

R-Auditor's  
Office

ORDINANCE NO. 2007-05

INDEXED  
RECORDED  
MILLS CO.

AN ORDINANCE TO ADOPT THE MILLS COUNTY, IOWA ZONING ORDINANCE  
SETTING FORTH THE REGULATIONS GOVERNING THE ORDERLY LAND  
DEVELOPMENT FOR ALL THE UNINCORPORATED AREA OF MILLS COUNTY,  
IOWA.

BE IT THEREFORE ORDAINED BY THE  
BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

**Section 1. MILLS COUNTY, IOWA ZONING ORDINANCE.** The Code of Ordinances of  
Mills County, Iowa, be and the same is hereby amended by adding thereto a new Chapter 20 -  
Zoning Ordinance, to be entitled "Zoning Ordinance" and to read as follows:

03135

Chapter 20  
Zoning Ordinance

RECORDED 10:55 AM  
BK 389 PG 606-706

**SECTION 1  
GENERAL PROVISIONS**

**20.1.1 Title**

This title shall be known as the Zoning Ordinance of Mills County, Iowa and hereinafter  
referred to Zoning Ordinance.

**20.1.2 Jurisdiction**

The provisions of these regulations shall be applicable to all property within the zoning  
jurisdiction of Mills County as provided by Chapter 335, Code of Iowa, with the exception of  
those properties owned or acquired by municipal, county, or state government for the  
advancement of government projects or purposes. This jurisdiction includes the entire area of  
Mills County outside of areas within the corporate limits of municipalities or any area in which  
the County has ceded its zoning jurisdiction to a municipality.

**20.1.3 Agriculture Uses Exempt**

In accordance with the Provisions of Chapter 335, Code of Iowa, as amended, no regulations or  
restrictions adopted under the provisions of this Zoning Ordinance shall be construed to apply to  
land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are  
primarily adapted, by reason of nature and area, for use of agriculture purposes, while so used;  
provided, however, that such regulations or ordinances which relate to any structure, building,  
dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall  
apply thereto.

- a. No Zoning Permit or Certificate of Zoning Compliance shall be required for the  
use of land for agricultural purposes or the construction or use of buildings or

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structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.

- b. If a tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
- c. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

**20.1.4 Purpose**

The purposes of the Zoning Ordinance of Mills County are to:

- a. Serve the public health, safety, and general welfare of the county.
- b. Classify property in a manner that reflects its suitability for specific types of development, while providing property owners with a range of potential uses.
- c. Provide for sound, attractive development within the county and its jurisdiction.
- d. Provide development standards that help ensure the compatibility of adjacent land uses.
- e. Protect environmentally important resources, including the Loess Hills, slopes, soils, waterways and other water resources, trees and other vegetation, wetlands, and other resource areas.
- f. Further the objectives of the Comprehensive Plan of Mills County.

**20.1.5 Consistency with Comprehensive Plan**

Mills County intends that the Zoning Ordinance and any amendments to it shall be consistent with the County's Comprehensive Plan. It is the County's intent to amend these regulations whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

**20.1.6 Conflicting Provisions**

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of these regulations conflicts with any other provision of these regulations, the County's Subdivision Regulations, any other Ordinance of Mills County, or any applicable State or Federal law, the more restrictive provision shall apply.

**20.1.7 Relief from Other Provisions**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

**20.1.8 Severability of Provision**

If any ordinance, section, clause, or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations.

**20.1.9 Publication**

These regulations shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the County Auditor of Mills County, Iowa.

**ADMINISTRATION AND ENFORCEMENT**

**20.1.10 Administration and Enforcement**

a. Generally

(1) Requests for Enforcement

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall immediately record such complaint, investigate, and take action thereon as provided by this resolution.

(2) Penalties for Violation

- (a) Any person who fails to perform an act required by this ordinance or who commits an act prohibited by this ordinance shall be guilty of a county infraction punishable by a civil penalty as provided by Section 6.1 - County Infractions of Chapter 6 – Violations and Penalties of the Code of Ordinances for Mills County, Iowa.
- (b) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

- (c) Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

(3) Enforcement

If any building, structure or sign is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure, sign or land is used in violation of this ordinance, the legal department, in addition to other remedies, shall institute any proper action or proceedings in the name of the county to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

b. **Zoning Officer**

(1) Position Created; Appointment; Supervision

There is created the position of Zoning Officer who shall be appointed by the Board of Supervisors.

(2) Powers and Duties

The Zoning Officer shall exercise the following powers and duties:

- (a) The Zoning Officer or the officer's designees shall exercise all enforcement powers under Section 20.1(10)(b)(2), including but not limited to the investigation of complaints of zoning violations, issuance of notices and county infraction citations to violators, and the preparation and submission to the legal department of reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement, for such legal action as the facts of each report may require.
- (b) The Zoning Officer shall determine the use type for any use pursuant to Section 20.3(2)(b).
- (c) In all cases in which the county commences court action, the Zoning Officer shall cooperate with the County Attorney by performing such additional investigative work as the County Attorney shall require.
- (d) The Zoning Officer or the officer's designee shall attend the meetings of the Planning and Zoning Commission and the Zoning Board of Adjustment as requested by those bodies, shall investigate and review all cases presented to the Zoning Board of Adjustment, and shall advise that body on those cases upon request.

- (e) If the legal department, after analysis of the report, institutes legal proceedings, the Zoning Officer will cooperate fully with the legal department in the perfecting of such proceedings.

c. **Certificates of Zoning Compliance**

(1) Administration and Enforcement

If the Zoning Officer finds that any of the provisions of these regulations are being violated, the officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Officer shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

(2) Certificates of Zoning Compliance for New, Altered or Nonconforming Uses

(a) Required for Land and Buildings

No land shall be occupied or used and no building erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Zoning Compliance is issued by the Zoning Officer, stating that the building and use comply with the provisions of this ordinance.

(b) Required for Change of Use

No change of use shall be made in any building or part thereof erected or structurally altered without a Certificate of Zoning Compliance being issued therefore by the Zoning Officer. No permit shall be issued to make a change unless the changes are in conformity with this ordinance.

(c) Fee

Prior to the issuance of a Certificate of Zoning Compliance, the applicant shall pay to the County Auditor a fee in the amount set forth in the schedule of fees adopted by the Board of Supervisors by resolution.

(d) Fee Exemption for Federal Property

Application for a Certificate of Zoning Compliance for property wholly owned by the federal government may be made without paying the fee described in this section.

(e) Nonconforming Uses

- i) Nothing in this division shall prevent the continuance of a nonconforming use as authorized, unless discontinuance is necessary for the safety of life or property.
- ii) A Certificate of Zoning Compliance shall be required of all nonconforming uses. Application for Certificate of Zoning Compliance for nonconforming uses shall be filed with the Zoning Officer, accompanied by affidavits of proof that such nonconforming use was established legally prior to the establishment of this ordinance.

(f) Time Limits; Records

Certificates of Zoning Compliance shall be applied for prior to the construction or occupancy of a building or property and shall be issued within ten days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file and available for public inspection in the office of the Zoning Officer.

(g) Issuance

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

d. **Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance**

Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative officials authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of the County Code, and punishable as provided by Section 20.1(10)(a)(2) hereof.

e. **Reserved**

f. **General Procedural Requirements**

(1) Decision Maker and Administrative Bodies

The Zoning Officer, the Planning and Zoning Commission, and/or the Zoning Board of Adjustment will consider, review and decide all development applications for permitted uses according to the provisions of this Zoning Code.

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g. **Amendments**

(1) Authority

The Board of Supervisors may, from time to time, on its own action or upon application, after public notice and hearings as provided by law and after report by the Planning and Zoning Commission, amend the boundaries or regulations established under this ordinance, provided that any such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

(2) Procedures

Amendment procedures shall be as follows:

- (a) Whenever any person desires to amend zoning boundaries as to any property in the county, an application requesting such amendment and clearly describing the property and its boundaries as to which the amendment is desired shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall make a timely report to the Board of Supervisors of such applications filed. The Planning and Zoning Commission shall forward such application, with report and recommendations to the Board of Supervisors for vote thereon, within a reasonable time after the filing of the application. Reasonable notice of the proposed amendment to zoning boundaries, as established by the Planning and Zoning Commission, shall be given to the owners and occupants of the property included in the area of the proposed amendment and within 250 feet of the exterior boundaries of the property proposed for amendment. If the applicant owns other land adjoining the property proposed for amendment, then notice shall also be given to the owner of the next property beyond the applicant's property. The notice required by this paragraph is a courtesy notice and any failure of such notice to be given or received shall not affect the validity of the amendment.
- (b) Whenever any application for an amendment to zoning boundaries shall have been denied by the Board of Supervisors, no new application seeking the same relief covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until one year shall have elapsed from the date of filing the first application.

(3) Filing Fees for Zoning District and Text Amendments

Fees for filing amendments shall be charged as follows:

- (a) The owner of the property affected by a proposed change in zoning text, district classification or boundaries shall pay to the County Auditor a fee in the amount set in the schedule of fees adopted by the Board of Supervisors by resolution.
- (b) Where an amendment is initiated by application by any person, the required fee and notice costs shall be paid at the time the application is filed with the county. Where an amendment is initiated by the Board of Supervisors on behalf of one or more owners of affected property, the required fee and notice costs shall be paid prior to consideration of the amendment by the Planning and Zoning Commission. No further action shall be taken as to any proposed amendment for which a fee and notice costs are required until the fee and notice costs have been paid. Under no conditions shall the required fee and notice costs be refunded upon failure of a proposed amendment to be enacted into law.
- (c) The fee described in this subsection shall not be required when the amendment is initiated at the request of the federal government for property wholly owned by the federal government. This exemption shall not apply to the notification costs as established by the Planning and Zoning Commission.

h. **Nonconforming Development and Uses**

(1) Purpose

The purposes of the Nonconforming Development regulations are:

- (a) To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
- (b) To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts.
- (c) To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
- (d) To limit the continuation and provide for the gradual replacement of nonconforming uses.



(2) Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

(3) Nonconforming Lots

(a) Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Regulations.

(b) Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

(4) Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of these Regulations.

(a) Continuation

A lawful nonconforming structure existing on the effective date of this section may be continued, repaired, maintained, or altered, subject to the provisions of this section.

(b) Additions or Enlargements to Nonconforming Structures.

- i) A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
  - a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
  - b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.

- c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of twenty-five (25) feet or fifty (50) percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
  - ii) No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
  - iii) Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.
- (c) Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.
- (d) Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity.
- (e) Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.
- (f) Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Section 6, Landscaping and Screening Standards. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of these Regulations shall be subject to Section 6.
- (g) Amortization of Nonconforming Development

The following nonconformances must be brought into compliance with the provisions of this ordinance within specified periods.

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- i) Fences, walls, and foliage which violate the vision clearance provisions of this ordinance shall be made conforming within one year of the effective date of the ordinance.
- ii) Any fences or screens that are inconsistent with the provisions of Chapter 19 - Subdivision Regulations of the Code of Ordinances for Mills County, Iowa, shall be made conforming within one year of the effective date of the ordinance.
- iii) Nonconforming storage operations, including vehicle storage, salvage services, or similar uses made conforming within two years of the effective date of the ordinance.

(5) Nonconforming Uses

(a) Continuation of Nonconforming Uses

- i) Any nonconforming use lawfully existing on the effective date of these regulations may continue, subject to the limitations of this section.
- ii) Whenever the use of a premise becomes nonconforming through a subsequent change in the zoning ordinance or zoning district boundaries, such use may be continued or changed to another nonconforming use of the same or lesser intensity with the approval of the County Board of Supervisors, following a public hearing and recommendation of the Planning and Zoning Commission.

(b) Change and Amortization of Nonconforming Uses

A nonconforming use may be changed to another nonconforming use of the same or lesser intensity, as measured by the Intensity Rating in the Use Matrix and by the category of use type. For the purpose of measuring nonconforming use rights, the hierarchy of Intensity Ratings ascends from low to moderate to high to intensive. The hierarchy of uses ascends from agricultural to residential to office to commercial to industrial and transportation. For example, a nonconforming commercial use in a residential district with an Intensity Rating (IR) of H may be converted to another commercial use with an IR of H, M, or L. However, such a use may not be converted to an industrial use type regardless of its IR.

(c) Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

(d) Abandonment of Nonconforming Use

- i) If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve months, any subsequent use must conform to all use regulations applicable to the property's zoning district.
- ii) If a structure housing a nonconforming use converts to a conforming use, it forfeits any further claim to nonconforming use rights.

(e) Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

(f) Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds sixty percent (60%) of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

(g) Nonconforming Uses and Conditional Use Permits

A lawful pre-existing use which would require a Conditional Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in this Section.

i. **Zoning Board of Adjustment**

(1) Established; Composition; Terms

A Zoning Board of Adjustment is established, which shall consist of five members. The terms of office of the members of the Zoning Board of Adjustment and the manner of their appointment shall be as provided by statute. A majority of the members of the Zoning Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

(2) Meetings

The meetings of the Zoning Board of Adjustment shall be held at the call of the chair and at such other times as the board may determine. Such chair, or in the chair's absence the acting chair, may administer oaths and compel the attendance

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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 that 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 four members shall be necessary to constitute a quorum.

(3) Procedure for Appeals

- (a) Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Zoning Officer or of any other administrative officer in the enforcement of this ordinance. Each appeal shall be taken within a reasonable time as provided by the rules of the board. The Zoning Officer and any other officer whose decision is the subject of the appeal shall forthwith transmit to the board all papers constituting the record upon which the action appealed from is taken.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the board, after notice of appeal shall have been filed, that, because of the facts stated in the certificate, a stay would, in the Zoning Officer's 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 Officer and on due cause shown.
- (c) The board shall fix a reasonable time for the hearing on the appeal, shall give public notice thereof as well as due notice to the parties in interest, and shall decide the appeal 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 Zoning Board of Adjustment, the appellant shall pay a fee to the County Auditor in the amount set forth in the schedule of fees adopted by the Board of Supervisors by resolution.

(4) Powers and Duties

The Zoning Board of Adjustment shall have the power and duty to:

- (a) Hear and decide appeals taken pursuant to Section 20.1(10)(i)(3).
- (b) Grant a variance in the regulations of this ordinance that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the regulations will result in unnecessary

hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. To establish unnecessary hardship a property owner must show all of the following elements:

- i) The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use.
- ii) The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood.
- iii) The use to be authorized by the variance will not alter the essential character of the locality of the land in question.

