

CODE
OF
ORDINANCE

CHAPTER 21
ZONING

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21.1 INTERPRETATION.

- A. The provisions of the regulations shall be minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where the regulations impose greater restrictions upon the use of buildings or other structures, or requires larger yards or other open spaces than are imposed or required by other provisions of law, the provisions of the regulations shall prevail.
- B. The regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the standards of the regulations are more restrictive or impose higher requirements than such easement, covenants or other private agreements, the requirements of the regulations shall govern.

21.2 DEFINITIONS. For the purpose of this report, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular; the word “shall” is mandatory and not directory.

- A. Accessory Use or Structure. A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.
- B. Agriculture. The use of land for agricultural purposes, including necessary buildings and structures, which shall be used for agriculture including, but not limited to, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory used for packing, treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Agriculture does not include the feeding of collected garbage or offal to swine or other animals.

- C. Airport. Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
- D. Alley. A public way less than 21 feet in right-of-way width serving as a secondary means of access to abutting property.
- E. Animal Hospital. Any building or portion thereof, designed or used for the care, observation or treatment of domestic animals.
- F. Automobile Repair, Major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
- G. Automobile Repair, Minor. Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1 ½ tons capacity, but not including any operation specified under “Automobile Repair, Major”.
- H. Automobile Wrecking Yard. Any area of land where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.
- I. Basement. A story having part but not more than 50 per cent of its height below average grade. A basement shall be counted as a story for purpose of height measurement.
- J. Billboard or Signboard. Any structure or portion thereof, situated on private property, used or intended for use for advertising purposes. This definition shall not be held to include a real estate sign or advertising for sale or rent the property on which it stands.
- K. Building. Any structure which is built for the support, shelter or enclosure of persons, animals, and chattels.
- L. Cellar. A story having 50 per cent or more of its height below average grade.
- M. Club or Lodge, Private. A non-profit association of persons who are bona-fide members paying dues, which owns, hires or leases land, a building or portion thereof, the use of such premises being restricted to members and their guests.
- N. Drive-in Establishment. An establishment which accommodates patrons' automobiles, from which the occupants may purchase or watch.
- O. Dwelling. A building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a trailer, tent, cabin, hotel, motel, rooming houses, rest homes or tourist homes.
- P. Essential Services. The erection, construction, alteration or maintenance, by

public utilities or county or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals and signs, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or county or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.

- Q. Family. One or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.
- R. Farm. An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and their storage on the area, as well as, for the raising thereon of the usual farm poultry and farm animals, such as sheep, horses, cattle and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities.
- S. Flood Plain. That continuous area, adjacent to a stream or stream bed or other natural drainage channels or areas, which is low-lying, difficult to drain or subject to flood.
- T. Flood Area, Gross. For the purpose of determining requirements of off-street parking spaces and loading berths, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices. However, floor area for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted); or basement floor area other than area devoted to retailing activities, to the production or processing of goods or to business or professional offices.
- U. Garage, Private. A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding 1 ½ tons.
- V. Garage, Public. Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.
- W. Height. In the case of a wall, or part of a building, the vertical distance from the average established street grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped room or if there are no gables or dormers, to the middle height of such pitched or

hippedroof.

- X. Junk Yard. An open area or fenced-in enclosure, where used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.
- Y. Land Use Plan. The comprehensive long-range plan for the desirable use of land within the county, as officially adopted and as amended from time to time by the Adams County Regional Planning Commission and the County Board of Supervisors; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in zoning of land to meet changing county needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools and other public building or public uses.
- Z. Lot. A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards required by the regulations.
- AA. Lot, Corner. A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.
- BB. Lot Area. The horizontal area within the lot lines of the lot.
- CC. Lot Depth. The mean horizontal distance between the front and rear lot lines.
- DD. Lot Width. The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.
- EE. Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Adams County; or a parcel of land, the deed to which was recorded in the office of said recorder prior to adoption of the regulations.
- FF. Mobile Home. A detached single family dwelling unit with all of the following characteristics: (a) Designed for a long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachments to outside systems; (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; (c) Arriving at the site where it is to be occupied as a dwelling complete; including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations located on permanent foundation supports, connected to utilities and the like.
- GG. Mobile Home (Trailer). Any non-self propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, resting on wheels, jacks, blocks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways.

- HH. Motor Fuel Station. A place where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.
- II. Non-Conforming Use. A building, structure or premises lawfully occupied at the time of the enactment of the Zoning Regulations by a use that does not conform with the provisions of the regulations for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.
- JJ. Parking, Area, Accessory. An area of one or more parking spaces located on the same property as the building, structure or premises it is intended to serve, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.
- KK. Sign. Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency.
- LL. Sign, Gross Surface Area of. The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- MM. Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards, when the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.
- NN. Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
- OO. Street, Road. A right-of-way of a required width, which affords a primary means of access to abutting property.
- PP. Structural Alteration. Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or in the exterior walls.
- QQ. Structure. Anything constructed, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

RR. Travel Trailer. A vehicular, or portable structure designed for short term occupancy and as a temporary dwelling for frequent and extensive travel, recreational or vacation use.

SS. Wind Energy Conversion System (WECS). Any device that converts wind energy to a form of usable energy, including windmills, wind turbines or other wind generators; and WECS also includes any related transformers, substations, electrical and communication lines, meteorological towers, and other accessory equipment.

