

ZONING ORDINANCE

for the

UNINCORPORATED AREA OF IDA COUNTY, IOWA

Board of Supervisors

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FILE No. <u>442</u>	FILED FOR RECORD THE <u>15</u>	DAY OF <u>October</u>	STATE OF IOWA, IDA COUNTY
RECORDING FEE \$ <u>none</u>		19 <u>79</u> AT <u>8:50</u>	<u>Barbara Wright</u>

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ZONING ORDINANCE

of

IDA COUNTY, IOWA

AN ORDINANCE

To regulate and restrict the location and the use of buildings, structures, and land for trade, industry, residence and other purposes;

To regulate and restrict the height, number and size of buildings and other structures;

To establish minimum lot areas;

To regulate the density of population;

To require off-street parking;

To regulate the location, size and number of signs;

To divide the unincorporated area of the County into districts for such purposes;

To provide for the administration, enforcement and amendment of its provisions;

To create a Board of Adjustment; and

To prescribe penalties for the violation of its provisions.

WHEREAS, Chapter 358A, Code of Iowa 1977 empowers the Board of Supervisors to enact a zoning ordinance and to provide for its administration, enforcement and amendment, and

WHEREAS, the Board of Supervisors deems it necessary, for the purpose of promoting health, safety, morals and general welfare of the County, to enact such an ordinance, and

WHEREAS, the County has been divided into districts and regulations pertaining to such districts have been prepared in accordance with a comprehensive plan designed to prevent and to lessen congestion on the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare, to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sanitation and other public requirements; to conserve and protect the environment, agricultural lands, woodlands, streams, historic sites and other natural resources and physical features; and to encourage the most appropriate use of land throughout the County, and

WHEREAS, all requirements of Chapter 358A, Code of Iowa, 1977 have been met;

NOW THEREFORE, be it resolved by the Board of Supervisors of Ida County, Iowa:

SECTION 1. TITLE

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of Ida County, Iowa.

SECTION 2. INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this ordinance shall control.

SECTION 3. FARMS EXEMPT

In accordance with the provisions of Chapter 358A, Code of Iowa, 1977, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however that such regulations or restrictions 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. (See Sec. 7-II). In order for land to be designated as land used for agricultural purposes, such land must be at least ten (10) acres in area.

SECTION 4. DEFINITIONS

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Agriculture: The use of land for purposes of growing the usual farm products, including vegetables, fruit, trees and grains; pasturage; dairying; animal and poultry husbandry; and the necessary accessory uses for treating or storing the produce; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities.

Basement: A story having part but not more than one-half ($\frac{1}{2}$) of its height below grade. A basement is counted as a story for the purpose of height regulations.

Billboard: "Billboard" shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

Boarding House: A building other than a hotel or motel where for compensation, meals, or lodging and meals are provided for three (3) or more persons.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

Building, Height of: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this ordinance a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

Cellar: That portion of a building having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

Clinic, Medical or Dental: A building or buildings in which physicians, dentists or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.

Commission: The Planning and Zoning Commission of Ida County, Iowa.

Day Nursery or Nursery School: Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging over night, for six (6) or more unrelated children of preschool age, for compensation.

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

Dwelling, Single-Family: A detached residence designed for or occupied by one family only.

Dwelling, Two-Family: A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Dwelling, Multiple: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

Dwelling, Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.

Dwelling, Row: 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 Unit: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons.

Feed Lot: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs or sheep. A commercial feed lot is defined in accordance with standards set by Iowa Department of Environmental Quality.

Garage, Private: An enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises.

Gas Station: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

Home Occupation: An occupation or a profession which

- a. is customarily carried on in a dwelling unit, and
- b. is carried on by a member of the family residing in the dwelling unit, and

- c. is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
- d. does not employ more than one (1) person outside the immediate family on the premises, and
- e. has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign not exceeding ten (10) square feet in area, and
- f. does not occupy more than 25% of the area of one floor of the dwelling unit, and
- g. produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.

Home Occupation, Farm: An occupation customarily engaged in on a farm, as a supplementary source of income, which

- a. is clearly incidental and secondary to the operation of the farm, and
- b. is carried on by a member of the family residing in the farm dwelling, and
- c. does not employ more than one (1) person outside the resident family on the premises, and
- d. is conducted within or adjacent to the farm dwelling or the customary farm out-buildings, and
- e. has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than not more than one (1) sign identifying the product or service available, which sign shall not exceed twelve (12) square feet in area, and
- f. produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farm dwelling.

Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

Junk Yard: Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned, or handled, including the dismantling or "wrecking" of automobiles or other machinery, used lumber yards and places or yards for storage of salvage, house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building or where processing used, discarded or salvaged materials is part bonafide manufacturing operations.

Kennel, Dog: Any premises on which four or more dogs, six months old or older, are kept.

Lot: For the purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public road or street and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines abounding a lot.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder of Ida County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width: The width of a lot measured at the building line and at right angles to its depth.

Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear.

Mobile Home: A vehicle or vehicles used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy for human habitation, dwellings, or sleeping places for one or more persons. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include mobile homes converted to real estate as defined herein. See travel trailer.

Mobile Home Converted to Real Estate: An unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, and the mobile home title, registration and license plates collected from the owner and the property entered on the tax rolls of the County.

Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.

Parking Space: A permanently surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.

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

Recreation Vehicle: See Travel Trailer

Rooming House: A building where a room or rooms are provided for compensation to three (3) or more persons.

Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign may be a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.

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

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

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.

Street Line: A right-of-way line of a street, road or highway.

Street, Public: Any thoroughfare or public way which has been dedicated to the public or deeded to the County for street or road purposes.

Structural Alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, poster panels, wells, water supply storage systems, septic tanks, and disposal systems, including sewage, sanitary, and other, and all parts thereof.

Travel Trailer or Camping Trailer: A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than 90 days in any 12 month period, or it shall be classed as a mobile home. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.

Trailer Park: See "Mobile Home Park"

Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

Zoning Administrator: The administrative officer appointed by the Board of Supervisors to administer and enforce the regulations included in this ordinance.

SECTION 5. ESTABLISHMENTS OF DISTRICTS

In order to carry out the purpose and intent of this ordinance the unincorporated area of Ida County, Iowa, is hereby divided into seven zoning districts as follows:

AG	Agricultural District
CS	Conservation District
RS	Suburban Residential District
RM	Mobile Home Park District
CH	Highway Service-Commercial District
ML	Light Industrial District
MH	Heavy Industrial District

SECTION 6. BOUNDARIES AND OFFICIAL MAP

The boundaries of these districts are indicated upon the Official Zoning Maps of Ida County, Iowa, which maps are made a part of this ordinance by reference hereto. The Official Zoning Maps and all the notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said maps were all fully described herein. The Official Zoning Maps shall be on file in the office of the Ida County, Iowa Zoning Administrator and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that these are the Official Zoning Maps referred to in Section 6 of the Zoning Ordinance.

If, in accordance with the provisions of this ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Maps, the resolution number, date and said change shall be recorded by the County Auditor on the Official Zoning Maps.

The Board of Supervisors may from time to time adopt new Official Zoning Maps which shall supersede the prior Official Zoning Maps in the event that the Official Zoning Maps become damaged or destroyed; or for the purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

Boundaries indicated as approximately following the center line of streets, roads, highways, alleys, or other public rights-of-way shall be construed to follow such center lines;

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;

Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines;

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

SECTION 7. GENERAL REGULATIONS

A. Conformance Required. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

B. Street Frontage Required. Except as permitted in SECTION 20 of this ordinance, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts for at least twenty (20) feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to the street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings.