No appeal for a use variance shall be considered by the board unless a proposed amendment to rezone the subject property to a district classification permitting such use has been considered and denied by the Board of Supervisors within the preceding year, provided that this requirement shall not apply to appeals for area variances.

- (c) Permit the exceptions to the district regulations set forth in Section 4 of this ordinance, provided all exceptions granted by the Zoning Board of Adjustment shall be found to meet the following standards:

- i) Exceptions shall by their design, construction, and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property;
- ii) Exceptions shall not impair an adequate supply of light and air to adjacent property;
- iii) Exceptions shall not unduly increase congestion in the public streets;
- iv) Exceptions shall not increase public danger of fire and safety; and
- v) Exceptions shall not diminish or impair established property values in surrounding areas.

- (d) The Zoning Board of Adjustment may permit:
- i) Exceptions to any setback, area, length, width, height, yard, size or projection limitation or to the minimum required number of off-street parking or loading spaces; provided such an exception may be granted only where:
  - ii) Such exception does not exceed 50 percent of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building and such addition extends no further into the required yard than the existing building;
  - iii) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;
  - iv) The exception is reasonably necessary due to practical difficulties related to the land in question;
  - v) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and
  - vi) The exception is in harmony with the essential character of the neighborhood of the land in question.
- (e) Hear and decide applications for special use.

(5) Appeals from the Zoning Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the county aggrieved by any decision of the Zoning Board of Adjustment may seek review of such decision by the Mills County District Court in the manner provided by the laws of the State and particularly by Section 414.15, Code of Iowa, and amendments thereto.

(6) Decisions; Review of Use Variance

- (a) In exercising the powers mentioned in Section 20.1(10)(i)(4), the Zoning Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Officer. 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 Officer 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 it has filed a written decision in the board office describing the action taken, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this section. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

- (b) Every variation and exception granted or denied by the Zoning Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith. In granting any appeal, variance, exception or other relief within its jurisdiction, 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 relief is granted, shall be deemed a violation of this ordinance subject to enforcement under Sections 20.1(10)(a)(2) and 20.1(10)(a)(3).
- (c) If any application for a variance or exception shall have been denied by the Zoning Board of Adjustment, no new application for the same relief shall be considered for two years by the board unless the board shall find that conditions have changed.
- (d) Any taxpayer or any officer, department, board or bureau of the county or any persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. All decisions of the board, except decisions granting use variances shall be final immediately upon filing. Each decision granting a use variance shall be referred to the Board of Supervisors for review pursuant to Section 414.7, Code of Iowa. The Board of Supervisors shall review such decision within thirty (30) days after the decision is filed. After such review, the Board of Supervisors may remand the decision to the board for further study. If the Board of Supervisors does not act to review the decision within thirty (30) days after it is filed, the decision shall become effective on the 31st day. If the Board of Supervisors declines to remand a decision, that decision shall become final on the date of the Board of Supervisors' action. If the Board of Supervisors remands a decision to the board, the effective date of the decision is delayed for thirty (30) days from the date of remand.

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- (e) Upon remand of a decision from the Board of Supervisors, the matter shall be placed on the agenda for further study at the first board meeting after such Board of Supervisors action. If, for any reason, the board does not hold a regularly scheduled meeting during such thirty (30)-day period, it shall be required to hold a special meeting and consider an act upon the remanded decision within such thirty (30)-day period. At such meeting the board shall act to either affirm its earlier decision or grant a rehearing. A rehearing shall be treated in the same manner as an original appeal, except that no fee shall be payable. If the board grants a rehearing, its initial decision shall be deemed to have been withdrawn. The board decision on rehearing is not reviewable by the Board of Supervisors and shall be final upon filing.

**SECTION 2  
DEFINITIONS**

**20.2.1 Purpose**

Section 2 shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

**20.2.2 General Construction of Language**

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall, Must, and May

“Shall” and “must” are always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items or provisions apply.
- (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
- (3) "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in these regulations are those of Mills County.

**20.2.3 Definition of Terms**

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

**20.2.4 A**

- a. **Abutting:** Having lot lines or district boundaries in common.
- b. **Accessory Structure:** A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
- c. **Accessory Use:** A use that is incidental to and customarily associated with a specific principal use on the same site.
- d. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
- e. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

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- f. Alley: A narrow dedicated street more commonly a way thru a middle of a block giving access to the rear of properties.
- g. Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
- h. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
- i. Approving Authority: The County Board of Supervisors or its designee.
- j. ASCE: The American Society of Civil Engineers.
- k. Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

20.2.5 **B**

- a. Base Zoning District: A district established by these regulations that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
- b. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
- c. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
- d. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, or lakes.
- e. Board of Adjustment: A body, established by the County expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by these regulations.
- f. Bufferyard: A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

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- g. Building: A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
- h. Building Coverage: The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features, also referred to as the building footprint.
- i. Building Elevation: An exterior wall of a building exposed to public view.
- j. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
- k. Building Line: The outer boundary of a building established by the location of its exterior walls.
- l. Building Official: The county official, designated by the County Board of Supervisors, who is responsible for the enforcement of the applicable building code.
- m. Business: Activities that include the exchange or manufacture of goods or services on a site.
- n. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

20.2.6 C

- a. Change of Use: The replacement of an existing use type by a new use type.
- b. Channel: The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.
- c. Common Area: An area held, designed, and designated for common or cooperative use within a development.
- d. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
- e. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- f. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

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- g. Comprehensive Plan: The duly adopted Comprehensive Plan of Mills County.
- h. Concept Plan: A preliminary presentation that includes the minimum information necessary, as determined by the Zoning Officer, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
- i. Condominium: An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.
- j. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
- k. Conservation (or Cluster) Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided: 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
- l. County: Mills County, Iowa.

20.2.7 **D**

- a. Density: The amount of development per specific unit of a site.
- b. Design standards: Standards that set forth specific improvement requirements.
- c. Detached: Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.
- d. Developer: The legal owner(s) or authorized agent of any land engaged in a proposed development.
- e. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
- f. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
- g. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
- h. Drainage system: The system through which water flows from the land.

- i. Driveway: An area providing vehicular access between a street and an off-street parking or loading area.
- j. Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as a separate place of residence, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this section, maintaining a household.

20.2.8 E

- a. Easement: A non-possessing interest granted on, above, under, or across the lands of another for a specific purpose by one owner to another owner, public or private agency, or utility, where fee simple title remains with the property owner.
- b. Enclosed: A roofed or covered space fully surrounded by walls.
- c. Existing Use: The use of a lot or structure at the time of the effective date of these regulations.

20.2.9 F

- a. Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, including no more than two additional unrelated persons; or a group of not more than four (4) unrelated persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit, cost-sharing basis. The following persons shall be considered related for the purpose of these regulations:
  - (1) Persons related by blood, marriage, or adoption.
  - (2) Persons residing with a family for the purpose of adoption.
  - (3) Not more than eight persons under nineteen (19) years of age, residing in a foster house licensed or approved by the State of Iowa.
  - (4) Not more than eight persons nineteen (19) years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Iowa.
  - (5) Person(s) living with a family at the direction of a court.
- b. Fascia: A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.
- c. Federal: Pertaining to the Government of the United States of America.

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- d. Final Approval: The final official action of the Board of Supervisors, upon a recommendation by the Planning and Zoning Commission, permitting the filing of a subdivision with the Mills County Auditor and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of these regulations.
- e. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court from which access is permitted.

20.2.10 G

- a. Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.
- b. Grade: The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
  - (1) For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.
  - (2) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
  - (3) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- c. Gross Floor Area (GFA): The total enclosed horizontal area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

20.2.11 H

- a. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level 5 feet from exterior face of the building or structure.
- b. Home Based Business/Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

20.2.12 I

- a. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of swimming pools is excluded from this definition.

20.2.13 J

20.2.14 K

20.2.15 L

- a. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
  - (1) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
  - (2) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
- b. Lane: An approved private right-of-way that provides access to residential properties and meets at least three of the following conditions:
  - (1) Serves twelve or fewer housing units or platted lots.
  - (2) Does not function as a local street because of its alignment, design, or location.
  - (3) Is completely internal to a development.
  - (4) Does not exceed 600 feet in length.
- c. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
- d. Lot: For the purpose of this ordinance, a lot is a tract of land represented and identified by number or letter designation on an official plat.
  - (1) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.



- (2) Double Frontage Lot: A lot, other than a corner lot, having frontage on two non-intersecting streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by these regulations. (Also known as a Through Lot)
  - (3) Interior Lot: A lot other than a corner lot whose sides do not abut a street.
  - (4) Common Development Lot: When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of these regulations.
- e. Lot Area: The total horizontal area within the lot lines of a lot.
- f. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
- g. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.
- (1) Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.
    - (a) For an interior lot, the lot line separating the lot from the right-of-way or easement.
    - (b) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Zoning Officer, or as may be noted on the final plat.
    - (c) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Officer at the time of application for the original building permit for the lot, or as may be noted on the final plat.
  - (2) Rear Lot Line: The lot line that is opposite and most distant from the front line.
  - (3) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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- h. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

20.2.16 M

- a. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
- b. Manufactured Home Dwelling: A factory built single-family dwelling, structure which is to be used as a place for human habitation, which is manufactured or constructed under the authority of 42 USCS § 5403, Federal Manufactured Home Construction and Safety Standards, and which is not constructed or equipped with permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling as is provided in Section 435.26, Code of Iowa, and which complies with the following architectural and aesthetic standards listed below. For the purpose of any these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
  - (1) Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted when the following additional requirements are met:
    - (a) Any dwelling shall have no less than eighteen (18) feet exterior width.
    - (b) The dwellings shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
    - (c) The dwelling shall be placed upon a permanent foundation approved by the Building Official or Zoning Officer.
    - (d) All utility services shall be directly connected to the structure.
  - (2) Manufactured homes which do not meet all of the standards in paragraph (1.) above, may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are 320 or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

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- c. Mixed Use Building: A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
- d. Mixed Use Development: A single development that incorporates complementary land use types into a single development.
- e. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
- f. Mobile Home Park: A Zoning under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
- g. Mobile Home Subdivision: A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

20.2.17 N

- a. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
- b. Nonconforming Lot: A lot which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
- c. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Ordinance.

- d. **Nonconforming Structure:** A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.
- e. **Nonconforming Use:** A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the land use.
- f. **Nuisance:** An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

**20.2.18 O**

- a. **Off-Site:** Located outside the boundaries of the parcel that is the subject of an application.
- b. **Open Space:** Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
- c. **Outdoor Storage:** The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
- d. **Overlay District:** A district established by these regulations that prescribes special regulations to be applied to a site only in combination with a base district.
- e. **Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**20.2.19 P**

- a. **Parcel:** A part of a tract of land.
- b. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking.
- c. **Parking Lane:** A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.

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- d. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.
- e. **Paved:** Permanently surfaced with poured concrete, concrete pavers, or asphalt.
- f. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
- g. **Planning and Zoning Commission:** The Planning and Zoning Commission of the Mills County.
- h. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
- i. **Premises:** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- j. **Principal Use:** The main use of land or structures as distinguished from an accessory use.
- k. **Private Garage:** A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
- l. **Property Line:** The division between two parcels or tracts of land separating ownership. In subdivisions, property lines are usually but not in every case coincident with lot lines.

20.2.20 **Q**

20.2.21 **R**

- a. **Recreational Vehicle:** A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
- b. **Regulation:** A specific requirement set forth by this Zoning Ordinance that must be followed.

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- c. Remote Parking: A supply of off-street parking at a location not on the site of a given development.
- d. Right-of-Way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

20.2.22 S

- a. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of these regulations.
- b. Setback: The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
- c. Sidewalk: A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
- d. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
- e. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of these regulations.
- f. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the County in order that an informed decision can be made on the associated request.
- g. Special Use Permit: An approval of a use with a land use intensity higher than uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Zoning Board of Adjustment.
- h. State: The State of Iowa.
- i. Storm Sewer: A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

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- j. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
- k. Street Yard: The distance between a lot line adjacent to a public street and the wall or façade of a building parallel to such lot line. If the building wall is not parallel to the lot line, the street yard depth shall be the distance between the street lot line and a parallel line that equals the average distance of the building wall or façade from the street lot line.
- l. Structure: Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

20.2.23 T

- a. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
- b. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.
- c. Tract: An aliquot part of a section, a lot within an official plat, or a governmental lot.

20.2.24 U

- a. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

20.2.25 V

- a. Vacation: The official abandonment of public right-of-way or easement by the County in accordance with State law.
- b. Variance: A modification of the application of certain regulations or provisions of these regulations by the Board of Adjustment, under the authority provided by these regulations and State Statutes.
- c. Vehicle, motor: Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

20.2.26 W

20.2.27 X

20.2.28 Y

a. Yard; Required: That portion of a lot that lies between a lot line or right-of-way line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by these regulations.

(1) Front Yard: The space extending the full width of a lot, lying between the front lot line or right-of-way line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:

(a) The yard along the blockface to which a greater number of structures are oriented; or

(b) The yard along a street that has the smaller horizontal dimension.

(2) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

(3) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

(4) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

20.2.29 Z

a. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

b. Zoning Officer: The county official authorized by the Board of Supervisors to administer this Zoning Ordinance.

**SECTION 3  
USE TYPES**

**20.3.1 Purpose**

Section 3 shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a

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procedure for determining the applicable use type of any activity not clearly within any defined use type.

**20.3.2 Determinations**

a. Intensity Rating

For each Zoning District, uses are permitted by Intensity Rating. Intensity Ratings are presented in a hierarchy of impact on the land and surrounding properties, and include ratings of Low, Moderate, High, and Intense. Table 4.01 presents a Use Matrix, indicating the Intensity Ratings of uses permitted in each zoning district.

The designation of an Intensity Rating incorporates consideration of the following factors:

- (1) Impacts on the physical environment. These impacts include the potential for air pollution, dust, odors, water pollution, noise, obtrusive lighting, vehicular traffic, impervious surface coverage and storm drainage problems, and other destruction of the natural environment.
- (2) Impacts on aesthetics and cultural values. These impacts include the likely visual attractiveness of the proposed development, assuming typical buffer yards, landscaping, signage, other site improvements and building materials.

b. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Officer of Mills County shall have the authority to determine the appropriate use type. A determination of the Zoning Officer may be appealed to the Board of Adjustment. In making such determinations, the Officer and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

c. Records

The Zoning Officer shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

**20.3.3 Agricultural Use Types**

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or other plants; or the raising and feeding of livestock or poultry.