TT. Yard, Front. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.

UU. Front Yard, Least Depth. The shortest distance, measured horizontally, between any part of a building other than such parts hereinafter excepted, and the front lot line.

VV. Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

WW. Rear Yard, Lease Depth. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line shall be considered the rear lot line.

XX. Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

YY. Side Yard, Least Width. The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

21.3 DISTRICTS AND MAP. For the purpose of this Report, the county is hereby divided into six classes of districts as follows:

“C-1”	Conservation Districts
“A-1”	Agricultural Districts
“R-1”	One and Two-Family Residence Districts
“B-1”	Business Districts
“I-1”	Industrial Districts
“F-1”	Flood Plain Districts

The boundaries of these districts are hereby established as shown on maps entitled “Zoning Map”, which accompanies and is hereby made a part of this report.

21.4 BOUNDARIES OF DISTRICTS.

- A. The district boundary lines on said maps are intended to follow the center lines of railroads, highways, streets, alleys, lot lines, tract lines, corporate limit lines or such lines extended, all as they existed at the time of enactment of the regulations; but where a district boundary line does not clearly coincide with lot lines or parcel lines, it shall be determined by scaling.
- B. Where a district boundary line divides a lot in single ownership and of record at the time of enactment of the regulations, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot, but not more than 50 feet beyond the boundary line of the more restricted district.
- C. Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to the rules and regulations which it may adopt, as hereinafter provided.

21.5 GENERAL PROVISIONS.

- A. Zoning Affects Every Structure and Use. Except hereinafter provided, no building, structure or land shall be used, and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired except in conformity with the regulations specified for the class of District in which it is located.
- B. Continuing Existing Uses. Any building, structure or use lawfully existing at the time of enactment of the regulations may be continued except certain non-conforming uses as provided in Subsection 301.07C. Nothing in the regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.
- C. Non-conforming Uses. Except as provided under Subsection 21.5(C)
 - 1. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, unless damaged more than 50 per cent of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the regulations.
 - 2. No building, structure or premises where a non-conforming use has been or may be discontinued for more than one year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a non-conforming use.
 - 3. Any non-conforming use of land not involving any structure, and any non-conforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed two years after enactment of the regulations, whereupon such non-conforming use shall cease.
 - 4. Any building or structure devoted to a non-conforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of

the regulations, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

5. The foregoing provisions under Subsections 21.5 (C)(1) (2) (3) and (4), insofar as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure or use would be conforming under the Land Use Plan as defined in Subsection 21.02X.

D. Street Frontage, Minimum Requirement. No lot created after the adoption of the regulations shall contain any building used as a dwelling unless it abuts or has a permanent exclusive non-obstructed easement of access not less than 37.5 feet wide to a street. No building in the rear of a principal building on the same lot should be used as a dwelling, except only for domestic employees of the owners or the tenants of the principal building as provided in Subsection 21.5H.

E. Reserved.

F. Lot Area Requirements.

1. Existing Lots of Record In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the regulations, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Adjustment as set forth hereinafter. However, no lot of any size may be built upon unless the County Engineer and Board of Health approves the method of sewage disposal and source of water for any structure on such lot
2. Farm, Single Family Detached Dwellings. The owner of a farm may set aside a plot of ground on the farm and construct on said plot a single-family dwelling to be occupied by a member of the immediate family only. While such a plot of ground need not conform with minimum lot sizes herein stipulated, the front, side and rear yards must comply with the minimum requirements for the district in which the dwelling is proposed.

G. Number of Uses on One Lot. No lot shall contain more than one principal use.

H. Accessory Buildings in Residence Districts.

1. No accessory building shall be erected in any yard, other than a rear yard; nor shall it occupy more than 30 per cent of a required rear yard. Accessory buildings shall not exceed 15 feet in height, and shall be distant at least six feet from all lot lines of adjoining lots in any district and at least six feet from alley lines and from any other building or structure on the same lot.
2. Where the natural grade of a lot at the front wall of the principal building is more than eight feet above the average established street grade in front of the lot, a private garage may be erected within any yard, but not within ten feet of any street line, provided that at least one-half of the height of such private garage shall be

below the level of the yard.

I. Required Yard Cannot be Reduced or Used by Another Building.

1. No lot, yard, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the regulations, and if already less than the minimum it shall not be further reduced. No required open space provided about any building or structure shall be included as any part of any open space required for another building or structure.
2. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

J. Conversion of Dwellings. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the zoning regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the Article applying to such district.

K. Minimum Ground Floor Area for Dwellings.

1. A one-story dwelling shall contain not less than 800 square feet of usable ground floor area, exclusive of open porches, garages or steps.
2. A one and one-half or two-story dwelling shall contain not less than 600 square feet of ground floor area, exclusive of open porches, garages or steps.

L. Traffic Visibility Across Corner Lots. In any "R" District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the "corner" so as to interfere with traffic visibility across the corner.

M. Essential Services. Essential services shall be permitted as authorized and regulated by law and other regulations of the county, it being the intention hereof to exempt such essential services from the application of the regulations.