C. Accessory Buildings. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five (5) feet from alley lines; and at least two (2) feet from lot lines of adjoining lots which are in any Residence District; and not to exceed twelve (12) feet in height, and on a corner lot they shall conform to the setback regulations on the side street.

D. Corner Lots. For corner lots, platted or of record after the effective date of this ordinance, the front yard regulation shall apply to each street side of the corner lot.

On corner lots platted or of record as of the effective date of this ordinance, the side yard regulation shall apply to the longer street side of the corner lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear, provided further that this regulation shall not be interpreted to reduce the buildable width of the corner lot facing an intersecting street and of record as of the effective date of this ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

E. Front Yard. In all residential districts there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed seventy-five (75) feet in any case.

F. Required Yard Cannot Be Reduced. No yard of lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance.

G. Zoning Districts Dividing Property. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification, and for the purpose of applying the regulations of this ordinance, each portion shall be considered as if in separate and different ownership.

H. Property Subject to Flooding, Erosion or Poor Drainage. No land shall be occupied or used in any zoning district which is subject to periodic flooding, undue erosion, or which contains poor drainage facilities. If, in the opinion of the Zoning Administrator, any of such problems may exist, he may require the owner or builder to consult with and conform to recommendations of the Ida County Soil Conservation District. However, if the owner or builder agrees to make improvements which will correct these deficiencies, applications for Certificate of Compliance to use the land may be approved. Property subject to flooding must also consult with the Iowa Natural Resource Council.

I. Water and Sanitary Systems. Prior to the issuance of a permit for any use, the applicant shall submit plans for water supply and sewage disposal systems and shall provide evidence to the administrative officer that such facilities, including sewage lagoons, where needed, are adequate for the proposed use. Water supply and sewage disposal facilities shall be approved by the County Health Department.

SECTION 8. NONCONFORMING BUILDINGS AND USES

The lawful use of any building or land existing at the time of the enactment of these regulations may be continued although such use does not conform with these regulations.

A. Abandonment. Whenever a nonconforming use has been discontinued for a period of two (2) years, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of these regulations.

B. Structural Alterations. No structural alterations shall be made to any such nonconforming structure or building which will increase its degree of nonconformity except as may be ordered or required by law or ordinance or regulations based on law or ordinance. This shall not be construed to prohibit maintenance and repair work necessary to keep a structure in sound condition.

C. Repair or Reconstruction. Should a nonconforming structure be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, lot and foundation excluded from the appraised value, it shall not be repaired or reconstructed except in conformance with the applicable primary use zoning district regulations and standards.

D. Substitution. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

E. Discontinuance of Certain Uses. There are found to be certain uses of land, building and structures which have an adverse effect on the carrying out of the comprehensive plan and which can reasonably be discontinued after a reasonable period of time irrespective of aforesaid rules as to non-conforming uses. The following uses shall be removed or made conforming within the specified discontinuance period. Said discontinuance period shall commence upon the effective date of these regulations.

1. Fences, walls and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within two (2) calendar years.

2. Billboards and signs. Should any advertising sign or billboard be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost or is removed, the sign or billboard shall not be reconstructed or installed except in conformity with these regulations.

3. All provisions in business and industrial zones of this code setting forth specifications for the operation of a business or industry involving fencing or shielding shall be complied with within one (1) calendar year.

4. Nonconforming open space storage operations, such as truck parking, automobile wrecking, salvage material storage and similar uses not involving structures or buildings shall be made conforming within two (2) calendar years.

F. Required Repairs. Nothing in this ordinance shall be deemed to prevent the 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 9: AG AGRICULTURAL DISTRICT

Statement of Intent. The AG District is intended and designed to preserve agricultural resources and protect agricultural land from encroachment of urban land uses.

A. Permitted Principal Uses. Only the use of structures or land listed in this section shall be permitted in the AG District.

1. Agriculture and the usual agricultural buildings and structures including livestock feedlots, poultry farms, grain storage and grain drying facilities; provided that all feedlots and poultry farms meet all of the waste treatment requirements of the Iowa Department of Environmental Quality and obtain the necessary permits, where applicable. All feedlot operators must consult with the Iowa Department of Environmental Quality and follow all size and location regulations; and further provided that no feedlot or any commercial poultry farm which requires a permit shall be closer than 1/4 mile (1,320 feet) to any RS or RM District or to the corporate limits of any city or town.
2. Single-family dwellings, but not including a mobile home, except as converted to real estate as defined herein.
3. Churches, chapels or cemeteries.
4. Publicly owned parks, playgrounds; golf courses, recreational areas, or any school.
5. Nurseries, greenhouses, truck gardens and kennels for the raising and breeding of dogs or other small animals.

B. Permitted Accessory Uses.

1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, including private garages or carports, unless otherwise excluded.
2. One mobile home as living quarters for the owner or his spouse, or a full-time employee of the owner or his spouse, or the mother, father, or children of the owner or his spouse as long as so used.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. One board or sign not to exceed sixteen (16) square feet in area referring to the construction, lease, hire, or sale of a building, premises, or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.
5. Church or public bulletin boards not to exceed sixteen (16) square feet in area.
6. Roadside stands for the sale of products grown on the premises.
7. Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.

8. The home office of a physician, dentist, artist, attorney, architect, engineer, teacher or other member of a recognized profession in his bonafied place of residence, or any home occupation, farm or otherwise, as defined in Section 4.

C. Conditional Use Permits. The following uses may be permitted in the AG District subject to approval by the Board of Adjustment after notice and public hearing. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

1. That 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;
2. That such use shall not impair an adequate supply of light and air to surrounding property;
3. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
4. That such use shall not diminish or impair established property values in adjoining or surrounding property; and
5. That such use shall be in accord with the intent, purpose and spirit of this ordinance and the comprehensive plan.

The uses subject to the above provisions are as follows:

- a. Mink and chinchilla farms and ranches.
- b. Private non-commercial recreational areas and centers, including country clubs, swimming pools, golf courses and riding stables, but not including automotive race tracks, miniature golf courses, drive-in theaters and similar commercial uses.
- c. Public and private airports and landing fields.
- d. Mining and extraction of minerals and raw materials, including sand and gravel pits; subject to approval of the Iowa Natural Resources Council and U.S. Army Corps of Engineers where applicable, of any such operation located in or on the flood plain of any river or stream.
- e. Public or private sanitary landfills and solid waste disposal facilities.
- f. Private gun clubs, skeet-shooting ranges and similar uses.
- g. Private camp grounds.
- h. Any public building erected and used by any department of the Township, County, State or Federal Government, not previously allowed as a principal permitted use.
- i. Public water supply, and public sewage treatment facilities, provided, however, that no part of said facility be less than one thousand (1,000') feet from any house or farm yard, and that approval of the Iowa State Department of Health for said facility is secured.
- j. Electrical and natural gas transmission and regulating facilities and bulk oil pipelines.

Applications for a conditional use permit 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 structures, the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, 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.

In the event a conditional use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

D. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in SECTION 18:

1. Lot Area: Dwellings: 2 acres, no minimum required for other permitted uses.
2. Lot Width: 200 feet.
3. Front Yard: 100 feet.
4. Side Yards: Dwellings: 1 and 1½ stories, total side yard--30 feet, minimum on one side--10 feet. 2 and 3 stories; total side yard--35 feet, minimum on one side--15 feet. Other permitted uses--50 feet on each side.
5. Rear Yard: 100 feet.
6. Maximum Height: No limitation.
7. Maximum Number of Stories: No limitation.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of SECTIONS 16 and 17:

SECTION 10. CS CONSERVATION DISTRICT

Statement of Intent. The CS District is intended to preserve and protect wooded areas, streams, flood plains and other environmentally sensitive areas from adverse future development.

