**ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

**AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

**AGRICULTURE** shall mean the art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock.

**AGRICULTURE – CROP PRODUCTION** shall mean the raising and harvesting of the following, including, but not limited to crops, vegetables, and melons; orchards; deciduous and evergreen tree farms; sod farms and other horticultural specialties such as bedding plants, bulbs and flowers grown under cover or outdoors.

**AGRICULTURE- LIVESTOCK PRODUCTION** shall mean livestock

production uses, including, but not limited to pasture land or production facilities, either isolated or in conjunction with a farmstead, to the keeping, grazing or feeding of livestock for the sale of livestock or livestock products; animal specialties such as bees, fur-bearing animals and fish.

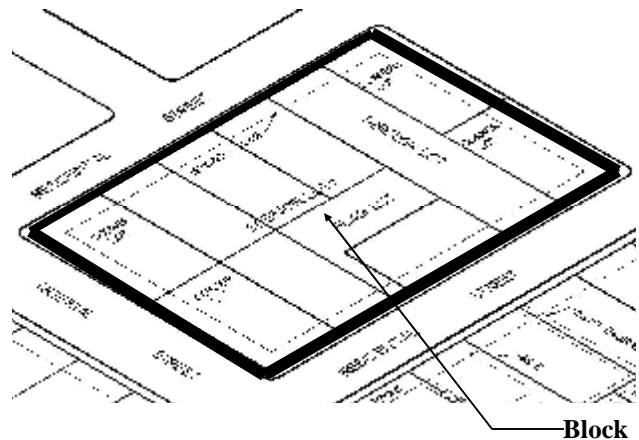
**AGRICULTURAL PROCESSING, VALUE-ADDED** shall mean a facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. The facility also includes the warehousing and packaging as a secondary use. This definition does not include commercial kitchens, bakeries, wineries or breweries.

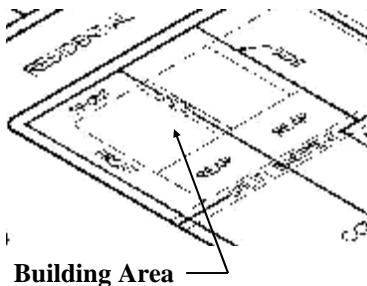
**AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

**AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. See Federal Aviation Administration, Administrative Code Part 77.

**ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.

**ALL-TERRAIN VEHICLE** shall mean any motorized, off-road vehicle 50 inches or less in overall width, having a dry



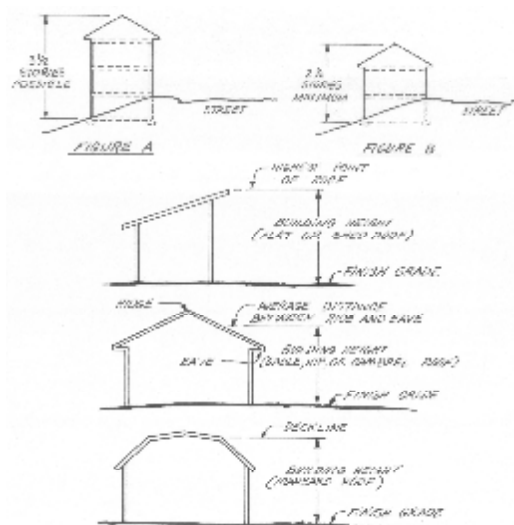


weight of 600 pounds or less, designed to travel on three or more low pressure tires, having a seat designed to be straddled by the operator and handle bars for steering control.

**ALL-TERRAIN VEHICLE PARK** shall mean any off-road course designed for the use of All-terrain vehicles, Moto-cross bikes, and similar powered vehicles

**ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

**ALTERATION, STRUCTURAL** (see Structural Alteration)



**AMENDMENT** shall mean a change in the wording, context, or substance of this Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

**AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

**AMUSEMENT PARK** shall mean an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

**AMUSEMENT PARK EQUIPMENT** shall mean a mechanical, aquatic, or other device or attraction that carries passengers over a fixed or restricted area, primarily for the passengers' amusement.

**Building Height Diagram**

**ANIMAL HOSPITAL** (see Hospital, Animal)

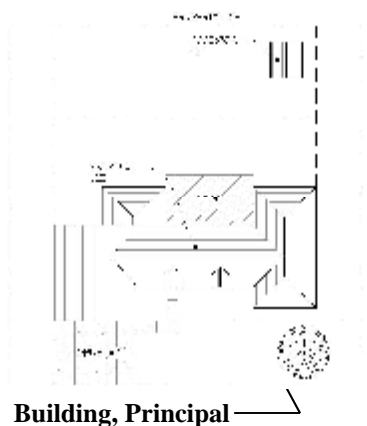
**ANIMALS, DOMESTIC** (see Household Pet)

**ANIMALS, FARM** shall mean livestock associated with agricultural operation, commonly kept or raised as a part of a agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

**ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)

**APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)

**APARTMENT HOTEL** shall mean a multiple family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street



**Building, Principal**

nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

**APARTMENT HOUSE** (see Dwelling, Multiple Family)

**APPROVED LOT** (see Lot, Approved)

**ARCHITECTURAL CANOPY SIGN** (see Sign, Architectural Canopy)

**ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

**AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

**AUTOMOTIVE** shall mean any motorized means of transporting one or more individuals including but not limited to cars, trucks and motorcycles

**BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)

**BASE FLOOD** shall mean a flood having a one percent chance of being equaled or exceeded in any given year.

**BASEMENT** shall mean a building space partly underground, and having at least one-half of its height, measuring from its floor to its ceiling, below the average adjoining finished ground grade line.

**BED AND BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

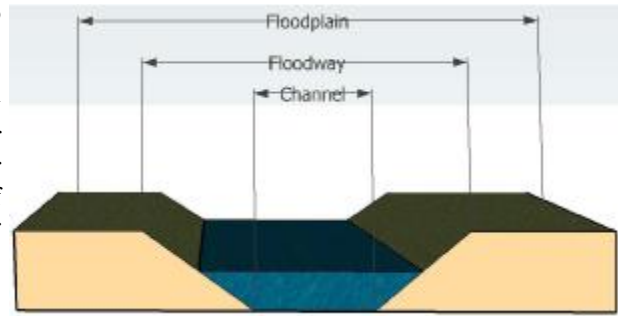
**BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**BERM** shall mean an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

**BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not necessarily the interest of an individual or group of specific people.

**BILLBOARD** shall mean the same as "Advertising Structure".

**BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.



Channel



Cluster Development

**BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

**BOARD OF ADJUSTMENT** shall mean that board which has been created by the county and which has the authority to hear and determine appeals, interpretations of, and variances, as well as hear requests for Conditional Uses of the Zoning Ordinance.

**BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.

**BORROW PIT** shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction; except, for County/State/Federal road construction.

**BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.

**BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)

**BUILDING** means any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The building should be constructed from wood, concrete, steel or other materials to withstand wind, snow and uplift. The building does not include any vehicle, trailer (with or without wheels) nor any movable device such as furniture, machinery or equipment.

**BUILDING AREA** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

**BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within five feet along a horizontal distance at the exterior wall of the building.

**BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal.)

**BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this Ordinance between any property line and the closed point of the building line or face of any building or structure related thereto. (See Lot Diagram Illustration)

**CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

**CARETAKER** shall mean a person residing in the home where a human care facility operates, whose duties include, but are not limited to, direct care, supervision and guidance.

**CARETAKER, PROPERTY** shall mean one who is employed to maintain, repair, and protect a facility or property.

**CARPORT** shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

**CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

**CELLAR** shall mean a building space having more than one-half of its height below the average adjoining grade lines.

**CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

**CENTERLINE** shall have the same meaning as "Street Center Line".

**CENTRAL SANITARY** see "On-site wastewater treatment and disposal system" within IAC 567 Chapter 69, and other applicable definitions in Chapter 69, Iowa Administrative Code.

**CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

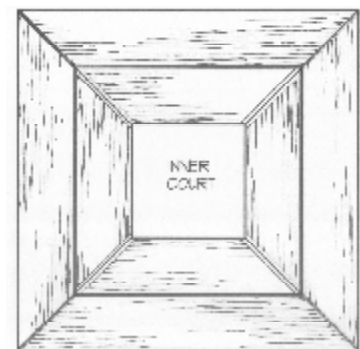
**CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

**CHARITABLE INSTITUTIONS** shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.

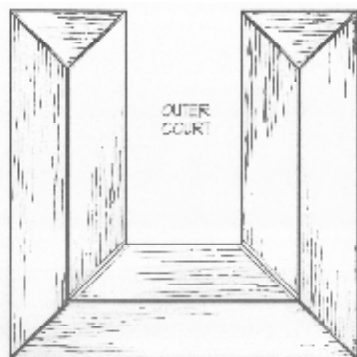
**CHURCH** shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.

**CLEARING** shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.

**CLINIC** shall mean a building designed and used for the examination, diagnosis and treatment of human patients and not including overnight care facilities.



**Court, Inner**



**Court, Outer**

**CLUB** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

**CLUSTER DEVELOPMENT** shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

**COMMISSION** shall mean the Webster County Planning and Zoning Commission.

**COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.

**COMMUNITY CENTER** shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

**COMMUNITY SANITARY SEWER SYSTEM** shall mean an approved central sewer collecting system, meeting IAC 567 Chapter 69 and all county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual sewage treatment systems.

**COMMUNITY WATER SUPPLY SYSTEM** shall mean a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year; as per IAC 56749.

**COMPATIBLE USES** shall mean a land use that is congruous with, tolerant of, and has minimal or no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

**COMPREHENSIVE PLAN** shall mean the Comprehensive Development Plan of Webster County, Iowa as adopted by the County Board of Supervisors, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of Webster County.

**CONDITIONAL USE** shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.



**Cul-de-Sac**



**Development**

**CONDITIONAL USE PERMIT** shall mean a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 5 and any additional conditions placed upon, or required by said permit.

**CONDOMINIUM** shall be a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

**CONFINED ANIMAL FEEDING OPERATION (CAFO)** shall mean an establishment engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry/egg farms, and cattle feed lots. The term does not include slaughterhouses.

**CONFINEMENT** shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.

**CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

**CONGREGATE HOUSING** shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also see Housing for the Elderly.

**CONSERVATION AREAS** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

**CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

**CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a



**Drainageway**



**Dripline**



**Dwelling, Two-family or  
Dwelling, Single-family  
attached**

"supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. Also see Self-Service Station.

**CONTIGUOUS** shall mean the same as "Abutting" and "Adjacent".

**CORN SUITABILITY RATING (CSR)** shall mean an indexing system for rating the ability of soil to produce a certain quantity of corn. Also includes identifying prime farmland.

**COUNTRY CLUB** shall mean buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. The affairs and management of such club are conducted by a board of directors, executive committee, or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to: swimming, tennis, and golf course country clubs.

**COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.

**COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

**COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

**CREMATORIUM** shall mean a location containing properly installed, certified apparatus intended for use in the act of cremation of human or animal.

**CRITICAL ROOT ZONE** shall mean a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every one inch of tree, with a minimum of eight feet. For specimen trees, the formula changes to one and one-half feet for every inch of tree DBH.

**CROWN** shall mean the above ground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. May also be referred to as "canopy".

**CUL-DE-SAC** shall mean a short public way which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

**CURB LEVEL** shall mean the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

**CURVE LOT** see "Lot, Curve".

**DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.

**DBH** shall mean the diameter-at-breast-height and is tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

**DENSITY** shall mean the number of dwelling units per gross acre of land.

**DENSITY BONUS** shall mean the ability to develop an area to the same density level, on smaller lots; while, providing for some level of Conservation Easement in the development.

**DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

**DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

**DEVELOPMENT AREA** shall mean an area of land that may or may not have been subdivided.

**DEVELOPMENT CONCEPT PLAN** see “Site Plan”.

**DEVELOPMENT IMPACT FEE** shall mean a fee imposed on developers to pay for the costs associated with necessary improvements to infrastructure and/or services.

**DEVELOPMENT REVIEW** shall mean the review, by the county’s different departments of subdivision plats, site plans, rezoning requests, or permit review.

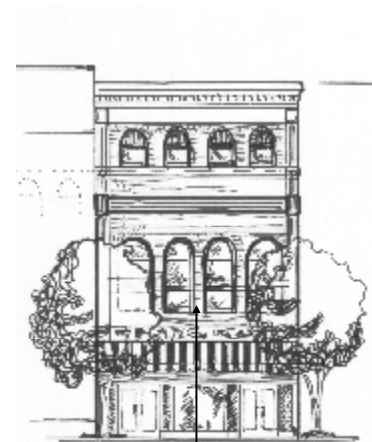
**DOG KENNEL** see “Kennel, Commercial”; and “Kennel, Private”.

**DOMESTIC ANIMALS** see “Household Pet”.

**DORMITORY** shall mean a building used as group living quarters for a student body, religious order, or other group as accessory use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use where group kitchen facilities may be provided to serve all residents.

**DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

**DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.



Facade

**DRIPLINE** shall be a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

**DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.

**DUMP** shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

**DUPLEX** shall mean the same as "Dwelling, Two Family".

**DWELLING** shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30 Code of Iowa, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. All single-family dwellings shall be a minimum of 23 feet in width with a minimum of 700 square feet and placed upon a permanent foundation.

**DWELLING, CONDOMINIUM** see "Condominium".

**DWELLING, MULTIPLE** shall mean a residence designed for or occupied by three or more families, with separate housekeeping, bathroom, and cooking facilities for each.

**DWELLING, ROW** shall mean any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.

**DWELLING, SEASONAL** shall mean a residence used occasionally, typically on weekends and summers, as a place to reside while recreating.

**DWELLING, SINGLE FAMILY** shall mean a detached residence designed for or occupied by one family only. This definition also includes Manufactured Homes.

**DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

**DWELLING, TWO-FAMILY** shall mean a residence designed for or occupied by two families only, with separate housekeeping, bathroom, and cooking facilities for each.

**DWELLING UNIT** shall mean a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.

**EARTH SHELTERED DWELLING** shall mean a house built partially un-

derground. An earth sheltered home is typically built in the side of a hill or an artificial hill that surrounds the dwelling on three sides and over the roof. The remaining side is typically covered with windows in order to provide passive solar heating and a maximum of natural light from the sun.

**EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses. (See Lot Diagram Illustration)

**EDUCATIONAL INSTITUTION** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes, incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

**EFFECTIVE DATE** shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.

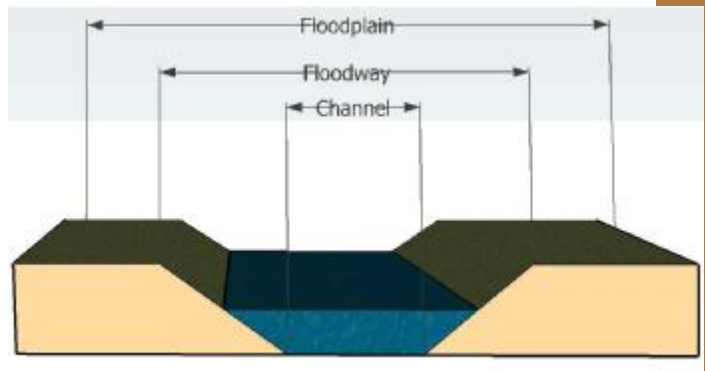
**ELDER FAMILY HOME** shall mean a private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self-care, which is registered as an elder family home with the state department of elder affairs in accordance with I.C. § 231A.2 as amended.

**ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

**ELECTRIC TRANSMISSION SUBSTATION** shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.

**ENCROACHMENT** shall mean advancement or intrusion beyond the lines or limits as designated and established by the Ordinance, and to infringe or trespass into or upon the possession or right of others without permission.

**ENGAGED IN AGRICULTURE** For purposes of applying this ordinance, "engaged in agriculture" shall include but not be limited to any of the following: **1.** Inspect agricultural operations periodically and furnish at least half the direct cost of the operations **2.** Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation. **3.** Perform physical work which significantly contributes to the agricultural operation.



**Floodplain  
Floodway**

**ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

**ERECTED** shall mean constructed upon or moved onto a site.

**ETHANOL PLANT** shall mean a facility where the conversion of corn, or other cellulous material, into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.

**EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

**EXTRACTIVE INDUSTRY** see “Mining, Commercial”

**FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.

**FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

**FAMILY** shall mean one or more persons occupying a dwelling unit as an individual housekeeping organization.

**FAMILY HOME** shall mean a community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237 to provide room and board, personal care, rehabilitation 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 family home licensed under Chapter 237.

**FARM** shall mean a farming enterprise which is recognized in the community as a farm rather than a rural residence.

**FARM EXEMPT** No regulation or requirement contained in 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 for agricultural purposes, but only while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.1. Agricultural areas. Subject to the above, all agricultural areas created pursuant to Section 352.6, Code of Iowa, and the activities conducted thereon, are and shall remain exempt from county zoning and building regulations.

**FARM DWELLING** For purposes of applying this ordinance, “farm dwelling” shall include but not be limited to a house located on land operated as a farm which is or will be occupied by a person engaged in agriculture on that same unit, or by a person retired from agriculture that was performed on that unit of which the house is a part.

**FARM OUTBUILDING** See "Agricultural building."

**FARMLAND** A parcel of land used for agricultural activities. Also defined in the State Code of Iowa, Chapter 352 (County land Preservation and Use Commissions) as those parcels of land suitable for the production of farm products.

**FARM STAND** A structure used seasonally from which agricultural products grown by the owner of the site on which the farm stand is located are sold. A limited quantity of products produced off-site is allowed.

**FARMSTEAD** The principal center of farming operations and consists of the farmhouse, associated farm buildings and adjacent service areas of a farm.

**FARM WINERY** A facility in which production of wine is less than 50,000 gallons per year and: a) the farm winery must have on-site or contiguous propagated (growth stage) vineyard or orchards of at least two acres, and; (b) the farm winery must produce a majority of wine from ingredients grown or produced within the state of Iowa in accordance with Iowa Native Winery laws.

**FEED LOT (CONFINEMENT AREA)** shall mean any tract of land, portion of a tract of land or building on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, poultry or other livestock. A commercial feed lot is a feed lot, as defined, in which the livestock on feed are owned by someone other than the owner or lease operator of the feed lot.

**FEED LOT (OPEN LOT)** shall mean any tract, portion of a tract of land or structure on which the principal use is the concentrated feeding within an open air confined area of cattle, hogs, sheep, poultry or other livestock. Open lot feed lots shall include small shed-type areas or open front buildings, with dirt, or concrete (or other hard surfaced material) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment by windbreaks or small shed-type areas.



Ground Cover

**FLEA MARKET** shall mean a building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.

**FLOOD** shall mean the water of any watercourse or drainage way that is above the banks or outside the channel and banks of such watercourse or drainageway.

**FLOOD PLAIN** shall mean the area adjoining a watercourse which has been or may be covered by flood waters.

**FLOODWAY** shall mean the channel of a watercourse or drainageway and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water of any watercourse or drainageway.