N. Off-Street Parking and Loading. In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Subsection 301.14A (I).

- O. Water Supply and Sewage Disposal. Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which meet the approval of the County Engineer and Board of Health.
- P. Agriculturally Related Businesses. The owner of a farm may establish and operate an agriculturally oriented business in any Agriculture District. Said Business must be an accessory use and be housed in a subordinate building, the use of which is incidental to that of the main use of the premises. The agriculturally related business shall be subject to such further requirements as may be specified hereinafter within the ordinance.

21.6 CONSERVATION DISTRICTS

Purpose and Scope

The C-1 District is intended to be used in areas where due to topographic and physiography characteristics major areas of natural ground cover, forest and agricultural areas are to be retained and to prevent scatter non-farm growth.

To facilitate and encourage the development of conservation area a floating district IC-1 is available which may be created under certain conditions set forth in these regulations (Article XII).

A. Permitted Principal Uses.

1. Agriculture and agricultural buildings on parcels of 10 acres or more.
2. Public parks, playgrounds, and recreational areas.
3. Essential services as defined in Subsection 21.2 P.

B. When Authorized by Board of Adjustment. Sanitary land fills, in accordance with county and state laws except that no sanitary land fill shall be operated within 1,320 feet of any "R" District.

1. Mining, loading of sand or gravel, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage located not less than 500 feet from any "R" District.
2. Privately operated country clubs, golf courses, marinas or docking facilities, guest ranches, swimming clubs, riding stables, lakes, resorts, and similar recreational uses provided that any principal or accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" district.

C. Permitted Accessory Uses.

1. Real Estate signs of a temporary nature not exceeding two in number per lot nor

larger than 12 square feet set back 20 feet from any roadway

2. Signs not exceeding four square feet in area indicating the type of plant being grown or the type of fertilizer being used.
3. Signs not exceeding 20 square feet in area pertaining to a permitted recreation uses or areas of scenic beauty provided such signs shall be set back at least 30 feet from any right-of-way and there shall be a distance of 300 feet between any such signs.

D. Height Regulations. No principal structure shall exceed two and one-half stories or 30 feet in height, and no accessory structure shall exceed 15 feet in height, except as provided in Subsection 21.13B.

E. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed subject to the additional requirements, exceptions, and modifications in Subsection 21.13C and D. Each lot shall have a minimum lot area of ten acres.

	Min. Lot Width	Min. Front Yard Depth	Min. Side Yard Width	Min. Rear Yard Depth
1 – 2 ½ Stories	300'	Along State and Federal Roads 80' Other Public Roads 60'	30'	100'

21.7 “A-1” AGRICULTURAL DISTRICTS

Purpose and Scope

The A-1 District is intended to be used primarily in areas where agricultural uses should be retained and where non-farm growth should be prevented.

To facilitate and encourage the development of agricultural areas a floating district IA-1 is available which may be created under certain conditions set forth in these regulations.

A. Permitted Principals Uses.

1. Any use or structure permitted and as regulated in Subsection 21.6A except as hereinafter modified.
2. Cemeteries of 10 acres or more in size.
3. Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any "R" District.
4. Any building or structure occupied or used for nursery, elementary, junior high

or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line.

5. Sale of nursery and greenhouse products.
6. Railroad rights-of-way and trackage, not including switching, storage, terminal facilities or freight yards.
7. Farm or Non-farm, Dwellings.
8. Transformer stations and booster or pressure regulating stations, without service yard or storage.
9. One trailer located on the same lot as a farm dwelling occupied by a relative of the farm owner or person employed on the premises.

B. When Authorized by Board of Adjustment.

1. Any use as regulated in Subsection 21.6B, except as hereafter modified.
2. Airports and landing fields.
3. WECS.

C. Permitted Accessory Uses.

1. “C-1” District Accessory Uses.
2. Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.
 - a. Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than ten square feet in area and set back ten feet from the right-of-way of a street, highway or road.
3. Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than 12 square feet, set back 20 feet from any highway, street or road.
4. 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 20 feet from any highway, street or road, may be erected in connection with any of the permitted principal uses of a non-residential nature.
5. Private garages or parking area.
6. Living quarters of persons employed on the premises.
7. Office of a physician, dentist, lawyer, architect, engineer, clergyman or accountant within his dwelling.

8. Home occupations such as a craft, trade or specialized skill conducted within a dwelling or subordinate structure thereof. Such occupation shall be clearly incidental and secondary to the principal use or structure of the premises. Specifically excluded is the display of merchandise not produced by such home occupation, or any activity involving any building alterations, window display, construction features, equipment, machinery, outdoor storage which is visible from off the lot on which it is located. Such activity shall not involve mechanical equipment which will create a nuisance due to noise, odor, or electrical interference, nor shall the home occupation be conducted in such a manner to give an outward appearance or manifestation of any characteristic of a business in the ordinary meaning of the term.

9. Agriculturally Oriented Businesses.

D. Height Regulations. No principal structure shall exceed two and one-half stories or 30 feet in height, and no accessory structure shall exceed 15 feet in height, except as provided in Subsection 21.13B.

E. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in Subsection 31.13 C and D. Each lot shall contain a minimum area of four acres.