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a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses. (Intensity Rating: L)

b. Crop Production

The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions. (Intensity Rating: L)

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free range dairy farming, and poultry farming. (Intensity Rating: M)

d. Livestock Sales

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns. (Intensity Rating: H)

20.3.4 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing twenty-four (24)-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family. Mobile home units, as defined by this section, are not a single-family residential use type.

- (1) Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit. (Intensity Rating: L)
- (2) Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot. (Intensity Rating: L)

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b. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units. (Intensity Rating: M)

c. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit. (Intensity Rating: M)

d. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical party walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls. (Intensity Rating: M)

e. Multiple-Family Residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units. (Intensity Rating: M)

f. Group Residential

The use of a site for the residence of more than three unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a College and University use type. (Intensity Rating: M)

g. Boarding House

The use of a site for the residence of more than four unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. (Intensity Rating: M)

h. Manufactured Home Residential

Use of a site for one or more manufactured home dwellings, as defined in Section 20.2(16). (Intensity Rating: L)

i. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility. (Intensity Rating: M)

j. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the Mills County's subdivision ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot. (Intensity Rating: L)

k. Retirement Residence

A building or group of buildings which provide residential facilities, provided that seventy-five percent (75%) or more of the residents are at least sixty years of age, or households headed by a householder of at least sixty years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care. (Intensity Rating: M)

20.3.5 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county and city offices. (Intensity Rating: L.)

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Intensity Rating: L.)

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.

- (1) Clubs (Recreational): Clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include

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country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges. (Intensity Rating: L.)

- (2) Clubs (Social): Clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations. (Intensity Rating: M.)

d. College and University Facilities

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization. (Intensity Rating: H.)

e. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes. (Intensity Rating: L.)

f. Cultural Services

A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences. (Intensity Rating: M.)

g. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities. (Intensity Rating: L.)

h. Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities. (Intensity Rating: M.)

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community. (Intensity Rating: I.)

j. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings. (Intensity Rating: L.)

k. Group Care Facility

A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the: (Intensity Rating: M)

- (1) Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
- (2) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
- (3) Rehabilitation from the effects of drug or alcohol abuse.
- (4) Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

l. Group Home

A facility licensed by the State of Iowa in which no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation. (Intensity Rating: L.)

m. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis. (Intensity Rating: L.)

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. (Intensity Rating: M.)

o. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors. (Intensity Rating: I.)

p. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities. (Intensity Rating: H.)

q. Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces. (Intensity Rating: L.)

r. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service. (Intensity Rating: M.)

s. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa. (Intensity Rating: M.)

t. Public Assembly

Facilities owned and operated by a public agency, charitable nonprofit, or organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities. (Intensity Rating: H.)

u. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use. (Intensity Rating: L.)

v. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services. (Intensity Rating: M.)

w. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa. (Intensity Rating: H.)

x. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land. (Intensity Rating: M.)

20.3.6 **Office Use Types**

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. General Offices

Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices. (Intensity Rating: M.)

b. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, credit unions, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered within the Personal Services Use Type. The Financial Services use type is divided into two categories. Financial Services A includes less than 4,000 square feet of floor area and has no more than two drive-up lanes (including ATM lanes) (Intensity Rating: L). Financial Services B includes 4,000 square feet or more of floor area and/or has more than two drive-up lanes. (Intensity Rating: M.)

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c. Medical Offices

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Iowa.

The Medical Offices use type is divided into two categories. Medical Offices A includes less than 3,000 square feet of floor area (Intensity Rating: L). Medical Offices B includes 3,000 square feet or more of floor area. (Intensity Rating: M.)

20.3.7 **Commercial Use Types**

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms. (Intensity Rating: H.)

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

- (1) **Automobile Auction Lots:** Sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships. (Intensity Rating: H.)
- (2) **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships. (Intensity Rating: H.)
- (3) **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations,

car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services. (Intensity Rating: H.)

- (4) Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages. (Intensity Rating: I.)
- (5) Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments. (Intensity Rating: H.)
- (6) Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services. (Intensity Rating: H.)

c. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one month period. (Intensity Rating: L.)

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying. (Intensity Rating: M.)

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e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility. (Intensity Rating: H.)

f. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven (7) consecutive days during any one month period. (Intensity Rating: M.)

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section. (Intensity Rating: H.)

h. Commercial Recreation

Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, or private skating facilities, or go-carting. (Intensity Rating: H.)

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types." (Intensity Rating: M.)

j. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales. (Intensity Rating: H.)

k. Consumer Services

Establishments that provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines,

appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops. (Intensity Rating: M.)

l. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing. (Intensity Rating: H.)

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

(1) Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and the sales of fuel for motor vehicles. (Intensity Rating: H.)

(2) Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores. (Intensity Rating: L.)

(3) General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 but less than 40,000 square feet. Typical uses include grocery stores and locker plants. (Intensity Rating: M.)

(4) Supermarkets: Establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities larger than 40,000 square feet. Typical uses include large grocery stores. (Intensity Rating: I.)

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries. (Intensity Rating: M.)

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o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of Mills County and/or the State of Iowa. (Intensity Rating: H.)

p. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds. (Intensity Rating: M.)

q. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services. (Intensity Rating: H.)

r. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption. (Intensity Rating: H.)

s. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels. (Intensity Rating: H.)

t. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction. (Intensity Rating: M.)

u. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Iowa when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the

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direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician. (Intensity Rating: M.)

v. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals. (Intensity Rating: M.)

w. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs. (Intensity Rating: M.)

x. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

- (1) Restaurant (Drive-in or Fast Food): An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers. (Intensity Rating: H.)
- (2) Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants. (Intensity Rating: H.)

y. Restricted (or Adult) Businesses

Any adult entertainment business as defined in Chapter 18 - Sexually Oriented Business of the Code of Ordinances for Mills County, Iowa and/or any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria, if the sale of such material constitutes more than twenty percent (20%) of the sales or retail floor area of the establishment. For the purposes of this ordinance, specified anatomical and specified sexual activities are defined in Title II – Health and Welfare of the Code of Ordinances for Mills County, Iowa. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult

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entertainment businesses without regard to service of alcoholic beverages. (Intensity Rating: I.)

z. Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

- (1) Limited Retail Services: Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Mills County. (Intensity Rating: M.)
- (2) Medium Retail Services: Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Mills County. (Intensity Rating: M.)
- (3) Large Retail Services: Establishments providing retail services, occupying facilities between 10,001 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Mills County. (Intensity Rating: H.)
- (4) Mass Retail Services: Establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general retailing oriented to Mills County. (Intensity Rating: I.)

aa. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes

instruction in riding, jumping, and showing or the riding of horses/equine for hire.  
(Intensity Rating: M.)

bb. Surplus Sales

Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators. (Intensity Rating: I.)

cc. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors. (Intensity Rating: M.)

dd. Travel Centers

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which less than thirty percent (30%) of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for Diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near Interstate Highways or other principal State and Federal designated highway routes. (Intensity Rating: H.)

ee. Truck Stops

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which 30 percent (30%) or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes. (Intensity Rating: I.)

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ff. Vehicle Storage (Short-Term)

Short-term storage of operating or non-operating vehicles for a period of no more than twenty-one (21) days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage beyond twenty-one (21) days constitutes an Industrial Use Type. (Intensity Rating: M.)

gg. Veterinary Services (General)

Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals. (Intensity Rating: M.)

hh. Veterinary Services (Large Animal)

Veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals. (Intensity Rating: H.)

**20.3.8 Parking Use Types**

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility. (Intensity Rating: H.)

b. Parking Structure

The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site. (Intensity Rating: H.)

**20.3.9 Industrial Use Types**

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products. (Intensity Rating: L.)

a. Agricultural Industry

Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators, storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies. (Intensity Rating: I.)

b. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards. (Intensity Rating: H.)

c. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving: (Intensity Rating: M)

- (1) The use of hand tools; or
- (2) The use of domestic mechanical equipment not exceeding two (2) horsepower; or
- (3) A single kiln not exceeding eight (8) KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

d. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses. (Intensity Rating: M.)

e. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of materials or products. (Intensity Rating: H.)

f. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials. (Intensity Rating: I.)

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- g. Recycling Collection  
Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities. (Intensity Rating: M.)
- h. Recycling Processing  
Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities. (Intensity Rating: H.)
- i. Resource Extraction  
A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and removal of dirt for off-site use. (Intensity Rating: I.)
- j. Salvage Services  
Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards. (Intensity Rating: I.)
- k. Vehicle Storage (Long-Term)  
Long-term storage of operating or non-operating vehicles for a period exceeding twenty-one (21) days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage of twenty-one (21) days or less constitutes a Commercial Use Type. (Intensity Rating: H.)
- l. Warehousing (Enclosed)  
Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies. (Intensity Rating: M.)
- m. Warehousing (Open)  
Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage. (Intensity Rating: H.)

20.3.10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation (General)

Airports, including take-off and landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Typical uses include private or municipal airports. (Intensity Rating: I.)

b. Aviation (Private)

Take-off or landing strips or fields within a parcel generally put to other uses and primarily used for the convenience of the owner of the parcel. Typical uses include private airstrips within a large property. (Intensity Rating: I.)

c. Railroad Facility

Fixed railroad facilities, including switching yards, equipment servicing facilities, and freight terminal facilities, but not including normal right-of-way. (Intensity Rating: I.)

d. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities. (Intensity Rating: H.)

e. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. (Intensity Rating: H.)

20.3.11 Miscellaneous Type Uses

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities. (Intensity Rating: M.)

b. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators. (Intensity Rating: L.)

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c. Communications Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers. (Intensity Rating: M.)

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects. (Intensity Rating: H.)

e. Landfill A (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile. (Intensity Rating: H.)

f. Landfill B (Putrescible and Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure. (Intensity Rating: H.)

g. Wind Energy Conservation System (WECS)

Any device that converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines. (Intensity Rating: L.)

**SECTION 4  
ZONING DISTRICT REGULATIONS**

**20.4.1 Purpose**

Section 4 shall be known as the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote patterns of development that are consistent with the policies set forth by the county's comprehensive plan and to establish site development regulations appropriate to the purposes and specific nature of each district.

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20.4.2 Establishment of Districts

The following base districts and overlay districts are hereby established. These districts correspond to the Land Use Policy Districts established by the Mills County Comprehensive Plan.

**BASE ZONING DISTRICTS**

**DISTRICT NAMES**

AG	Agricultural District
AR	Agricultural/Residential District
LH	Loess Hills Conservation Development District
V	Village District
C-1	Convenience Commercial
C-2	Highway Oriented Commercial
I	Industrial District
OS	Greenway/Open Space Conservation District

**OVERLAY DISTRICTS**

GP	Grading Permit Overlay District
PUD	Planned Unit Development Overlay District

- a. Agriculture District (AG): The General Agricultural District promotes agricultural uses, including crop and animal production. Much of this area is beyond the probable demand for residential development within the foreseeable future. However, encroaching residential uses, even if scattered, create potential conflicts with intensive agriculture. In Agriculture Districts, a wide range of agriculture activity is encouraged. Opportunities for other uses will exist, but the emphasis will be on agricultural uses, whereby land use conflicts will be minimized.
- b. Agriculture Residential District (AR): The Residential Agriculture District recognizes residential development in and around the Loess Hills region where slopes are low to moderate and there is significant demand for residential development. Land within this district is likely to continue being subdivided or otherwise used for low-density rural residential development. The county should encourage conservation subdivision development and community water/wastewater systems, when possible.
- c. Loess Hills Conservation Development (LH): The Loess Hills Conservation Development District recognizes the importance of the fragile and unique landform of the Loess Hills and the demand for residential development. The concept of conservation development encourages developers to preserve areas of environmental or scenic significance in exchange for allowing greater development density in other parts of the project or by lessening the minimum lot size of the parcel if the overall percentage of open space or agricultural land stays

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- constant. Minimum lot size standards should be observed for construction of private septic system and wells. However, constructing common water and wastewater systems in place of private systems will allow an even greater development density. The Loess Hills Conservation Development District allows the landowner to develop at a greater density using conservation development techniques.
- d. Village (V): This district is intended to provide for residential and commercial development in existing, long-standing rural unincorporated villages. The Village District is appropriate to areas in the county within identifiable communities, such as Mineola and Strahan. The use of the V District for development using private infrastructure should be discouraged, although it is not prohibited.
  - e. Convenience Commercial (C-1): This district is intended for commercial facilities that serve the needs of markets ranging from a rural community to the overall region. Permitted commercial and office uses are generally compatible with nearby residential areas, with development standards designed to minimize the effects of traffic and operation characteristics. C-1 Districts are appropriate at major intersections or at the periphery of a rural community.
  - f. Highway Oriented Commercial District (C-2): Highway Oriented Commercial District includes major road corridors in rural areas that attract high quality commercial and industrial development. The district should allow commercial uses and limited industrial uses.
  - g. Industrial District (I): The district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility. The Industrial District applies to areas that provide logical locations for major industry, based on transportation and locational assets.
  - h. Open Space District (OS): The Open Space District maintains open uses in areas that provide major environmental resources or should not receive conventional development. These areas include wetlands, lakes, rivers, and other distinctive environmental features. These natural resource areas, recognized by the County's Comprehensive Plan, are not appropriately described by traditional base zoning districts. Flood prone areas may be included within the OS district.
  - i. Grading Permit Overlay District (GP Overlay): This overlay district identifies the unique land formation of the Loess Hills and establishes regulations to control development that adversely affects the integrity of the region. This district also establishes a County Grading Permit requirement throughout Mills County. It proposes standard environmental management measures for controlling erosion and dust, maintaining drainage patterns and groundwater quality, establishing

buffers, encouraging community infrastructure systems, and restoring the landscape.

- j. Planned Unit Development District (PUD Overlay): The Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment.

#### 20.4.3 Application of Districts

A base district designation shall be applied to each area and parcel the county's planning jurisdiction.

Overlay districts may be applied to any site or any portion thereof, in addition to a base district designation.

#### 20.4.4 Development Regulations

For each Zoning District, uses are permitted by Intensity Rating as set forth in Section 20.3(2)(a). Table 4.01 presents a Use Matrix, indicating the Intensity Ratings of uses permitted in each zoning district.