**FLOOR AREA** whenever the term "floor area" is used in this Ordinance

as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

**FOREST** shall be a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forests include areas that have at least 100 trees per acre with at least 50 percent of those trees having a 12 inch or greater diameter at four and one-half feet above the ground, and forest areas that have been cut but not cleared. An orchard is not a forest.

**FOREST STAND** shall be a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a distinguishable, homogeneous unit.

**FORESTED SLOPES** shall mean an area meeting the definition of forest, growing on an area with a slope of 25 percent or more, and covering an area of at least 10,000 square feet.

**FOUNDATION, PERMANENT** shall mean a permanent foundation consisting of an eight-inch thick concrete foundation wall or concrete blocks extending from not less than eight inches above finished grade to not less than 42 inches below finished grade, together with tie-down anchors imbedded in concrete at the top of the foundation to permanently affix the structure to the foundation and resist wind and overturning forces. If a slab on grade is utilized in conjunction with the foundations, it shall be placed over six inches of crushed stone and ties to the foundation with reinforcing bars, extending 18 inches into both slab and the foundation. Tie-down anchors shall then be provided with the slab.

**FRONTAGE** shall mean that portion of a parcel of property that abuts a dedicated public street, private drive or highway. (See Lot Diagram Illustration)

**FUNERAL HOME** shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.

**GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

**GARAGE, PUBLIC** shall mean any garage other than a private garage.

**GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see "Service Station".

**GARBAGE** shall mean all solid and semisolid, putrescible animal and

vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from residences.

**GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**GRADING, MINOR** shall mean any non-agricultural project involving the movement of 50 cubic yards or more of earth that involves a change in natural or preexisting grades of less than 10 vertical feet, except for excavation of a basement for which a building permit has been issued.

**GRADING PLAT** shall mean an official drawing developed by an applicant to show the existing grading contours as well as any new grading contours that will result due to the movement of earth on a project site.

**GRANNY FLAT** shall mean a secondary dwelling, or mobile home, unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. This unit shall not be rented unless the renter is an immediate family member.

**GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

**GREENWAY** shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.

**GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. Also see "Landscaping".

**GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

**GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.

**GROUP HOME, ELDER** shall mean a single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the state department of elder affairs as an elder group home in accordance with Iowa Code §231B.2.

**GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

**GUEST ROOM** shall mean a room which is designed to be occupied by one or more guest(s) for sleeping purposes, having no kitchen facilities, not including dormitories.

**HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

**HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single house-keeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

**HARD SURFACED ROAD** shall mean a graded roadway within an established right-of-way, either public or private, that has been paved with either asphaltic concrete or concrete.

**HAZARDOUS SUBSTANCE** shall mean any substance or mixture of a substance that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, or corrosive, or flammable, that is an irritant or that generates pressure through decomposition, heat or other means. "Hazardous Substance" may include any hazardous waste identified or listed by the Administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Act, as amended January 1, 1977, or any hazardous substance material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act (455B code of Iowa as amended).

**HEALTH CARE FACILITIES** shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) Convalescent or nursing home; (3) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) Public health clinics and facilities; and (5) Ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors or dentists professional offices and private clinics.

**HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

**HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

**HELIPORT** shall mean a designated landing area used for the landing and taking off of helicopters and may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

**HELISTOP** shall mean any landing area used for the landing and taking

off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.

**HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.

**HILLSIDE** shall mean land having an average of 14 percent or greater grade for 200 feet or more.

**HIRED HAND** shall mean any person(s) employed, typically for an agricultural operation, for pay to assist with all types of tasks.

**HOLDING POND** shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.

**HOLDING ZONE** shall mean a zoning district, usually a very low density district, placed on property for the purpose of temporarily holding back the development of land for a more intensive desired use as indicated by the comprehensive development plan until such time as community facilities are economically available and thereby avoiding the "leap frogging" of land uses.

**HOME BASE BUSINESS/OCCUPATION** shall mean any occupation or activity that is clearly incidental and secondary to use of the premises for dwelling and is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.

**HOMEOWNERS ASSOCIATION** shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

**HOSPITAL** shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.

**HOSPITAL, ANIMAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

**HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

**HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

**HOUSING FOR THE ELDERLY** shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities. Also see “Congregate Housing”.

**HOUSING FOR THE PHYSICALLY HANDICAPPED** shall mean a building containing a dwelling or a group of dwellings in which each occupied dwelling unit is occupied by at least one physically handicapped person with a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises.

**IMPACT FEE** see “Development Impact Fee”.

**IMMEDIATE FAMILY** shall mean the smallest unit of family that an individual lives with, typically including, a father, a mother, siblings, and any other relatives who are financially supported.

**IMPERVIOUS SURFACE** shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roads, sidewalks, parking lots, and driveways.

**INCIDENTAL USE** shall mean a use that is subordinate to the main use of a premise.

**INDIVIDUAL SEPTIC SYSTEM** shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.

**INDUSTRIAL PARK** shall mean a planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, storm water runoff and orientation and open space.

**INDUSTRY** shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which: (1) Does not have a current registered state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Iowa Code for operation upon streets or highways. A vehicle

**JUNK VEHICLE** shall mean a motorized vehicle including automobiles, mo-



torcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which do not have a current Iowa Department of Transportation registration or its equivalent and has either had parts removed for reuse, salvage or sale or the vehicle has been incapable of operating under its own power.

**KENNEL, BOARDING** shall mean a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a fee.

**KENNEL, COMMERCIAL** shall mean a kennel which performs grooming, boarding, or training services for dogs or cats in return for a fee.

**LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Iowa Department of Natural Resources. All lagoons shall have the proper permits approved prior to starting construction.

**LAND ALTERATION, SUBSTANTIAL** shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:

- a. Grading activities designed to occur for more than 24 months and less than 48 months; or
- b. The removal from a site of more than 10,000 cubic yards of earth material per acre (gross) and less than 20,000 cubic yards of earth material per acre (gross); or
- c. Resulting at any time during or following excavation, in an exposed bed-rock slope steeper than 3:1 that is over 10 feet and less than 25 feet in height; or
- d. A movement of 500 cubic yards or more of earth that involves a change in natural or pre-existing grades of 10 or more vertical feet for any portion of a parcel; or
- e. Any movement of earth on the entire parcel in excess of 100,000 cubic yards.

**LANDFILL** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

**LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Ordinance and the continued maintenance thereof.

**LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

**LEAPFROG DEVELOPMENT** shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to an existing development resulting in inadequate or lack of support services such as access to a street system designed to carry high volume traffic, utilities, and other commercial facilities or public services such as police, fire, schools, and parks, thus adding to the tax burden of the general public and being an uneconomical growth pattern to the community or county.

**LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. Also see “Congregate Housing” and “Housing for the Elderly”.

**LIMITS OF CLEARING** shall be the boundaries of that area of land to be trees and other vegetation in conjunction with a proposed development or land use, except that the area within these limits for such proposed development or use shall not include the removal of any outstanding or monarch trees unless approved by the Zoning Administrator.

**LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

**LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface; provided, however, only liquid manure collected in lagoons may be applied through the use of a center pivot or tow-line irrigation systems. Also see “Lagoon”.

**LIQUID MANURE STORAGE PITS** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production. In no event shall liquid manure that is stored or collected in a Liquid Manure Storage Pit be applied through the use of a center pivot or tow-line irrigation system. (See definition of Liquid Manure and Lagoon.)

**LIVESTOCK** see “Animals, Farm”.

**LIVESTOCK WASTES** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

**LOADING SPACE** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

**LODGING HOUSE** shall mean a building or place where lodging is provided (or which is equipped regularly to provide lodging by pre-arrangement for definite periods), for compensation, for three or more, but not exceeding 12 individuals, not open to transient guests, in contradistinction to hotels open to transients.

**LOT** shall mean a parcel or tract of land which is or may be occupied by any use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.



**Mining, Commercial**

**LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**LOT, CORNER** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets. (See Lot Diagram Illustration)

**LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

**LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 or less.

**LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. (See Lot Diagram Illustration)

**LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor. (See Lot Diagram Illustration)

**LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

**LOT, INTERIOR** shall mean a lot other than a corner lot. (See Lot Diagram Illustration)

**LOT LINE** shall mean the property line bounding a lot. (See Lot Diagram Illustration)

**LOT LINE, FRONT** shall mean the property line abutting a street. (See Lot Diagram Illustration)

**LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line. (See Lot Diagram Illustration)

**LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.

**LOT, NONCONFORMING** shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Ordinance.

**LOT, THROUGH** shall mean a lot having frontage on two dedicated streets, not including a corner lot. (See Lot Diagram Illustration)

**LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Recorder of Webster County at the time of the passage of an Ordinance or Ordinance establishing the zoning district in which the lot is located. Said Lot of Record shall be part of a subdivision, a plat of survey, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines. (See Lot Diagram Illustration)

**MANUFACTURED HOME** shall mean a factory built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403. Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. For purposes of this Ordinance, manufactured home shall be considered the same as any site built single-family detached dwelling.

**MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

**MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Webster County Board of Supervisors' Zoning Ordinance for Webster County, Iowa.

**MASSAGE** shall mean any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.

**MASSAGE ESTABLISHMENT** shall mean any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing 1) persons licensed by the State of Iowa under the provisions of Chapters 148,148A, 148B, 150,150A,151,152,157, or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; 2) persons performing massage therapy or massage services under the direction of a person licensed as described in 1)

above; 3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; 4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in 1) above; 5) an athletic coach or Trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

**MASSAGE PARLOR** see “Adult Establishment”.

**MEDICAL OR DENTAL CLINIC** shall mean any building or portion thereof, other than a hospital, used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry, or optometry.

**MINING, COMMERCIAL** shall mean the extraction of sand, gravel, mineral, stone, rock and soils for resale on the commercial market; commercial mining shall also include the removal of said materials from the extraction site. This shall not include the cut and fill process to level or terrace an agricultural property, pits owned and/or operated by the County and State and a construction site.

**MINI-STORAGE OR MINI-WAREHOUSE** see “Self-Service Storage Facility”.

**MOBILE HOME** shall mean any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. In addition, mobile homes shall be defined as follows:

- a. A mobile home is factory-built housing built on a chassis.
- b. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
- c. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or appurtenances of mobility are removed and regardless of the nature of the foundation provided

**MOBILE HOME PARK** shall mean any lot or portion of a lot upon which one or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

**MODEL** shall mean any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchan-

dise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**MODEL STUDIO** shall mean any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

**MODULAR HOME** means a movable or portable dwelling designed and constructed without a carriage or hitch as a stationary house. Modular homes are constructed for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable, but designed to be jointed into one integral unit. For purposes of this Ordinance Modular homes shall be considered as Single-family dwellings.

**MOTEL** see “Hotel”.

**MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

**NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also see “Bar”.

**NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.

**NONCONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.

**NONCONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.

**NUDE ENCOUNTER PARLOR** shall mean an establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or actual encounter of any person or persons depicting, describing or relating to “specified sexual activities” as defined herein.

**NUDE PHOTOGRAPHIC PARLOR** shall mean an establishment having a fixed place of business, where any person, association, firm or corporation

therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.

**NUISANCE** shall mean that which is defined in Webster County Health and Sanitation Ordinance.

**NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

**NURSING HOME** shall mean a facility used or occupied by persons recovering from illness or suffering from infirmities of old age requiring skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.

**OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

**OFFICE PARK** shall mean a tract of land that has been planned, developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

**OFFICIAL MAP** see “Map, Official Zoning District”.

**OFF-STREET PARKING AREA or VEHICULAR USE** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

**OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

**OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

**OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

**OUTDOOR ADVERTISING** shall include the definitions of " Advertising

Structure" and "Sign".

**OUTSTANDING OR MONARCH TREE** shall mean a tree that has been determined by the County Conservation Director and/or County Extension Agents to be of high value because of its species, size, age, form, historical significance, or some professional criteria.

**OVERLAY DISTRICT** shall mean a district in which additional requirements may act in conjunction with the underlying zoning district. The original zoning district designation does not change.

**OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

**PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.

**PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARK, PRIVATE** shall mean any park and/or recreational area that is in private ownership and where entry into the facility mean require a membership or special fee.

**PARK, PUBLIC** shall mean any park and/or recreational area that in owned by a public entity.

**PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

**PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

**PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile.

**PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.

**PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development. Also, see "Maintenance Guarantee".

**PERMANENT TREE PROTECTION DEVICES** shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.

**PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to



**Gypsum Quarry  
Limestone Quarry**

remove, relocate, or replace.

**PERMITTED USE** shall mean any land use allowed without special condition within a zoning district.

**PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Webster County, Iowa.

**PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

**PLANNING AND ZONING COMMISSION** shall mean the Planning and Zoning Commission of Webster County, Iowa.

**PLAT OF SURVEY** shall mean the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

**POLICY** shall mean a statement or document of the county, such as the comprehensive development plan, that forms the basis for enacting legislation or making decisions.

**POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

**PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or parcel of land located within a prescribed area.

**PRIME AGRICULTURAL LAND** shall mean a parcel of land having a corn suitability rating (CSR) of 61 or above.

**PRIVATE WELL** shall mean a well that does not supply a public water supply system as per Chapter 49, Iowa Administrative Code.

**PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

**PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.

**PROTECTED ZONE** shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or

all areas required as landscaping strips according to the provisions of the Zoning Ordinance.

**PUBLIC USE AREA** shall mean any area owned and/or operated by any governmental entity for purposes of recreation, hunting, and/or conservation. This includes functions on land and water.

**PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

**PUBLIC WATER AND SEWER SYSTEMS** shall mean a water or sewer system owned and operated by a private individual or a corporation or government approved by the governing body and properly chartered and certified by the appropriate state agency, and subject to special ordinances as herein set forth.

**QUARRY** shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:

- a. Activities principally designed to mine, extract, or remove bedrock materials for commercial purposes; or
- b. Resulting at any time during or following excavation, in an exposed bedrock slope steeper than 3:1 that is over 25 feet in height; or
- c. The temporary or permanent exposure of rock face, made as part of or following excavation, in excess of 25 feet in height. The measurement of height of the exposed rock face shall be the vertical measurement from the lowest elevation of the excavation to the top of the exposed face. Multiple faces shall be added together to determine height; or
- d. Removal from a site of more than 20,000 cubic yards of earth material per acre of land being excavated or 100,000 cubic yards of earth for the entire site; except landfill operations or
- e. An excavation activity utilizing a crusher; or
- f. A substantial land alteration (see above) meeting any of the above characteristics.

**RACE TRACK, COMMERCIAL** shall mean a facility designed for driving race cars or other motorized vehicles in competition; while, charging an admission fee for the general public to attend and observe organized races.

**RACE TRACK, PRIVATE** shall mean a facility designed for driving race cars or other motorized vehicles in competition or for time and is privately owned and not intended public admission.

**RAILROAD** shall mean the land use including the right-of-way (R. O. W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

**RECREATIONAL FACILITY** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition,

recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

**RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than 40 feet in overall length, eight feet in width, excluding sliding rooms, or 12 feet in overall height, primarily designed as a temporary living quarter for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

**RECREATIONAL VEHICLE (RV) PARK** shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

**RECYCLING CENTER** shall mean a facility other than a salvage yard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others for reuse.

**RECYCLING COLLECTION POINT** shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans, and plastics, and where no processing of such items takes place.

**RECYCLING PLANT** shall mean a facility other than a salvage yard where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.

**RESEARCH LABORATORY OR CENTER** shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

**RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building. The use shall also include the selling of beverages, including alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the income.

**RESTAURANT, DRIVE-IN** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

**RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry-out, or drive-in; and where foods are/or beverages are usually served in paper, plastic, or other disposable containers.

**RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

**REVEGETATION** shall mean the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the Zoning Ordinance.

**REVERSE SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

**REZONING** shall mean an amendment to or change in the Zoning Ordinance either to the text or map or both.

**RIDGELINE** shall mean the long, narrow crest or horizontal line of hills usually at the highest elevation.

**RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

**ROAD** shall mean the same as "Private-Street".

**ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for street or road traffic. Also, see "Right-of-Way" and "Street".

**ROADSIDE STAND** shall mean a temporary structure or vehicle used solely for the sale of products.

**ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

**SALVAGABLE MATERIAL** shall mean old or scrap copper, brass, household appliances, wood, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled, wrecked or junk vehicles or machinery, iron, steel, or other old or scrap ferrous or nonferrous material. Any item that no longer functions or is not usable for the original purpose it was made or its intended use.

**SALVAGE YARD** shall mean any site which is used for storing, keeping, sorting, buying or selling junk whether or not for profit. The visible presence of two or more junk vehicles on a parcel of land or the stockpiling of scrap metals, wood, plastic or other materials not attached to a farming operation shall constitute prima facie evidence of a salvage yard and shall be regulated as a salvage yard.

**SAND OR GRAVEL EXCAVATION** shall mean an excavation of uncon-

solidated sediments that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:

- a. Activities principally designed to mine, extract, or remove unconsolidated sediments for commercial purposes; or
- b. A substantial land alteration designed to occur for more than 48 months.

**SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

**SCENIC EASEMENT** shall mean an easement for the purpose of limiting land development in order to preserve a view or scenic area.

**SCHOOL, DAY** shall mean a preschool or nursery school for children.

**SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age.

**SCHOOL, ELEMENTARY, JUNIOR HIGH, or HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the Code of Iowa, Title VII.

**SCHOOL, PRIVATE** shall mean an institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Code of Iowa, Title VII.

**SCHOOL, TRADE** shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.

**SCREENING** shall mean a method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, or other features. Also see Buffer.

**SELECTIVE CLEARING** shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

**SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

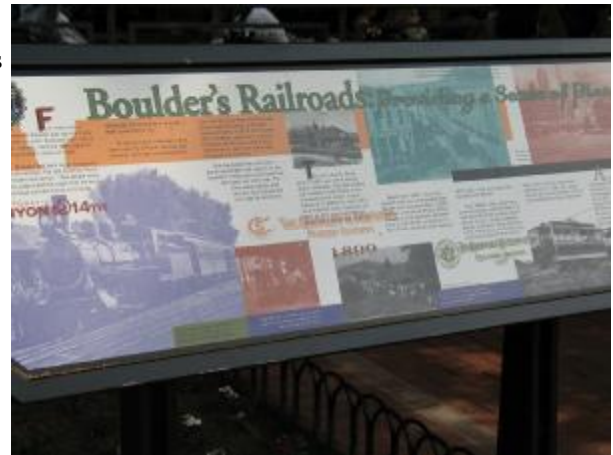
**SEPTIC, ON-SITE WASTEWATER**, see Chapter 69, IAC 567, also known



**Billboard**  
**Off-Premises Advertising**

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**Informational Sign**

**TIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.



**Ground Sign**

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**Projecting Sign**

**SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said back line shall be parallel with the right-way line or highway setback line when has been established.