	Min. Lot Width	Min. Front Yard Depth	Min. Side Yard Width	Min. Rear Yard Depth
1 – 2 Stories	300'	Along State and Federal Roads 80' Other Public Roads 60'	30'	100'

F. WECS.

1. The WECS shall be located so that the distance from the base of the tower support of WECS to any lot lines or any structure is a minimum of 100% of the total height of the WECS (the height above grade including the tower and the highest vertical extension of the blades); provided, however, that a WECS may be located less than such distance to a lot line if such lot lines separates two participating properties with WECS located on them or with the consent of the property owner that does not have WECS on its property; and further provided that the distance from the base of the tower support of a WECS to any dwelling is a minimum of 1200 feet (except such minimum distance shall not apply in the event the owner of the WECS is also the owner of the dwelling).
2. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent property; and if such WECS operation causes such interference, the owner of the WECS shall take necessary action to eliminate such interference.
3. A fence at least eight feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground; or the towers are made of smooth tubular steel with locked doors at the base.

4. The height regulations and lot area, frontage and yard requirement described in 21.7 shall not apply to WECS.

21.8 “R-1” ONE AND TWO-FAMILY RESIDENCE DISTRICTS

Purpose and Scope

It is the purpose of the R-1 Districts to establish and maintain areas for homes of large size at a low rate of population density. R-1 Districts are intended to afford the optimum of privacy and seclusion attainable under conditions of urban requirements.

To facilitate and encourage the development of residential areas a floating district IR-1 is available which may be created under certain conditions set forth in these regulations.

A. Permitted Principal Uses.

1. Any use or structure permitted and as regulated in Subsection 21.7A except as hereinafter modified.
2. Two -family residences.

B. When Authorized by Board of Adjustment.

1. Any use as regulated in Subsection 21.7B, except as hereinafter modified.
2. Transformer stations and booster or pressure regulating stations, without service yard or storage.

C. Permitted Accessory Uses.

1. “A-1” Agricultural District Accessory Uses.
2. A sign or signs flat against a building appertaining to a non-conforming use on the premises, not exceeding in the aggregate 50 square feet in area.

D. Height Regulations. No principal structure shall exceed two and one-half stories or 30 feet in height, and no necessary structure should exceed one story or 15 feet in height, except as provided in Subsection 21.13.

E. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Subsection 21.13 C and D inclusive. Each one-family residence shall be located on a lot containing 40,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 30,000 square feet for each family.

Min. Lot Width	Min. Front Yard Depth	Min. Side Yard Width	Min. Rear Yard Depth
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1 – 2 ½ Stories	165'	Along State and Federal Roads 80' Other Public Roads 50'	20'	100'
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21.9 “B-1” BUSINESS DISTRICTS

Purpose and Scope

The District is intended to accommodate a wide variety of commercial uses in generally built-up areas of mixed business enterprises.

To facilitate and encourage the development of business areas a floating district IB-1 is available which may be created under certain conditions set forth in these regulations.

A. Permitted Principal Uses.

1. Any use or structure permitted and as regulated in Subsection 21.8A except as hereinafter modified.
2. Any retail business establishment including but not limited to: auto accessory stores, auto and farm implement sales, bakery shops, candy and ice cream shops, department stores, drug stores, dry goods stores, electrical appliance sales and repair, florist shops, food stores, furniture stores, hardware stores, liquor stores, motor fuel stations, variety stores, wearing apparel shops, second-hand stores and rummage shops, taverns, theaters, air conditioning and heating sales and service shops, automobile motor repair and service shops, limited to minor repair, plumbing shops, heating and roofing supply shops, restaurants, and drive-ins.
3. Any service establishment, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater and self-service laundry.
4. Any recreation use, such as bowling alleys, billiard and pool rooms, dance halls, and gymnasiums.
5. Meeting and lodge halls, fraternal organizations and clubs.
6. Hotels and motels including dining and meeting rooms subject to the provisions of Subsection 21.12C.
7. Wholesale businesses.
8. Public parking lots, customer and other accessory parking area subject to the applicable provisions of Subsection 21.12A(1).
9. Other professional or service business establishments.
10. Billboards and signboards subject to the following restrictions.

- a. No billboard or signboard shall be located within 100 feet in any direction of an "R" District
- b. No billboard or signboard shall contain more than 400 square feet of surface area.
- c. No billboard or signboard shall be located within 300 feet of an exit or entrance to a controlled access route.
- d. Billboards and signboards may be constant illumination. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any part of any federal or state highway, or upon any existing residential building in an "R" District.

B. Permitted Accessory Uses.

- 1. "R-1" residential district accessory uses.
- 2. Other accessory uses customarily incidental to a permitted principal use, including signs integral with or attached flat against a building. Elevated signs not extending past any lot line. Projecting signs located 10 feet above average grade and not extending more than five feet from the building to which the are attached.
 - a. The total gross area of all signs including billboards and signboards shall not exceed three times the lineal frontage of the lot on which such signs are located.

C. Height Regulations. No principal structure shall exceed three stories or 40 feet in height, and no accessory structure shall exceed 30 feet in height, except as provided in Subsection 21.13B.

D. Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Subsection 21.13 C and D inclusive.

	Min. Front Yard Depth	Min. Side Yard Width	Min. Rear Yard Depth
Permitted Uses	Along State and Federal Roads 60' Other Public Roads 40'	None, except where adjacent to an "R" District then same as "R" District.	None, except where adjacent to an "R" District then same as "R" District.

21.10 “I-1” INDUSTRIAL DISTRICTS

Purpose and Scope

The I-1 District are designed to accommodate those manufacturing establishments which are either free of objectionable influence in their operation and appearance or which can readily obviate or control any objectionable features which may otherwise result from the manufacturing processes by installation of appropriate abatement devices.