Table 4.02 establishes specific regulations that apply to various design and development criteria for each district. These regulations may refer to other tables or sections of the ordinance. Supplemental Regulations may also affect specific land uses or development regulations in each district.

#### 20.4.5 Zoning Map

##### a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the County Auditor. The Auditor shall certify that this is the Official Zoning Map referred to by these regulations. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this ordinance. The Zoning Map shall be on file with the County Auditor and shall be readily accessible to the public at the Mills County Courthouse in Glenwood, Iowa.

##### b. Changes to the Zoning Map

The Board of Supervisors may from time to time adopt a new official zoning map which shall supersede the prior official zoning map, in the event that the official zoning map becomes damaged or destroyed; or for 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.

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**20.4.6 Interpretation of District Boundaries**

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following section lines, half-section, quarter section lines, or quarter-quarter section lines, ownership, or lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, streams or creeks, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
- d. Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
- e. Boundaries not capable of being determined as set forth in Sections 20.4(6)(a) through 20.4(6)(d) shall be as dimensioned on the official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

**20.4.7 Vacation of Public Rights of Way**

Whenever a public right-of-way is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

**20.4.8 Required Conformance**

Except as specified in this ordinance, 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 title for the district in which the building or land is located.

**20.4.9 Required Frontage**

No platted lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty feet on at least one public street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet wide may be provided for two or more such single-family dwellings or for structures housing more than one family in independent units.

**20.4.10 Use Matrix: Levels of Permitted Uses**

Within zoning districts in Mills County, different uses are permitted with different conditions. These are displayed in Table 4.01: Use Matrix. Levels of permission include:

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- a. Uses which are permitted by right. These uses are permitted subject to issuance of a building permit by the Zoning Officer, subject only to compliance with all regulations of these regulations. Uses permitted by right might be subject to supplemental regulations contained in these regulations. These uses are indicated in the Use Matrix by a "P" in the applicable cell.
- b. Special uses. These uses are subject to approval of a Special Use Permit by the Zoning Board of Adjustment following the procedure set forth in Section 20.1(10). These uses are indicated in the Use Matrix by an "S" in the applicable cell.

**20.4.11 Guide to Site Development Regulators**

The regulators set forth in the Table 4.02 establish the limits and requirements for most development in Mills County. This section is intended to provide guidance for applying the regulators contained in these tables.

a. Site Area per Housing Unit

This indicates the gross land area per unit within a residential development. For example, a twenty (20)-lot subdivision on a forty (40)-acre will have a site area per unit of two (2) acres per unit. Site area per unit, which measures gross density, may differ from minimum lot size. In conservation development, the site area per unit will be larger than minimum lot size, permitting the clustering of lots in exchange for common open space. In multi-family development, the site area per unit will usually be smaller than minimum lot size, because the lot is the legal parcel on which a multiple-unit building is built.

b. Minimum Lot Size

This indicates the minimum size of a legally described and recorded parcel upon which development can take place. As noted above, minimum lot size and site area per unit may not be the same.

c. Minimum Yards

These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for a number of exceptions. Some of these include:

- (1) Planned Unit Developments. Yard setbacks can be varied within Planned Unit Developments, which are reviewed and approved by the Board of Supervisors after a recommendation from the Planning and Zoning Commission.

- (2) Major roads. The County may require greater than normal setback along segments of the County's arterial road system, as defined in the comprehensive plan.

d. Maximum Height

Height normally measures the vertical distance from the established grade to the highest point of a building. However, as established by the definition of height, the point of measurement may vary for different types of buildings and roof slopes.

e. Maximum Building Coverage

This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a 20,000 square foot building on a 40,000 square foot site has a building coverage of fifty percent (50%). This is a method of regulating the scale of buildings in an area.

f. Maximum Impervious Coverage

This measures the percentage of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of stormwater runoff and provide for groundwater recharge.

g. Land Disturbance Standards

This indicates areas that require application of special performance standards and procedures applying to the disturbance of land in environmentally sensitive areas, such as the Loess Hills. These standards are set forth in Section 20.7(3).

h. Conservation Development Standards

These are voluntary regulations allowing the application of conservation development procedures, as set forth in Section 5.

i. Landscape Requirements

This establishes areas for which landscaping that must be provided on private property adjacent and in from the right-of-way line. These specific standards are set forth in Section 20.6(4).

j. Minimum Bufferyard Requirements

This establishes areas in which bufferyards must be provided by more intensive land uses adjacent to less intensive land uses. These specific standards are set forth in Section 20.6(5).

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**Table 4.01: Use Matrix**

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>AGRICULTURE USES</b>										
Horticulture	L	P	P	P	P	P	P	P	P	
Crop Production	L	P	P	P	P	P	P	P	P	
Animal Production	M	P	P	P	P	P	P	P	P	
Livestock Sales	H	P	P	P	P	P	P	P	P	
<b>RESIDENTIAL USES</b>										
Single-Family Detached	L		P	P	P	P		S	S	
Single-Family Attached	L		P	P	P	P		S	S	
Duplex	M			S	S	S		S		
Two-Family	M			S	S	S		S		
Townhouse	M			S	S	S		S		
Multiple-Family	M			S	S	S		S		
Group Residential	M			S	S	S		S		
Boarding House	M			S	S	S		S		
Manufactured Home Residential	L		P	P	P	P		S	S	
Mobile Home Park	M			S	S	S		S		
Mobile Home Subdivision	L		P	P	P	P		S	S	
Retirement Residential	M			S	S	S		S		
<b>CIVIC</b>										
Administration	L	P	P	P	P	P		P	S	
Cemetery	L	P	P	P	P	P		P	S	
Clubs (Recreational)	L	P	P	P	P	P		P	S	
Clubs (Social)	M	S	P	P	P	P		P	S	
College/University	H		P	S	S	S		P	S	
Convalescent Services	L	P	P	P	P	P		P	S	
Cultural Services	M	S	P	P	P	P		P	S	
Day Care (Limited)	L	P	P	P	P	P		P	S	
Day Care (General)	M	S	P	P	P	P		P	S	
Detention Facilities	I		S	S				S	P	
Emergency Residential	L	P	P	P	P	P		P	S	
Group Care Facility	M	S	P	P	P	P		P	S	
Group Home	L	P	P	P	P	P		P	S	
Guidance Services	L	P	P	P	P	P		P	S	
Health Care	M	S	P	P	P	P		P	S	
Hospital	I		S	S				S	S	
Maintenance Facility	H		P	S	S	S		P	P	
Park and Recreation	L	P	P	P	P	P		P	S	

P Permitted by right or by right subject to supplemental regulations  
 S Permitted by Special Use Permit  
 Blank Not Permitted

OS - Open Space District      AG - Agriculture District      AR - Agriculture/Residential District  
 LH - Loess Hills Conservation Development      VR - Village Residential      I - Industrial  
 C-1 - Convenience Commercial      C-2 - Highway-Oriented Commercial

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**Table 4.01: Use Matrix**

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>CIVIC (continued)</b>										
Postal Facilities	M	S	P	P	P	P		P	S	
Primary Education	M	S	P	P	P	P		P	S	
Public Assembly	H		P	S	S	S		P	S	
Religious Assembly	L	P	P	P	P	P		P	S	
Safety Services	M	S	P	P	P	P		P	S	
Secondary Education	H		P	S	S	S		P	S	
Utilities	M	S	P	P	P	P		P	S	

**OFFICE USES**

General Offices	M		S	S	S	S	S	P	S	
Financial Services A	L		S	S	S	P	P	P	S	
Financial Services B	M		S	S	S	S	S	P	S	
Medical Offices A	L		S	S	S	P	P	P	S	
Medical Offices B	M		S	S	S	S	S	P	S	

**COMMERCIAL USES**

Ag Sales/Service	H							P	S	
Auto Auction Lots	H							P	S	
Auto Rental/Sales	H							P	S	
Auto Services	H							P	S	
Body Repair	I							P	S	
Equip Rental/Sales	H							P	P	
Equipment Repair	H							P	P	
Bed and Breakfast	L		S	S	S	P	P	P	S	
Business Support Services	M		S	S	S	S	S	P	S	
Business/Trade School	H							P	S	
Campground	M		S	S	S	S	S	P	S	
Cocktail Lounge	H							P	S	
Commercial Recreation	H							P	S	
Communication Service	M		S	S	S	S	S	P	S	
Construction Sale/Service	H							P	P	
Consumer Service	M		S	S	S	S	S	P	S	
Convenience Storage	H							P	S	
Food Sales (Convenience)	H							P	S	
Food Sales (Limited)	L		S	S	S	P	P	P	S	
Food Sales (General)	M		S	S	S	S	S	P	S	
Food Sales (Super markets)	I							S	S	
Funeral Services	M		S	S	S	S	S	P	S	

P Permitted by right or by right subject to supplemental regulations  
 S Permitted by Special Use Permit  
 Blank Not Permitted

OS - Open Space District      AG - Agriculture District      AR - Agriculture/Residential District  
 LH - Loess Hills Conservation Development      VR - Village Residential      I - Industrial  
 C-1 - Convenience Commercial      C-2 - Highway-Oriented Commercial

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Table 4.01: Use Matrix

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>COMMERCIAL USES (cont)</b>										
Gaming Facilities	H							P	S	
Kennels	M		S	S	S	S	S	P	S	
Laundry Services	H							P	S	
Liquor Sales	H							P	S	
Lodging	H							P	S	
Personal Improvement	M		S	S	S	S	S	P	S	
Personal Services	M		S	S	S	S	S	P	S	
Pet Services	M		S	S	S	S	S	P	S	
Research Services	M		S	S	S	S	S	P	S	
Restaurants (Drive-in)	H							P	S	
Restaurants (General)	H							P	S	
Restricted Business	I								P	Yes*
Retail Services (Limited)	M		S	S	S	S	S	P	S	
Retail Services (Medium)	M		S	S	S	S	S	P	S	
Retail Services (Large)	H							P	S	
Retail Services (Mass)	I							S	S	
Stables	M		S	S	S	S	S	P	S	
Surplus Sales	I							S	S	
Trade Services	M		S	S	S	S	S	P	S	
Travel Centers	H							P	S	
Truck Stops	I							S	P	
Vehicle Storage (Short-term)	M		S	S	S	S	S	P	S	
Vet Services (General)	M		S	S	S	S	S	P	S	
Vet Services (Large Animal)	H							P	S	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit

Blank Not Permitted

OS - Open Space District      AG - Agriculture District      AR - Agriculture/Residential District  
 LH - Loess Hills Conservation Development      V - Village District      I - Industrial  
 C-1 - Convenience Commercial      C-2 - Highway-Oriented Commercial

\*Restricted Business Additional Regulations. No person shall cause or permit the establishment of any restricted business, as defined in Section 3, within 1,500 feet from another such business, any school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed-use district restricted to residential use. Measurement shall be taken on a direct line from the property line of such restricted business to the point on the property line of such other business, school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed-use district restricted to residential use which is closest to the property line of such restricted business.

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MISCELLANEOUS RECORD BOOK 389, MILLS COUNTY, IOWA

Table 4.01: Use Matrix										
	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>PARKING USES</b>										
Off-Street Parking	H									
Parking Structure	H									
<b>INDUSTRIAL USES</b>										
Agricultural Industry	I								P	
Construction Yards	H		S					S	P	
Custom Manufacturing	M		S	S	S			P	P	
Light Industry	M		S	S	S			P	P	
General Industry	H		S					S	P	
Heavy Industry	I								P	
Recycling Collection	M		S	S	S			P	P	
Recycling Processing	H		S					S	P	
Resource Extraction	I								S	
Salvage Service	I								S	
Vehicle Storage (Long-term)	H		S					S	P	
Warehousing (Enclosed)	M		S	S	S			P	P	
Warehousing (Open)	H		S					S	P	
<b>TRANSPORTATION USES</b>										
Aviation (General)	I	S	S							
Aviation (Private)	I	S	S							
Railroad Facilities	I	S	S						P	S
Truck Terminal	H	S	S						P	
Transportation Terminal	H	S	S						P	
<b>MISCELLANEOUS USES</b>										
Alternative Energy Production Devices	M		P	P	S		S	P	S	
Amateur Radio Tower	L	P	P	P	P		P	P	S	
Communications Tower	M		P	P	S		S	P	S	
Construction Batch Plant	H		S	S				S	P	
Landfill (Non-Putrescible)	H		S	S				S	P	
Landfill (Putrescible)	H		S	S				S		
WECS	L	P	P	P	P		P	P		

**P** Permitted by right or by right subject to supplemental regulations  
**S** Permitted by Special Use Permit  
**Blank** Not Permitted  
**OS** - Open Space District      **AG** - Agriculture District      **AR** - Agriculture/Residential District  
**LH** - Loess Hills Conservation Development      **V** - Village District      **I** - Industrial  
**C-1** - Convenience Commercial      **C-2** - Highway-Oriented Commercial

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**Table 4.02: Development Criteria for Zoning Districts**

Site Area per Unit	OS	AG	AR	LH
Minimum site area per housing unit	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conventional residential development)	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conservation residential development)	NA	NA	NA	1 acre
Minimum lot size (non-residential)	¼-¼ section	5 acres	2 acres	3 acres
Minimum front yard	100 feet	75 feet	75 feet	75 feet
Minimum front yard (major subdivision with public water and sewer)	25 feet	25 feet	25 feet	25 feet
Minimum side yard	10 feet	10 feet	10 feet	10 feet
Minimum rear yard	25 feet	25 feet	25 feet	25 feet
Minimum lot width	1,000 feet	300 feet	300 feet	300 feet
Minimum lot depth	1,000 feet	300 feet	300 feet	300 feet
Maximum height	25 feet	NA	35 feet	35 feet
Maximum building coverage	1%	5%	15%	5%
Maximum impervious coverage	5%	10%	10%	10%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development Standards (Section 5)	No	No	No	Yes
Landscape requirement (Section 20.6(3))	No	No	For special permit uses	For special permit uses
Bufferyard requirement (Section 20.6(5))	No	No	For special permit uses	Yes

*Note:* Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 20.7(4).

*Note:* In Loess Hills Conservation Development, the development criteria and grading permit standards may be the same as in the Agriculture/Residential District, if the land has crop land history as proven by Farm Service Agency (FSA) maps.

\* Maximum of three housing units per ¼-¼ section.