**SETBACK LINE, HIGHWAY** shall mean the same as "Highway Setback Line".

**SET-SIDE** defines the width or depth of the required be parallel with the property line by the perpendicular distance prescribed for the yard in the district.

**SHOPPING CENTER** shall mean a grouping of retail business and service uses on a single site with common parking facilities.

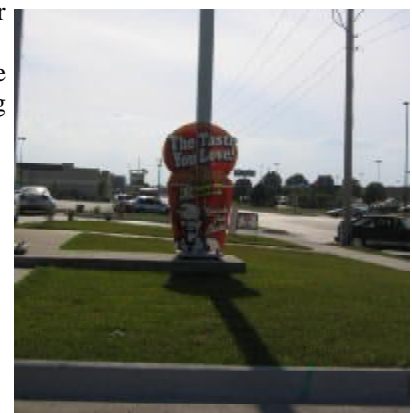


**Pole Sign**  
**Electronic Message Board**

**SIDE-**



**WALK  
CAFE** Subdivision Sign



**Temporary Sign**



**Pole Sign**

shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.



**Wall Sign**



**Wall Sign**

shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.



**SIGHT TRIANGLE**

shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted, or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within this Ordinance.

**Wall Sign**

This definition does not include traffic control signs, permanent or temporary that may be placed by the County or State that provide for public safety as well as the safety of secondary roads maintenance employees.



**Roof Sign**

**SIGN** shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

- a. A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed 10 square feet.
- b. Sign less than 25 square feet in surface area advertising activities conducted on

- the premise, products grown, made, or produced on the premise.
- c. Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Iowa, Webster County, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

**SIGN, ADVERTISING** shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

**SIGN, ARCHITECTURAL CANOPY** shall mean an enclosed, illuminated (back-lit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

**SIGN AREA** shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

**SIGN, AWNING, CANOPY OR MARQUEE** shall mean a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Ordinance.

**SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**SIGN, BUILDING** shall mean any sign supported by, painted on or otherwise attached to any building or structure.

**SIGN, DESTINATION OR DIRECTIONAL** shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

**SIGN, ELECTRONIC MESSAGE BOARD** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**SIGN, FLASHING** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

**SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

**SIGN, GROUND (LOW PROFILE)** shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

**SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

**SIGN, OBSOLETE** shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

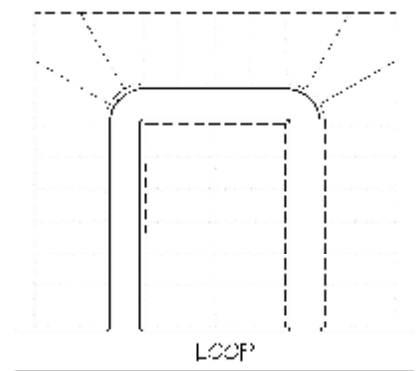
**SIGN, ON-PREMISE** shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located.

**SIGN, OPEN** shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

**SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

**SIGN, PROJECTING** shall mean a projecting sign attached to a building.

**Street, Looped**



**SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.

**SIGN, SUBDIVISION** shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

**SIGN, SURFACE** shall mean the entire area of a sign.

**SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

**SIGN, WALL** shall mean a sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than 18 inches from the face of the building wall.

**SIGN, WINDOW** shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

**SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

**SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, erosion control and other principal site development improvements for a specific parcel of land.

**SITE PLAN, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

**SKETCH PLAN** shall mean a concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

**SLOPE, STEEP** shall mean any slanting surface in the landscape that has a grade of 14 percent to 30 percent.

**SLOPE, VERY STEEP** shall mean any slanting surface in the landscape that has a grade of 30 percent or more.

**SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

**SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

**SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:

- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
- b. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- c. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
- d. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
- e. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- f. Human excretion, urination, menstruation, vaginal, or anal irrigation.

**SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

**STABLE, PRIVATE** shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

**STABLE, RIDING** shall mean a structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.

**STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

**STATE** shall mean the State of Iowa.

**STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

**STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space

between such floor and the ceiling or roof above.

**STORY, ONE-HALF** shall mean the same as "Half-Story".

**STREAM BUFFER** shall mean all lands lying within 50 feet, measured from the top of each normal bank of any perennial or intermittent stream, creek, or river.

**STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Ordinance.

**STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

**STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

**STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

**STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties, and is maintained by the home owners association.

**STREET, SIDE** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

**STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.

**STREET LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

**STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, excepting outdoor areas such as paved areas, walks, fences, tennis courts, and similar recreation areas.

**STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".

**STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

**SUBDIVISION** see Webster County Subdivision Ordinance.

**SUBDIVISION PLAT** see Webster County Subdivision Ordinance.

**SURFACE WATER -- PRIMARY CONTACT RECREATION** shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g. eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.

**SURFACE WATERS** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

**TAVERN** see “Bar”.

**TEMPORARY PAVING PLANTS** shall mean portable equipment used to produce Hot Mix Asphalt (HMA) or Portland Cement Concrete (PCC) pavement materials primarily for road construction projects.

**TEMPORARY TREE PROTECTION DEVICES** shall mean structural measures, such as fencing or berms, installed prior to construction for the purpose of preventing damage to trees during construction.

**TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

**TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)

**TOWNHOUSE** see “Dwelling, Single-Family (Attached)”

**TRADING AREA** shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.

**TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

**TRANSIENT** shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.

**TRANSITIONAL USE** shall mean a permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.

**TRANSPORTABLE HOUSE** shall mean a trailer house, mobile home, double wide trailer house, transportable factory built house constructed to travel on wheels and to be used for temporary human habitation. (e.g. construction area housing)

**TREE** shall mean:

- a. Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.
- b. Any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of four inches or more.

**TREE COVER** shall mean an area directly beneath the crown and within the dripline of the tree.

**TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

**TRUCK TERMINAL** shall mean a building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.

**UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

**URBAN SERVICES AREA** shall mean a defined region, not always coincidental with a municipalities corporate boundary, that defines the geographical limit of governmental-supplied public facilities and services.

**USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such uses represent the best use of public facilities, and promotes health, safety and general welfare.

**USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

**USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. Also see "Building, Principal".

**USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Salvage Yards" or "Automobile Wrecking Yards".

**UTILITY EASEMENT** shall mean the same as "Easement".

**UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

**UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"**, or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

**VARIANCE** shall mean a relief from or variation of the provisions of this ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

**VEGETATION** shall mean all plant life; however, for purposes of this Zoning Ordinance it shall be restricted to mean trees, shrubs, and vines.

**VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

**VEHICLE, MOTOR** see "Motor Vehicle".

**VINE** shall mean a woody plant whose stem climbs by tendrils or twining or creeps along the ground.

**VISUAL BARRIER** shall mean any vegetative or solid material to creates a physical impediment to seeing from one side to the other.

**VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

**WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

**WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**WASTEWATER LAGOON** see "Lagoon".

**WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

**WETLAND** shall mean an area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.

**WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

**WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean any device such as wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy.

**YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Ordinance.

**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

**YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

**YARD, SIDE** shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

**ZONING ADMINISTRATIVE OFFICER** shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.

**ZONING DISTRICT** shall mean the same as "District".

**ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the County.

**ZONING PERMIT** a lawful permit issued by the Zoning Administrator of Webster County, Iowa, for the erection, reconstruction or alteration of a building or structure or use of land.

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## **ARTICLE 3: GENERAL REGULATIONS**

### **Section 3.01 Comprehensive Development Plan Relationship**

These regulations are designed to implement various elements of the comprehensive development plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive development plan adopted by Webster County.

### **Section 3.02 General**

The regulations set forth by this Ordinance within each district shall be minimum standards applicable uniformly to each class or kind of building, structure, or land, except as provided hereinafter.

### **Section 3.03 Scope of Ordinance**

No building, structure, or land in the unincorporated areas shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Ordinance herein specified for the district in which it is located and except after receiving a zoning permit from the Webster County Zoning Administrator and:

1. Only one principal building will be permitted on one lot of record.
2. Accessory structures shall not be used as a primary dwelling.

### **Section 3.04 Zoning Variance Standards**

A Variance is required if any of the following items are requested:

1. To reduce any required yard setbacks.
2. To exceed the height or bulk.
3. To occupy a greater percentage of lot area.
4. To accommodate or house a greater number of families.

### **Section 3.05 Planning and Zoning Commission Recommendations**

Pursuant to Iowa Code Ann. §335.8, it shall be the purpose of the Planning and Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning and Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report.

### **Section 3.06 District Regulations, Restrictions, Boundary Creation**

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings, as well as, the location of the affected district (s) by naming township (s) and section (s) and, if possible, by describing the roads and streets that form the boundaries of the affected area shall be given by publication thereof in a paper of general circulation in the County at least one time, not less than four days or more than 20 days prior to such hearing.

### **Section 3.07 Courtesy Notice**

1. As per State law 331.305, notification shall be published between 4 and 20 days in advance of a public meeting.
2. Whenever possible, notification will be sent to surrounding property owners up to 500 feet from the petitioning parcel according to the most current addresses within the county database.
3. As per state law 331.302, all changes in an ordinance shall not go into effect until the information has been published.

### **Section 3.08 Fines and Penalties**

1. In the case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land used in violation of this ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.
2. Any person or corporation who shall violate any of the provisions of this ordinance 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 or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$500.00 dollars per offense or be imprisoned not more than 30 days, or both, and each and every day such violation shall continue shall be deemed a separate offense.
3. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance, 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 herein provided.
4. The violation of any of the provisions of this Ordinance shall also constitute a County Infraction pursuant to Iowa Code Section 331.307 (2009). The penalties applicable to violators and the relief to the County permitted by Iowa Code Section 331.307 are hereby adopted by reference.
  - (a) Any person, firm, corporation or entity or individual who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance and thereby commits a County Infraction shall be subject to a civil penalty not to exceed seven hundred fifty dollars (\$750), or if the infraction is a repeat offense, a civil penalty not to exceed one thousand dollars (\$1,000) for each repeat offense. Each day that a violation occurs or is permitted by the defendant to exist constitutes a separate offense.
  - (b) In addition to or in lieu of a civil penalty for a violation of this ordinance, the County may seek any appropriate relief permitted under Iowa law, including relief to halt or abate the violation and any relief specified in Iowa Code Section 331.307. The imposition of civil penalties or other relief shall not prevent a peace officer from issuing a criminal citation for a violation of this ordinance.

### **Section 3.09 Fees**

All fees for any zoning action shall be adopted by the County Board of Supervisors by Resolution.

### **Section 3.10 Nonconformity, General Intent**

It is the intent of this Ordinance to permit lawful nonconforming uses to continue until they are removed, but not encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that any nonconformity shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

### **Section 3.11 Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance.

### **Section 3.12 Nonconforming Structures**

- 3.12.01 *Authority to continue:* Any structure that is devoted to a use, permitted in the zoning district, in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

- 3.12.02 **Enlargement, Repair, Alterations:** Any such structure described in [Section 3.12.01](#) may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by conditional use permit, unless otherwise approved or as specified in the District.
- 3.12.03 **Damage or Destruction:** Any nonconforming building or structure built prior to the existence of this ordinance damaged by fire, flood, explosion, war, riot, or act of God may be restored, reconstructed, or used as before provided that reconstruction be started within one (1) year of such event happening. All property located in the floodplain as indicated on the FEMA Firm Rate Maps must comply with FEMA floodplain guidelines. (Amended 4-19-2011.)
- 3.12.04 **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

### **Section 3.13 Nonconforming Uses**

- 3.13.01 **Nonconforming Uses of Land:** Where at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
  2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
  3. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 3.13.02 **Nonconforming Uses of Structures:** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. Existing structure (s) devoted to a use not permitted by this Ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
  2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building;
  3. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;

4. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
5. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### **Section 3.14 Lot**

Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.

#### **Section 3.15 Reductions in Lot Area Prohibited**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

#### **Section 3.16 Yard Requirements**

- 3.16.01 Yard requirements shall be set forth in the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 3.16.02 All accessory buildings that are attached to principal buildings (i.e., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 3.16.03 Any yard for a commercial or industrial use which is adjacent to any residential use or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening.

#### **Section 3.17 Permitted Obstructions in Required Yards**

The following shall not be considered to be obstructions when located in the required yards:

##### **3.17.01 *All Yards:***

1. Steps and accessibility ramps used for wheelchair and other assisting devices which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys; recreational and laundry-drying equipment;
2. Approved freestanding signs;
3. Arbors and trellises;
4. Flag poles;
5. Window unit air conditioners projecting into the required yard
6. Fences or walls subject to applicable height restrictions are permitted in all yards.

##### **3.17.02 *Front Yards:***

1. Bay windows projecting into the yard are permitted.
2. Open porches, platforms, decks, or terraces
3. Awnings and canopies

**3.17.03 *Rear and Side Yards:***

1. Open off-street parking spaces,
2. Balconies or outside elements of central air conditioning systems.
3. Open porches, platforms, decks, or terraces including a permanently roofed-over terrace or porch.
4. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, so long as the same are so placed as not to obstruct lights and ventilation.

**3.17.04 *Double Frontage Lots:*** The required front yard shall be provided on each street.

**Section 3.18      Accessory Building and Uses**

**3.18.01** No accessory building shall be constructed upon a lot until construction of the principal building has commenced. In no event shall such building be used as a dwelling unless it is a facility designed for human habitation.

**3.18.02** No accessory building shall be erected in or encroach upon the required front yard or side yard on a corner lot or the front yard of a double frontage lot; except in the A-1 Agricultural District or the TA-1 Transitional Agricultural District.

**3.18.03** Regulation of accessory uses shall be as follows:

1. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen feet from street lines.
2. No accessory building shall be used as a residence.
3. No accessory structure shall be located in front of the principal structure in the R-1 and R-2 Districts. (Amended 4-19-2011.)

**Section 3.19      Permitted Modifications of Height Regulations**

**3.19.01** The height limitations of this Ordinance shall not apply to:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Flag Poles	Radio and Television Towers less than 125 feet in height
Conveyors	Air-Pollution Prevention Devices
Cooling Towers	Grain Elevators and Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots

**3.19.02** When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

**Section 3.20      Repairs and Maintenance**

**3.20.01** On any building, work may be done on ordinary repairs or replacement provided that the cubic content of the building as it existed at the time of passage of amendment of this Ordinance shall not be increased.

**3.20.02** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 3.21      Side Yards**

No side yards are required where dwelling units are erected above commercial and industrial structures.

**Section 3.22      Corner Lots**

On a corner lot in any district, nothing shall be erected or placed for storage in such a manner as to materially impede vision between a height of two and one-half feet and eight feet above the grades of the centerline of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the streets or roads. Agricultural crops are specifically exempted from this section.

### **Section 3.23 Recreation Equipment, Storage**

No such recreational equipment shall be utilized as a dwelling when parked on a residential lot or in any location not approved for such use.

### **Section 3.24 Building Setback**

The building setback lines shall be determined by measuring the horizontal distance from the property line to the vertical face of the nearest wall of the existing or proposed structure to the right-of-way and/or property line.

### **Section 3.25 Temporary Structures**

Temporary structures incidental to construction work may be erected in all districts, but only for the period of 18 months and shall be removed upon completion or abandonment of the construction work. Mobile homes may be utilized as a temporary residence while construction of a residence is ongoing. A zoning permit is required and shall be valid for a period of 18 months. A one (1) year extension of the permit may be granted by the Zoning Administrator upon finding conditions are such that the original 18 months is unreasonable.

### **Section 3.26 Caretaker's Quarters and Granny Flats**

Caretaker's quarters are permitted in all districts, providing the use is incidental to the principal use.

### **Section 3.27 Exception- Non Conforming Setbacks**

Variances allowed by staff are as follows. The setback of a structure can be reduced based on the average setbacks of the current structures within the area. Generally, this includes structures within 200 feet. If this is not feasible, a variance of up to 10 percent of the bulk regulation setback can be issued by staff.

### **Section 3.28 Screening**

All extractive and salvage industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.

### **Section 3.29 Cooperatives, Condominiums**

Cooperatives, condominiums and all other forms of property ownership do not affect the provisions of these ordinances and all requirements shall be observed as though the properties were under single ownership.

### **Section 3.30 Special Requirements**

3.30.01 Petitioners requesting a parcel to be rezoned shall submit a site plan, with dimensions of the proposed development as an exhibit accompanying the petition for the change in zoning or applying for a zoning permit. The site plan shall show the following and shall be binding upon the petitioner, his heirs, successors, and assigns for construction of said use.

1. All land and its use and ownership within 500 feet of the district to be rezoned in electronic format.
2. A site plan with dimensions of the proposed building and land.
3. A description and a drawing of the outside of the building (s) to be constructed and or existing building (s), to include the following:
  - A. Identification of lot lines and lot size.
  - B. Designation of structure (s).
  - C. Designation of roads, ingress, and egress.
  - D. Designation of distance between structures, lot lines, and right-of-way.
  - E. Description of the use.
4. A description of the manner in which solid and liquid waste will be disposed.
5. A showing of compliance of state, federal laws, and regulations relating to the business shall be made prior to the request.
6. A complete legal description of the property shall be provided in electronic format.

6. Whenever a parcel of land is split from adjoining land, said parcel must be surveyed and a survey thereof filed with the County Recorder, as per the Webster County Subdivision Regulations.
7. The Board of Supervisors reserve the right to require a survey before the final approval.
8. Landowners applying for a zoning permit shall also submit a site plan with dimensions of the proposed building and land. Designate the use. See example below.

3.30.02 Whenever a zoning permit is issued on a property requiring or using a septic system, the zoning permit shall not become valid until the septic system design and location has been approved by the Webster County Sanitarian.

### **Section 3.31 Storage of Junk Vehicles**

This Section shall apply to any vehicle meeting the definition of junk vehicles, junk, and inoperable vehicle in this Ordinance. Such vehicles include:

1. Automobiles,
2. Vans,
3. Trucks,
4. Semi-trailers,
5. Busses,
6. Hauling trailers (including homemade),
7. Motorcycles,
8. Motor and pull campers,
9. Flatbeds,
10. Equipment,
11. Machinery not a part of or on a farming operation,
12. Truck boxes,
13. Wagons,
14. Race cars,
15. Other types of recreational vehicles or modes of transportation,
16. Items which do not operate under their own power but were manufactured to do so,
17. Junk vehicles shall not be used as accessory uses or structures of any kind including sheds, farrowing houses, animal shelter, storage or work space.
18. All junk vehicles shall be stored completely within an enclosed building with four walls, roof, and doors.