To facilitate and encourage the development of industrial areas a floating district II-1 is available which may be created under certain conditions set forth in these regulations.

A. Permitted Principal Uses.

1. Any use or structure permitted and as regulated in Subsection 21.9A, except as hereinafter modified.
2. Building or contractor's plant or storage yard, building material sales and storage yard including concrete mixing, lumber yard including millwork, open yard for storage and sale of feed, fuel or fertilizer provided any such operations are enclosed by a solid wall or fence not less than six feet in height, located not less than 200 feet from an "R" District and 30 feet from any "B" District.
3. Automobile salvage and wrecking operations, industrial and waste salvage operations and junk yards provided all operations are conducted within an area enclosed on all sides with a solid wall not less than eight feet in height, located not less than 200 feet from any "R" District and 100 feet from any "B" District and 660 feet from any state or federal highway. No pile of salvage, scrap, or other material shall be higher than eight feet.
4. Any use of land or of structures engaged in the production, processing, cleaning, servicing, testing, repair or storage of material/ goods or products not previously allowed, located not less than 200 feet from any "R" District and 50 feet from any "B" District.

B. Permitted Accessory Uses.

1. “B-1” Business District Accessory Uses.
2. Other accessory uses customarily incidental to a permitted principal use.

C. Prohibited Uses.

1. Dwellings and trailers, except for watchman or caretaker on the premises.
2. Schools, hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use.

D. Yard Requirements. The minimum following requirements shall be to the observed,

subject additional requirements, exceptions modification in Subsection 21.13 C and D.

	Min. Front Yard Depth	Min. Side Yard Width	Min. Rear Yard Depth
3 Stories or 50 ft: in height	30'	Equal to building height	Height of building but not less than 20'

21.11 “F-1” FLOOD PLAIN DISTRICTS

A. Permitted Principal Uses.

1. Agriculture, including customary agriculture buildings and structures but not including permanent dwellings; nurseries and greenhouses.
2. Commercial poultry farms, kennels, riding stables, and dairies provided that any building enclosure in which animals or fowl are kept shall comply with the distance requirements in Subsection 21.11(D)(1).
3. Baseball or football fields, provided that the location of such field shall comply with the distance requirements in Subsection 21.11(D).
4. Public parks, playgrounds and community centers’ private recreation areas and facilities, including country clubs, golf courses, fishing lakes and boat docs.

B. When Authorized by the Board of Adjustment.

1. Outdoor rifle or skeet shooting ranges on premises located as to comply with three times the distance required in Subsection 21.11D(1) and which premises are suitable for such use, for reason, among others of topography, screening by trees or other features, and also in consideration of the present and potential use of adjacent properties.
2. Gravel pits and stone quarries located as to comply with two times the distance required in Subsection 21.11D(1).
3. Disposal of refuse or garbage by a municipality or agent thereof using sanitary landfill.
4. Any other use which, in the opinion of the Board of Adjustment, will not, when located, constructed and operated as proposed, be inconsistent with the purposes intended to be served by the provisions prescribed in this article for the "F-1" District--among others, of protecting human life, preventing material losses and reducing the cost to the public of relief or rescue efforts occasioned by the unwise occupancy of areas subject to floods; and which use, at the same time, will not impair the present or potential use of adjacent properties.

C. Permitted Accessory Uses.

1. Accessory uses and structures customarily incidental to a permitted principal use in the "F-1" District.
2. Any other accessory use that is determined by the Board of Adjustment to be necessary and incidental to any aforesaid permitted principal use and located on the same lot therewith, but not including any permanent residence except for a watchman or caretaker employed on the premises.

D. Required Condition.

1. All uses, buildings or premises, for which compliance with the distance requirement in this section is stipulated in the foregoing sections of this article, shall be distant at least 200 feet from any lot in an "R" District, or any lot occupied by adwelling or by any school, church, or institution for human care.

E. Height Regulations. No principal structure shall exceed two and one-half stories or thirty-five (35) feet in height, and no accessory structure shall exceed one story of 15 feet in height, except as provided in Subsection 21.13(B).

F. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, subject to the additional requirements exceptions and modifications in Subsection 21.13 C and D, inclusive.

	Min. Lot Width	Min. Front Yard Depth	Min. Side Yard Width	Min. Rear Yard Depth
Non-residential uses or structures	100'	30'	20'	100'

21.12 INCENTIVE ZONING DISTRICTS

A. Permitted Principal Uses.

1. Any use or structure permitted and as regulated in Subsection 21.11A except as hereafter modified.

B. General. The Board of County Supervisors may after public hearing authorize the issuance of an Incentive Zoning Permit for any and only the uses or purposes for which such permits are issued.

C. Considerations. In considering an application for an Incentive Zoning Permit the Board

of County Supervisors shall give due regard to the nature and condition of all adjournment uses and structure.