A. Permitted Principal Uses. Only the use of structures or land listed in this section shall be permitted in the CS District.

1. Agriculture, truck gardening and nurseries, and the usual accessory buildings; but not including commercial livestock feed lots or poultry farms; provided that no permanent dwelling unit shall be erected thereon unless the tract contains ten (10) or more acres.
2. Forests and forestry.
3. Publicly owned parks, playgrounds, golf courses and recreational uses.
4. Mining and extraction of minerals and raw materials; subject to approval of the Board of Adjustment including plans for final site treatment; provided that in areas subject to flooding prior approval is obtained from the Iowa Natural Resources Council.
5. Any use erected or maintained by a public agency.

B. Permitted Accessory Uses.

1. Accessory uses customarily incidental to a permitted principal use.
2. Bulletin boards and signs appertaining to the use of the premises or to the lease, hire or sale of a building or premises, or signs appertaining to any material that is mined, grown, or treated within 10 square feet in area.

C. Bulk Regulations. The following minimum requirements shall be observed in the CS District.

1. Front Yard: 100 feet.
2. Side Yards Two side yards, not less than 50 feet each.
3. Rear Yard: 100 feet.
4. Maximum Height: No limitation.
5. Maximum Number of Stories No limitation.

D. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in sufficient number to accommodate the permitted uses and shall not encroach on any public right-of-way.

SECTION 11 RS SUBURBAN RESIDENTIAL DISTRICT

Statement of Intent. The RS District is intended and designed to provide for certain low-density residential areas of the County now developed with single-family dwellings and areas where similar residential development is determined to be appropriate and likely to occur.

A. Permitted Principal Uses. Only the use of structures or land listed in this section shall be permitted in the RS District.

1. Single-family dwellings, but not including a mobile home, except as converted to real estate as defined herein.
2. Churches, chapels, temples and schools; provided that all principal buildings be set back a minimum of thirty-five (35) feet from all property lines.
3. Publicly owned parks, playgrounds, golf courses and recreation areas.
4. Cemeteries.
5. Agricultural uses, including nurseries and truck gardens; but not including the feeding or raising of livestock or poultry; provided that no offensive odors or dust are created, and provided further that no retail sales shall be permitted on the premises.

B. Permitted Accessory Uses.

1. Day nurseries and nursery schools.
2. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall be terminated upon completion or abandonment of the project.
3. Accessory uses permitted in the AG District, subject to all restrictions with the AG District, with the exception of mobile homes.

C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in SECTION 18.

1. Lot Area: One-family dwelling--10,000 feet.
Two-family dwelling--12,000 feet.
2. Lot Width: One-family dwelling--80 feet.
Two-family dwelling--90 feet.
3. Front Yard: 35 feet.
4. Side Yards: 1 and 1½ stories; total side yard-20 feet,
minimum on one side-8 feet.
2 and 3 stories; total side yard-25 feet,
minimum on one side-10 feet.
Churches and schools--35 feet on each side.
5. Rear Yard: 35 feet.
6. Maximum Height: Principal building--35 feet.
Accessory building--12 feet.
7. Maximum Number of Stories: Principal building--3 stories.
Accessory building--1 story.

SECTION 12. RM MOBILE HOME PARK DISTRICT

Statement of Intent. The RM District is intended and designed to provide for certain high density residential areas of the County for the development of mobile home parks, which by reason of their design and location, will be compatible with nearby residential and agricultural areas.

A. Permitted Principal Uses. Only the use of structures or land listed in this section shall be permitted in the RMH District.

1. Uses permitted in the RS District.
2. Mobile home parks, in accordance with the provisions of this section, regulations of the Ida County Board of Health and applicable State statutes.

B. Permitted Accessory Uses.

1. Accessory uses permitted in and as limited in the RS District.
2. Service buildings as required by State statute.
3. One indirectly lighted sign may be erected facing each public street or road on which the mobile home park fronts, showing the name of the mobile home park and other information pertinent thereto; provided that such sign shall not have an area of more than twenty (20) square feet.

C. Bulk Regulations: The following minimum requirements shall be observed subject to the modifications contained in SECTION 18.

1. For any permitted use excepting a mobile home park, the minimum requirements shall be the same as those set out for the RS District.
2. For any mobile home park the requirements shall be as follows:
 - a. The minimum total area shall be five (5) acres;
 - b. Each yard abutting on a public street or road shall be considered a front yard and shall be a minimum of fifty (50) feet;
 - c. All other yards, whether side or rear, shall be a minimum of fifty (50) feet when adjacent to any residential district and thirty-five (35) feet when adjacent to any other district.

d. The minimum lot space for each mobile home shall be 4,000 square feet and shall measure at least forty (40) by one hundred (100) feet.

e. Mobile homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile home or structure, except where mobile homes are parked end to end, the clearance shall be at least fifteen (15) feet.

D. Access Required. Each mobile home space shall abut on a hard-surface roadway of at least 24 feet in width which shall be adequately lighted and drained and which shall have unobstructed access to a public street or highway.

E: Off-street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of SECTIONS 16 and 17.

F. Plan Required. Each petition for a change to the RM zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. Facilities for water supply and sewage treatment shall meet the requirements of the Iowa State Health Department and the Iowa Department of Environmental Quality.

SECTION 13. CH HIGHWAY SERVICE COMMERCIAL DISTRICT

Statement of Intent. The Highway Commercial District is intended to provide areas for commercial development which primarily serve the traveling public. This district is also intended to accommodate certain other commercial uses which ordinarily require access to a major street or highway.

A. Permitted Principal Uses. Only the use of structures or land listed in this section shall be permitted in the CHS District.

1. Automotive, truck, farm implement or mobile home sales, service or repair.
2. Motorcycle, boat and recreation vehicle sales, service or repair.
3. Animal hospitals or kennels.
4. Drive-in banks.
5. Hotels and motels.
6. Plant nurseries and garden centers.
7. Antique shops.
8. Restaurants, night clubs and taverns.
9. Drive-in restaurants and refreshment stands.
10. Recreational and amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls.
11. Drive-in theaters.
12. Building material sales and distribution.
13. Grocery stores.

14. Recreational vehicle parks, subject to the following:

a. Minimum requirements for recreational vehicle parks:

- Front yard: Same as district
- Side yard: Thirty-five (35) feet and shall be screened from adjacent property access by planting screen not less than ten (10) feet in width, or by an unclimbable fence wall.
- Minimum area: Two (2) acres
- Drives: Twenty-five (25) feet in width with an asphaltic or portland cement binder pavement or similar surface, as approved by the County Engineer.
- Service Building: A common service building providing an office, laundry facilities, and accessory supplies may be included in the "parks" provided such building shall be located within the central "park" area and shall be restricted to the use of the park occupants.

b. Space requirements for each recreational vehicle.

- Minimum: Twenty (20) feet by fifty-five (55) feet.
- Off-driveway Parking: One (1) parking space for and within the area of each space.
- Minimum Front Yard: Ten (10) feet.
- Minimum Rear Yard: Five (5) feet.
- Minimum Side Yard: Five (5) feet.
- Vehicle Separation: The minimum distance between any two (2) recreational vehicles shall be not less than ten (10) feet.

c. Site plan requirements.

A site plan of the park prepared at a scale of not less than 1"=100' shall be submitted with an application for Zoning Compliance for review and consideration by the Zoning Administrator. All drainage and public utility facilities shall be shown; and proposed methods of storm water removal, waste removal and water distribution shall be stated on the plan.

All points of ingress and egress must be clearly shown.

All provisions of the Ida County Zoning Ordinances not in conflict will apply.