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#### **ARTICLE 4: DISTRICTS, DISTRICT MAP, USES**

##### **Section 4.01 Districts**

For the purpose of this Chapter, the County is hereby divided into districts, designated as follows:

<b>(A-1)</b>	<b>Agricultural Preservation District</b>
<b>(A-2)</b>	<b>Transitional Agricultural District</b>
<b>(R-1)</b>	<b>Rural Residential District</b>
<b>(R-2)</b>	<b>Urban Residential District</b>
<b>(R-3)</b>	<b>Mobile Home Residential District</b>
<b>(C-1)</b>	<b>General Commercial District</b>
<b>(I-1)</b>	<b>Industrial District</b>
<b>(AG/I)</b>	<b>Agricultural/Industrial District</b>
<b>(ME)</b>	<b>Mineral Extraction District</b>
<b>(APT)</b>	<b>Airport Overlay District</b>

##### **Section 4.02 District Map**

- 4.02.01 Such land and the district classification thereof shall be as shown on the “Official Zoning District Map of Webster County, Iowa.” This Zoning District Map and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this ordinance as if fully described herein and shall be filed as part of this ordinance by the County Auditor of Webster County. Said map shall be available for public inspection in the office of the Zoning Administrator of Webster County, Iowa.
- 4.02.02 Any additions to the unincorporated area of the County resulting from disconnection by municipalities or otherwise shall be automatically classified by amendment.
- 4.02.03 Whenever any road, street or other public way is vacated by official action of the Board of Supervisors of Webster 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 in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- 4.02.04 The Official Zoning Map for Webster County is on file at the Planning and Zoning Office. The Zoning Map is also available as an electronic map in the Webster County Planning and Zoning Office as specified by a resolution of the Board of Supervisors. A layer on the “Real Estate Mapping” website can be used for reference but is not official. Click on the link to enter the website and follow the directions below to view the Zoning layer (check with the Planning and Zoning Office for any updates or changes).

### **Section 4.03 Rules for Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the “Official Zoning District Map of Webster County, Iowa,” the following rules shall apply:

- 4.03.01 Boundaries that are indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
- 4.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 4.03.03 Boundaries that are indicated as following railroad lines shall be construed to be mid-way between the main tracks.
- 4.03.04 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 4.03.05 Boundaries that are indicated as parallel to or extensions of features indicated above shall be so construed. The scale used on the “Official Zoning District Map of Webster County, Iowa” shall determine distances not specifically indicated on the map.
- 4.03.06 Where physical or cultural features existing on the ground are at variance with those shown on the “Official Zoning District Map of Webster County, Iowa,” or in other circumstances not covered above, the Board of Adjustment shall interpret the district boundaries.
- 4.03.07 Where it is determined by the Zoning Administrator that a district boundary divides a lot of record, the entire lot of record may have the uses, structures, and bulk regulations of either district but not both districts.

#### **Section 4.04     A-1: Agricultural Preservation District<sup>1</sup>**

4.04.01 **Intent:** It is the intent of the Agricultural Preservation District to preserve the prevailing rural agricultural farming characteristics, values, and resources of Webster County. The intent is to encourage and to promote in every practicable manner, the interest of agriculture, the facilitation of farm production, and the encouragement of soil and water conservation practices. <sup>1</sup> District name amended on 5-6-2014.

#### **4.04.02 Permitted Principal Uses:**

The following list as principal uses are permitted in the A-1 District.

1. Residential acreages, provided the following conditions are met:
  - a. Said acreage shall meet the density requirement of one non-farm residence on not less than 40 acres with an overall maximum density of two non-farm residences per quarter-section.
  - b. Acreages shall also show that the cropland has a CSR rating of 65 or less in order to qualify.
  - c. All non-farm residences shall be located along a graveled or hard-surfaced County Road/Highway, State Highway or U.S. Highway.
  - d. Access to said property shall meet all county and state requirements.
  - e. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam structure.
3. General agricultural operations
4. Manufactured home, not placed on a permanent foundation, provided that:
  - a. It has an approved septic and water facilities
  - b. It conforms to the regulations of an accessory structures
  - c. It is not closer than 10 feet to an established dwelling
  - d. It is occupied by an elderly or retired member of the immediate family living in the principal structure
  - e. The Permit shall be reviewed annually for compliance
  - f. The Permit shall expire upon the death or relocation of the occupant to another place of residency.
  - g. The manufactured home shall be removed within 30 days of the expiration of the permit.
5. Horticultural farm specialties such as apiaries and mushroom barns.
6. Confined Animal Feeding Operations as permitted by IDNR rules and regulations, particularly in regard to the use of manure collection and treatment devices, manure management plans, and site distances to adjacent non-farm uses.
7. Farm irrigation facilities as permitted under 567 IAC Chapter 50
8. Public and private overhead and underground utility distribution systems.
9. Public facilities, fire protection, police protection, fairgrounds, libraries.
10. Military installations.
11. Historical sites or monuments.
12. Temporary paving plants provided the necessary haul road maintenance agreement is completed and filed with the County Engineer to his/her satisfaction including but not limited to: dust control, vehicle speed designated haul road and road restoration plan
13. Forestry.
14. Cemeteries, including mausoleums, mortuaries, crematories.
15. Drainage and flood control projects.
16. Kennels provided that the kennel shall be located at least 300 feet from any residential dwelling other than that of the kennel owner.

#### 4.04.03 *Conditional Uses:*

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the A-1 District as required and approved by the Board of Adjustment.

1. Publicly owned facilities such as airports, community centers.
2. Privately owned air landing strip or airport.
3. Communications and television towers, transmitters, or receivers pursuant to Section 8.01.
4. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sport facilities.
5. Institutions for academic instruction, clinics, charitable institutions for the treatment of diseased, juvenile residential homes or facilities, chemical dependency or mental health facilities or other similar institutions or facilities, provided:
  - a. The Board of Adjustment shall require that any property owner, institution, facility requesting a Conditional Use Permit under this subsection receive certification, accreditation or licensing by the Agency or Department of the State of Iowa which regulates such institutions or facilities.
  - b. Such certification, accreditation, or licensing shall be received prior to the opening of the facility or institution and shall be maintained during its operation as a Conditional Use.
  - c. No Conditional Use Permit shall be granted by the Board of Adjustment under this subsection if the property owner, institution, or facility seeking said Permit cannot or will not receive or be subject to certification, accreditation, or licensing by the State of Iowa.
6. Commercial Racetracks
7. Private Racetracks
8. Agricultural farm services such as soil preparation services, veterinary, and animal services.
9. Public or private stables
10. Hospitals or health care facilities.
11. Auto wrecking, salvage, or salvage yards.
12. Commercial recreational and camping areas.
13. Hunting, gun clubs, rifle range, trap shoot provided the location of the use shall meet the minimum siting requirements of the state and/or federal government. All said uses shall be required to have a properly designed landscaping and screening around the property and 2,500 feet from any residence.
14. Commercial/Utility Grade Wind Energy Conversion System pursuant to the provisions of Section 8.03
15. Bed and Breakfast establishments
16. Public and private parks, forest preserves, and conservation areas.
17. Sanitary landfill
18. Mineral Extraction provided:
  - a. Any use allowed in a Mineral Extraction District shall comply with state standards for off-site effects.
  - b. No structure occupied by humans or animals shall be constructed within 1200 feet of any public use area.
  - c. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.
  - d. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
  - e. All mining activities within 50 feet of the right-of-way of a paved road shall have an earthen berm a minimum of six feet high above the road surface between the road and the edge of the mining activities, with said berm to have a perennial vegetative cover.

- f. Any Mineral Extraction operation shall demonstrate that the roads to and from the site are adequate to handle required truck traffic and is signed off by the County Engineer; or the applicant agrees to finance the required upgrades and pay for future maintenance of the road(s) and is agreed to by the County Board of Supervisors.
- 19. Agricultural Enterprises Planned Developments that provide agricultural services and products to farmers; such as:
  - a. Commercial grain, feed storage and elevators.
  - b. Commercial liquid or solid fertilizer storage for distribution.
  - c. Commercial packages, bulk or tank storage for distribution of fuel, pesticides and herbicides.
  - d. Livestock auction sales yard.
  - e. Farm implement dealership and service shop.
- 20. Government and Essential Services.<sup>1</sup> <sup>1</sup> Item #20 added 5-6-2014.

**4.04.04 Accessory Uses:**

The following accessory buildings are permitted in the "A-1" Agricultural Preservation District:

- 1. Building and uses customarily incidental to the permitted principal uses.
- 2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
- 3. Private recreational facilities used in conjunction with the permitted use.
- 4. Parking pursuant to Article 6.
- 5. Signs pursuant to Article 7.
- 6. Home Occupations
- 7. Non-Commercial Wind Energy Systems pursuant to Section 8.02.

**4.04.05 Other Applicable Provisions:**

- 1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer 58 feet from the centerline of a County road.
- 2. All new dwellings shall gain access from hard-surfaced or gravel maintained Roads/Streets/Highways.
- 3. Residential Subdivisions shall gain access on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall not be allowed on minimum maintenance Roads/Streets/Highways.
- 4. All access to properties shall meet County Engineer's specifications.
- 5. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams.
- 6. In some cases, Webster County may require a residential development to be designed in a clustered/conservation concept.
- 7. Kennels shall not be constructed within 1,200 feet of any public use area.
- 8. All landscaping and accessory building on residential acreages shall meet the following minimum standards:
  - a. All hedge rows, trees and vegetative matter other than typical sod grasses shall be setback from the property line (fence line) by one foot times the mature height of the landscaping (1 foot \* 25 feet mature height).
  - b. All accessory buildings and structures shall be setback the minimum as required in 4.04.06.
- 9. Homestead Density Exception
  - a. An existing homestead may be split off from an existing farm for purposes of creating a new residential dwelling site regardless<sup>2</sup> of the existing residential density of the district provided the following conditions are met:
    - i. The site currently has outbuildings and/or a residential dwelling

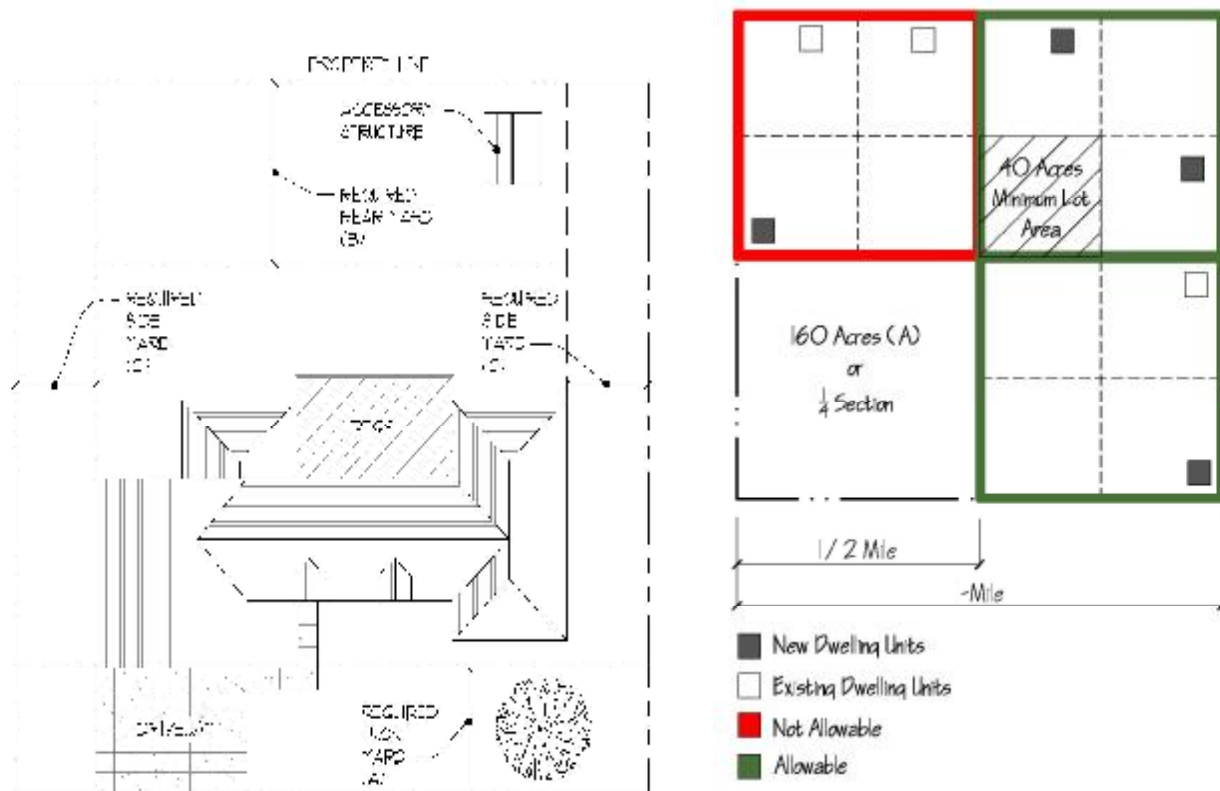
- ii. There is an existing well located on the site
- iii. The newly created site has a minimum of two acres
- iv. The tree line around the site is still partially or fully intact
- v. The created property has never been used in row crop production
- b. Staff will have the authority to review and approve the Exception if all of the criteria has clearly been met. Any varying from the criteria, or at anytime, staff can call for a Home Density Exception Review by the Planning and Zoning Commission. (Amended 8-26-15.) ( <sup>2</sup> Amended and effective 3-27-18.)

#### 4.04.06 *Height and Lot Requirements:*

USES	MIN. LOT AREA (ACRES) (*)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Residential acreages	40 <sup>1</sup>	100	25	10 <sup>2</sup>	10	35	-
Other Permitted Uses	40	100	25	10	10	35	-
Conditional Uses	40	100	25	10	10	35	-
Accessory Uses	-		25	10	10	35	

<sup>1</sup> Residential Acreages are limited to a maximum density of two non-farm dwelling units per 1/4 section. Where a dwelling splits two different 1/4 sections, then the applicant shall assign it to the appropriate 1/4 section.

<sup>2</sup> Amended from 25 feet to 10 feet on 8-26-2015.



**Section 4.05 A-2: Transitional Agricultural District** (Amended 4-19-2011.)

4.05.01 **Intent:** The Transitional Agricultural District are intended to provide to protect existing crop production in the rural portions of the county; while, providing an incentive area for more densely developed residential areas, as opposed to the Agricultural Preservation District. Denser residential development is identified along major transportation corridors and around the perimeter of some communities within the county.

4.05.02 **Permitted Principal Uses:**

The following principal uses are permitted in the A-2 District. (Amended 4-19-2011.)

1. Single family dwellings on farmsteads.
2. Residential acreages, provided the conditions in Article 5 are met, as well as the following conditions:
  - a. Said acreage shall meet the density requirement of one non-farm residence on not less than two acres with an overall maximum density of four non-farm residences per quarter-section.
  - c. All non-farm residences shall be located along a graveled or hard-surfaced County Road.
  - d. If additional non-farm residences are requested, then the Applicant shall be required to subdivide the property in accordance with Webster County's Subdivision Ordinance. The County Planning and Zoning Commission and County Board of Supervisors may require access to paved roads and/or platted streets to accommodate said development.
  - e. Access to said property shall meet all county and state requirements.
  - f. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.
3. General farms crops and pastureland.
4. Agricultural farm production crops such as field crops, cash grain crops, vegetables, fruits, tree, and nuts.
5. Manufactured home, not placed on a permanent foundation, provided that:
  - a. It has an approved septic and water facilities
  - b. It conforms to the regulations of an accessory structures
  - c. It is not closer that 10 feet to an established dwelling
  - d. It is occupied by an elderly or retired member of the immediate family living in the principal structure
  - e. The Permit shall be valid for only one year and may be renewed by reapplication
  - f. The Permit shall expire upon the death or relocation of the occupant to another place of residency.
  - g. The manufactured home shall be removed within 30 days of the expiration of the permit.
6. Confined Animal Feeding Operations as permitted by IDNR rules and regulations. The Confined Animal Feeding Operation shall meet the following:
  - a. Shall not exceed 625,000 pounds total animal weight capacity for swine, fowl, or animals other than bovine
  - b. Shall not exceed 1,600,000 pounds total animal weight capacity for bovine
  - c. Meet all IDNR regulations including manure management plan, collection and treatment of manure, and site distances.
7. Horticultural farm specialties such as apiaries and mushroom barns.
8. Nurseries, greenhouses, and truck gardens
9. Farm buildings and structures used for farm equipment, machinery, grain, animals and poultry.
9. Temporary paving plants provided the necessary haul road maintenance agreement is completed and filed with the County Engineer to his/her satisfaction including but not limited to: dust control, vehicle speed designated haul road and road restoration plan

10. Farm irrigation facilities as permitted under 567 IAC Chapter 50
11. Railroads and public thoroughfares.
12. Roadside stands offering for sale farm products produced on the farm.
13. Public and private overhead and underground utility distribution systems.
14. Public parks, forest preserves, and conservation areas.
15. Public facilities, fire protection, police protection, fairgrounds, libraries.
16. Historical sites or monuments.
17. Forestry.
18. Cemeteries, including mausoleums, mortuaries, crematories, provided the mausoleums and crematories.
19. Drainage and flood control projects.
20. Kennels provided that the kennel shall be located at least 300 feet from any residential dwelling other than that of the kennel owner.

**4.05.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the A-2 District as required and approved by the Board of Adjustment. (Amended 4-19-2011.)

1. Military installations.
2. Publicly and privately owned air landing strip or airport.
3. Institutions for academic instruction, clinics, charitable institutions for the treatment of diseased, juvenile residential homes or facilities, chemical dependency or mental health facilities or other similar institutions or facilities, provided:
  - a. The Board of Adjustment shall require that any property owner, institution, facility requesting a Conditional Use Permit under this subsection receive certification, accreditation or licensing by the Agency or Department of the State of Iowa which regulates such institutions or facilities.
  - b. Such certification, accreditation, or licensing shall be received prior to the opening of the facility or institution and shall be maintained during its operation as a Conditional Use.
  - c. No Conditional Use Permit shall be granted by the Board of Adjustment under this subsection if the property owner, institution, or facility seeking said Permit cannot or will not receive or be subject to certification, accreditation, or licensing by the State of Iowa.
4. Public sanitary sewage treatment, water pumping and treatment facilities.
5. Communications and television towers, transmitters, or receivers pursuant to Section 8.01.
6. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sport facilities.
7. Hospitals or health care facilities
8. Auto wrecking, salvage, or salvage yards.
9. Commercial recreational and camping areas.
10. Hunting, gun clubs, rifle range, trap shoot provided the location of the use shall meet the minimum siting requirements of the state and/or federal government. All said uses shall be required to have a properly designed landscaping and screening around the property and 2,500 feet from any residence.
11. Bed and Breakfast establishments
12. Public and private parks, forest preserves, and conservation areas.
13. Sanitary landfill
14. Agricultural farm services such as soil preparation services and veterinary and animal services.
15. Public or Private Horse Stables.
16. Churches, including associated halls and residences.
17. Commercial/Utility Grade Wind Energy Conversion System as per Section 8.03
18. Mineral Extraction provided:

- a. Any use allowed in a Mineral Extraction District shall comply with state standards for off-site effects.
  - b. No structure occupied by humans or animals shall be constructed within 1200 feet of any public use area.
  - c. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.
  - d. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
  - e. All mining activities within 50 feet of the right-of-way of a paved road shall have an earthen berm a minimum of six feet high above the road surface between the road and the edge of the mining activities, with said berm to have a perennial vegetative cover.
  - f. Any Mineral Extraction operation shall demonstrate that the roads to and from the site are adequate to handle required truck traffic and is signed off by the County Engineer; or the applicant agrees to finance the required upgrades and pay for future maintenance of the road(s) and is agreed to by the County Board of Supervisors.
19. Agricultural Enterprises Planned Developments that provide agricultural services and products to farmers; such as:
- a. Commercial grain, feed storage and elevators.
  - b. Commercial liquid or solid fertilizer storage for distribution.
  - c. Commercial packages, bulk or tank storage for distribution of fuel, pesticides and herbicides.
  - d. Livestock auction sales yard.
  - e. Farm implement dealership and service shop.
20. Child Care Center.
21. Child Care Home.
22. Government and Essential Services.<sup>1</sup>

<sup>1</sup> Item #22 added 5-6-2014.