- D. Application. An application for an Incentive Zoning Permit shall be filed with the Building Inspector on a form prescribed by the Board of County Supervisors. The application shall be accompanied by such data, information designs and plans as prescribed by the Building Inspector.
- E. Projects – Where located. In any C-1, A-1, R-1, B-1 or I-1 District, the owner or owners of a tract of land may submit to the Zoning Commission a plan for the use and development of all such tracts.
- F. Adjacent Property No Adverse Effect. The property adjacent to the area included in the incentive zoning permit is not likely to be adversely affected thereby.
- G. Incentive Zoning Permit – Time Limitation. Upon completion of the Incentive Zoning proceedings, any IC-1, IA-1, IR-1, IB-1 or II-1, shall remain in full force and effect for a period of not to exceed three (3) years from the final order granting same or until final completion of said project as approved by the Building Inspector, whichever event occurs first. Upon issuance of the final project approval by the Building Inspector the IC-1, IA-1, IR-1, IB-1 or II-1 zone shall be considered a permanent zone within the meaning of the Zoning Ordinance. Failure to secure a final project approval from the Building Inspector within the above three (3) year period shall cause the IC-1, IA-1, IR-1, IB-1 or II-1 zone in question to revert to the zoning classification in effect prior to the establishment of said zone. If no zoning was in effect prior to the Incentive Zoning, the same shall revert to District A-1 (Agricultural).

21.13 SPECIAL PROVISIONS

- A. Off-Street Parking Areas and Loading Space.
 1. In all districts, in connection with every building or part thereof, hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by a use or uses requiring the receipt or distribution by vehicles of materials or merchandise, there should be provided and maintained on the same premises with such building at least one off- street loading space accessible from an alley, easement of access or from a street, plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of any required side or rear yard.
 2. In all districts, accessory off-street parking areas in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated herewith, in addition to the above required loading and unloading spaces. Such area, in the case of "R" Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of "B- I" and "I-

1" Districts, and of connection with uses other than dwellings, such areas shall be on premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or a less restricted district.

3. Number of Parking Spaces Required.

<u>Use</u>	<u>Parking Space Required</u>
Automobile or Machinery Sales / Service Garages	1 for each 1,000 sq. f. of floor and area plus 1 for each full-time employee.
Banks, Business and Professional Offices	1 for each 200 sq. ft. of floor area.
Bowling Alley	3 for each alley.
Churches and Schools	1 for each 4 seats in principal auditorium.
Convenience Stores – Drug, Grocery, Hardware, and similar stores	1 for each 300 sq. ft. of floor area devoted to sales plus 1 for each full-time employee.
Dance Halls and Assembly Halls without fixed seats	1 for each 50 sq. ft. of floor area used for assembly or dancing.
Drive-in Eating Establishments	Not less than 1/3 of the total ground area be devoted exclusively to parking and alleyways.
Dwellings	1 for each dwelling unit.
Food and Pick-up Establishments	Minimum of 1 plus 1 for each 100 sq. ft. of floor area.
Funeral Homes, Mortuaries	6 per chapel room or parlor or 1 per 50 sq. ft. of rooms used for services, whichever is greater.
Hospitals, Nursing Homes, and similar care centers.	1 for each 5 beds plus 1 for each 2 doctors and employees.
Hotels, Clubs, and Lodging Houses	1 for each 2 bedrooms.
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	1 for each 3 employees on maximum working shift.
Medical or Dental Clinics	1 for each 200 sq. ft. of floor area plus 1 for each full-time employee and 1 for each doctor.
Motels or Motor Hotels	1 for each unit, plus 1 for each 2 employees on maximum shift.
Motor Fuel Stations	1 for each employee on maximum shift plus 2 for each bay.
Service Establishments:	
Barber Shops	2 for each chair plus 1 for each 2 employees on maximum shift.
Beauty Shops	1 for each dryer plus one for each 2 employees on maximum shift.
Coin-Operated Laundries and/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees on maximum shift.
Restaurants	1 for each 3 seats plus 1 for each 2 employees on maximum shift
Shopper's Goods- Appliance, Household Equipment, Furniture, and Similar Stores	1 for each 500 sq. t. of floor area plus 1 for each full-time employee.

Taverns or Bars	1 for each 2 seats plus 1 for each 2 employees on maximum shift.
Wholesale Establishments	1 for each 4 employees on maximum working shift.

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

4. Unites of Measure.

- a. Parking Space. Each parking space rectangular in shape shall be not less than 8 feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles and in no case shall any portion of the public right-of-way be used for required off-street parking.
- b. Loading Space. Each loading space shall not be less than ten feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning areas.
- c. Hospital Bassinets. In Hospitals, bassinets shall not be counted as beds.
- d. Benches in Place of Public Assembly. Assembly. In stadiums, sports areas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under the regulations.

5. Development Standards. Off-street accessory parking areas shall be of usable shape, and shall be improved in accordance with requirements of the county with durable and dustless surface and so graded and drained as to dispose of all surface water accumulated within the area. Any lighting uses to illuminate such parking area shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

6. Exception. The Board of Adjustment may authorize on appeal modification, reduction, or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction, or waiver.

B. No building, structure, or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, car wash, or motor fuel station having an entrance or exit of vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block front and within 20 feet of any "R" District, nor shall any part of such public garage, automobile repair shop, car wash, or motor fuel station be located within 100 feet of any buildings or ground of any of the aforesaid public or institutional uses.