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**Table 4.02: Development Criteria for Zoning Districts**

Site Area Per Unit	V	C-1	C-2	I
Minimum site area per housing unit	NA	NA.	25,000 sq. ft.	¼-¼ section
Minimum lot size (conventional residential development)	1 acre without sewer 10,000 sq. ft. with sewer	NA	2 acre	¼-¼ section
Minimum lot size (conservation residential development)	NA	NA	NA	NA
Minimum lot size (non-residential)	2 acre without sewer 10,000 sq. ft. with sewer	5 acres	5 acres	5 acres
Minimum front yard	NA	25 feet	25 feet	25 feet
Minimum side yard	NA	10 feet	10 feet	10 feet
Minimum rear yard	NA	50 feet	50 feet	50 feet
Minimum lot width	NA	400 feet	400 feet	400 feet
Minimum lot depth	NA	400 feet	400 feet	400 feet
Maximum height	35 feet	50 feet	50 feet	50 feet
Maximum building coverage	NA	40%	40%	50%
Maximum impervious coverage	NA	70%	70%	80%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development (Section 5)	No	No	No	No
Landscape requirement (Section 20.6(3))	No	Yes	Yes	Yes
Bufferyard requirement (Section 20.6(5))	No	Yes	Yes	Yes

Note: Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 20.7(4).

**SECTION 5  
CONSERVATION DEVELOPMENT STANDARDS**

**20.5.1 Purpose and Application**

Section 5 shall be known as the Conservation Development Standards. These standards provide voluntary design standards and techniques for subdivisions with five or more lots within the LH district. Conservation Development techniques require that the natural landforms determine the design and character of new residential development in environmentally sensitive areas. Areas of environmental sensitivity and potential outside of LH district are established by the Mills County comprehensive plan.

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**20.5.2 Process**

Conservation developments generally follow the subdivision approval procedures outlined in Chapter 19 - Subdivision Regulations of the Code of Ordinances for Mills County, Iowa, establishing the process for preliminary and final plat approval. Projects that do not require subdivision follow approval procedures appropriate to the specific project, including Special Use Permits, zoning amendments, site plan review, or other applicable measures. The requirements and standards included in this section are in addition to those established procedures.

**20.5.3 Permitted Density Yield**

The density of conservation developments is set forth in Table 4.02. Community water and wastewater systems are required as presented in Chapter 19 – Subdivision Regulations of the Code of Ordinances for Mills County, Iowa. Permitted yield in housing units (Y) is calculated by the formula:

$$Y = \frac{.90(TA - UA)}{SA}$$

where:

TA = Total parcel area

UA = Undevelopable areas, defined as the sum of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding twenty percent (20%), floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Soil Conservation Service, is subtracted from the total parcel area.

.90 = an allowance for the typical percentage of land available after deducting the area of public streets and right-of-ways serving a low-density residential development.

SA = Minimum site area per unit for conservation development required by the underlying zoning district.

**20.5.4 Minimum Percentage of Open Space**

- a. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by Mills County, a Homeowners Association, or a recognized land trust or conservancy, shall be a minimum of thirty-five percent (35%) of the Net Developable Area, defined as  $.90(TA - UA)$ .
- b. The above areas shall generally be designated as undivided open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.

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- c. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the County and duly recorded in the Mills County Recorders Office.
- d. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposed in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
- e. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground pipelines. However, land within the rights-of-way of high tension power lines shall not be included as comprising part of the minimum required open space.

**20.5.5 Conservation Areas as Open Space**

- a. The location of open space shall be consistent with the policies contained in Mills County's Comprehensive Plan, and with the recommendations contained in this section and the following section ("Evaluation Criteria").
- b. Open space shall be comprised of two types of land; "Primary Conservation Areas" and "Secondary Conservation Areas." All lands within both Primary and Secondary Conservation Areas shall be protected by a permanent conservation easement prohibiting future development, and setting other standards safeguarding the site's special resources from negative changes.
  - (1) Primary Conservation Areas. This category consists of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding twenty-five percent (25%), floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Soil Conservation Service.
  - (2) Secondary Conservation Areas. Secondary Conservation Areas comprise at least thirty-five percent (35%) of the Net Developable Area and shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. Secondary Conservation Areas are determined by specific project design and typically include all or some of the following kinds of resources:
    - (a) A one hundred (100)-foot deep greenway buffer along all waterbodies and watercourses, and a fifty (50)-foot greenway buffer alongside wetlands soils classified as "very poorly drained"

in the medium intensity county soil survey of the USDA Natural Resources Conservation Service). These areas must be conserved as Secondary Conservation Areas but are considered as Developable Areas for the purpose of calculating yield.

- (b) One hundred (100)-year floodplains.
- (c) Woodlands, individual specimen trees, or small stands of trees with a caliper size of twelve inches (12") or greater.
- (d) Aquifer recharge areas and areas with highly permeable ("excessively drained") soil.
- (e) Significant wildlife habitat areas.
- (f) Agriculture Land.
- (g) Historic, archaeological or cultural features listed (or eligible to be listed) on the National Register of Historic Places, or on inventories developed by the Golden Hills RC&D or the Iowa State Historical Society.
- (h) Slopes in excess of fourteen percent (14%).
- (i) Ridgelines and view corridors.
- (j) Land with soils that do not support residential development.

**20.5.6 Location Standards for Open Space**

a. Access to Residential Lots

Undivided open space shall be directly accessible to the largest practicable number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses, or trail links.

b. Interconnection of Open Spaces

Protected open spaces in each new subdivision are encouraged to adjoin each other, ultimately forming an interconnected network of Primary and Secondary Conservation Areas across the county.

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20.5.7 Special Processes for Conservation Developments

The review and approval process for conservation developments is the same as that for conventional subdivisions, as set forth in Chapter 19 - Subdivision Regulations of the Code of Ordinances for Mills County, Iowa. Additional provisions and approval processes are set forth in this section.

a. Existing Features Plan

- (1) Plans analyzing each site's special features are required for all proposed subdivisions. The Existing Features Plan shall include at a minimum: (1) a contour map based at least upon topographical maps published by the U.S. Geological Survey; (2) the location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and one hundred (100)-year floodplains, and all rights-of-way and easements; (3) soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and (4) the location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.
- (2) The Existing Features Plan shall identify both Primary Conservation Areas and Secondary Conservation Areas, as described in Section 20.5(5) of these regulations. The Existing Features Plan shall form the basis for the Conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section B, below.

b. Conceptual Preliminary Plan

A sketch plan or a Conceptual Preliminary Plan shall be submitted for all proposed subdivisions to the Zoning Officer before submission of a formal preliminary plat application. A Conceptual Preliminary Plan presents a conceptual layout for greenway and open lands, house sites, and street alignments. Each Conceptual Preliminary Plan shall follow a four-step design process, as described below. Applicants shall be prepared to demonstrate to the Zoning Officer that these four design steps were followed in the preparation of the plan.

- (1) *Step One: Designating the Open Space.* During the first step, all potential conservation areas (both primary and secondary as defined above) are identified, using the Existing Features Plan.
- (2) *Step Two: Location of House Sites.* During the second step, potential house sites are located. Subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not

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closer than one hundred (100) feet from Primary Conservation Areas, but may be situated within fifty (50) feet of Secondary Conservation Areas, in order to enjoy views of the latter without negatively affecting the former.

- (3) *Step Three: Street and Lot Layout.* The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fourteen percent (14%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with "hammerheads" facilitating three-point turns.
- (4) *Step Four: Lot Lines.* The fourth step is simply to draw in the lot line (where applicable). These are generally drawn midway between house locations and may include L-shaped "flag lots" meeting the county's minimum standards for the same.
- (5) *Review and Comments.* The Zoning Officer and the County Engineer shall return written comments on the Conceptual Preliminary Plan to the applicant within thirty (30) days of submittal. These comments should recommend changes to be made prior to submittal of a Preliminary Plat application.

#### 20.5.8 Ownership and Maintenance of Common Open Space

Conservation developments shall provide for ownership and maintenance of common open space. Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the County.

a. Offer of Dedication

Mills County shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The County or other public agency may, but shall not be required to accept undivided open space provided: (1) such land is accessible to the residents of the county; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (3) the county agrees to and has access to maintain such lands. Alternatively, a public agency may accept an easement, subject to the above conditions.

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b. Homeowners Association

The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

- (1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
- (2) The association shall be organized by the developer and shall be operated with financial assistance from the developer, before the sale of any lots within the development.
- (3) Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- (4) The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
- (5) The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
- (6) In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by a public agency, notice of such action shall be given to all property owners within the development.
- (7) The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands.

c. Condominiums

The undivided open space and associated facilities may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the state statute. All undivided open space land shall be held as a "common element."

d. Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and /or natural resources, provided that:

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- (1) The organization is acceptable to the County, and is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
- (3) A maintenance agreement acceptable to the commission is entered into by the developer and the organization.

**20.5.9 Maintenance Standards**

a. Financial Responsibility

The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, or other methods. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.

b. Maintenance Enforcement

- (1) In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the County may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
- (2) Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of these regulations.
- (3) Should any bill or bills for maintenance of undivided open space by the County be unpaid, a late fee of fifteen percent shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

**20.5.10 Evaluation Criteria**

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning and Zoning Commission and Board of Supervisors as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purpose of these regulations:

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- a. Protection of floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as may be approved for essential infrastructure or active or passive recreation amenities.
- b. Preservation and maintenance of woodlands, existing fields, pastures, meadows, and orchards, and sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- c. Maintenance of buffers adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- d. Design around existing treelines between fields or meadows, and minimal impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat.
- e. Maintenance of scenic views.
- f. Avoidance of new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- g. Protection of wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
- h. Design around and preserves sites of historic, archaeological, or cultural value, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.
- i. Protection of rural character and improvement of public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
- j. Landscaping of common areas if appropriate.
- k. Provision of active or passive recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- l. Inclusion of a pedestrian circulation system providing access between properties, activities, or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails.
- m. Provision of open space that is reasonably contiguous, avoiding fragmented open spaces.

**SECTION 6**  
**LANDSCAPING AND SCREENING STANDARDS**

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**20.6.1 Purpose**

Section 6 shall be known as Landscaping and Screening Standards. The Landscaping and Screening Regulations provide additional standards for the development of certain sites within Mills County by addressing landscaping and screening requirements. They are designed to improve the appearance of the county, buffer potentially high impact land uses from lower impact uses, and conserve the value of properties within Mills County. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

**20.6.2 Applicability**

The provisions of this section shall apply to all new development on each lot within zoning districts identified by Table 4.02 upon application for a building permit, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent (20%) of the building established on the site on the effective date of these regulations. Where such cumulative additions or enlargements are 20 percent (20%) or greater, these provisions shall apply only to that portion where the new development occurs.

**20.6.3 Landscaping Requirements**

Landscaping shall be required adjacent to each street property line and shall extend to a minimum depth inward on private property as set forth in the Development Regulations and summarized in Table 6.01.

**20.6.4 Landscaping Materials and Installation Standards**

- a. Landscaping Plan  
A landscaping plan meeting the requirements of this ordinance must be submitted by a registered nurseryman or registered landscape architect.
- b. Use of Inorganic Landscaping Materials
  - (1) No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than thirty-five percent (35%) of the minimum required

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landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways and walkways.

- (2) Loose rock, mulch, bark or wood chips shall not be permitted within the required depth area set forth in Table 6.01.

<b>COLUMN 1</b> Use Type with Intensity Rating	<b>COLUMN 2</b> Minimum Depth of Landscaping Adjacent to Street Property Lines
<b>Civic</b>	
High	15 feet
Intensive	25 feet
<b>Commercial/Office</b>	
Low	10 feet
Medium	15 feet
High	25 feet
Intensive	35 feet
<b>Industrial</b>	
Low	15 feet
Medium	20 feet
High	35 feet
Intensive	50 feet

**20.6.5 Bufferyard Provisions**

These provisions apply when a use is established in a more intensive use type (Use A) that is adjacent to a pre-existing less intensive use type (Use B). The owner, developer, or operator of Use A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 4.02.

- a. The bufferyard dimensions set forth in Table 6.02 apply to uses that share a common lot line.

District A (More Intensive Use with Intensity Rating)	District B (Less Intensive Use Type with Intensity Rating)			
	Agriculture	Residential	Civic	Commercial

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	L	M	H	L	M	H	L	M	H	L	M	H
<b>Residential</b>	50	50	50									
<b>Civic</b>												
Medium												
High				10	20	20						
Intensive				20	30	30						
<b>Commercial</b>												
Low				20	20	20	20	20				
Medium				30	30	30	20	20				
High				40	40	40	30	20				
Intensive				60	40	40	30	20				
<b>Industrial</b>												
Low				30	30	30	30	30	30			
Medium				60	60	60	60	60	30	20		
High				100	100	100	100	100	40	30	20	
Intensive				200	200	200	100	100	80	40	30	

- b. When a roadway separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 7.02.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

**20.6.6 Screening Standards**

a. Application

Screening is required when a use type requiring buffering as indicated in Table 6.02 borders a residential use type and has one or more of the following conditions and is directly visible from and faces toward the boundary of the residential use:

- (1) Outdoor storage areas or storage tanks, unless otherwise screened.
- (2) Loading docks, refuse collection points, and other service areas.
- (3) Major machinery or areas housing a manufacturing process.
- (4) Major on-site traffic circulation areas or truck and/or trailer parking.
- (5) Sources of glare, noise, or other environmental effects.
- (6) Bailing or stockpiling of cardboard or other shipping or packaging materials.
- (7) Surface parking lots with 150 or more stalls directly adjacent to less intensive districts.

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b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 20.7(6)(a) from the residential use as follows:

- (1) A solid wood, PVC, and/or masonry fence or wall at least six feet in height.
- (2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
- (3) A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
- (4) Any combination of these methods that achieves a cumulative height of six feet.

c. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

d. Permitted Interruptions of Screening

Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed twenty percent (20%) of the length of the required screened area.

**20.6.7 Parking Lot Landscaping**

a. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility with a paved surface of 10,000 square feet or more shall comply with the following regulations:

- (1) Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any roadway property line.
- (2) Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
- (3) Any parking facility which abuts property in a residential use type shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Officer.

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- (4) Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

**20.6.8 Tree Plantings**

- a. In any landscaped area for commercial uses only required by the Minimum Depth Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.
- b. Any tree of an approved species planted or maintained with a caliper of three inches (3") or above shall count as 1.5 trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this section.