#### 4.05.04 **Accessory Uses:**

The following accessory buildings and uses are permitted in the "A-2" Transitional Agricultural District: (Amended 4-19-2011.)

- 1. Buildings and uses customarily incidental to the permitted principal uses.
- 2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
- 3. Private recreational facilities used in conjunction with the permitted use.
- 4. Parking pursuant to Article 6.
- 5. Signs pursuant to Article 7.
- 6. Home Occupations

#### 4.05.05 **Other Applicable Provisions:**

- 1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer 58 feet from the centerline of a County road.
- 2. Residential Subdivisions shall gain access on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall not be allowed on minimum maintenance Roads/Streets/Highways.
- 3. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
- 4. Residential Subdivisions shall gain access on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall not be allowed on mini-

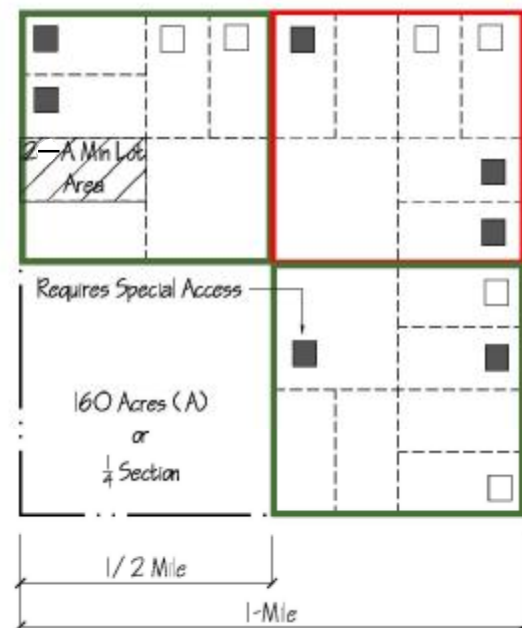
- imum maintenance Roads/Streets/Highways.
3. All access to properties shall meet County Engineer's specifications.
  4. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams.
  5. The minimum densities for residential structure may be increased only when a new farm residence is constructed and the original farmhouse is sold off.
  6. All landscaping and accessory building on residential acreages shall meet the following minimum standards:
    - a. All hedge rows, trees and vegetative matter other than typical sod grasses shall be setback from the property line (fence line) by one foot times the mature height of the landscaping (1 foot \* 25 feet mature height).
    - b. All accessory buildings and structures shall be setback the minimum as required in 4.04.06.
  7. In some cases, Webster County may require a residential development to be designed in a clustered/conservation concept.
  8. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
  9. Kennels shall not be constructed within 1,200 feet of any public use area.
  10. Homestead Density Exception
    - a. An existing homestead may be split off from an existing farm for purposes of creating a new residential dwelling site regardless<sup>2</sup> of existing residential density of the district provided the following conditions are met:
      - i. The site currently has outbuildings and/or a residential dwelling
      - ii. There is an existing well located on the site
      - iii. The newly created site has a minimum of two acres
      - iv. The tree line around the site is still partially or fully intact
      - v. The created property has never been used in row crop production
    - b. Staff will have the authority to review and approve the Exception if all of the criteria has clearly been met. Any varying from the criteria, or at anytime, staff can call for a Home Density Exception Review by the Planning and Zoning Commission. (Amended 8-26-15.) ( <sup>2</sup> Amended and effective 3-27-2018.)

#### 4.05.06 *Height and Lot Requirements:*

USES	MIN. LOT AREA (ACRES) (*)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Residential acreages	2	100	25	10 <sup>2</sup>	10	35	-
Other Permitted Uses	2	100	25	10	10	35	-
Conditional Uses	2	100	25	10	10	35	-
Accessory Uses	-		25	10	10	35	

<sup>1</sup> Residential Acreages are limited to a maximum density of four non-farm dwelling units per 1/4 section. Where a dwelling splits two different 1/4 sections, then the applicant shall assign it to the appropriate 1/4 section.

<sup>2</sup> Amended from 25 feet to 10 feet on 8-26-2015.



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#### **Section 4.06 R-1: Rural Residential District**

4.06.01 **Intent:** The R-1 Rural Residential District is intended to provide for orderly development in a subdivision format. In addition, this District allows for acreages using public or private water supply and septic systems.

4.06.02 **Permitted Principal Uses:**

The following principal uses are permitted in the R-1 District.

1. Detached single family dwelling units.
2. Churches, and associated halls and residences.
3. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district

4.06.03 **Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as required and approved by the Board of Adjustment.

1. Child Care Center.
2. Public sanitary sewage treatment facilities.
3. Communications and television towers, transmitters, or receivers pursuant to Section 8.01.
4. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sports.
5. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
6. Cemeteries, including mausoleums, mortuaries, and crematories, provided the mausoleums and crematories shall be located at least 200 feet from any street, road, or highway and at least 1,000 feet from any residential use.
7. Government and Essential Services.<sup>1</sup> <sup>1</sup> Item #7 added 5-6-2014.
8. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district.

4.06.04 **Accessory Uses:**

The following accessory buildings and uses are permitted in this District:

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities in conjunction with the permitted use.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.
6. Home Occupations
7. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district

4.06.05 **Other Applicable Provisions:**

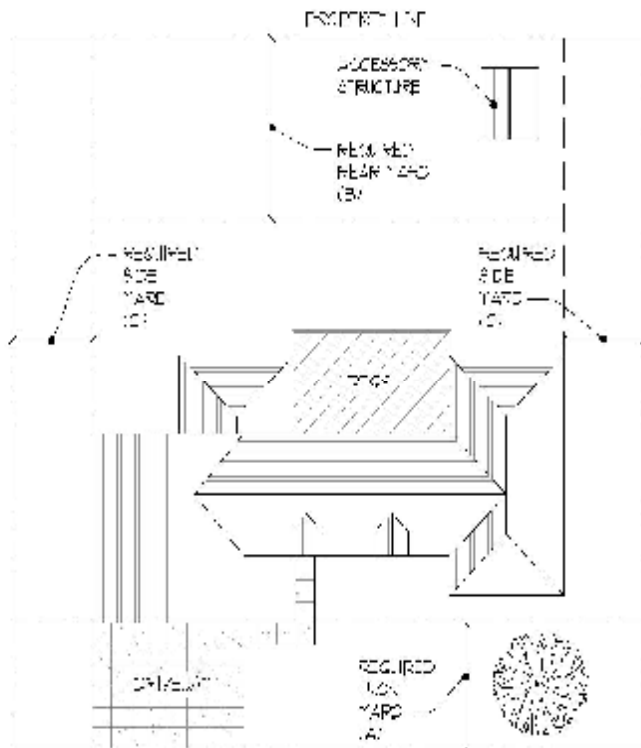
1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams.
3. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.

4. Kennels shall not be constructed within 1,200 feet of any public use area.
5. The clustering of lots as per the policies in the Webster County Comprehensive Development Plan is highly recommended.
6. Any new subdivision shall comply with all design standards within the Webster County Subdivision Regulations

**4.06.06 Height and Lot Requirements:**

USES	MIN. LOT AREA (ACRES) (*)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Residential acreages	2	100	25	5 <sup>1</sup>	5	35	-
Other Permitted Uses	2	100	25	5	5	35	-
Conditional Uses	2	100	25	5	5	35	-
Accessory Uses	-		25	5	5	35	

<sup>1</sup> Amended from 25 feet to 5 feet on 8-26-2015.



## **Section 4.07 R-2: Urban Residential District**

4.07.01 **Intent:** The R-2 Urban Residential District is intended to create or preserve some land near the urban communities for rural high density residential home sites. Smaller lot residential home sites will be approved provided that the development is in the form of an approved subdivision with residential streets and utilities.

### **4.07.02 Permitted Principal Uses:**

The following principal uses are permitted in the R-2 District.

1. Detached single family dwelling units in a residential subdivision.
2. Duplex or two family dwelling units in a residential subdivision.
3. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district.

### **4.07.03 Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as required and approved by the Board of Adjustment.

1. Multi-family dwelling units.
2. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
3. Churches, and associated halls and residences.
4. Child Care Center.
5. Child Care Home.
6. Private recreational facilities in conjunction with the permitted use.
7. Public sanitary sewage treatment facilities.
8. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports as associated with subdivisions.
9. Government and Essential Services. <sup>1</sup> <sup>1</sup>Item #9 added 5-6-2014.
10. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district.

The following apply to any residential parcel larger than 3 acres in size: <sup>1</sup>

1. Institutions for academic instruction, clinics, charitable institutions, hospice facility, juvenile residential homes or facilities, chemical dependency or mental health facilities or other similar institutions or facilities, provided:
2. Public sanitary sewage treatment, water pumping and treatment facilities.
3. Communications and television towers, transmitters, or receivers pursuant to Section 8.01.
4. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sport facilities.
5. Recreational and camping areas.
6. Bed and Breakfast establishments.
7. Public and private parks, forest preserves, and conservation areas.
8. Agricultural farm services such as soil preparation services and veterinary and animal services.
9. Private Horse Stables.
10. Churches, including associated halls and residences.
11. Child Care Center.
12. Child Care Home. <sup>1</sup> Items 1-12 related to 3-acre parcels added 5-6-2014.

### **4.07.04 Accessory Uses:**

The following accessory buildings and uses are permitted in this District:

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of

- which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Parking pursuant to Article 6.
  4. Signs pursuant to Article 7.
  5. Home Occupations
  6. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district.

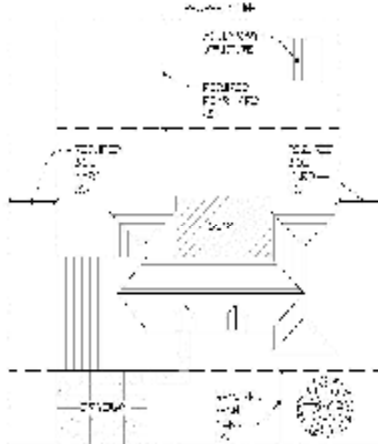
**4.07.05 Other Applicable Provisions:**

1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. Residential Subdivisions shall gain access on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall not be allowed on minimum maintenance Roads/Streets/Highways.
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams.
4. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. Kennels shall not be constructed within 1,200 feet of any public use area.
6. The clustering of lots as per the policies in the Webster County Comprehensive Development Plan is highly recommended.
7. Any new subdivision shall comply with all design standards within the Webster County Subdivision Regulations
8. Livestock shall not be permitted in this district.

**4.07.06 Height and Lot Requirements:**

USES	MIN. LOT AREA (SQUARE FEET)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Residential acreages	10,000	100	25	5 <sup>1</sup>	5	35	-
Other Permitted Uses	10,000	100	25	5	5	35	-
Conditional Uses	10,000	100	25	5	5	35	-
Accessory Uses	-		25	5	5	35	

<sup>1</sup> Amended from 25 feet to 5 feet on 8-26-2015.



**Section 4.08: R-3: Mobile Home Residential District**

4.08.01 **Intent:** The intent of the R-3 Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of Webster County.

4.08.02 **Permitted Principal Uses:**

The following uses are permitted in the R-3 Mobile Home Residential District.

1. Single family dwelling.
2. Church, educational facilities and parish house.
3. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district.

4.08.03 **Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as required and approved by the Board of Adjustment.

1. Mobile Home Parks provided the Park meets the criteria found in Section 4.08.04.
2. Buildings and uses customarily incidental to the permitted uses.
3. Nursery or day-care schools.
4. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
5. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
6. Sewage disposal and water supply and treatment facilities.
7. Public buildings.
8. Government and Essential Services.<sup>1</sup>
9. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district.

<sup>1</sup> Item #8 added 5-6-2014.

4.08.04 **Mobile Home Park Design Requirements:**

1. That the mobile home park shall comply with all sanitary and other requirements prescribed by Webster County and applicable state statutes.
2. That access to the mobile home park shall be from a hard-surfaced road, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties. Access drives shall be designed to provide adequate access and turnaround for emergency vehicles. 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 lit and at least 50 feet in width, paved with asphaltic concrete or P.C.C. and maintained at least 20 feet in width in accord with applicable county specifications and ordinances. Maintenance of drives shall be on a private basis.
3. The topography of the site shall be such as to facilitate rapid drainage and that adequate drainage facilities be provided.
4. That the design evidences a reasonable effort to preserve the natural amenities of the site.
5. The minimum width and/or depth of the mobile home park shall be 200 feet and a minimum total area of the park shall be eight acres, including one-half the width of bordering streets, except that minimum area may be two acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five acres or more.
6. That at least 20 home sites be provided in the proposed plan. No home sites

- shall be offered for sale or sold.
7. The mobile home park shall be surrounded by a landscape or wooded strip of open space at least 25 feet wide along street frontage.
  8. Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems.
  9. Each mobile home site shall be provided with electrical outlets installed in accordance with applicable codes or ordinances.
  10. Adequate area shall be provided in the design for such things as public laundry facilities and storage of recreation equipment and vehicles.
  11. No existing mobile home park shall be enlarged or extended while such park does not meet the applicable health or safety requirements or where such park is in violation of regulations and standards regarding sewage treatment or discharge, pollution or water quality.
  12. Site Plan Required. Each petition for a change to the "R-3" zoning classification submitted to the Planning and Zoning Commission shall be accompanied by a mobile home park site plan. The Planning and Zoning Commission and the Board of Supervisors shall consider the Plan concurrently with the application for amendment to the zoning map. 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.

**4.08.05 Community Facilities:**

1. Each lot shall have access to a hard surfaced drive not less than 22 feet in width excluding parking.
2. Community water and community sewage disposal facilities shall be provided and shall meet all applicable State Laws. The water supply shall be sufficient for domestic use and for fire protection.
3. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
4. Not less than eight percent of the total court area shall be designated and used for park, playground and recreational purposes.
5. Storm shelters shall be required and shall meet the following criteria:
  - a. Shelter space equivalent to two persons per mobile home lot,
  - b. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
6. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the minimum safe time frame as directed by FEMA.

**4.08.06 Lot and Area Requirements:**

1. The maximum density of units in a mobile home park shall be seven per gross acre and the minimum area for a mobile home site for parking on mobile home shall be 5,000 square feet with no dimension less than 50 feet, and with corners of each site visibly marked and numbered by a permanent marker. Adjustments between sites may be approved in order to preserve natural amenities. No more than one mobile home shall be parked on any one site.
2. An open space or spaces of not less than 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 400 square feet of recreational area per mobile home site in such park.
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.
4. Yard Requirement:
  - a. If a lot or tract abuts a county road or state highway, the yard abutting the county road or state highway shall be 60 feet from the right-of-way line, otherwise:
  - b. For uses permitted in the R-1 and R-2 Residential Districts, the yard requirements are the same as for that district.
  - c. In a mobile home park, no mobile home shall be parked closer than 50 feet from a public street or road, 10 feet from an interior access drive, or 25 feet from any other mobile home or service building and no part of a mobile home shall extend closer than five feet to the boundaries of the individual mobile home site.

5. Height Requirements:
  - a. The maximum height for single-family dwellings and all other structures except mobile homes and those uses specifically exempted shall be 2-1/2 stories, but never more than 35 feet.
  - b. The maximum height for mobile homes shall be 15 feet.
6. Off-Street Parking and Loading Requirements:
  - a. At least one 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 space per mobile home in locations convenient to groups of homes.
  - b. Additional off-street parking and loading requirements are contained in Article 6 of this Ordinance.

**4.08.07 Plan Requirements:**

A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

**4.08.08 Permitted Accessory Uses:**

1. For uses permitted in the R-1 and R-2 Residential Districts
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 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. Home Occupation
5. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district.
6. Signs as follows:
  - a. Any sign permitted in any other Residential District.
  - b. A sign limited in area 32 square feet, giving the name and/or address or management of a mobile home park.

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**Section 4.09 C-1: General Commercial District**

4.09.01 **Intent:** The C-1 District is intended and designed to provide for the normal commercial uses required to serve the traveling public so as to be easily accessible within minimum distances of homes which can economically support such uses.

4.09.02 **Permitted Principal Uses:**

The following uses are permitted in the C-1 General Commercial District.

1. Automotive dealers, gasoline service stations and truck stops, automotive repair and miscellaneous repair services.
2. Wholesale trade, auction, and animal sales yard.
3. Building materials, hardware, and garden supply.
4. Farm supplies, feed, equipment, and machinery sales.
5. Furniture, home furnishings, home appliance and equipment sales.
6. Clothing and apparel services, including dressmaking, millinery, shoe repair, furrier, and tailors.
7. Business services including banks, attorneys, insurance agents, real estate offices, postal stations, printing, credit services, security brokers, title abstracting, finance services, and investment services.
8. Self-service cleaning establishments including laundromats and laundries.
9. Personal services including barbershops, beauty salons, reducing salons, and photographic studios.
10. Retail stores including food markets, delicatessens, bakeries, department stores, drug stores, books and stationary stores, shoes and apparel shops, hobby shops, camera and sporting goods stores, hardware stores, gift, jewelry, variety and antique shops, retail mail order shops, retail dairy stores, clothing shops, radio, electronics and music stores, retail liquor store, paint, flower, wallpaper, floor-covering, and drapery stores, convenience marts.
11. Food service including restaurants, fast food and drive-in restaurants, ice cream parlors, and sandwich shops.
12. Health care and social services.
13. Museums, art galleries, and motion picture theaters.
14. Public, governmental, justice, financial, legislative, and administrative offices.
15. Public and private utilities, thoroughfares and facilities, fire and police protection facilities, libraries, schools, churches and associated residences, temples, and hospitals.
16. Railroads and public thoroughfares.
17. Motels and hotels.
18. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district.

4.09.03 **Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as required and approved by the Board of Adjustment.

1. Planned commercial developments, shopping centers.
2. Bars, taverns, and nightclubs (not including adult establishments).
3. Communications, cable and satellite receiving stations and appurtenances pursuant to Section 8.01 of this Ordinance.
4. Child Care Center.
5. Government and Essential Services.<sup>1</sup>
6. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district.

<sup>1</sup> Added #5 on 5-6-2014.