15. Car wash
16. Gift shops
17. Offices, business and professional
18. Combinations of the above uses.

B. Permitted Accessory Uses.

1. Accessory uses customarily incidental to a principal permitted use.
2. Any exterior or roof sign; provided no such sign shall project more than eight (8) feet above the roof line.
3. One free-standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, road or highway, provided however:
 - a. That such sign shall not have a surface area in excess of two hundred (200) square feet on any one side and not more than two sides of said sign shall be used for advertising purposes;
 - b. The bottom of the surface area of such sign shall not be less than twelve (12) feet above the ground surface upon which it is erected.

C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in SECTION 18.

- | | |
|-------------------------------|------------------------|
| 1. Lot Area: | No minimum requirement |
| 2. Lot Width: | No minimum requirement |
| 3. Front Yard: | 50 feet |
| 4. Side Yards: | 25 feet |
| 5. Rear Yard: | 40 feet |
| 6. Maximum Height: | 45 feet |
| 7. Maximum Number of Stories: | 3 stories |

D. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of SECTIONS 16 and 17.

SECTION 14. ML LIGHT INDUSTRIAL DISTRICT

Statement of Intent. The ML District is intended and designed to provide areas of the County suitable for activities and uses of a light industrial nature. It is not intended that any new residential development be permitted in the ML District.

A. Permitted Principal Uses. Only the use of structures or land listed in this section shall be permitted in the ML District.

1. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
2. Blacksmith, welding or other metal working shops.
3. Carting, express, hauling or storage yards.
4. Concrete mixing, concrete products manufacture.
5. Contractors equipment storage yard, rental of equipment to contractors, storage yard for delivery vehicles.
6. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing and cold storage plant.
7. Enameling, lacquering or japanning.
8. Laboratories--experimental, film or testing.
9. Machine shop.

10. Manufacturing and processing uses that are contained within a building and have no exterior storage, create no offensive noise, dust, odor or vibration or electrical interference.
11. Storage and sale of livestock feed and grain.
12. Storage and sale of liquid or solid fertilizers.
13. Truck terminals or yards.
14. Wholesale storage and warehouse establishments.
15. Automobile paint and body shops
16. Plumbing, heating, air conditioning and sheet metal shops.
17. Railroads and public utilities including storage and maintenance yards.

B. Permitted Accessory Uses.

1. Signs permitted in and as limited by the CHS District.
2. Accessory uses customarily incidental to a permitted principal use.

C. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with the regulations of the Iowa Department of Environmental Quality, Iowa Department of Health and other applicable state regulations.

D. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in SECTION-18.

- | | |
|-------------------------------|---|
| 1. Front Yard: | 50 feet. |
| 2. Side Yards: | None required, except when adjacent to any "RS" District, or street right-of-way line; in which case twenty-five (25) feet. |
| 3. Rear Yard: | 20 feet, except that where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply. |
| 4. Maximum Height: | 75 feet; provided however, that no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport. |
| 5. Maximum Number of Stories: | No limitation |

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of SECTIONS 16 and 17.

SECTION 15. MH HEAVY INDUSTRIAL DISTRICT

Statement of Intent. The MH District is intended and designed to provide areas of the County for activities and uses of a heavy industrial character. Since this is the least restrictive of any district, almost any use is permissible which does not conflict with other ordinances or regulations of Ida County or the State of Iowa. In addition, no residential uses are permitted except farm dwellings in areas used for agriculture.

A. Permitted Principal Uses. A building or premises may be used FOR ANY PURPOSE whatsoever provided the regulations listed in subparagraphs 1, 2 and 3 below are met:

1. No zoning certificate shall be issued for any use in conflict with any ordinance of Ida County or law of the State of Iowa regulating nuisances.
2. No zoning certificate shall be issued for any dwelling, school, hospital, clinic or other institution for human care, except where incidental to a permitted principal use.
3. The following uses and uses of a like or similar nature shall be considered permitted principal uses only in the MH District:
 - a. Abattoirs, slaughter houses, meat packing plants and stock yards.
 - b. Acid manufacture or wholesale storage of acids.
 - c. Anhydrous ammonia storage.
 - d. Automobile, tractor or machinery wrecking and used parts yards; provided that any wrecking operation is carried on within a building completely enclosed with walls and roof or within a yard completely enclosed with a wall or fence, reasonably maintained, at least six (6) feet high completely obscuring the activity. /Said wall or fence need be no higher than fifteen (15) feet, in any event. There shall be only one opening in the wall or fence facing any public street for each two hundred (200) feet of length.
 - e. Cement, lime, gypsum or plaster of paris manufacture.
 - f. Distillation of bones.
 - g. Explosive manufacture or storage.
 - h. Fat rendering.
 - i. Fertilizer manufacture.
 - j. Garbage, offal or dead animal reduction or dumping.
 - k. Gas manufacture and cylinder recharging.
 - l. Glue, size or gelatin manufacture.
 - m. Junk, iron or rags, storage or baling, and wastepaper yards, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence not less than six (6) feet in height, completely obscuring the activity.
 - n. Petroleum or its products, refining or wholesale storage of, and asphalt plants.
 - o. Rubber goods manufacture.
 - p. Smelting of tin, copper, zinc or iron ores.
 - q. Transmitting stations.
 - r. Wholesale storage of gasoline or other flammable liquids.

B. Required Conditions.

1. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed.
2. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes, shall be designed, constructed and operated in accordance with the regulations of the Iowa Department of environmental Quality.
3. All principal or accessory structures housing a use permitted only in the MH District shall be located at least two hundred (200) feet from any "AG", "CS" or "RS" District boundary.

C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in SECTION 18.

1. Bulk regulations same as SECTION 14 (E)--ML District.

SECTION 15a SAH, SPECIAL AIRPORT HAZARD ZONE (OVERLAY)

The SAH, Special Airport Hazard Zone is designed to be appended to other zones in this Ordinance to prohibit incompatible development in the airplane approach path of an airport.

A. Permitted Uses. Any permitted use in the parent district is allowed.

B. Restrictions and Standards. Uses which are permitted in the parent district shall be prohibited if they provide for or facilitate:

1. The release into the air of a substance which would impair visibility, such as steam, dust, and smoke, except from existing heating plants, incinerators and fireplaces.
2. Light emissions which interfere with or impair pilot vision.
3. Electrical emissions that interfere with aircraft communications systems or navigational equipment.
4. Structures of a height which may impair or endanger aircraft in approach or departure patterns.
5. Dumping of garbage, maintenance of feeding stations or facilities attractive to birds which are a hazard to aircraft operation. A garbage dump, sanitary landfill, or landfill which receives putrescible wastes, will be considered a potential hazard to aircraft and is prohibited within the following distances.
 - a. Ten thousand (10,000) feet of any runway used or planned to be used by turbojet aircraft.
 - b. Five thousand (5,000) feet of any runway used only by a piston type aircraft.

Restrictions and standards in this section apply in addition to and in the case of conflict, and supercede those of the parent district.

SECTION 16. OFF-STREET LOADING SPACES REQUIRED

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

1. Each loading space shall not be less than twelve (12) feet in width and forty (40) feet in length.
2. Such space may occupy all or any part of any required yard or open space, except where adjoining an "RS" (residential) District, it shall be set back five (5) feet and effectively screen planted.

SECTION 17. OFF-STREET PARKING AREA REQUIRED

A. In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or residential use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.

Automotive, farm implement, truck or mobile home sales, service and repair--one (1) space for every three hundred (300) square feet of sales, service or office floor area.

Banks, except drive-in clinics, business and professional offices--fifty (50) percent of gross floor area, but in no case less than ten (10) spaces.