**20.6.9 General Provisions**

a. Time of Application

The provisions contained in this section shall be applied for each individual lot or site when an application for a building permit on such lot is made. A Landscape Plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Officer for compliance with the provisions of this section.

b. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this section and the approved landscaping plan for the project.

c. Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

d. Earth Berm Locations

All earth berm locations shall be reviewed by the Zoning Officer, or his/her designee to determine how the berms shall relate to drainage.

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**SECTION 7  
OVERLAY DISTRICTS**

**20.7.1 Purpose**

Overlay Districts are used in combination with Base Zoning Districts to modify or expand base district requirements. They adapt to the special needs of areas of the county and further allow Mills County's Zoning Ordinance to evolve as the planning and development needs and trends of specific areas also change. The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the County which require specific regulation.
- b. To provide for the protection of special features in the natural and built environment of the county.
- c. To allow for change and adaptability to different needs and trends in land development.
- d. To encourage comprehensive neighborhood and environmental planning in the county, and to protect the integrity of vital services.
- e. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

**20.7.2 Establishment of Districts**

The following Overlay Districts are hereby established.

	<b>OVERLAY DISTRICTS</b>
<b>GP</b>	Grading Permit Overlay District
<b>PUD</b>	Planned Unit Development Overlay District

**20.7.3 GP GRADING PERMIT OVERLAY DISTRICT**

a. **Purpose and Application**

These regulations apply to certain land disturbing activities within Mills County, with additional requirements within the Loess Hills Conservation Development District (LH). The grading permit requirements are intended insure that problems potentially caused by extensive grading are averted and to conserve the unique environmental features of the Loess Hills environment in Mills County. These regulations do not apply to the following activities:

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- (1) Plowing, disking, preparation, or use of any land for the crop production or animal production use types. Terracing of land for agricultural purposes is also exempt.
- (2) Work done by any political subdivision on any dedicated street or drainage right-of-way.
- (3) The installation, maintenance and/or repair of a septic system shall not require approval of a Grading Permit or Special Use Permit, as specified, prior to carrying out such activity provided the final grade does not deviate from the existing grade.

b. **Grading Permit and Special Use Permit Requirements**

The following actions require approval of a Grading Permit or Special Use Permit, as specified, prior to carrying out any of the following actions:

(1) Grading and Excavation: County Wide (Outside LH District)

The removal, addition, or relocation in any twelve (12)-month period of soil or other materials from any single parcel owned or controlled by any single entity, including joint tenants and co-tenants when the disturbed area exceeds one (1) acre. Such activity must secure a Grading Permit from the Mills County<sup>\*</sup> Engineer prior to undertaking grading operations.

(2) Grading and Excavation: Loess Hills Conservation Development District

The removal, addition, or relocation in any twelve (12)-month period of soil or other materials from any single parcel owned or controlled by any single entity, including joint tenants and co-tenants when the disturbed area exceeds 5,000 square feet. Such activity must secure a Special Use Permit from the Zoning Board of Adjustment, as described in Section 20.1(10)(i)(4)(c).

c. **Criteria and Standards**

Applications for Grading Permits and Special Use Permits for Grading in the LH District must include the following submittals. Control measures in addition to those listed below may be imposed as conditions of the Grading Permit or Special Use Permit as needed to reduce or prevent damage to the environment.

- (1) An Erosion and Sediment Control Plan that demonstrates how the development of the site will:
  - (a) Keep erosion on site to allowable soil loss limits as per NRCS Soil Survey.
  - (b) Prevent siltation of waterways and loss of sensitive soils.

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- (c) Prevent deterioration/damage to man made structures.
  - (d) Protect wildlife habitat and protective vegetation.
  - (e) Erosion and Sedimentation Plan must meet NPDES requirements.
  - (f) Plan must minimize excessive cut and fill. Use phased grading techniques where applicable.
- (2) A Storm Water Control Plan that demonstrates how the development of the site will:
- (a) Avoid alteration of existing drainage patterns. See Iowa Drainage Rules.
  - (b) Prevent increase in storm runoff or velocity from site that would exceed waterway capacity or damage to natural/human-made environment.
- (3) Disturbance of Sensitive or Unique Features
- (a) Buffering
    - i) No activity controlled by these regulations may take place within fifty (50) feet of a wetland.
    - ii) No activity controlled by these regulations may take place within fifty (50) feet of an intermittent streambank or one hundred (100) feet of a perennial streambank.
  - (a) Effects on Features

Plans for development and construction shall avoid damaging or destroying unique or sensitive features, or causing significant changes to the eco-system that would adversely affect those features.
  - (b) Assessment of Effects

An assessment must be prepared by the applicant to identify both direct and indirect effects of the proposed activity on the environment, including a determination of whether the effects are potentially adverse or beneficial. Alternatives to the proposed action must be identified, along with an assessment of the potential effects of the alternatives.
  - (c) Mitigation of Damage

If the environmental assessment findings indicate that there are no feasible alternatives that would prevent damage or destruction to the

unique or sensitive feature, a study must be conducted to identify the extent of the adverse effects and a sensitive or unique feature mitigation plan must be prepared to identify measures necessary to mitigate the adverse effects. The plan must be prepared by persons qualified in the areas of natural sciences and engineering or related fields, and submitted to the county for review and recommendation by county officials and experts in the same areas.

d. **Grading Permit and Special Use Permit Application Requirements**

Any Grading Permit or Special Use Permit application for grading and excavation must include the following information:

- (1) An Erosion and Sediment Control Plan and Storm Water Control Plan as described in Section 20.7(3), prepared by a CPEC-certified individual;
- (2) A landscaping plan, showing both existing vegetation and proposed plantings, including a proposed sequence for planting, if applicable; and
- (3) Additional plans, if applicable according to the standards and criteria of this section:
  - (a) An assessment of the effect of the proposed activity on the water table;
  - (b) A plan for perimeter buffers and screening of the site; and
  - (c) Any additional information deemed necessary by the Zoning Officer for review of the proposal.

20.7.4 **PUD PLANNED UNIT DEVELOPMENT DISTRICT**

a. **Purpose**

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment.

Planned unit developments often involve groupings of buildings or sites that are designed as an integrated unit on land under unified control or ownership at the time of grant of development permission. The requirements of a PUD run with the land regardless of the subsequent sale or conveyance of property. The PUD District may be used in combination with any base district specified in this ordinance. The PUD District, which is adopted by the Board of Supervisors with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project.

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b. **Permitted Uses**

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with a LH, C-1 or C-2 District to allow a combination of use types not anticipated by conventional base districts.

c. **Objectives of Planned Unit Development Districts**

In evaluating applications for PUD Planned Unit Development Overlay Districts, the Planning and Zoning Commission and Board of Supervisors shall consider the following general objectives.

- (1) Residential PUD Districts. Residential PUD Districts should be designed to produce more usable open space, provide better recreation opportunities, enhance pedestrian scale, protect or create neighborhood amenities and environmental features, and produce more attractive neighborhoods than those produced by conventional development techniques.
- (2) Commercial PUD Districts. Commercial PUD Districts should be designed to produce more attractive and functional clusters and commercial centers than the strip development that is frequently produced by the application of conventional zoning regulations. Techniques encouraged by PUD Districts include consolidated access, shared parking, consistent architectural quality, improved pedestrian and trail access to commercial facilities, public space, and integrated landscaping and signage programs.
- (3) Industrial PUD Districts. Industrial PUD Districts should promote the establishment of industrial parks and to encourage groups of industrial buildings with integrated site design and architectural and landscaping themes.
- (4) Mixed Use PUD Districts. Mixed use PUD Districts should promote the objectives of innovative design of their individual uses and encourage creative groupings of different but complementary uses to establish high quality urban environments. Mixed Use PUD Districts may encourage co-location of living and working areas, or activity centers that incorporate a variety of uses.
- (5) PUD Districts in Sensitive Contexts. PUD Districts may be utilized to provide a high level of detail and define the requirements of project approval for developments proposed within settings that are so sensitive that normal zoning requirements, including landscaping and buffering requirements, do not provide sufficient protection for neighboring properties.

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d. **Site Development Regulations**

Site Development Regulations are developed individually for each Planned Unit Development District. Base district regulations provide flexibility, including higher densities, within Planned Unit Development districts.

e. **Access to Public Streets**

Each PUD District must abut a public street for at least one hundred (100) feet and gain access from that street.

f. **Application Process**

(1) Development Plan. The application for a Planned Development District shall include a Development Plan containing the following information indicated in this section.

(2) Application Requirements. An application for approval must contain at a minimum the following information:

(a) A detailed site map, including:

- i) A boundary survey.
- ii) Site dimensions.
- iii) Contour lines at no greater than two foot intervals.
- iv) Adjacent public rights of way, transportation routes, and pedestrian or bicycle systems.
- v) Description of adjacent land uses.
- vi) Utility service to the site and easements through the site.
- vii) Description of other site features, including drainage, soils, or other considerations that may affect development.

(b) A development plan, including:

- i) A land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.
- ii) A site layout, including the location of proposed buildings, parking, open space, and other facilities.

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- iii) Location, capacity, and conceptual design of parking facilities.
  - iv) Description of the use of individual buildings.
  - v) Conceptual information sufficient to indicate a building height, bulk, materials, and general architectural design.
  - vi) A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
  - vii) Vehicular and pedestrian circulation plan, including relationship to external transportation systems.
  - viii) Schematic building elevations and sections if required to describe the project.
  - ix) Grading plans.
  - x) Proposed sewer and utility improvements.
  - xi) Location, sizes, and types of all proposed signage.
- (c) A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

g. **Adoption of District**

- (1) The Planning and Zoning Commission and Board of Supervisors shall review and evaluate each Planned Unit Development application. Criteria for findings of fact in acting on PUD applications are set forth in Table 7.1. The County may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- (2) The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- (3) The Planning and Zoning Commission may recommend amendments to PUD district applications.
- (4) The recommendation of the Planning and Zoning Commission shall be transmitted to the Board of Supervisors for final action.

- (5) The Board of Supervisors, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- (6) An Ordinance adopting a Planned Development Overlay Zoning District shall require a favorable simple majority of the Board of Supervisors for approval.
- (7) Upon approval by the Board of Supervisors, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the County Auditor.

**h. Amendment Procedure**

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 20.7(4)(g).

**i. Building Permits**

The County shall not issue a building permit or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

**j. Termination of PUD District**

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning and Zoning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

Table 7.1: Criteria for Findings of Fact in Approving Planned Unit Developments	
	Criteria for Findings of Fact
<b>Land Use Compatibility</b>	
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.
Land Use Plan	Consistency with the land use plan of Mills County.
<b>Height and Scale</b>	
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
Setbacks	Development should respect pre-existing setbacks in its urban context. Variations should be justified by site or operating characteristics.
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
<b>Site Development</b>	
Environment	Project should maximize conservation of existing environmental features, including natural vegetation, tree cover, and drainage patterns.

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Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>
<b>Site Development</b>	
Open Space	Open spaces should contribute to the quality of the overall project and should provide supporting amenities for residential development. Open spaces should contribute to the design of the project and, when appropriate, provide locations for project-related activities.
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Project design should preserve features of environmental importance to the greatest degree possible. These features include mature trees and woodlands, wetlands, steep slopes, waterways and bodies of water.
Streetscape	Projects should relate to surrounding public streets and contribute to the quality of the street environment.

Table 7.1: Criteria for Findings of Fact in Approving Planned Unit Developments	
	Criteria for Findings of Fact
<b>Building Design</b>	
Architectural Quality	Architectural design and building materials should be compatible with surrounding areas or reflect the specific design objectives of a new development area.
<b>Transportation</b>	
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements should be included to mitigate impact on street system operations.
Street Network and Continuity	Project should maintain the continuity of Mills County's street network or should provide opportunities for local traffic flow away from major arterials.
Alternative Modes	Project should make appropriate accommodations for access by public transportation, bicycles, and pedestrians.
<b>Public Facilities</b>	
Utility Service	Project is adequately served by public utilities and infrastructure.
Storm Drainage	<p>Project should handle storm water adequately to prevent overloading of public storm water management system.</p> <p>Project should not inhibit development of other properties or create adverse effects on other sites.</p> <p>Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.</p> <p>Project should maximize d preservation and enhancement of natural drainage features on site and should facilitate stormwater storage techniques consistent with the policies of the County.</p>
Public Safety	Project can be adequately served with police and fire protection.
<b>Comprehensive Plan</b>	
Consistency with Development Objectives	Project must be consistent with the county's comprehensive plan, including applicable special area or specific plans. Project design should be consistent with the development standards and objectives of these plans.

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**SECTION 8  
OFF-STREET PARKING AND LOADING**

**20.8.1 General Provisions**

The following general provisions shall apply to off-street parking and loading facilities:

- a. At the time of construction of a structure, or at the time of enlargement or change in use of a structure, off-street parking facilities shall be provided for use in the storage of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons capacity, whether for compensation, for fee, or as an accommodation to clients or customers. Also, structures to be constructed or substantially altered and which will receive and distribute materials and merchandise by trucks, shall provide off-street loading facilities of sufficient number and size to adequately handle the needs of the particular use. The provision and maintenance of such off-street parking and loading facilities shall be the continuing obligation of the owner and tenant of the premises.
- b. No Certificate of Zoning Compliance shall be issued until plans are submitted in accordance with Section 20.1(10)(d), which shows that sufficient area is and will remain available for exclusive use as off-street parking and loading facilities. The subsequent use of the premises for which the Zoning Permit is issued shall be conditional upon the unqualified continuance and availability of the off-street parking and loading facilities required by this ordinance. Whenever on any premises there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking and loading spaces, additional such facilities shall be provided on the basis of the increased requirement of the new use or other unit of measurement; provided however, that in case such change, or aggregate of such changes, creates a need for an increase in off-street parking and loading spaces of less than ten (10) percent of the facilities previously provided, no additional facilities shall be required.
- c. The requirements for off-street parking and loading for types of structures and uses not specifically described in this Chapter shall be determined by the Zoning Officer, based upon the requirements of comparable uses listed.
- d. For the purposes of this Chapter, the following units of measurement shall apply:
  - (1) In the cases of offices, merchandising or service type of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repairs, processing or packaging of merchandise, for show windows, for offices incidental to the

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management or maintenance of stores or buildings, for toilets or restrooms, fitting or alteration rooms.