#### 4.09.04 *Accessory Uses:*

The following accessory buildings and uses are permitted in this District:

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities in conjunction with the permitted use.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.
6. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district

#### 4.09.05 *Other Applicable Provisions:*

1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. All parking areas shall be paved.
3. When the side or rear yard abuts a residential use or district, it shall be screened with approved landscape plant materials, walls, or fencing.
4. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.
5. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
6. Kennels shall not be constructed within 1,200 feet of any public use area.
7. All uses requiring private water and private sewer shall comply with all County and State regulations for water and sanitary sewer.

#### 4.09.06 *Height and Lot Requirements:*

USES	MIN. LOT AREA (*)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Permitted Uses (with private well and private septic)	1 Acre	100	50	25	10	35	30
Permitted Uses (with public water and/or public sewer)	7,200 SF	75	50	25	10	35	30
Conditional Uses (with private well and private septic)	1 Acre	100	50	25	10	35	30
Conditional Uses (with public water and/or public sewer)	7,200 SF	75	50	25	10	35	30
Accessory Uses	-		50	25	25	35	

#### **Section 4.10 I-1 Industrial District**

4.10.01 ***Intent:*** This zoning district is intended to provide for heavy commercial and industrial land uses that are limited in the intensity. These uses will have a tendency to be low water users and will typically emit minimal amounts of smoke, steam or odors. These uses may or may not require access to railroad sidetracks.

Adult Businesses are regulated in order to control the Secondary affects associated with such uses and is not intended to prohibit these uses from exercising their rights under the U.S. Constitution.

#### ***4.10.02 Permitted Principal Uses:***

The following principal uses are permitted in the I-1 District.

1. Auction yards
2. Animal sales yard.
3. Wholesale trade, storage, and warehousing.
4. Building materials, hardware, and garden supply.
5. Farm supplies, feed, equipment, and machinery sales.
6. Railroads and public thoroughfares.
7. Carpenter and cabinet shops
8. Clothes dry cleaning and/or dyeing establishments, including those using flammable cleaning fluids with a flash point higher than 100° F.
9. Manufacturing of stone, clay, cement, and glass products.
10. Building construction, general contractors and builders operations.
11. Non-building construction, general contractors and special trade construction contractors.
12. Railroad, trucking, air, water transportation, freight terminals and warehousing facilities.
13. Lumber and wood products.
14. Printing, publishing, and allied products.
15. Electric, gas, water, and sanitary services.
16. Agricultural products and grain elevators.
17. Storage and sale of liquid or solid fertilizers.
18. Welding and other metal working shops.
19. Carpet and rug cleaning, provided the necessary equipment is installed and operated for the effective precipitation or recovery of dust.
20. Bakeries, other than those whose products are sold as retail on the premises.
21. Carting, express, hauling or storage yards.
22. Concrete mixing and concrete products.
23. Creamery, dairy, bottling works, ice cream manufacturing (wholesale). Ice cream manufacturing and cold storage plants.
24. Enameling or lacquering.
25. Laboratories – experimental, film, or testing.
26. Machine shops.
27. Manufacturing of personal and household goods, including but not limited to:
  - a. musical instruments,
  - b. novelties,
  - c. electrical appliances,
  - d. electronic devices,
28. Manufacturing of pottery and/or ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
29. Manufacturing and repair of electric signs and advertising structures.
30. Manufacturing of sheet metal products including heating and ventilating equipment.
31. Manufacturing of wood products, not involving chemical treatment, including sawmills and planning mills.

- 32 Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals
  - 33 Manufacturing of meat, food, and kindred products
  - 34 Manufacturing of textile mill products
  - 35 Manufacturing of apparel and other products of fabrics, leather, and similar materials.
  - 36 Furniture and fixtures products.
  - 37 Manufacturing of paper and allied products.
  - 38 Manufacturing of chemicals and allied products.
  - 39 Manufacturing of petroleum and related products.
  - 40 Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district
  - 41 Educational, research, training and testing facilities related to manufacturing and business services or the development of manufactured products and business services.<sup>1</sup>
- <sup>1</sup> Item #41 added 5-6-2014.

#### 4.10.03 **Conditional Uses:**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as required and approved by the Board of Adjustment.

- 1. Communications and television services and towers, See Section 8.01
  - 2. Manufacturing of rubber and miscellaneous plastic products.
  - 3. Manufacturing of metal products.
  - 6. Auto wrecking, salvage, or junk yards provided:
    - a. Facilities are enclosed and located at least 150 feet from county roads and 500 feet from state or federally designated highways.
    - b. Said operation shall be located no closer than 2,500 feet from any residential use.
    - c. Facility shall be enclosed with a solid fence not less than six feet in height and no more than 10 feet tall.
    - d. Materials stored within the facility shall not be allowed to be stacked higher than the fencing.
    - e. Facilities shall comply with all Federal and State regulations and permits prior to commencing operations.
    - f. In no case shall hazardous substances be stored on the premises except for motor oil and gasoline, and other approved materials necessary to operate the facilities machinery.
    - g. Any violation of these conditions, additional conditions placed upon a facility, and/or the violation any Federal and/or State regulations may cause this permit to be invalidated and the operation to be closed.
    - h. Upon permanent closure of a facility, for any reason, commencement of clean up and mitigation of all hazardous conditions shall begin and continue until the site has been declared complete by the County, State, and/or Federal authorities.
    - i. Owner shall be required to submit a Performance Bond in the amount of \$50,000.00
  - 7. Reconstruction and expansion of nonconforming residences;
  - 8. Manufacturing of photographic and optical products.
  - 9. Animal rendering and hide curing.
  - 10. Government and Essential Services.<sup>1</sup>
  - 11. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district
  - 12. Adult Entertainment establishments.
    - a. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational
- <sup>1</sup> Added 5-6-2014.

uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.

- b. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
- c. All booths and other preview areas shall have all doors, curtains and any other means of obstruction shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit. This shall apply to but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters.
- d. No adult business shall be open for business between the hours of 2 a.m. and six a.m.
- e. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property,
- f. Such use shall not impair an adequate supply of light and air to surrounding property,
- g. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
- h. Such use shall not diminish or impair established property values in adjoining or surrounding property,
- i. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Webster County,
- j. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.
- k. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- l. Prohibited Activities of Adult Businesses:
  - i. No adult business shall employ any person under 18 years of age
  - ii. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
  - iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
  - iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

#### 4.10.04 *Accessory Uses:*

The following accessory buildings are permitted in this District.

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Supervisors, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities used in conjunction with the permitted use.
4. Parking pursuant to [Article 6](#).
5. Signs pursuant to [Article 7](#).

**4.10.06 Other Applicable Provisions:**

1. When the side or rear yard abuts a residential use or district, the outside boundaries shall be screened with approved landscape plant materials, walls, or fencing.
2. Environmental performance standards: Any use under the provisions of this Section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat. These performance standards are located in [Section 4.10.08](#).
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.
4. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any County Road as approved by the County Engineer, or along any State and/or Federal Road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. Kennels shall not be constructed within 1,200 feet of any public use area.
6. All uses requiring private water and private sewer shall comply with all County and State regulations for water and sanitary sewer.

**4.10.07 Height and Lot Requirements:**

USES	MIN. LOT AREA (*)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Permitted Uses (with private well and private septic)	1 Acre	100	50	25	25	100 <sup>1</sup>	30
Permitted Uses (with public water and/or public sewer)	7,200 SF	75	50	25	25	100 <sup>1</sup>	30
Conditional Uses (with private well and private septic)	1 Acre	100	50	25	25	100 <sup>1</sup>	30
Conditional Uses (with public water and/or public sewer)	7,200 SF	75	50	25	25	100 <sup>1</sup>	30
Accessory Uses	-		50	25	25	100 <sup>1</sup>	

<sup>1</sup> Amended from 35 feet to 100 feet on 3-20-2018.

**4.10.08 Performance Standards:**

1. **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in

containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

2. **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of local, state, and federal authorities.
3. **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
4. **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. **Air Contaminants:**
  - a. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
  - b. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
  - c. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
7. **Gases:** The gases sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
8. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone except dur-

- ing construction.
9. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

#### **Section 4.11 AG/I Agricultural/Industrial District**

**4.11.01 Intent:** The AG/I District is intended for the application to large planned industrial areas designed for multiple users. The AG/I District permits light and heavy industrial uses related to the processing of agricultural products and co-products, industries manufacturing products used in agriculture or agricultural processing, and non-commercial support industries. The AG/I District is not intended for general manufacturing or commercial service uses.

##### **4.11.02 Permitted Principal Uses:**

The following principal uses are permitted in the AG/I District.

1. Agricultural crop production including greenhouses.
2. Grain storage and distillation facilities
3. Milling, refining, and other processing of agricultural products.
4. Industries using agricultural products or co-products of agricultural processing in their manufacturing, processing, production, and refining operations.
5. Educational, research, and testing facilities related to agricultural production or the development of goods derived from agricultural products.
6. Manufacturing of materials, machinery, and equipment used in agricultural production or in the processing of agricultural products.
7. Chemical and pharmaceutical research, testing, storage, distribution, and manufacturing.
8. Storage and warehousing related to products manufactured in the AG/I District.
9. Cold storage warehousing using carbon dioxide or other gases manufactured in the AG/I District.
10. Rail infrastructure including yards, storage, and switching, and facilities for the assembly, maintenance, and repair of rail cars or locomotives.
11. Public and private utilities.
12. Transmitters, towers, and receiver equipment

##### **4.11.03 Conditional Uses:**

The following uses are allowed only when Webster County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Government and Essential Services.<sup>1</sup> <sup>1</sup> This item #1 added 5-6-2014.

##### **4.11.04 Accessory Uses:**

The following accessory buildings are permitted in this District.

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Supervisors, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Essential services.
4. Parking pursuant to [Article 6](#).
5. Signs pursuant to [Article 7](#).

##### **4.11.05 Prohibited Uses:**

The following uses shall not be permitted.

1. Residential uses.
2. Retail establishments.
3. Motor vehicle repair and maintenance, except when permitted as an accessory use to a principal permitted use in the district, and intended only for the repair and maintenance of vehicles owned or leased by the principal user.
4. Manufacturing and warehousing uses that do not meet the criteria for a permitted principal use.

#### 4.11.06 *Other Applicable Provisions:*

1. The following landscaping standards shall be observed during development of properties within the AG/I District:
  - a. A row of densely-spaced evergreens shall be planted along the northern and western edges of parking areas with an area greater than 30,000 square feet as a windbreak.
  - b. A berm with evergreen buffer strip shall be provided along major frontage roads to mitigate off-site impacts of noise and light.
2. Off-street parking and loading shall be provided in accordance with the provisions of Article 6 of this Ordinance in addition to the following:
  - a. All public parking within the AG/I District shall have an asphalt or concrete surface.<sup>1</sup> <sup>1</sup> This item #2a amended 5-6-2014.

#### 4.11.07 *Height and Lot Requirements:*

The minimum area to which the AG/I District may be applied shall not be less than 400 contiguous acres.

USES	MIN. LOT AREA (*)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Permitted Uses	5 Acre	200	50	25	25	-	-
Conditional Uses	5 Acre	200	50	25	25	-	-
Accessory Uses	-		50	25	25	-	

## **Section 4.12 ME Mineral Extraction District**

4.12.01 ***Intent:*** This zoning district is intended to provide for the continuation and eventual expansion of the different mineral extraction companies within Webster County. This Section has been developed in conjunction with the identified Mineral Extraction districts on the Future Land Use Map and Official Zoning Map.

### ***4.12.02 Permitted Principal Uses:***

The following principal uses are permitted in the ME District.

1. General agricultural operations including crops and pastureland.
2. Mineral extraction, processing, and transporting provided it is located within an identified ME District on the Future Land Use Map and Zoning Map
3. Offices, shops, and other structures associated with an allowed use.
4. Wholesale trade, storage, and warehousing associated with the principal use.
5. Railroads and public thoroughfares associated with the principal use.
6. Manufacturing of products related to the minerals extracted.

### ***4.12.03 Conditional Uses:***

The following uses are allowed only when Board of Adjustment determines that the use presents no threat to the natural environment or to the health, safety and general welfare of the general public.

1. Parks and recreational facilities when implemented as part of a reclamation plan for the mined areas.
2. Residential developments implemented as part of a reclamation plan for the mined areas.
3. Government and Essential Services.<sup>1</sup>

<sup>1</sup> Item #3 added 5-6-2014.

### ***4.12.04 Accessory Uses:***

The following accessory buildings are permitted in this District.

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.

#### 4.12.05 *Other Applicable Provisions:*

1. Any use allowed in a Mineral Extraction District shall comply with state standards for off-site effects.
2. No structure occupied by humans or animals shall be constructed within 1,200 feet of any public use area.
3. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.
4. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
5. All mining activities within 50 feet of the right-of-way of a paved road shall have an earthen berm a minimum of six feet high above the driving surface between the road and the edge of the mining activities, with said berm to have a perennial vegetative cover.
6. A permit for a mineral extraction use shall not be approved until the County Engineer has approved a road agreement with the applicant.

#### 4.12.06 *Height and Lot Requirements:*

USES	MIN. LOT AREA (*)	MINIMUM FRONTAGE (FEET) (*)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Permitted Uses (with private well and private septic)	1 Acre	100	50	50	50	35 <sup>1</sup>	30
Permitted Uses (with public water and/or public sewer)	7,200 SF	75	50	50	50	35 <sup>1</sup>	30
Conditional Uses (with private well and private septic)	1 Acre	100	50	50	50	35 <sup>1</sup>	30
Conditional Uses (with public water and/or public sewer)	7,200 SF	75	50	50	50	35 <sup>1</sup>	30
Accessory Uses	-		50	50	50	35 <sup>1</sup>	

<sup>1</sup> Structures associated with manufacturing uses may have a maximum height of 100 feet



Approach Surface shall mean a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and extends to a width of: 3,500 feet for a non-precision instrument runway, having visibility minimums greater than  $\frac{3}{4}$  of statute mile; and 16,000 feet for precision instrument runways. The approach surface extends for a horizontal distance of 10,000 feet at a slope of 34 feet outward to each foot upward (34:1) for all non-precision instrument runways; and precision instrument runways extend a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

Conical Surface shall mean a surface that extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (10,000 feet from the center of each end of the primary surface at 150 feet above airport elevation) and upward extending to a height of 350 feet above the airport elevation.

Horizontal Surface shall mean a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs.

Primary Surface shall mean a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 500 feet for runways having only visual approaches or non-precision instrument approaches with visibility minimum greater than  $\frac{3}{4}$  of a mile and 1,000 feet for precision instrument runways.

Transitional Surface shall mean a surface that extends seven feet outward for each one foot upward (7:1) beginning on each side of the primary surface which point is the same elevation as the runway surface, and form the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation.

#### 4.13.06 Procedures

1. Any building or structure extending above the Airport Imaginary Surfaces as defined in this Section is prohibited. The Airport Imaginary Surfaces are shown on the current Fort Dodge Regional Airport Land Use & Height Overlay Zoning Map consisting of one sheet, prepared by City of Fort Dodge, and dated March 2009, attached as Exhibit A to this Ordinance. Such Official Airport Land Use & Height Overlay Zoning Map, may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this Ordinance.
2. All zoning permits issued on property under the Airport Overlay District are issued with the condition that all necessary permits/forms have been or will be obtained/completed from the Federal Aviation Administration. [CFR Title 14 Part 77.13](#) states that any person/organization who intends to sponsor any of the following construction or alterations must file FAA Form 7460-1 "Notice of Proposed Construction or Alteration" when:
  - any construction or alteration exceeding 200 ft above ground level
  - any construction or alteration:
    - within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft.
  - any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards when requested by the FAA

## **ARTICLE 5 – CONDITIONAL USE REGULATIONS**

### **Section 5.01 Intent**

Many land use activities, while not inherently inconsistent with other permitted uses in a particular zoning district, may have significant impact on the surrounding area. Conditional use permits for such uses allow special conditions to be "attached" to the development to address those impacts. The conditional use permit process provides for flexibility in identifying the special conditions without making the Ordinance unreasonably complicated. The objective of the conditional use permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area.

### **Section 5.02 Conditional Use Permit Required**

Those uses which require a Conditional Use Permit are listed in the individual districts, as well as those having the discretion of the Zoning Administrator.

### **Section 5.03 Issuance of Conditional Use Permit**

1. A conditional use permit may be issued only after review and approval of the submitted application, including any plans, by the Board of Adjustment. An application and plan shall only be approved upon determination that the development, if completed as proposed, will comply with the provisions of this chapter.
2. The conditional use permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, and shall incorporate by reference the approved application and plan. The permit shall contain any special conditions or requirements lawfully imposed by the Board of Adjustment.
3. All development shall occur strictly in accordance with such approved application and plan.

### **Section 5.04 Application for Conditional Use Permits**

1. The applicant for a conditional use permit must be a person with the legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owners or lessees of the subject property or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits, or their agents.
2. The application must be submitted on an approved form and must be complete. An application shall be complete when it contains all the information necessary for the Board of Adjustment to decide whether the development, if completed as proposed, will comply with all of the requirements of this section. Unless the Zoning Administrator informs the applicant at the hearing in what way the application is incomplete, the application shall be presumed to be complete. If the application is deemed incomplete, the Zoning Administrator will not schedule the hearing until it has been completely filled out.
3. To minimize planning costs to the developer, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this section, a pre-application conference between the developer and the Zoning Administrator is encouraged.

### **Section 5.05 Notification**

Notification will be posted as per [Section 3.07](#).

### **Section 5.06 Standards for Approval**

1. The Board of Adjustment shall review the proposed development for conformance to the following development criteria:
  - A. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
  - B. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.

- C. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
  - D. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
  - E. Signs and Lighting. Permitted Signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
  - F. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.
2. If the Board of Adjustment concludes that all development criteria will be met by the development, it shall approve the application and plans unless it concludes, based on the information submitted at the hearing, that if completed as proposed there is a strong probability the development will:
- A. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
  - B. Impair an adequate supply (including quality) of light and air to surrounding property, or
  - C. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
  - D. Diminish or impair established property values on adjoining or surrounding property, or
  - E. Not be in accord with the intent, purpose and spirit of the Zoning Ordinance or Comprehensive Development Plan.

#### **Section 5.07 Burden of Persuasion**

The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this chapter is at all times on the applicant. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this section is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.

#### **Section 5.08 Board of Adjustment Action on Applications**

In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed according to the following format:

1. The Board of Adjustment shall establish findings of fact based upon information contained in the application, the staff report and information gathered at the Board of Adjustment hearings.
2. The Board shall consider such reasonable requirements or conditions to the permit as will ensure the development will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in 3 or 4.
3. The Board of Adjustment shall consider whether the application complies with all of the applicable development criteria set forth in 5.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
4. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standard set forth in 5.06. Separate votes may be taken with respect to each standard.

Any such motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied.

Without limiting the foregoing, the Board of Adjustment may attach to a permit a conditions it deems necessary to protect the health, safety, and general welfare of the public.