Churches--one (1) space for every five (5) seats in the main auditorium.

Drive-in Banks--three (3) spaces plus storage for three (3) vehicles outside teller lane.

Drive-in restaurants--five (5) spaces per one hundred (100) square feet of floor area.

Drive-in theaters--storage lanes outside ticket booth to accommodate ten percent (10%) of theater capacity.

Dwellings--two (2) spaces per unit.

Funeral homes, mortuaries--one (1) space for each fifty (50) square feet of floor space in parlors.

Hospitals--one (1) space for each five (5) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.

Hotels and motels--one (1) space per unit.

Manufacturing and processing--one (1) space for every two (2) employees on the maximum shift plus one (1) space for each company vehicle.

Nursing, convalescent and retirement homes--one (1) space per eight (8) beds, plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.

Plant nurseries and garden centers--one (1) space per one hundred (100) square feet of floor area.

Railroads, utilities and public maintenance garages and equipment and materials storage yards--one (1) space for each employee plus one (1) space for each company vehicle.

Recreational and amusement activities--bowling--five (5) spaces per lane; golf--three (3) spaces per green; other--one (1) space per one hundred (100) square feet of floor area.

Restaurants, night clubs and taverns--two hundred (200) percent of gross floor area.

Retail stores, super markets, etc.--over two thousand (2000) square feet floor area--two hundred fifty (250) percent of gross floor area; under two thousand (2000) square feet floor area--one hundred (100) percent of gross floor area.

Schools--one (1) space for each staff member or one (1) space for each five (5) seats in auditorium, whichever is greater.

Truck and freight terminals--one (1) space for each employee plus one (1) space for each company vehicle.

Wholesale businesses or warehouses--one (1) space for each employee plus one (1) for each company vehicle.

B. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.

C. Where a parking lot does not abut on a public or private street, road, alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any agricultural or residence district, except where serving a permitted use in an agricultural or residence district.

D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. No part of any parking space shall be closer than five (5) feet to any established street right-of-way line. In case the parking lot adjoins an "RS" District, it shall be set back at least five (5) feet from the "RS" District boundary and shall be effectively screen-planted.

2. All required off-street parking areas shall be surfaced with an all-weather surface in AG and CS Districts only, and asphaltic or portland cement binder pavement or other similar surface in all other districts, as approved by the County Engineer, so as to provide a durable and dustless surface. They shall be graded and drained to dispose of all surface water accumulation within the area, and shall be arranged to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

3. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any "RS" Residential District.

E. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of this section; except that no required off-street parking or loading areas shall be located in any required front yard in a residence district.

SECTION 18. EXCEPTIONS AND MODIFICATIONS.

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations:

A. Structures Permitted Above the Height Limit. The building height limitations of this ordinance shall be modified as follows:

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

B. Area Requirements.

1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and frontage requirements shall be as follows, or the minimum required for the particular district, whichever is the greater:

a. Lot area--twenty thousand (20,000) square feet; lot width at building line--one hundred (100) feet; provided, however, that where a public water supply system is available these requirements shall be fifteen thousand (15,000) square feet and eighty (80) feet respectively.

b. The above requirements shall not apply in subdivision developments, providing private water supply and sewage collection and disposal systems, which have been approved by the Iowa State Department of Health and the Iowa Department of Environmental Quality.

C. Double Frontage Lots. Buildings on through lots extending through from street to street shall provide the required front yard on both streets.

D. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of sills, belt courses, roof overhang, cornices and ornamental features projecting not to exceed twenty-four (24) inches, and in case of wells, water supply storage systems, septic tanks, and disposal systems, including sewage, sanitary, and other, all parts of which shall not be less than thirty (30) feet from the right-of-way.

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

SECTION 19. BOARD OF ADJUSTMENT: PROCEDURE.

A. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members appointed by the Board of Supervisors. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute.

B. Meetings. The meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member 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 and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

C. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of Ida County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days of the decision by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with him, that by 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 be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

The Board shall fix a reasonable time for the hearing on the appeal, given public notice thereof as well as due notice to the parties of 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 of thirty dollars (\$30) to the County Treasurer to cover the costs of the hearing and the preparation and mailing of notices.

SECTION 20. BOARD OF ADJUSTMENT: POWERS AND DUTIES.

The Board shall have the following powers and duties:

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

B. To grant a variation from the terms of this ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would

result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the general purpose and intent of this ordinance.

In granting any variance, the Board 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 SECTION 28 of this ordinance.

Under no circumstances shall the Board 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.

C. To permit the following exceptions to the district regulations set forth in this ordinance, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase 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 determines is reasonably necessary for the public convenience or welfare.

2. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this ordinance, but in no case shall such extension of the district boundary line exceed fifty (50) feet in any direction.

D. To issue conditional use and other special permits and decide such matters as may be required by other Sections of this ordinance.

SECTION 21. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination 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 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 shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote

of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board and shall be open to public inspection.

Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

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

SECTION 22. CERTIFICATE OF ZONING COMPLIANCE.

No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this ordinance; provided, however, that no permit shall be required for agricultural uses.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of this ordinance.

Nothing in this part shall prevent the continuance of a non-conforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

Applications for Certificates of Zoning Compliance shall be filed with the Zoning Administrator and upon approval shall be issued within seven (7) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Application fees shall be as provided in SECTION 24.

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a Certificate of Zoning Compliance, and no building or premises shall be occupied until that certificate is issued.

A Certificate of Zoning Compliance shall be required of all non-conforming uses. Application for a certificate for non-conforming uses shall be filed with the Zoning Administrator within twelve (12) months from the effective date of this ordinance, accompanied by affidavits of proof that such non-conforming use was legally established prior to the effective date of this ordinance.

SECTION 23. PLANS

Each application for a Certificate of Zoning Compliance shall be prepared on official forms supplied by the Zoning Administrator showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be required by the Zoning Administrator to provide for the enforcement of this ordinance. A record of applications and plans shall be kept in the office of the Zoning Administrator.

SECTION 24. FEE SCHEDULE

Fees shall be as follows and shall be paid to the Treasurer of Ida County at the time of application.

Application for:

Certificate of Zoning Compliance

Dwellings	\$10.00 per structure
Mobile Home Parks	5.00 per space
Recreation Vehicle Parks	5.00 per space
Accessory Structures	5.00

All Other Structures:

Valuation	Schedule
\$1,000-\$5,000	\$5.00
\$5,000-\$25,000	\$5.00 first \$5,000 + \$1.00 for each additional \$1,000
\$25,000-\$50,000	\$35.00 first \$25,000 + \$1.00 each additional \$1,000
\$50,000+	\$60.00 first \$50,000 + .50 for each additional \$1,000

Conditional Use Permits	\$15.00
Appeal to Board of Adjustment	30.00
Amendment to Zoning Ordinance	30.00

SECTION 25. AMENDMENTS.

The Board of Supervisors may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the County Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

A. Procedures. Whenever any person, firm or corporation desires that any amendment or change be made in this ordinance, including the text and/or map, as to any property in the County, and there shall be presented to the Board of Supervisors a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) percent of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty (50) percent of the area of all real estate lying outside of said tract but within five hundred (500) feet of the boundaries thereof, it shall be the duty of the Board of Supervisors to vote upon such petition within a reasonable time after the filing of the petition.

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

In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty (60) percent of all members of the Board of Supervisors. Whenever any petition for amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of the filing of the first petition.

B. Filing Fees. Before any action shall be taken as provided in this section, the owner or owners of the property proposed or recommended to be changed in the district regulations or district boundaries shall pay to the County Treasurer the sum of thirty dollars (\$30) to cover the costs of the procedure. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

SECTION 26. ZONING ADMINISTRATOR.