- (2) In hospitals, bassinets shall not be counted as beds.
  - (3) In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this ordinance.
  - (4) When the total parking spaces requirement includes a fractional space, any fraction up to and including one-half (1/2) space shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
- e. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
  - f. Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading facilities when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Zoning Officer in the form of deeds, leases, or contracts to establish the joint use.
  - g. Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

20.8.2 Development and Maintenance of Parking Areas

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

- a. The minimum number of required off-street parking spaces for all districts shall be as provided in Section 20.8(3).
- b. Each required parking stall shall be not less than nine (9) feet in width and not less than eighteen (18) feet in length.
- c. Maneuvering space required is the aisle width necessary to permit the safe and convenient parking of a motor vehicle and is based on the degree of angle parking provided. The width of aisles shall not be less than as set forth in the following schedule:

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SCHEDULE OF AISLE WIDTHS	
DEGREE OF ANGLE OF PARKING PROVIDED	AISLE WIDTH REQUIRED
0 parallel	12'
20	11'
30	11'
40	12'
45	13'
50	13'
60	18'
70	19'
80	24'
90	24'

If the degree of angle of parking provided is not listed above, the aisle width required shall be the next largest angle of parking shown above.

- d. All off-street parking spaces in a Residential District or platted residential subdivision shall be located on the same lot with the principal use. All other required off-street parking spaces shall not be located farther than 500 feet from the building or use they are intended to serve. The distance shall be measured in a straight line from the building or use to the farthest parking space.
- e. All groups of more than two (2) parking spaces shall be located and served by an access drive that their use will not require backing or other maneuvering within a street right-of-way other than an alley.
- f. No part of any off-street parking space shall be located within the required front yard setback of any zoning district.
- g. Curbs or wheel barriers at least four (4) inches high shall be installed along the outside boundaries of any parking area, except at designated access points. The curbs or wheel barriers shall be installed in such a manner as to prevent a parked vehicle from encroaching in any required setback.
- h. Access drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicle traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by access drives. Access drives shall not be more than thirty (30) feet in width, nor less than ten (10) feet in case of a dwelling, or less than twenty (20) feet in all other cases; provided the one-way access drives may be reduced to not less than ten (10) feet in width. Access drives on the same lot frontage shall be separated by a minimum length of curb of thirty (30) feet, provided that for every foot which the lot frontage exceeds one hundred (100) feet the minimum required length of curb shall be increased by one

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(1) foot, up to a maximum requirement of 200 feet. In the case of a corner lot, access drives shall be located not closer than thirty (30) feet to the intersecting street lines.

- i. All access drives shall comply with Chapter 5 – Entrance and Driveway of the Code of Ordinances for Mills County, Iowa.
- j. All off-street parking areas and access drives shall be surfaced with gravel or such other surfacing material so as to provide a durable all-weather surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- k. Adequate lighting shall be provided if the parking facilities are used at night, and shall be so arranged as to reflect the light away from the adjoining premises in any Residential District or platted residential subdivision.

**20.8.3 Parking Spaces Required**

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

OFF-STREET PARKING SCHEDULE		
	STRUCTURE AND USES	MINIMUM OFF-STREET PARKING REQUIREMENTS
.01	Banks, Business and Professional Offices	One (1) space per every 400 square feet of gross floor area, but in no case less than five (5) spaces
.02	Barber Shops and Beauty Parlors	One (1) space per every seventy-five (75) square feet of gross floor area
.03	Bowling Alleys	Five (5) spaces per lane
.04	Churches, Synagogues and Temples	One (1) space per six (6) seats in the main unit of worship
.05	Dwelling, single-family; Dwelling, duplex; and mobile homes	One (1) space per each dwelling unit
.06	Dwelling, multiple	Two (2) spaces per each dwelling unit
.07	Dwelling, public housing for elderly	One (1) space per every four (4) units
.08	Eating and/or drinking establishments	One (1) space per every one hundred (100) square feet of gross floor area
.09	Educational Uses	
	A. Nursery Schools	One (1) space per every two (2) classrooms
	B. Elementary or Junior High Schools	One (1) space per every classroom, plus one (1) space per every ten (10) seats in auditorium or assembly hall
	C. High Schools	One (1) space per every classroom, plus one (1) space per every eight (8) seats in auditorium or assembly hall
	D. Colleges	One (1) space per every three (3) full-time equivalent students
.10	Funeral Homes, Mortuaries	One (1) space per every five (5) seats in the

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OFF-STREET PARKING SCHEDULE		MINIMUM OFF-STREET PARKING REQUIREMENTS
STRUCTURE AND USES		
		principal auditorium
.11	Fraternalities, Sororities and Dormitories	One (1) space per every two (2) residents
.12	Hospitals	One and one-half (1 1/2) spaces per each bed
.13	Hotels	One (1) space per every two (2) rental units
.14	Motels, Motor Hotels	One (1) space per every guest room
.15	Boarding, lodging or rooming houses	One (1) space per every five (5) guest rooms
.16	Convalescent hospitals, Sanitariums, Homes for the Aged	One (1) space per every three (3) beds
.17	Welfare or Correctional Institutions	One (1) space per every four (4) beds
.18	Medical and dental offices	One (1) space per every 300 square feet of gross floor area
.19	Private clubs and lodges	One (1) space per every 500 square feet of floor area
.20	Dance hall and Skating rinks	One (1) space per ever one hundred (100) square feet of gross floor area
.21	Retail Sales Establishments	
	A. General	One (1) space per every 250 square feet of gross floor area
	B. Furniture and appliance stores, auto and implement dealers	One (1) space per every 500 square feet of gross floor area
.22	Roadside stands	Four (4) spaces per establishment
.23	Industrial Uses	
	A. Industrial usage in the I-1 and I-2 districts, except as specifically mentioned herein	One (1) space per every 500 square feet of gross floor area
	B. Wholesale and storage operations	One (1) space per every 700 square feet of gross floor area
	C. Laboratories and research facilities	One (1) space per every 300 square feet of gross floor area
	D. Machinery or equipment	One (1) space per every 500 square feet of gross floor area
.24	Theaters, auditoriums, and places of assembly	One (1) space per four (4) people in designed capacity
.25	Veterinary establishment	Three (3) spaces per staff doctors
.26	Billiard parlors, gamerooms and pool halls	One and one-half (1 1/2) spaces per each one hundred (100) square feet of gross floor area for any establishment other than one with liquor license or beer permit
.27	Mini-warehouse	One (1) space per each ten (10) storage spaces, stalls or lockers equally distributed throughout the storage area; plus one (1) space for any caretaker's quarters; plus five (5) spaces located at or near the project office for the use of prospective customers

20.8.4 Development and Maintenance of Loading Spaces

Every building or part thereof hereafter erected, having gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material of

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merchandise, shall develop and maintain on the same lot with such building an off-street loading area in accordance with the following requirements:

- a. The minimum number of required off-street loading spaces for all districts shall be at least one (1) loading space plus one (1) additional loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet. For buildings having less than 10,000 square feet of gross floor area, the regular off-street parking areas may be used to meet the off-street loading requirements herein set forth.
- b. Off-street loading space shall each contain at least 350 square feet measuring ten (10) feet in width and thirty-five (35) feet in length, and shall have a clearance of at least fourteen (14) feet. When the vehicle generally used for loading and unloading purposes exceed these dimensions, the required length of such spaces shall be correspondingly increased.
- c. All off-street loading spaces shall be so located and served by an access drive that their use will not require any backing or other maneuvering within a street right-of-way other than an alley.
- d. All off-street loading spaces shall be developed in accordance with the provisions of Section 20.8(2)(f) through Section 20.8(2)(k).

**20.8.5 Submission of Plans**

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

- a. Delineation of individual parking and loading spaces.
- b. Circulation area necessary to serve spaces.
- c. Access to streets and property to be served.
- d. Curb cuts.
- e. Dimensions, continuity and substance of screening.
- f. Grading, drainage, surfacing and subgrading details.
- g. Delineation of obstacles to parking and circulation in finished parking area.
- h. Specifications as to signs, bumper guards and lighting.
- i. All other pertinent details, including dimension of ingress, egress and driveway areas.

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**20.8.6. Completion Time for Parking Lots**

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Zoning Officer. An extension of time may be granted by the Zoning Officer provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the County Engineer, and provided the parking space is not required for immediate use. In the event the improvement is not completed within one (1) year from the date of commencement, the bond or its equivalent shall be forfeited and the improvements thereafter constructed or completed under the direction of the County Engineer.

**SECTION 9  
DISPLAY AND OUTDOOR ADVERTISING SIGNS**

**20.9.1 General Provisions**

The following general provisions shall apply to display and outdoor advertising signs:

- a. Nothing in this Chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a non-conforming use under the terms of this ordinance; provided however, the following signs shall be made to conform with the provisions of this Chapter or shall be removed by the owner upon written notice of the Zoning Officer, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:
  - (1) Any sign which is in a state of serious disrepair or is no longer functional.
  - (2) An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned.
  - (3) Any sign which is in violation of the provisions of Section 20.9(1)(b) and 20.9(1)(c).
  - (4) Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment.
  - (5) Any portable sign that is not permanently anchored or secured to either a building or the ground.
  - (6) Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.

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

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

20.9.2 Signs Permitted in All Districts

Signs hereinafter designated shall be permitted in all zoning districts:

a. The following temporary signs shall be permitted:

- (1) One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to advertise the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Such sign shall not extend higher than eight (8) feet above grade level nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. Such sign shall be removed within seven (7) days after the disposition of the premises.
- (2) One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to identify the architects, engineers, contractors, or other individuals involved in construction of the building on the premises on which the sign is displayed. Such sign may also announce the character of the building enterprise or the purpose for which the building is intended, but shall not include product advertising. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a protective barricade surrounding the construction. Such sign shall be removed within seven (7) days following completion of construction.
- (3) One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision to identify and/or provide information regarding such subdivision. One additional such sign shall be permitted at an auxiliary entrance provided such auxiliary entrance fronts on a separate street from the main entrance. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. Such sign shall be removed upon completion of the sale of ninety (90) percent of the lots located within the subdivision.
- (4) One (1) non-illuminated sign not to exceed nine (9) square feet in area shall be permitted for each dwelling which is used for display or as a model home. Such sign shall not extend higher than four (4) feet above grade level and shall only be located within the front yard of the lot containing such dwelling. Such sign shall be removed when a display or model home is no longer so used.
- (5) Political campaign signs shall be permitted to announce candidates seeking public political office or pertinent political issues. Such signs shall not be erected earlier than forty-five (45) days prior to the date balloting



takes place for the candidates or issues indicated on the sign, and shall be removed no later than seven (7) days after said balloting date.

- (6) Seasonal decorations shall be permitted when pertaining to recognized national holidays and national observances.
  - (7) Signs which contain or consist of banners, balloons, pennants, ribbons, streamers, spinners or other similarly moving devices shall be permitted on the premises of an establishment having a grand opening or other special event.
- b. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such subdivision. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.
  - c. One (1) sign or nameplate not to exceed fifteen (15) square feet in area shall be permitted to identify the occupant of the premises or a permitted use. Such sign shall not extend higher than six (6) feet above the grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
  - d. Non-illuminated community direction signs shall be permitted at a county road intersection when such signs are placed, controlled and maintained by a cooperative neighbor placed, controlled and maintained by a cooperative neighbor organization, and approved by the County Engineer. The County Engineer shall not approve such sign unless there is an adequate shoulder to permit short-term standing, and unless the visual clearance at the intersection will not be impaired by the sign or such standing. Each participating neighbor may place upon such community direction sign one (1) "arrow" sign, not to exceed one (1) square foot in area, show his name, the distance to his property, and indicating the direction.
  - e. Community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial or commemorative plaques, signs indicating scenic or historical points of interest, and all other similar signs, including all signs erected by or upon the order of a public officer in the performance of his public duty, shall be permitted when such signs are of a noncommercial nature and in the public interest.
  - f. Off-site signs not to exceed three (3) square feet in area shall be permitted to display the emblem of a service club or of a church, and information on the time and location of meetings or services. More than one (1) such sign may be mounted on a common sign standard or structure, provided such standard or structure shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.

- g. Integral signs for churches or temples, or names of buildings, dates of erections, monumental citations, commemorative tablets and other similar signs shall be permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are attached.
- h. Official flags, insignias, and emblems of the United States, the State of Iowa, and municipal and other bodies of established government; and flags which display the recognized symbol of on-site business firms and enterprises, religious, charitable, public and nonprofit organizations shall be permitted provided that no single flag shall exceed fifty (50) square feet in area.

**20.9.3 Signs in Agricultural and Residential Districts**

The following signs shall be permitted in the Class "A", "AR", and "LH" District or platted residential subdivisions:

- a. On-site and off-site signs not to exceed thirty-two (32) square feet in area shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm premises.
- b. One (1) non-illuminated sign not to exceed fifteen (15) square feet in area shall be permitted to identify a home occupation, home professional office or rural enterprise business. Such sign shall not extend higher than six (6) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
- c. One (1) sign not to exceed fifteen (15) square feet in area shall be permitted per lot frontage of a lot upon which is located any building or buildings containing not less than three (3) nor more than nine (9) dwelling units. A similar sign not to exceed twenty-four (24) square feet in area shall be permitted for each lot frontage upon which is located any building or buildings containing ten (10) or more dwelling units. Such signs shall denote only the name and/or the name and address of the management thereof, or allied information. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.
- d. One (1) sign not to exceed fifty (50) square feet in area shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material, and shall indicate only the name of such mobile home park. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.
- e. One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a church, school, institution, or public building or use. Such signs shall not extend higher than eight (8) feet above grade level and shall be mounted flat against the wall of the building. In addition, one (1) bulletin board not to exceed fifty (50) square feet in area shall be permitted for each premises.

Such bulletin board shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.

- f. One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a permitted conditional use, or a legally established nonconforming use, which did have any signs prior to the effective date of adoption or amendment of this ordinance. Such sign shall denote only the name and/or profession of professional persons occupying premises, and/or the name of the establishment. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.