C. Motels or Motor Hotels.

1. No vehicular entrance to or exit from any motel, or motor hotel, wherever such may be located shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children except where such property is in another block or on another street, which the premises in question do not abut.
2. Sanitary regulations and such regulations as may be otherwise required by law, shall be complied with in addition to the following:
 - a. Any lot to be used for a motel or motor hotel shall not contain less than 40,000 square feet and shall contain not less than 2,000 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25 percent of the area of the lot.
 - b. All areas used for automobile access and parking shall comply with the provisions herein.
 - c. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
 - d. No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all requirements for new construction for such an establishment.

D. Trailers.

1. A trailer shall not be considered permissible as an accessory building.
2. A house trailer may be used as a temporary office and shelter incidental to construction on or development of the premises on which the trailer is located, only during the time construction or development is actively underway.

21.14 ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS.

- A. The requirements and regulations specified hereinbefore in this report shall be subject to the additional requirements, exceptions, modifications, and interpretations in the following:
- B. Height Limits. Height limitations stipulated elsewhere in this report shall not apply:
 1. To church spires, belfries, cupolas, domes, monuments, water towers, masts and aerials; to parapet walls extending not more than four feet above the limiting height of the buildings. However, if, in the opinion of the Building Inspector, such

- structures would adversely affect adjoining or adjacent properties, such greater height should not be authorized except by the Board of Adjustment.
2. Topplaces of public assembly such as churches, schools, and other permitted public and semi- public buildings, not to exceed three stories or 50 feet, provided that for each foot by which the height of such buildings exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot above the side and rear yards required for the highest building otherwise permitted in the district.
 3. To bulkheads, conveyers, derricks, water tanks; to monuments, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a great height. Where a permitted use requires, greater heights than specified may be authorized by the Board of Adjustment.

C. Front Yard Exceptions and Modifications.

1. Front Yard Requirements do not Apply. To bay windows or balconies occupying in the aggregate more than one-third of the front wall; to fences, chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three feet high above the average finished grade and distant five feet from every lot line.
2. In any district where the average depth of two or more existing front yards on lots within 600 feet of the lot in questions and within the same block front or 1800 feet is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards, or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least 20 feet and need not exceed 100 feet.

D. Side Yard Exceptions and Modifications.

1. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a side yard equal to that required in the more restricted district. Where a lot in an "I-1" or "B-1" District abuts a lot in an "R" District, the side yard shall be increased by three feet for each story that the building proposed on such lot exceeds the height limit of the said "R" District.
2. Side Yards Shall be Increased. In width by four inches for each foot by which the length of the side wall of the building adjacent to the side yard exceeds 40 feet in any "R-1" District, or 50 feet in any "R-2" District.
3. Side Yards may be Reduced. By six inches from the otherwise required width of each side yard for each foot by which a lot of record at the time of enactment of the regulations is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half stories, and in case the

- owner of record does not own any adjoining property; provided, however, that no side yard should be narrower at any point than six feet.
4. On a Corner Lot. The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.
 5. Accessory Buildings. No part of any accessory building shall be nearer to side street lot line than the least depth of any front yard required along such side streets.
 6. Structures or Projections into Side Yards may be Permitted as Follows. Fences, plantings or walls not over five feet above the natural grade. Fire escapes, three feet from a side lot line. Bays or balconies not more than three feet from the building, provided the sum of the length of such projection shall not exceed one-third of the length of the side yard.
 - a. Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than one and one-half feet.
 - b. Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant six feet from a side lot line.

E. Rear Yard Exceptions and Modifications.

1. Rear Yards may be Reduced. By six inches from the required least depth for each foot by which a lot at the time of enactment of the regulations is less than 120 feet deep, in the case of a building not higher than two and one-half stories, and in the case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than 40 feet deep.
2. Structures or Projections into Rear Yards may be Permitted as Follows: Fences, plantings or walls not over five feet above the average natural grade. Fire escapes six feet. Bays and balconies not more than three feet from the building. The sum of the lengths of such projections shall not exceed one-half of the width of the rear wall.
 - a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than one and one-half feet.

21.15 ENFORCEMENT.

- A. It shall be the duty of the Building Inspector, with the aid of the County Sheriff, to enforce the regulations in accordance with the administrative provisions of a Building Code and the Regulations.

- B. Every application for a building permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the Regulations. One copy of such plans shall be signed and returned to the applicant when approved by the Building Inspector together with such permit as may be granted.
- C. Prior to building construction, lot pins based on actual survey by a registered Iowa land surveyor shall be set and if disturbed by construction or grading shall be reset in proper location.
- D. Before using any building or premises or part thereof hereafter created, erected, changed, converted or enlarged in use or structure, a Certificate of Occupancy shall be obtained from the Building Inspector. Such Certificate shall show that such building or premises, or part thereof, and the proposed use thereof conform with the provisions of the Regulations.
- E. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the Regulations shall, upon conviction, be fined not less than \$10 nor more than \$100 for each offense. Each day that a violation continues shall constitute a separate offense.
- F. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of the Regulations, the County Attorney, in addition to other remedies under the Code of Iowa is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

21.16 BOARD OF ADJUSTMENT.

- A. Creation, Membership and Procedure. A Board of Appeals consisting of five members shall be appointed by the Board of Supervisors in accordance with the provisions of Chapter 358A, Code of Iowa, 1979. The appointing authority may remove any member of the Board for cause and after public hearing.
 - 1. The Board shall elect one of its members as chairman and the Board shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of the Regulations or any other Regulations of the County. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel attendance of witnesses. A Secretary shall be appointed.