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

- A. He/she shall issue all permits and certificates required by this ordinance.
- B. If he/she shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she 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.

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

SECTION 27. VIOLATION AND PENALTIES.

The violation of any of the provisions of this ordinance shall constitute a misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon conviction shall be subject to a fine of not more than one hundred dollars (\$100) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

SECTION 28. SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 29. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 30. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved by the Board of Supervisors of Ida County, Iowa this 8 day of August, 1979.

ATTEST:

Morris Lesincath, Deputy
Ida County Auditor

Clifford Friedrichsen
Chairman, Ida County Board of
Supervisors

SUBDIVISION REGULATIONS
for the
UNINCORPORATED AREA OF IBA COUNTY, IOWA

Board of Supervisors

Clifford Friedrichsen, Chairman

Wayne T. Swanger

Raymond H. Ernst

Planning and Zoning Commission

Cornelius Conover, Chairman

Robert Bowen

Robert Mitchell

Ray Bumann, Jr.

Edward Schmidt

Warren Carlson

Lester Vohs

Board of Adjustment

Leon Peterson

Dennis Roeder

Donald Irwin

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Bruce Goodenow

Prepared by

Siouxland Interstate Metropolitan Planning Council

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SECTION 1. PURPOSE

The purpose of this ordinance is to provide rules and regulations for the subdivision of land within the unincorporated areas of Ida County, Iowa; to prescribe minimum standards for the design and development thereof; to establish procedures for the approval of preliminary and final plats and requiring as a condition of approval, certain improvements; all for the purpose of promoting the safety, health and general welfare of the public and to facilitate the adequate provisions of transportation, water, sewerage and other public requirements.

SECTION 2. TITLE

This ordinance shall be known and may be referred to as the Ida County "Subdivision Ordinance".

SECTION 3. JURISDICTION

All plats, replats, or subdivision of land into three or more parts in the unincorporated areas of Ida County for other than agricultural purposes, including the laying out of suburban lots or additions within two (2) miles of any city having a planning commission or if a new road is created, any division of a parcel of land, shall be submitted to the Board of Supervisors and the County Zoning Commission in accordance with the procedures established by this ordinance, and shall be subject to the requirements established herein, and in Chapter 306 of the Code of Iowa.

All plats, replats, or subdivisions of land as defined above, that are within two (2) miles of any incorporated community having a planning commission shall be submitted to the council and planning commission of such communities, and shall be subject to the procedures and requirements of such community and Chapter 409 of the Code of Iowa as well as the requirements established herein.

SECTION 4. PRELIMINARY PLATTING PROCEDURE

1. The subdivider of any tract of land to be subdivided shall cause a preliminary plat to be prepared containing the information specified herein and shall file six (6) copies and a reproducible sepia or tracing of the plat with the Administrative Officer.
2. The Administrative Officer shall immediately transmit three (3) copies of the preliminary plat to the Zoning Commission and one (1) copy each to the County Engineer and County Health Officer for study and recommendation.
3. The Zoning Commission shall hold a public hearing on the preliminary plat; consider the recommendations of the County Engineer and County Health Officer as well as the following factors:
 - a. The relation of the proposed subdivision to the public interest and the County Comprehensive Plan.
 - b. The effect of the proposed subdivision on adjacent property values.
 - c. The consistency of the proposed subdivision with the provisions of this ordinance.
 - d. The suitability of the area for the proposed development, with special attention to topographic and subsurface conditions, and to the availability of utility services.
 - e. The relation of the population density resulting from the proposed subdivision to the density contemplated by the ordinance and to the public interest.
 - f. The use of sound planning and engineering practices in designing the subdivision.

- g. Access to existing highways and the nature of the altered traffic pattern that will result from the proposed subdivision.
 - h. The effect of the proposed subdivision on historic sites, woodlands, streams and other features of the environment.
4. The Commission shall, within thirty (30) days of receipt of the plat, submit its recommendations to the Board of Supervisors whether of approval, modification or disapproval, stating its reasons therefore. The subdivider may, however, agree to an extension of time not to exceed sixty (60) days. A copy of the recommendations shall be forwarded to the subdivider.
 5. The Board of Supervisors, upon receipt of the Commission's recommendation, or after thirty (30) days or any extension thereof shall have passed, shall by resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the Board of Supervisors shall advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Supervisors shall constitute approval to proceed with preparation of the final plat but shall not be deemed approval of the subdivision.

The approval of the preliminary plat by the Board of Supervisors shall be null and void unless the final plat is presented to the Board within one hundred eighty (180) days after date of preliminary approval.

SECTION 5. PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall contain the following information:

1. A location map showing:
 - a. The subdivision name.
 - b. An outline of the area to be subdivided.
 - c. The existing roads and public or community utilities, if any, on adjoining property.
 - d. North point and scale.
 - e. Zoning district(s) in which the land to be subdivided is located according to the Zoning Ordinance.
2. A preliminary plat of the subdivision drawn to the scale of fifty (50) feet to one inch (1"), or to a scale appropriate to conditions. Said preliminary plat shall show:
 - a. Legal description, acreage and name of proposed subdivision.
 - b. Name and address of the owner.
 - c. Name of persons who prepared the plat, and date thereof.
 - d. Location of existing lot lines, roads, public utilities, water mains, sewers, drain pipes, culverts, water courses, tree masses, historic sites, bridges, railroads and buildings in the proposed subdivision.
 - e. Location and widths, other dimensions and names of the proposed roads, utility easements and other open spaces or reserved areas.
 - f. A statement concerning the location and approximate size or capacity of utilities proposed to be installed.
 - g. A statement from applicable utility companies indicating their approval of the utility easements shown on the plat.

- h. Layout of proposed blocks (if used) and lots including the dimensions of each, and the lot and block number in numerical order.
- i. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater.
- j. Tract boundary lines showing dimensions, bearings, angles, and references to known lines or bench marks.
- k. Names of adjacent property owners.
- l. Proposed building lines.
- m. Grades of proposed roads.
- n. A cross section of the proposed roads showing the roadway location, the type and width of surfacing, the type drainage and other improvements to be installed.
- o. The size, type and location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.
- p. The drainage of the land including location of proposed sewers, ditches, culverts, bridges and other structures.
- q. North point and graphic scale.
- r. Layout of lots showing approximate dimensions and number.
- s. A statement from the Ida County Soil Conservation District approving the proposed plan or methods and/or techniques to be used in controlling soil erosion during construction and development of the subdivision.

SECTION 6. FINAL PLATTING PROCEDURE

1. A final plat shall be submitted within one hundred eighty (180) days of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats in Section 4 above except that a public hearing is not required.
3. Upon approval of the final plat, a certification of approval signed by the Chairman of the Board of Supervisors and attested by the County Auditor shall be affixed to the original tracing of the final plat and copies of the same filed with the County Auditor and County Recorder, along with such other certifications and instruments as may be required by law.

SECTION 7. FINAL PLAT REQUIREMENTS

The final plat shall meet the following specifications:

1. It may include all or only part of the preliminary plat.
2. The plat shall be drawn to the scale of fifty feet (50') to one inch (1"), or to a scale appropriate to conditions.
3. The final plat shall contain the following:
 - a. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in three thousand (3,000) feet.
 - b. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the County of which the subdivision is a part.