All conditions or requirements shall be entered on the permit.

#### **Section 5.09      Expiration of Permits**

1. A conditional use permit shall expire automatically (a) if, within one year after issuance, substantial action has not been taken to accomplish the purpose for which the permit was granted, or (b) if, after substantial action has been taken and subsequently such work is discontinued for a period of one year, the permit shall immediately expire, or (c) if the conditional use has been established and subsequently is discontinued for a period of one year, the permit shall immediately expire.
2. The Board of Adjustment may extend for a period up to one year the date when a permit would otherwise expire if it concludes that (a) the permit has not expired, or (b) the permit recipient has proceeded in good faith and with due diligence, or (c) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one year upon the same findings. All such extensions may be granted without reversion to the formal processes and fees required for the original permit.
3. For purposes of this section, the conditional use permit is issued when the Board of Adjustment votes to approve the application and plans. Substantial action shall include commencement of construction, erection, alteration, demolition or similar work required for the development authorized by the permit.

#### **Section 5.10      Effect of Permit on Successors and Assigns**

A conditional use permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. As such, it is transferable. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.

#### **Section 5.11      Amendments and Modifications**

1. Insignificant modifications to the approved permit are permissible upon authorization by the Zoning Administrator. A modification is insignificant if it has no discernible impact on neighboring properties, the general public or those intended to use or occupy the proposed development.
2. Minor modifications to the approved permit are permissible with the approval of the Board of Adjustment. Such permission may be obtained without a formal application, public hearing or payment of fees. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.
3. All other requests for modifications to the approved permit will be processed as new applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.
4. The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) for such approval to the Administrator, and the request shall specifically identify the modifications. The Administrator shall determine whether the proposed modification falls within the categories set forth in Subsections 1, 2 and 3.
5. Approval of all modifications must be given in writing.

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## ARTICLE 6: PARKING REGULATIONS

### Section 6.01 Off-Street Automobile Storage

#### 6.01.01 Design Criteria

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.

#### 6.01.02 Use of other Parking not on Site

If vehicle storage space or standing space required herein cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Zoning Administrator, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

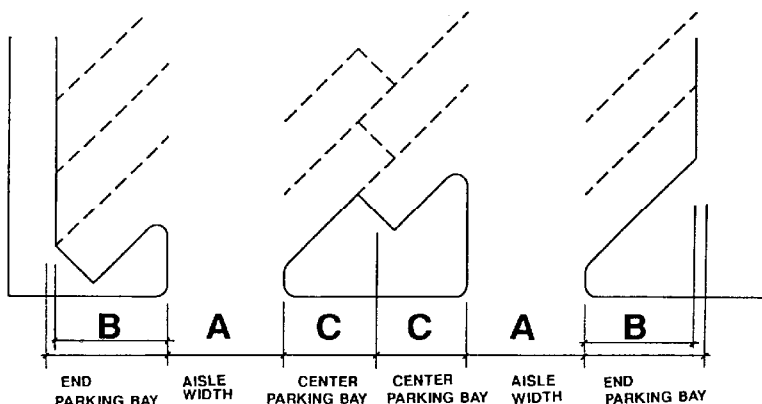
1. Where off-street parking is located on a lot other than the lot occupied by the use that requires it, site plan approval for both lots is required.

#### 6.01.03 Parking Lot Design and Maintenance

1. **Paving:** All off-street parking areas within all zoning, districts, unless otherwise exempted, shall be paved with asphalt or concrete. All materials shall be designed to meet AASHTO standards for the appropriate type of traffic that will be using the off-street parking area. Alternate all-weather dust-free, permeable paving materials may be approved by the County Engineer when needed as a stormwater treatment facility.
2. **Maintenance:** Parking areas shall be properly graded for drainage and maintained in good condition free of weeds, dust, trash, and debris.
3. **Wheel Stops:** Boundary or perimeter areas shall be provided with wheel guards, bumper guards, or continuous curbing so located that no parked vehicles will extend beyond the property line of the parking area.
4. **Wheel Stops:** One wheel stop shall be placed at the end of each parking space.
5. **Lighting:** Parking areas shall be designed and laid out so that the source of any lighting is concealed from public view and from adjacent residential properties, and does not interfere with traffic in any adjacent street.
6. Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb.
7. Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
8. For standard parking lots, minimum dimensions shall be as follows:

#### Parking Configuration

	90-degree	60-degree	45-degree
<b>Aisle Width (A)</b>			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
<b>End Parking Bay Width (B)</b>			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
<b>Center Parking Bay Width (C)</b>	18 feet	18 feet	16 feet



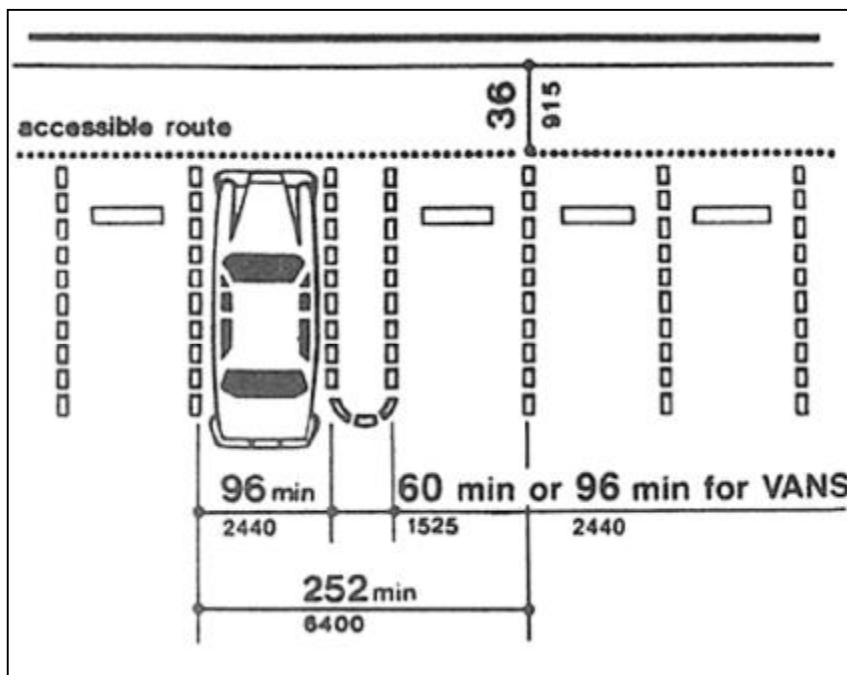
## Section 6.02 Off-Street Parking: Parking for Individuals with Disabilities

1. A portion of the total number of required parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with disabilities.
2. The minimum number of spaces to be provided shall be a portion of the total number of parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling the overall off-street parking standards.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

3. Access aisles adjacent to accessible spaces shall be 60 inches wide minimum. However, one in every eight accessible spaces (1:8), but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 7.03.09 of these Regulations. The vertical clearance at such spaces shall comply with 7.03.10 of these Regulations. All such spaces may be grouped on one level of a parking structure.
4. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
5. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2 percent) in all directions.
6. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.03.12 of these Regulations.
7. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 6.02 of these Regulations.
8. Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;

9. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.
10. Valet parking facilities shall provide a passenger loading zone complying with 6.02.12 of these Regulations located on an accessible route to the entrance of the facility. Sections 6.02.01 and 6.02.03, of these Regulations do not apply to valet parking.
11. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
12. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
13. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.
14. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 6.02.02 shall have an additional sign with the words "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
15. Minimum vertical clearance of 114 inches shall be provided at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 6.02.02, minimum vertical clearance of 98 inches shall be provided at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
16. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Passenger loading zones and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.



Source: <http://www.ada.gov/adastd94.pdf>

## Section 6.03 Schedule of Minimum Off-street Parking and Loading Requirements

<u>Uses</u>	<u>Parking Requirements</u>	<u>Loading Requirements</u>
Adult entertainment establishments	One space per two persons of licensed capacity	None required
Bowling Alleys	Four spaces per alley	One space per establishment
Churches, Synagogues, and Temples	One space per four seats in main worship area	None required
Clubs, including fraternal organizations	One space per 500 s.f. of gross floor area	None required
College/University	One spaces per every two students of occupancy plus one per employee.	Two spaces per structure
<b>Commercial Uses</b>		
Agricultural Sales / Service	One space per 500 s.f. of gross floor area	One space per establishment
Automotive Rental / Sales	One space per 500 s.f. of gross floor area	One space per establishment
Automotive Servicing	Three spaces per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30% of licensed capacity	Two spaces per establishment
Body Repair	Four spaces per repair stall	None required
Equipment Rental / Sales	One space per 500 s.f. of gross floor area	One space per establishment
Campground	One space per camping unit	None required
Commercial Recreation	One space per four persons of licensed capacity	One space per establishment
Communication Services	One space per 500 s.f. of gross floor area	One space per establishment
Construction Sales / Service	One space per 500 s.f. of gross floor area	One space per establishment
Food Sales (limited)	One space per 300 s.f. of gross floor area	One space per establishment
Food Sales (general)	One space per 200 s.f. of gross floor area	Two spaces per establishment
General Retail Sales establishments	One space per 200 s.f. of gross floor area	One space per establishment
Laundry Services	One space per 200 s.f. of gross floor area	None required
Restaurants w/ drive-thru	One space per 150 s.f. of gross floor area	One space per establishment
Restaurants (General)	Parking equal to 40% of licensed capacity	Two spaces per establishment
Convalescent and Nursing Home Services	One space per three beds plus one per employee on the largest shift	Two spaces per structure
Day Care	One space per employee plus one space or loading stall per each 10 persons of licensed capacity	None required
Educational Uses, Primary facilities	Two spaces per classroom	Two spaces per structure
Educational Uses, Secondary facilities	Eight spaces per classroom plus one space per employee on largest shift	Two spaces per structure
Funeral Homes and Chapels	Eight spaces per repose room	Two spaces per establishment
Group Care Facility	One space per four persons of licensed capacity	Two spaces per structure
Group Home	One space per four persons of licensed capacity	Two spaces per structure
Guidance Services	One space per 300 s.f. of gross floor area	None required
Hospitals	One and one-half spaces per two licensed beds; plus, .75 times the maximum number of employees during the largest shift.	Three spaces per structure
Hotels and Motels	One space per rental unit	One space per establishment
<b>Housing (Congregate)</b>		
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift	One space per structure
Duplex	Two spaces per dwelling unit	None required
Multi-family / Apartments	One space per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located, plus, one additional space per apartment (for 1- and 2-sleeping units), and one and one-half spaces per apartment (for 3-sleeping units) to accommodate guest parking.	None required
Industrial Uses	.75 times the maximum number of employees during the largest shift	Two spaces per establishment
Libraries	One space 500 s.f. of gross floor area	One space per establishment
Boarding Houses / Bed and Breakfasts	One space per rental units	None required
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	Two spaces per dwelling unit	None required
Offices and Office Buildings	One space per 200 s.f. of gross floor area	None required
Residential (Single-family, attached and detached)	Two spaces per dwelling unit	None required
Roadside stands	Four spaces per establishment	None required
Service Oriented Establishments	One space per 200 s.f. of gross floor area	One space per establishment
Theaters, Auditoriums, and Places of Assembly	One space per four persons of licensed capacity	One space per establishment
Veterinary Establishments	Three spaces per staff doctor	None required
Wholesaling / Distribution Operations	One space per two employees on the largest shift	Two spaces per establishment

## **ARTICLE 7: SIGN REGULATIONS**

### **Section 7.01 Signs: Standard of Measurement**

7.01.01 The total area of all signs permitted on a lot shall include:

1. The total area of the faces of all permanent exterior signs visible from a public way, plus
2. The area of permanent signs placed upon the surface of windows and doors, plus
3. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

### **Section 7.02 Signs, Type**

#### ***7.02.01 Real Estate:***

Not more than two signs per lot may be used as temporary signs and shall not be larger than six square feet (except, "A-1", or "A-2" may be up to 32 square feet and setback a minimum of five feet from the R.O.W.) and set back 20 feet from the road right of way or road easement boundary. In no case shall these signs obstruct the visibility at any intersection or driveway. (Amended 4-19-2011.)

#### ***7.02.02 Business:***

Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

#### ***7.02.03 Wall:***

A sign or sign flat against a building wall when appertaining to a nonconforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.

#### ***7.02.04 Name plate:***

One nameplate that does not exceed two square feet for each dwelling.

#### ***7.02.05 Low Profile or Ground:***

Ground signs at least five feet from any lot line with a maximum height of six feet.

#### ***7.02.06 Projecting or Pole:***

One free standing or projecting sign for each enterprise on the premises of not more than 672 square feet per sign face within any Agricultural, Transitional Agricultural District and 100 square feet when located within any Residential District, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceed the maximum height from the established grade level for said Zoning District. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

POLE SIGN (definition): shall mean any sign supported by braces, poles supports or other structural members that constitute less than 50% of the length of the base upon which the sign sets. For example, a sign that is four (4) feet long at the bottom of the sign, but is supported by a member (or members) that constitute 18" shall be a pole sign and not a ground or monument type of sign.

#### ***7.02.07 Subdivision:***

Not more than two sign per entrance into the subdivision. No sign shall be greater than 32 square feet in size.

7.02.08 Signs hung from canopies and awnings shall be no closer than 80 inches from the bottom edge of the sign to grade below.

### **Section 7.03 Sign Schedules**

1. Signs shall be permitted in the various districts according to the following schedule:

### Sign Schedule<sup>2</sup>

Zoning District	A-1	A-2	R-1	R-2	R-3	C-1	I-1	ME <sup>1</sup>
Sign Type								
Real Estate	P	P	P	P	P	P	P	P
Subdivision Entrance	N	N	P	P	P	P	P	P
Canopy	N	N	N	N	N	P	P	P
Window	N	P	N	N	N	P	P	P
Projecting Sign	N	P	N	N	N	P	P	P
Pole Sign	N	N	N	N	N	N	N	N
Name Plate	P	P	P	P	P	P	P	P
Wall	N	P	N	N	N	P	P	P
Billboard	N	N	N	N	N	C	C	C
Ground or Low Profile	P	P	P	P	P	P	P	P

**Key:** P = permitted; N = not permitted; C = Conditional Use

<sup>1</sup> Amended 4-19-2011. <sup>2</sup> Amended and effective 3-27-2018; ended CUP for some signs and changed notation system within the table.

2. Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule, unless stricter provisions apply:

<b>Zoning District</b>	<b>A-1</b>	<b>A-2</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>C-1</b>	<b>I-1</b>	<b>AG/I</b>	<b>ME<sup>6,7</sup></b>
<b><u>Sign Type</u></b>									
<b><u>Real Estate</u></b>									
Max. Size (Square Ft.)	32	32	6	6	6	6	6	6	6
Max. Height (Ft.)	6	6	-	-	-	6	6	6	-
Number Allowed per lot	2	2	2	2	2	2	2	2	2
<b><u>Subdivision Entrance</u></b>									
Max. Size (Square Ft.)	32	32	32	32	32	32	32	32	32
Max. Lot Coverage (sq. Ft)	5,000 <sup>4</sup>	5,000 <sup>4</sup>	5,000 <sup>4</sup>	5,000 <sup>4</sup>	5,000 <sup>4</sup>	5,000 <sup>4</sup>	5,000 <sup>4</sup>	5,000 <sup>4</sup>	2,500 <sup>4</sup>
Max. Height (Ft.)	10	10	10	10	10	10	10	10	10
Number Allowed per lot	2 <sup>5</sup>	2 <sup>5</sup>	2 <sup>5</sup>	2 <sup>5</sup>	2 <sup>5</sup>	2 <sup>5</sup>	2 <sup>5</sup>	2 <sup>5</sup>	2 <sup>5</sup>
<b><u>Canopy</u></b>									
Max. Size	25% <sup>2</sup>	25% <sup>2</sup>	-	-	-	25% <sup>2</sup>	25% <sup>2</sup>	25% <sup>2</sup>	25% <sup>2</sup>
Max. Height (Ft.)	NA	NA	-	-	-	NA	NA	NA	NA
Number Allowed per building	1	1	-	-	-	1	1	1	1
<b><u>Window</u></b>									
Max. Size	25% <sup>3</sup>	25% <sup>3</sup>	-	-	-	25% <sup>3</sup>	25% <sup>3</sup>	25% <sup>3</sup>	25% <sup>3</sup>
Max. Height (Ft.)	NA	NA	-	-	-	NA	NA	NA	NA
Number Allowed per building/ storefront	2	2	-	-	-	2	2	2	2
<b><u>Projecting</u></b>									
Max. Size (Square Ft.)	12	12	12	12	12	12	12	12	12
Max. Height (Ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA
Number Allowed per building	1	1	1	1	1	1	1	1	1
<b><u>Name Plate</u></b>									
Max. Size (Square Ft.)	2	-	2	2	2	-	-	-	2
Max. Height (Ft.)	NA	-	NA	NA	NA	-	-	-	NA
Number Allowed per building	1	-	1	1	1	-	-	-	1

- not permitted

NA: Not Applicable

1: Maximum letter height is equal to 12 inches

2: percentage of total Canopy area

3: percentage of total window area

4: When constructed as a landscaping element on an outlot or platted lot

5: Per Entrance

<sup>6</sup> Amended 4-19-2011.

<sup>7</sup> Amended and effective 3-27-2018.

3. **Wall Signs**

All wall signs shall be mounted to the primary face of the use.

The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Max. Size	Max. Height	Max. Number
<b>A-1</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
<b>A-2<sup>1</sup></b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
<b>R-1</b>			
<b>R-2</b>			
<b>R-3</b>			
<b>C-1</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per storefront  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
<b>I-1</b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per main frontage  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
<b>ME<sup>2</sup></b>	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft.	45 feet above grade	One per main frontage  Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.

<sup>1</sup> Amended 4-19-2011; district name change.

<sup>2</sup> Amended and effective 3-27-2018; ME district placed in table.

#### 4. **Ground Monument**

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.
- C. Change panels may include advertised gasoline prices and any other service provided in the principal building / structure.
- D. Setbacks for all ground monument signs are 10 feet.
- E. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
A-1	50 square feet	10 feet	One per lot frontage. <sup>1</sup>
A-2 <sup>2</sup>	32 square feet	10 feet	One per lot frontage. <sup>1</sup>
R-1	32 square feet	10 feet	One per lot frontage. <sup>1</sup>
R-2	32 square feet	10 feet	One per lot frontage. <sup>1</sup>
R-3	32 square feet	10 feet	One per lot frontage. <sup>1</sup>
C-1	32 square feet	10 feet	One per lot frontage. <sup>1</sup>
I-1	32 square feet	10 feet	One per lot frontage. <sup>1</sup>
AG/I <sup>3</sup>	50 square feet <sup>3</sup>	10 feet	One per lot frontage. <sup>1</sup>
ME <sup>3</sup>	50 square feet <sup>3</sup>	10 feet	One per lot frontage. <sup>1</sup>

<sup>1</sup> On a corner lot that adjoins two Arterials or One Arterial and one Collector, the total number of signs may be increased to two with one on each frontage.