2. Meetings of the Board shall be open to the public; minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the office of the Board as a public record.
3. Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of an applicant any matter upon which it is required to pass under the Regulations, or to effect any variation in the requirements of the Regulations.
4. The Board may call on the County departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

B. Applications and Appeals.

1. An application to the Board, in cases in which it has original jurisdiction under the provisions of the Regulations, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Building Inspector, together with a fee of \$10.00, who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the Board. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
2. An appeal of the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Building Inspector. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the Board, by filing with the Building Inspector a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. A fee of \$10.00 shall also accompany the appeal. Should the appeal be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
3. The Board shall fix a reasonable time for the hearing of an application or an appeal. It shall give at least 15 days notice of the time and place of such hearing by insertion in a newspaper published in the county, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Building Inspector, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.

4. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board that by reason of 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 an order which may, on due cause shown, be granted by the Board on application, after notice to the Building Inspector, or by a court of record.
- C. Powers of the Board. The Board shall have jurisdiction in matters and shall have the specific and general powers provided in the Regulations.
1. Special Exceptions and Interpretation of Map. The Board shall have the power to hear and decide, in accordance with the provisions of the Regulations, requests, or applications for special exceptions or for interpretation of the Zoning Maps or for decisions upon other special questions upon which the Board is authorized to pass.
 - a. Special Exceptions. In addition to permitting the special exceptions heretofore specified in this report, the Board shall have authority to permit the following:
 - i. Non-Conforming Uses. The substitution for a non-conforming use, another non-conforming use, if no structural alterations except those required by law are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.
 - ii. Temporary Uses and Permits.
 1. The temporary use of a building or premises in any district for a purpose or use that does not conform to the standards prescribed by the Regulations, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12 month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.
 2. The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the requirements by the report, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such in the form specified under Subsection (1) above.
 - b. Interpretation of Map. Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the Zoning Maps, the Board, after notice to the owners of the property and after public hearings,

shall interpret the map in such a way as to carry out the intent and purposes of the Regulations for the particular section or district in question.

2. Administrative Review and Variances. The Board of Appeals also shall have the power:
 - a. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Building Inspector in the enforcement of the provisions of the regulations.
 - b. Variances. To authorize on appeal in specific cases such variance from the terms of the Regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Regulations will result in unnecessary hardship, and so that the spirit of the Regulations shall be observed and substantial justice done, as follows:
 - i. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the Regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of the Regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of the Regulations, the Board shall have the power to authorize, upon appeal, a variance from such strict application, so as to relieve such difficulties or hardships, and so that the spirit and purpose of the Regulations shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of the Regulations.
 - ii. No such variance in the provisions or requirements of the Regulations shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:
 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
 2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the Regulations or the public interest.
- iii. No grant or variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the Regulations, for such conditions or situations.
 - iv. The Board shall have no power to authorize a variance for the establishment of a non-conforming use where none previously existed.
 - v. In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:
 1. Shape and area of lot in question.
 2. Bulk and floor area of the main building or structure.
 3. Set-back of proposed sign from all property lines.
 4. Zoning and use of surrounding parcels.
 5. Usual or exceptional topography.
 6. Compatibility with general intent of the zoning Regulations to encourage development without detracting from the use and enjoyment of surrounding property.
- c. Action of the Board. In exercising its powers, the Board may, in conformity with the provisions of the Code of Iowa and of the Regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in the Board's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.
- D. Judicial Review. All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of Chapter 358 A, Code of Iowa 1979, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

21.17 DISTRICT CHANGES AND TEXT AMENDMENTS.

- A. In accordance with the provisions of Section 358A.7 Code of Iowa, the County Board may from time to time amend or change by resolution the number, shape or area of districts established on the Zoning Maps or the text set forth in the regulations; but no such amendment or change shall become effective unless the resolution proposing such amendment or change shall first be submitted to the Zoning Commission for approval, disapproval or suggestions, and said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report.
- B. Before submitting its recommendations and report to the Board, the Adams County Planning and Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than 15 nor more than 30 days' notice of the time and place of such hearing by publication in a newspaper published in the county and by mailing notice to all property owners directly involved, contiguous to or directly across a road or alley from the area proposed to be altered.
- C. Any persons desiring a change in zoning of property may make application, therefore, and in so doing shall accompany the petition for such change in zoning, or the resolution introduced for the purpose of changing such zoning, with a fee in the amount of \$25.00 toward the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
- D. During the 15 days prior to the public hearing the text or copy of the text of such resolution or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Secretary of the Planning and Zoning Commission. No resolution which differs from the recommendation made by the Planning and Zoning Commission shall be adopted unless passed by not less than three-fourths of all members of the County Board.
- E. In case of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20% or more of either the frontage proposed to be altered, or of the frontage immediately adjoining or across an alley therefrom, or directly opposite the frontage proposed to be altered and within 500 feet thereof is filed with the County Auditor, such amendment shall not be passed or become effective except by the favorable vote of 60% of all members of the Board.
- F. The failure to notify, as provided by this Article, shall not invalidate a resolution, provided such failure was not intentional, and the omission of the name of any owner or occupant or property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any resolution passed hereunder, it being the intention of this Article to provide so far as may be for notice to the persons substantially interested in the proposed change that resolution is pending before the Board, proposing to make a change in zoning.