- c. Accurate locations of all existing and recorded roads intersecting the boundaries of the tract.
 - d. Accurate metes and bounds description of the boundary.
 - e. Road or street names.
 - f. Complete curve notes for all curves included in the plat.
 - g. Road right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
 - h. Lot numbers and dimensions.
 - i. Block numbers, if used.
 - j. Accurate locations of easements for utilities and any limitations on such easements.
 - k. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
 - l. Building lines and dimensions.
 - m. Location, type, material and size of all monuments and markers.
 - n. Name of the subdivision.
 - o. Name and address of owner and subdivider.
 - p. North point, scale and date.
 - q. Certification by a registered land surveyor of the State of Iowa.
 - r. Certification of dedication of roads and other public property.
 - s. Resolution and certificate for approval by the Board and signatures of the Chairman and County Auditor.
 - t. If the subdivision is within two (2) miles of a city that has a planning commission, a Resolution and Certificate of approval by Council of the affected city shall also accompany the final plat.
4. The final plat shall be accompanied by the following instruments:
- a. A certified statement from the owner and the owner's spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and the proprietor's spouse.
 - b. (1) A certificate bearing the approval of the Board of Supervisors stating that all improvements and installations in the subdivision required by this ordinance have been made or installed in accordance with the County specifications, or
 - (2) A surety bond with the County which will insure the County that the improvements will be completed by the subdivider within two (2) years after official acceptance of the plat. The form and type of bond shall be approved by the County Attorney and the amount of the bond shall not be less than the amount of the estimated cost of the improvements as determined by the County Engineer plus twenty (20) percent and the amount of the estimate must be approved by the Board of Supervisors. If the improvements are not completed within the specified time, the Board may use the bond or any necessary portion thereof to complete the same. If the subdivision is within two (2) miles of a city having jurisdiction, the bond shall be with the city.

The final plat shall state that the subdivision, its grantees, assignees, and successors in interest agree that public services including but not limited to road maintenance, snow and ice removal, and any other services normally provided by the County, will not be extended to this subdivision until the road is completed and accepted by the County.

- c. Copy of Restrictive Covenants to be attached to the lots of the subdivision.
 - d. Plans, profiles, cross sections and specifications for road improvements and utility systems to be installed.
5. The final plat shall also be accompanied by the following at the time it is presented for filing with the County Auditor and Recorder:
- a. A complete abstract of title and an opinion from an attorney-at-law showing that the fee title is in the proprietor and that the land platted is free from encumbrance or is free from encumbrance other than that secured by a bond as provided in Section 409.11 of the Code of Iowa.
 - b. If the land platted is encumbered in the manner set out in Section 409.1 of the Code of Iowa, there shall also be filed a certificate showing that an encumbrance bond in an amount double the amount of the encumbrance and approved by the Recorder and Clerk of the District Court and which runs to the County for the benefit of the purchasers of the land subdivided has been filed with the Recorder.
 - c. A certified statement from the Treasurer of the County that it is free from taxes.
 - d. A certified statement from the Clerk of the District Court that the land platted is free from all judgements, attachments, mechanic's or other liens as appears by the record in his office.
 - e. A certified statement of the County Recorder that the title in fee is in such proprietor and that it is free from encumbrance other than that secured by the bond provided for in Section 409.11 of the Code of Iowa, as shown by the records in his office.

SECTION 8. PLATS WITHIN TWO MILES OF A CITY

The procedure for plats within two (2) miles of a city having a planning commission shall be the same as set out for preliminary and final plats in and except as hereinafter provided.

1. The subdivider shall also file such plats with the affected municipality in accordance with its established procedures.
2. The County Zoning Commission shall submit its recommendations to the municipality.
3. If action by the municipality is in accord with the recommendations of the Commission, the Board of Supervisors shall concur with such action, provided that the design standards and improvements required by the municipality are not less than those established herein.

SECTION 9. DESIGN AND DEVELOPMENT STANDARDS

1. Roads

a. Design Considerations:

- (1) The road layout shall provide access to all lots and parcels of land within the subdivision.
- (2) Road jogs of less than 150 feet shall be avoided.
- (3) Cul-de-sacs shall not exceed 750 feet in length.

- (4) Proposed roads shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
 - (5) New subdivisions shall make provisions for continuation and extension of roads. Trunk and Trunk collector roads shall extend through the subdivision to the boundaries thereof.
 - (6) Where access to adjoining properties is deemed necessary by the County, area service or other local roads shall be extended to the subdivision boundaries.
 - (7) No dead end roads or alleys will be permitted except at subdivision boundaries adjoining undeveloped areas, in which case a temporary turn-around shall be provided.
 - (8) Alleys shall be discouraged in residential areas but shall be provided in commercial and industrial areas unless other suitable public or private access to loading and service areas is provided.
 - (9) Intersection of road center lines shall be between 80 degrees and 100 degrees.
 - (10) Intersection of more than two roads at a point shall not be permitted.
 - (11) Where parkways, scenic drives or special types of roads are proposed, the commission may apply special standards for the design of such parkways, scenic drives or roads.
 - (12) Proposed roads that are extensions of or in alignment with existing roads shall bear the name of the existing road.
- b. Minimum rights-of-way shall be provided as follows:
- (1) Trunk or trunk collector roads--80 feet
 - (2) Area service or local roads--60 feet
 - (3) Frontage roads--40 feet
 - (4) Cul-de-sacs--110 feet in diameter
 - (5) Alleys--20 feet
- c. Road Surfacing:
- (1) Road surfacing in subdivisions within two (2) miles of a city having a planning commission shall be in accordance with the standards established by the municipality but in no case shall the standards be less than established herein.
 - (2) Surfacing on all classes of roads shall be in accordance with one of the following:
 - a. An urban-type cross section with portland cement concrete curb and gutter with a surface width of not less than twenty-five (25) feet from back of curb to back of curb.
 - b. A rural cross section utilizing ditches in lieu of curb and gutter. In such case a surfaced roadway of not less than twenty-four (24) feet in width shall be constructed on a thirty (30) foot wide subgrade top. Foreslopes, backslopes and width and depth of ditches shall be in accordance with the current county standards and specifications for similar work.

2. Blocks

- a. The length of blocks shall not be less than 500 feet and not more than 1,250 feet in length.
- b. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than 220 feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, railroad or other barrier, ~~and~~ the width shall be not less than 150 feet.
- c. Crosswalks may be required in blocks over 800 feet long or in areas where curved roads require excessive out-of-distance travel. If required, they shall be constructed by the developer.

3. Lots

- a. All lots shall abut on a street or road.
- b. Side lines of lots shall approximate right angles to straight street lines and radial angles to curved street lines except where a variation will provide better street and lot layouts.
- c. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event, a planting screen shall be provided along the rear of the lot.
- d. Corner lots shall not be less than 90 feet in width, and interior lots shall not be less than 80 feet in width at the building line.
- e. No lot shall have less area than required by the zoning ordinance for the district in which it is located.

4. Easements and Utility Locations

- a. Easements not less than eight (8) feet in width shall be provided along each side of the rear lot lines of all lots and along such other lot lines as may be required by public and private utility companies.
- b. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses, or high voltage lines and shall be provided as determined by the affected utility or by the County Engineer.
- c. All utility lines shall be placed underground except main or feeder electric distribution lines may be overhead where deemed necessary by the utility company.

5. Erosion Control

- a. The subdivider shall be responsible for controlling soil erosion and surface water runoff within the subdivision during its construction and development and shall provide interim erosion and runoff control measures as work progresses on site grading, the installation of street surfacing, sewers, or other improvements and stages of work.
- b. The subdivider shall be responsible for providing permanent erosion control measures along streams, waterways and other water courses which will ultimately become a permanent part of the subdivision.
- c. Methods for controlling erosion may, where appropriate, include mulches, temporary or permanent vegetative cover, the use of terraces, diversion ditches, impoundments, subsurface drainage pipes, or other structures which will intercept, divert, retard or otherwise control runoff and soil erosion.
- d. The plan and methods and/or techniques for controlling soil erosion and siltation shall be approved by the Ida County Soil Conservation District.