<sup>2</sup> Amended on 4-19-2011; district name change.

<sup>3</sup> Amended and effective 3-27-2018; added AG/I and ME districts to the table.

Note: All signs shall have a Vertical Clearance of nine feet above any sidewalk, private drive, or parking.  
All signs shall have a Vertical Clearance of 12 feet above any Public Street.

#### **Section 7.04 Sign Permits**

##### **7.04.01 Required Permits**

Permits are required for all signs, except Real Estate signs from the Zoning Administrator's Office prior to installing said sign.

Election signs shall be exempt so long as they do not interfere with the safety and well being of the public.

#### **Section 7.05 Electronic Message Board/Centers<sup>1</sup>**

7.05.01 Electronic messaging signs, including LED signs, are subject to the following provisions of this Ordinance.

- A. The size and location of the sign shall be consistent with all the other requirements of this Ordinance.
- B. The electronic display background color tones, lettering, logos, pictures, illustrations, symbols, and any other graphic or video display shall not blink, flash, rotate, scroll, change in illumination intensity, or otherwise change in outward appearance, except when the electronic message or display is changed to another message or display, and as otherwise provided herein.
- C. The electronic display background color tones, letting, logos, pictures, illustrations, symbols, and any other graphic or video display shall not change at intervals of less than two (2) seconds.
- D. Electronic message signs must not exceed a maximum illumination of 8,000 nits (candela per square meter) during daylight hours and a maximum illumination of 2,000 nits between dusk to dawn as measured

from the sign's face at maximum brightness.

E. Electronic messaging signs must have an automatic dimmer control to produce a distinct illumination change from a higher to a lower level of illumination for the time period between one ½-hour before sunset and one ½-hour after sunrise.

F. The following are prohibited activities regarding electronic messaging signs:

1. No sign shall be permitted which includes display explosives, fireworks, or any other pyrotechnical devices.
2. No sign shall be permitted which includes flashing, shimmering signs or otherwise revolves, pivots or moves from a normal stationary or fixed position.
3. No sign shall be permitted to include audio devices.

<sup>1</sup> Amended and effective 3-27-2018 by adding Section 7.05 entirely.

## ARTICLE 8: SUPPLEMENTAL REGULATIONS

### **Section 8.01     Wireless Communication Towers**

#### **8.01.01   *Intent:***

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or intending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County shall be sited, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / co-location of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

#### **8.01.02   *Definitions:***

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the County submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever formal forum made by an applicant to the County concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish that is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this Ordinance.
6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.
8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
  - A. Any conforming commercial earth station antenna two meters or less in diameter which is located on real estate zoned A-1, TA-1, R-1, R-2, R-3, C-1, or I-1.
  - B. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure that supports telecommunications facilities. The term tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the County upon approval, by the County Board of Adjustment, of an application to develop a tower within the zoning jurisdiction of the County. Said permit shall continue in full force and effect for so long as the tower to which it applies conforms to this section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.
14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

8.01.03 ***Location of Towers and Construction Standards***

1. Towers shall be permitted as a conditional use of the land in only those zoning districts where specifically listed and authorized in this Ordinance.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the County prior to approval of its application for a Tower Development Permit by the County Board of Adjustment and issuance of the permit by the County. Applicants shall submit their application for a Tower Development Permit to the Zoning Office and shall pay a filing fee in accordance the Fee Schedule established by the County Board of Supervisors.
3. All towers, telecommunications facilities and antennas where construction has commenced within the zoning jurisdiction of the County, after the effective date of this Ordinance, shall conform to the Zoning Ordinance and all other construction standards set forth by the County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the Zoning Office.
4. All tower locations shall meet all FAA regulations when near an airport.

8.01.04 ***Application to develop a Tower***

Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Office for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support

- structures within a 500 feet radius of the proposed tower, including publicly and privately owned towers and structures. Information shall be provided in electronic format.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or co-locate the applicant's telecommunications facilities on a tower or useable antenna support; or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or co-located on another tower or useable antenna support structure.
  5. Written technical evidence from an engineer that the proposed tower will meet the established Zoning Ordinance, and all other applicable construction standards set forth by the County Board of Supervisors and federal and state and ANSI standards.
  6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
  7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

#### 8.01.05 ***Tower Development Permit Procedure***

After receipt of an application for a Tower Development Permit, the following shall occur:

- § The Zoning Administrator shall schedule a public hearing before the Board of Adjustment, following all requirements for publication and notice, to consider such application.
- § The Zoning Administrator shall schedule a public hearing before the Board of Adjustment, following all requirements for publication and notice, to consider such application.
- § Notice, for said Public Hearing, shall be made at least one time and at least four days prior to such hearing. In addition, the Zoning Administrator shall cause a notice to be issued pursuant to the code of Iowa and the Ordinances of Webster County.
- § Notification will follow Section 3.07.
- § The Board of Adjustment shall receive testimony on the Tower Development Permit.
- § The Board of Adjustment may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

#### 8.01.06 ***Setbacks and Separation or Buffer Requirements***

1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the tower height. Towers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures, other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
  - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
  - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

**8.07.07 *Structural Standards for Towers Adopted***

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition or later (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by Ordinance and set forth in this Article of the Zoning Ordinance.

**8.01.08 *Illumination and Security Fences***

1. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). All towers shall be equipped with dual mode lighting, unless red blinkers are the only light source used, with strobes used only during daylight hours.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

**8.01.09 *Exterior Finish***

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Board of Adjustment as part of the application approval process. All towers must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

**8.01.10 *Landscaping***

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the County.

**8.01.11 *Maintenance, Repair or Modification of Existing Towers***

Previously constructed permitted towers shall not be required to conform to this ordinance, unless altered. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed after the approval of this Ordinance shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the County Board of Adjustment, an exemption from compliance as a condition of the Tower Development Permit.

**8.01.12 *Inspections***

The County reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the County's Zoning Ordinances and any other construction standards set forth by the County, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the County's Zoning Office, Building Inspector, or a duly appointed independent representative of the County.

**8.01.13 *Maintenance***

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

**8.01.14 *Abandonment***

If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner and property owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower had been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determi-

nation of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee. The public nuisance will be removed by the County with all associated costs charged to the Owner of said real estate.

**8.01.15 *Satellite Dish Antennas, Regulation***

Upon adoption of this Ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Webster County only upon compliance with the following criteria:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over three feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish antenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may have no more than two satellite dish antennas over three feet in diameter.
4. All satellite dish antennas installed within the zoning jurisdiction of Webster County, upon adoption of this ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

**Section 8.02      *Small Wind Energy Systems***

**8.02.01 Purpose**

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

**8.02.02 Definitions**

The following are defined for the specific use of this section.

**Small Wind Energy System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

**8.02.03 Requirements**

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

**A. Tower Height**

1. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
2. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.

**B. Setbacks**

1. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.

**C. Noise**

1. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
2. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

**D. Approved Wind Turbines**

1. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the

American Wind Energy Association.

E. Compliance with Building and Zoning Codes

1. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
2. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Iowa and certified by a licensed professional engineer shall also be submitted.
3. The manufacturer frequently supplies this analysis.
4. Wet stamps shall not be required.

F. Compliance with FAA Regulations

1. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

G. Compliance with National Electrical Code

1. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
2. The manufacturer frequently supplies this analysis.

H. Utility Notification

1. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
2. Off-grid systems shall be exempt from this requirement.

I. ***Abandonment***

If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner and property owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower had been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee. The public nuisance will be removed by the County with all associated costs charged to the Owner of said real estate.

#### 8.02.04 Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Non Commercial WECS	Meteorological Towers
Property Lines	One times the total height	One times the tower height.
Neighboring Dwelling Units*		One times the tower height.
Road Rights-of-Way**	One times the tower height.	One times the tower height.
Other Rights-of-Way	One times the tower height.	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA	600 feet
Wetlands, USFW Types III, IV, and V	NA	600 feet
Other structures adjacent to the applicant's sites	NA	One times the tower height.
Other existing WECS not owned by the applicant.	NA	
River Bluffs		

\* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

\*\* The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

### Section 8.03 Commercial/Utility Grade Wind Energy Conversion Systems

#### 8.03.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within Webster County.

#### 8.03.02 Definitions

The following are defined for the specific use of this section.

**Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

**Commercial WECS** shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

**Hub Height** shall mean the distance from ground level as measured to the centerline of the rotor.

**Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

**Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

**Meteorological Tower** shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System.

Meteorological towers do not include towers and equipment used by airports, the Iowa Department of Transportation, or other applications to monitor weather conditions.

**Property Line** shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

**Public Conservation lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

**Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.

**Small Wind Energy System** shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

**Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

**Tower** shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.

**Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

**Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

**Wind Energy Conversion System** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

**Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

#### 8.03.03 Requirements

The following requirements and information shall be met and supplied:

- A. The name(s) of project applicant.
- B. The name of the project owner.
- C. The legal description and address of the project.
- D. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
- E. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
- F. Certification by an Engineer competent in disciplines of WEC's.
- G. Documentation of land ownership or legal control of the property.

- H. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
- I. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
- J. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
- K. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met
- L. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
- M. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.
- N. Evidence that there will be no inference with any commercial and/or public safety communication towers.
- O. Decommissioning Plan as required by this regulation.

#### 8.03.04 Aggregated Projects

- A. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
- B. Permits may be issued and recorded separately.

#### 8.03.05 Setbacks

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	150 feet from property lines; however, the setback may be less when two adjoining property owners are within the aggregate project.	One times the tower height.
Neighboring Dwelling Units*	1,000 feet	One times the tower height.
Road Rights-of-Way**	One-half the rotor diameter.	One times the tower height.
Other Rights-of-Way	NA	NA
Wildlife Management Areas and State Recreational Areas	600 feet	600 feet
Wetlands, USFW Types III, IV, and V	600 feet	600 feet
Other structures and cemeteries adjacent to the applicant's sites	One-half the rotor diameter.	One times the tower height.
Other existing WECS not owned by the applicant.	NA	NA
River Bluffs	One-half the rotor diameter.	NA

\* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

\*\* The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known.

#### 8.03.06 Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:

- A. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
- B. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.

- C. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
- D. Consideration shall be given to painted aviation warnings on all towers less than 200 feet.
- E. Color and finish:  
All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
- F. Lighting:  
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
- G. Other signage:  
All other signage shall comply with the sign regulations found in these regulations.
- H. Feeder Lines:  
All communications and feeder lines associated with the project distribution system installed as part of a WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
- I. Waste Disposal:  
Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- J. Discontinuation and Decommissioning:  
A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
- Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
- K. Noise:  
No Commercial/Utility WECS shall exceed 60 dBA at the nearest structure or use occupied by humans.
- L. Interference:  
The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits.

M. Roads:

Applicants shall:

- a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
- c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.

N. Drainage System:

The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

O. Abandonment

If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner and property owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower had been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee. The public nuisance will be removed by the County with all associated costs charged to the Owner of said real estate.

## **ARTICLE 9: BOARD OF ADJUSTMENT**

### **Section 9.01 Organization and Meetings**

9.01.01 The Board of Adjustment hereafter referred to by the words “Board of Adjustment,” is hereby continued. Such Board of Adjustment shall consist of five members appointed by the Board of Supervisors. Terms shall be as provided by State statute. The Board of Supervisors shall have power to remove any member of the Board of Adjustment for cause upon written charges and after public hearing.

9.01.02 The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment 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 of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

### **Section 9.02 Appeals**

9.02.01 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Webster County affected by any decision of the Zoning Administrator, as provided in Iowa Code 335. Such appeal shall be taken within 20 days of the decision by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken from.

9.01.02 An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may not be granted by the Board of Adjustment, or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

9.01.02 The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee according to the Schedule of Fees: Webster County Zoning Ordinance, which is on file in the Office of the Zoning Administrator.

### **Section 9.03 Powers**

The Board of Adjustment shall have the following powers:

9.03.01 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.

9.03.02 To grant a variation from the terms of this Ordinance; provided, however, that all variations granted under this clause shall be in harmony with the intent of this Ordinance and the applicable State Statute Iowa Code Section 335.5.

In granting approval or conditional approval of a variance, the Board of Adjustment shall prepare written findings of fact that all of the conditions below apply to the application:

1. Special Circumstances: Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this Ordinance, a general rule to cover them.
2. Hardship or Practical Difficulties: Because of these special circumstances, the literal application of the provi-

sions of this Ordinance would, without a variance, result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.

3. Not Resulting from Applicant Action: The special circumstances and either practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present interest in the property.
4. Reasonable Use and Return: Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.
5. Not Alter Local Character: The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.
6. Minimum Variance Needed: The variance approved is the minimum required to allow reasonable use and enjoyment of the property.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said District.

9.03.03 To permit the following exceptions to the District regulations set forth in the Ordinance, provided all exceptions shall be their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:

1. To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board of Adjustment determines is reasonably necessary for the public convenience or welfare.

9.03.04 To issue special permits and decide such matters as may be required by other sections of this Ordinance.

#### **Section 9.04 Decisions of the Board of Adjustment**

In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board of Adjustment shall not become effective until after the resolution of the Board of Adjustment, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board of Adjustment's final decision, shall be filed in the office of the Board of Adjustment, and shall be open to public inspection.

Every variation and exception granted or denied by the Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of Webster County, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly veri-

fied, 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 30 days after the filing of the decision in the office of the Board of Adjustment, as provided in Iowa Code 335.

## **ARTICLE 10: PLANNING AND ZONING COMMISSION**

### **Section 10.01 Organization and Meetings**

10.01.01 The Webster County Planning and Zoning Commission hereafter referred to by the word "Planning and Zoning Commission."

10.01.02 The Planning and Zoning Commission shall adopt its own rules of procedure not in conflict with this ordinance or with the Code of Iowa, including the following information:

1. The time and date of the regularly scheduled meeting and place

10.01.03 The Planning and Zoning Commission shall elect yearly one of the members of the Planning and Zoning Commission as Chairperson, and one as a vice chairperson in case of vacancy shall name another Chairperson.

10.01.04 The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member, upon every question or if absent, or abstaining to vote indicating such fact and reason and shall keep complete records of its examinations and other official actions. Every rule, regulation, recommendation every amendment or repeal thereof and every requirement, decision, or determination of the Planning and Zoning Commission shall immediately be filed in the office of the Planning and Development Department and shall be a public record.

### **Section 10.02 Powers and Duties**

10.02.01 The County Planning and Zoning Commission's duty is to recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein.

10.02.02 The Planning and Zoning Commission shall:

1. Prepare preliminary reports and hold public hearings thereon, before submitting a final report. The Board of Supervisors shall not hold its public hearings or take action until it has received the final report of such Planning and Zoning Commission.
2. After the adoption of such regulations, restrictions, and boundaries of districts, the Planning and Zoning Commission may recommend to the Board of Supervisors amendments, supplements, changes, or modifications.
3. Reviewed petitions, changed after a Planning and Zoning Commission recommendation, which has been submitted to the Board of Supervisors, shall be returned to the Planning and Zoning Commission for a recommendation.

10.02.03 The Planning and Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commissions, the Iowa Development Commission, or the federal government for local planning assistance.

## **ARTICLE 11: CHANGES AND AMENDMENTS**

### **Section 11.01 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 Planning and Zoning Commission, or by petition of any property owner addressed to the Planning and Zoning Commission. Petitions for change or amendment shall be on forms and filed with the Zoning Administrator.

### **Section 11.02 Report from Planning and Zoning Commission**

Before taking any action on any proposed amendment, supplement, or change, the Planning and Zoning Commission shall review the application and submit a recommendation to the Board of Supervisors. Unless the Planning and Zoning Commission shall have transmitted its report upon the proposed changes within 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 report of the Planning and Zoning Commission.

### **Section 11.03 Notice and Hearings**

Before submitting its recommendation on a proposed amendment to district boundaries to the Board of Supervisors, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which will be given to all property owners within 500 feet whenever possible. Notice shall be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance will be held as well as the legal description of said property.

### **Section 11.04 Revision by Board of Supervisors**

Following report from the Planning and 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 11.03.

### **Section 11.05 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 year after the previous denial.

### **Section 11.06 Amendments**

#### **11.06.01 General.**

1. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may on its own action or by petition after recommendation by the Planning and Zoning Commission, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof.

#### **11.06.02 Procedure for Change.**

1. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the Planning and Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning and Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the Planning and Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.
2. Before submitting its recommendation on a proposed amendment to the Board of Supervisors, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which shall be given to all property owners within 500 feet of the property, if possible. Notice shall also be published of said hearing in a newspaper of general circulation, as required by, and in conformance with,

Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance including test and maps, may be examined. When the Planning and Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

3. After receiving the certification of said recommendations on the proposed amendment from the Planning and Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon, and notices thereof shall be published in accord with Iowa law. In addition, notices shall be sent by the United States mail as specified in 2 above.
4. After receiving certification of the recommendations on the proposed amendment from the Planning and Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the Board of Supervisors.
5. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within 500 feet of any part of the property proposed to be changed in electronic format.
6. The failure to notify as provided in 2 and 11.06.02 above shall not invalidate any recommendation of the Planning and Zoning Commission, provided such a failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Planning and Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Planning and Zoning Commission, proposing to make a change in the Official Zoning Map or the regulations set forth in this Ordinance.
7. Each application for an amendment, except those initiated by the Planning and Zoning Commission, shall be accompanied by a check payable to the Treasurer of Webster County or a cash payment in accord with the Schedule of Fees: Webster County Zoning Ordinance, which is on file in the office of the Zoning Administrator. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.
8. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property and/or additional property shall be filed with or considered by the Board of Supervisors until one year shall have elapsed from the date of the filing of the first petition.

## **ARTICLE 12: ADMINISTRATION AND ENFORCEMENT**

### **Section 12.01    Enforcement**

It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance 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 ordinance. It shall also be the duty of all officers and employees of the County to assist the Zoning Administrator by reporting to him/her any seeming violation in new construction, reconstruction, or land uses.

### **Section 12.02    Zoning Administrator**

12.02.01 The Zoning Administrator shall issue all permits and certificates required by this ordinance.

1. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/she shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
2. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
3. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the County or may combine the powers and duties of

this office with any other office or position, as provided in Iowa Code.

- 12.02.02 A fee in accordance with the schedule of fees on file with the Planning and Development Department shall be charged for each application filed.

### ***ARTICLE 13: SEVERABILITY, CONFLICT, EFFECTIVE DATE***

#### **Section 13.01 Severability**

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

#### **Section 13.02 Repeal of Conflicting Ordinances**

The Zoning Ordinances for Webster County, Iowa, adopted by the Board of Supervisors on \_\_\_\_\_, as well as all amendments enacted under that ordinance shall be repealed in its entirety upon the passage and effectuation of this ordinance.

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

#### **Section 13.03 Effective Date**

By action taken at its regular business meeting of \_\_\_\_\_, the Webster County Board of Supervisors adopted this ordinance established the effective date as \_\_\_\_\_.