SECTION 10. IMPROVEMENTS REQUIRED

1. Sanitary Sewers. The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the following:
 - a. Public Collection System. Where reasonably available the subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with the sanitary sewer system of a municipality. In such case the sewer system shall be approved by the affected municipality and shall be designed and constructed in accordance with the municipal specifications.
 - b. Local or Community Treatment System. Where it is not practical to connect the subdivision sanitary sewer system to a municipal sewer, the subdivider shall install a local or community treatment system in accordance with the requirements of the County and State Boards of Health.
 - c. Private Disposal Systems. If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install on each lot, a septic tank and absorption field or other system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the County Zoning Ordinance. In no case, however, shall private disposal systems be permitted where rock, impervious clay, or ground water is closer than 30 inches to the surface of the ground.
2. Water. The subdivider shall provide the subdivision with an approved water supply and distribution system in accordance with one of the following:
 - a. Public Water System. Where reasonably available, the subdivider shall provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall extend into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to a public or municipal water system or an approved rural water system.
 - b. Local or Community Water System. Where a public water system is not available, the subdivider shall install a local or community water supply and distribution system, including all necessary mains, valves, hydrants and other appurtenances, in accordance with the standards and requirements of the County and State Boards of Health.
 - c. Individual Water System. If it is demonstrated that the above are not practical, the Board of Supervisors may, upon request, permit the subdivider to install individual wells on each lot, or other water system approved by the County Board of Health, provided such lots meet the area requirements established for such systems under the County Zoning Ordinance.
3. Storm Drains. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.
4. Erosion Control. The subdivider shall provide plans approved by the Soil Conservation District regarding the following:
 - a. Temporary measures for controlling erosion and siltation during development of the subdivision.
 - b. Permanent measures for controlling erosion along streams, waterways, and other water courses which will become a permanent part or fixture within the subdivision.

5. **Markers.** An iron rod not less than one-half ($\frac{1}{2}$) inch in diameter and twenty-four (24) inches in length shall be placed as follows:
 - a. At the intersection of all lines forming angles in the boundary of the subdivision.
 - b. At block and lot corners and changes in direction of block and lot boundaries.
6. **Grading.** All roads within the platted area which are dedicated for public use shall be brought to the grade approved by the County Engineer.
7. **Surfacing.** All roads being dedicated for public use shall be surfaced to the width required by Section 9-1. Surfacing shall be not less than a double coat of oil and chips over a six inch (6") rolled stone base and shall be constructed in accordance with design and specifications, and at grades approved by the Board of Supervisors and the County Engineer.
8. **Specifications.** The type of construction, materials, methods and standards of subdivision improvements shall be equal to the current specifications of the County for like work. Plans and specifications shall be submitted to the Board for approval prior to construction and construction shall not be started until the plans and specifications have been approved.
9. **Inspection.** The Board shall cause the installation of all improvements to be inspected to insure compliance with the requirements of this ordinance. The cost of said inspection shall be borne by the subdivider and shall be the actual cost of the inspection to the County.
10. **Improvements Within Two (2) Miles of a City.** Improvements in subdivision within two (2) miles of a city having a planning commission shall be in accordance with the requirements of the affected city, but shall not be less than those required by the County provided further that all road and drainage construction plans shall be approved by the Board of Supervisors and the County Engineer.

SECTION 11. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined as follows:

1. **Alley.** A permanent public service way or right-of-way, designed to provide a secondary means of access to abutting property.
2. **Auditor.** The County Auditor of Ida County, Iowa
3. **Board.** The Board of Supervisors of Ida County, Iowa.
4. **Building Line.** A line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side, or rear yard requirement established in the zoning ordinance, and where they do not, the most restrictive requirement will control.
5. **Commission.** The Zoning Commission of Ida County, Iowa
6. **County.** Ida County, Iowa
7. **Cul-de-Sac.** A short minor road having one end open to motor traffic, and the other end being permanently terminated by a vehicular turnaround.
8. **Easement.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
9. **Final Plat.** The map or drawing, on which the subdivision plan is presented in the form which, if approved by the Board and Zoning Commission, will be filed and recorded with the County Recorder.

10. Preliminary Plat. A study, or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Board and Zoning Commission for consideration.
11. Separate Tract. A parcel of land or a group of contiguous parcels of land under one ownership on the effective date of this ordinance.
12. Road or Street. A right-of-way other than an alley dedicated or otherwise legally established to and accepted for the public use, usually affording the principal means of access to abutting property.
(A road may be designated as a street, highway, thoroughfare, parkway, avenue, lane, drive, place or other appropriate designation.
13. Trunk or Trunk Collector Road. A street or road intended to carry vehicular traffic from area service or local roads to highways, thoroughfares or traffic generators, as defined by the Iowa functional roads and streets classification system.
14. Area Service or Local Road. A road used primarily for access to abutting property and includes area service roads as defined by the Iowa functional roads and streets classification system.
15. Right-of-Way. The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
16. Subdivider. Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for himself or others.
17. Subdivision. The division of a separate tract of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new road is involved, any division of a parcel of land.

SECTION 12. FEES.

Each preliminary plat submitted for approval shall be accompanied by a fee of fifty (50) dollars, which shall be credited to the General Fund of County.

SECTION 13. VARIANCES.

Where the strict application of standards or requirements established by this ordinance would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations, not created by the owner or developer, the Board of Adjustment may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this ordinance.

SECTION 14. ENFORCEMENT.

In addition to other remedies and penalties prescribed by law the provisions of this ordinance shall be enforced as follows:

1. No plat or subdivision within the unincorporated areas of the County shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this ordinance and has been submitted to the County Board of Supervisors for approval as prescribed herein, and if applicable, the Council of the City having two (2) mile jurisdiction over the platted area.
2. Not more than two building permits shall be issued for each separate tract existing at the effective date of this ordinance unless the tract shall have been platted in accordance with the provisions contained herein.

3. No public improvements over which the Board of Supervisors has control shall be made with County funds, nor shall any County funds be expended for road maintenance, road improvements, or other services in any area that has been subdivided after the date of adoption of this ordinance unless such subdivision and roads have been approved in accordance with the provisions of this ordinance and the road accepted by the Board of Supervisors as a public road.
4. Any person who shall hereafter dispose of or offer for sale or lease any lots in any subdivision unless the plat thereof has been approved in accordance with this ordinance and recorded shall forfeit and pay fifty dollars (\$50.00) for each lot or part of lot sold or disposed of, leased, or offered for sale.

SECTION 15. AMENDMENTS

This ordinance may be amended from time to time by the Board of Supervisors. Such amendments as may be proposed shall first be submitted to the Zoning Commission for study and recommendation. The Commission shall report within thirty (30) days, after which the Board shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

SECTION 16. SEPARABILITY

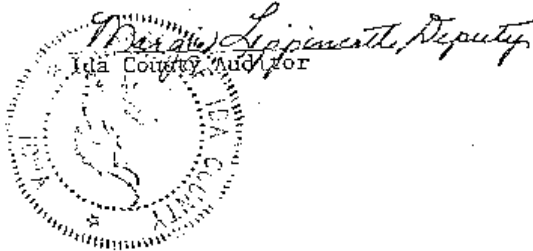
Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 17. EFFECTIVE DATE

This ordinance shall be in effect from and after its adoption and publication as required by law.

Passed and approved by the Board of Supervisors of Ida County, Iowa, this 9 day of August, 1979.

ATTEST:



Clifford Friedrichsen
Chairman, Ida County Board
of Supervisors

(Map) which you will have to get your own