**20.9.4 Signs in Commercial and Industrial Districts**

The following on site signs shall be permitted in the Class "C" and "I" Districts:

- a. One (1) free-standing sign not to exceed eighty (80) square feet in area, plus one (1) square foot in area for each additional linear foot of lot frontage over eighty (80) feet shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two (22) feet. Such sign shall not extend higher than forty-five (45) feet above grade level, nor closer than fifteen (15) feet to any property line unless the bottom of the sign face is higher than twelve (12) feet above grade level.
- b. One (1) projecting sign not to exceed twenty-four (24) square feet in area shall be permitted per lot frontage. Such sign shall not extend lower than eight (8) feet, nor higher than the roof or parapet line of the wall to which it is attached, and shall not extend more than six (6) feet beyond the wall to which it is attached.
- c. One (1) roof sign not to exceed twenty (20) percent of the surface area of any one (1) given wall of the building to which it is attached, shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two (22) feet. All roof signs shall adhere to the height requirements of the district in which they are located. The back of such sign shall be effectively shielded from public view by a building wall, by backing the sign against another sign face, by grouping such signs in clusters to conceal the exposed backs, or by painting the exposed back a neutral color.
- d. The maximum area of all wall signs shall not exceed twenty (20) percent of the surface area of the wall to which they are attached, provided that in no case shall such signs exceed a maximum of 200 square feet in area per wall. Such signs shall be mounted flat against the wall of the building; shall be restricted to remain within the outline of the wall to which they are attached; and shall not exceed more than one (1) foot out from the wall.

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20.9.5 Outdoor Advertising Signs and Billboards

The following regulations shall govern the placement of outdoor advertising signs and billboards:

- a. The regulations governing outdoor advertising signs and billboards shall comply with all State and Federal regulations.
- b. All outdoor advertising signs and billboards shall be setback from any existing or proposed right-of-way line of any street, county road, or highway as shown on the official street plan, at least as far as the required front yard setback for the district in which it is located; except at any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred (100) feet from the established right-of-way line of each such street." The setbacks for signs meeting the Iowa Department of Transportation's criteria as a private directional signs placed adjacent to Interstate right-of-way shall be not less than ten (10) feet from said right-of-way.
- c. No outdoor advertising sign or billboard which faces the front or side lot line of any lot in AR or LH Districts or platted residential subdivision used for residential purposes shall be permitted within one hundred (100) feet of such lot line.
- d. No outdoor advertising sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred (300) feet thereof.

**Section 2. REPEALER.** All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

**Section 3. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any provision thereof not adjudicated to be invalid or unconstitutional.

**Section 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

First Reading: June 14, 2007

Second Reading: June 19, 2007

Third Reading: June 21, 2007

Approved:


Ronald E. Kohn  
Ronald E. Kohn

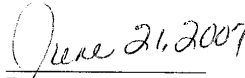
June 21, 2007  
Date

705

Chair - Board of Supervisors

Attest:

  
\_\_\_\_\_  
Carol Robertson  
Mills County Auditor

  
\_\_\_\_\_  
Date

R-Auditor's  
Office

ORDINANCE NO. 2007-05

INDEXED  
RECORDED  
MILLS CO.

AN ORDINANCE TO ADOPT THE MILLS COUNTY, IOWA ZONING ORDINANCE  
SETTING FORTH THE REGULATIONS GOVERNING THE ORDERLY LAND  
DEVELOPMENT FOR ALL THE UNINCORPORATED AREA OF MILLS COUNTY,  
IOWA.

BE IT THEREFORE ORDAINED BY THE  
BOARD OF SUPERVISORS OF MILLS COUNTY, IOWA:

**Section 1. MILLS COUNTY, IOWA ZONING ORDINANCE.** The Code of Ordinances of  
Mills County, Iowa, be and the same is hereby amended by adding thereto a new Chapter 20 -  
Zoning Ordinance, to be entitled "Zoning Ordinance" and to read as follows:

03135

Chapter 20  
Zoning Ordinance

RECORDED 10:55 AM  
BK 389 PG 606-706

**SECTION 1  
GENERAL PROVISIONS**

**20.1.1 Title**

This title shall be known as the Zoning Ordinance of Mills County, Iowa and hereinafter  
referred to Zoning Ordinance.

**20.1.2 Jurisdiction**

The provisions of these regulations shall be applicable to all property within the zoning  
jurisdiction of Mills County as provided by Chapter 335, Code of Iowa, with the exception of  
those properties owned or acquired by municipal, county, or state government for the  
advancement of government projects or purposes. This jurisdiction includes the entire area of  
Mills County outside of areas within the corporate limits of municipalities or any area in which  
the County has ceded its zoning jurisdiction to a municipality.

**20.1.3 Agriculture Uses Exempt**

In accordance with the Provisions of Chapter 335, Code of Iowa, as amended, no regulations or  
restrictions adopted under the provisions of this Zoning Ordinance shall be construed to apply to  
land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are  
primarily adapted, by reason of nature and area, for use of agriculture purposes, while so used;  
provided, however, that such regulations or ordinances which relate to any structure, building,  
dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall  
apply thereto.

- a. No Zoning Permit or Certificate of Zoning Compliance shall be required for the  
use of land for agricultural purposes or the construction or use of buildings or

SEP 12 2007  
no-fee County  
Vicki McClinton Business  
Mills County Recorder

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structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.

- b. If a tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
- c. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

**20.1.4 Purpose**

The purposes of the Zoning Ordinance of Mills County are to:

- a. Serve the public health, safety, and general welfare of the county.
- b. Classify property in a manner that reflects its suitability for specific types of development, while providing property owners with a range of potential uses.
- c. Provide for sound, attractive development within the county and its jurisdiction.
- d. Provide development standards that help ensure the compatibility of adjacent land uses.
- e. Protect environmentally important resources, including the Loess Hills, slopes, soils, waterways and other water resources, trees and other vegetation, wetlands, and other resource areas.
- f. Further the objectives of the Comprehensive Plan of Mills County.

**20.1.5 Consistency with Comprehensive Plan**

Mills County intends that the Zoning Ordinance and any amendments to it shall be consistent with the County's Comprehensive Plan. It is the County's intent to amend these regulations whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

**20.1.6 Conflicting Provisions**

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of these regulations conflicts with any other provision of these regulations, the County's Subdivision Regulations, any other Ordinance of Mills County, or any applicable State or Federal law, the more restrictive provision shall apply.

**20.1.7 Relief from Other Provisions**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

**20.1.8 Severability of Provision**

If any ordinance, section, clause, or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations.

**20.1.9 Publication**

These regulations shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the County Auditor of Mills County, Iowa.

**ADMINISTRATION AND ENFORCEMENT**

**20.1.10 Administration and Enforcement**

a. Generally

(1) Requests for Enforcement

Whenever a violation of this ordinance occurs, or is allowed to have occurred, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Officer. The Zoning Officer shall immediately record such complaint, investigate, and take action thereon as provided by this resolution.

(2) Penalties for Violation

- (a) Any person who fails to perform an act required by this ordinance or who commits an act prohibited by this ordinance shall be guilty of a county infraction punishable by a civil penalty as provided by Section 6.1 - County Infractions of Chapter 6 – Violations and Penalties of the Code of Ordinances for Mills County, Iowa.
- (b) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.



- (c) Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

(3) Enforcement

If any building, structure or sign is erected, constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure, sign or land is used in violation of this ordinance, the legal department, in addition to other remedies, shall institute any proper action or proceedings in the name of the county to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

b. **Zoning Officer**

(1) Position Created; Appointment; Supervision

There is created the position of Zoning Officer who shall be appointed by the Board of Supervisors.

(2) Powers and Duties

The Zoning Officer shall exercise the following powers and duties:

- (a) The Zoning Officer or the officer's designees shall exercise all enforcement powers under Section 20.1(10)(b)(2), including but not limited to the investigation of complaints of zoning violations, issuance of notices and county infraction citations to violators, and the preparation and submission to the legal department of reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement, for such legal action as the facts of each report may require.
- (b) The Zoning Officer shall determine the use type for any use pursuant to Section 20.3(2)(b).
- (c) In all cases in which the county commences court action, the Zoning Officer shall cooperate with the County Attorney by performing such additional investigative work as the County Attorney shall require.
- (d) The Zoning Officer or the officer's designee shall attend the meetings of the Planning and Zoning Commission and the Zoning Board of Adjustment as requested by those bodies, shall investigate and review all cases presented to the Zoning Board of Adjustment, and shall advise that body on those cases upon request.

- (e) If the legal department, after analysis of the report, institutes legal proceedings, the Zoning Officer will cooperate fully with the legal department in the perfecting of such proceedings.

c. **Certificates of Zoning Compliance**

(1) Administration and Enforcement

If the Zoning Officer finds that any of the provisions of these regulations are being violated, the officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Officer shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

(2) Certificates of Zoning Compliance for New, Altered or Nonconforming Uses

(a) Required for Land and Buildings

No land shall be occupied or used and no building erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Zoning Compliance is issued by the Zoning Officer, stating that the building and use comply with the provisions of this ordinance.

(b) Required for Change of Use

No change of use shall be made in any building or part thereof erected or structurally altered without a Certificate of Zoning Compliance being issued therefore by the Zoning Officer. No permit shall be issued to make a change unless the changes are in conformity with this ordinance.

(c) Fee

Prior to the issuance of a Certificate of Zoning Compliance, the applicant shall pay to the County Auditor a fee in the amount set forth in the schedule of fees adopted by the Board of Supervisors by resolution.

(d) Fee Exemption for Federal Property

Application for a Certificate of Zoning Compliance for property wholly owned by the federal government may be made without paying the fee described in this section.

(e) Nonconforming Uses

- i) Nothing in this division shall prevent the continuance of a nonconforming use as authorized, unless discontinuance is necessary for the safety of life or property.
- ii) A Certificate of Zoning Compliance shall be required of all nonconforming uses. Application for Certificate of Zoning Compliance for nonconforming uses shall be filed with the Zoning Officer, accompanied by affidavits of proof that such nonconforming use was established legally prior to the establishment of this ordinance.

(f) Time Limits; Records

Certificates of Zoning Compliance shall be applied for prior to the construction or occupancy of a building or property and shall be issued within ten days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file and available for public inspection in the office of the Zoning Officer.

(g) Issuance

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

d. **Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance**

Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative officials authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of the County Code, and punishable as provided by Section 20.1(10)(a)(2) hereof.

e. **Reserved**

f. **General Procedural Requirements**

(1) Decision Maker and Administrative Bodies

The Zoning Officer, the Planning and Zoning Commission, and/or the Zoning Board of Adjustment will consider, review and decide all development applications for permitted uses according to the provisions of this Zoning Code.

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g. **Amendments**

(1) Authority

The Board of Supervisors may, from time to time, on its own action or upon application, after public notice and hearings as provided by law and after report by the Planning and Zoning Commission, amend the boundaries or regulations established under this ordinance, provided that any such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

(2) Procedures

Amendment procedures shall be as follows:

- (a) Whenever any person desires to amend zoning boundaries as to any property in the county, an application requesting such amendment and clearly describing the property and its boundaries as to which the amendment is desired shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall make a timely report to the Board of Supervisors of such applications filed. The Planning and Zoning Commission shall forward such application, with report and recommendations to the Board of Supervisors for vote thereon, within a reasonable time after the filing of the application. Reasonable notice of the proposed amendment to zoning boundaries, as established by the Planning and Zoning Commission, shall be given to the owners and occupants of the property included in the area of the proposed amendment and within 250 feet of the exterior boundaries of the property proposed for amendment. If the applicant owns other land adjoining the property proposed for amendment, then notice shall also be given to the owner of the next property beyond the applicant's property. The notice required by this paragraph is a courtesy notice and any failure of such notice to be given or received shall not affect the validity of the amendment.
- (b) Whenever any application for an amendment to zoning boundaries shall have been denied by the Board of Supervisors, no new application seeking the same relief covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until one year shall have elapsed from the date of filing the first application.

(3) Filing Fees for Zoning District and Text Amendments

Fees for filing amendments shall be charged as follows:

- (a) The owner of the property affected by a proposed change in zoning text, district classification or boundaries shall pay to the County Auditor a fee in the amount set in the schedule of fees adopted by the Board of Supervisors by resolution.
- (b) Where an amendment is initiated by application by any person, the required fee and notice costs shall be paid at the time the application is filed with the county. Where an amendment is initiated by the Board of Supervisors on behalf of one or more owners of affected property, the required fee and notice costs shall be paid prior to consideration of the amendment by the Planning and Zoning Commission. No further action shall be taken as to any proposed amendment for which a fee and notice costs are required until the fee and notice costs have been paid. Under no conditions shall the required fee and notice costs be refunded upon failure of a proposed amendment to be enacted into law.
- (c) The fee described in this subsection shall not be required when the amendment is initiated at the request of the federal government for property wholly owned by the federal government. This exemption shall not apply to the notification costs as established by the Planning and Zoning Commission.

h. **Nonconforming Development and Uses**

(1) Purpose

The purposes of the Nonconforming Development regulations are:

- (a) To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
- (b) To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts.
- (c) To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.
- (d) To limit the continuation and provide for the gradual replacement of nonconforming uses.

(2) Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

(3) Nonconforming Lots

(a) Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Regulations.

(b) Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

(4) Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of these Regulations.

(a) Continuation

A lawful nonconforming structure existing on the effective date of this section may be continued, repaired, maintained, or altered, subject to the provisions of this section.

(b) Additions or Enlargements to Nonconforming Structures.

- i) A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:
  - a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
  - b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.

- c) The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of twenty-five (25) feet or fifty (50) percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.
  - ii) No permitted addition to a nonconforming structure may place a wall within ten feet of a window of an adjacent pre-existing residential structure.
  - iii) Nonconforming buildings shall be limited to one addition or enlargement pursuant to these regulations.
- (c) Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.
- (d) Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity.
- (e) Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.
- (f) Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Section 6, Landscaping and Screening Standards. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of these Regulations shall be subject to Section 6.
- (g) Amortization of Nonconforming Development

The following nonconformances must be brought into compliance with the provisions of this ordinance within specified periods.

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- i) Fences, walls, and foliage which violate the vision clearance provisions of this ordinance shall be made conforming within one year of the effective date of the ordinance.
- ii) Any fences or screens that are inconsistent with the provisions of Chapter 19 - Subdivision Regulations of the Code of Ordinances for Mills County, Iowa, shall be made conforming within one year of the effective date of the ordinance.
- iii) Nonconforming storage operations, including vehicle storage, salvage services, or similar uses made conforming within two years of the effective date of the ordinance.

(5) Nonconforming Uses

(a) Continuation of Nonconforming Uses

- i) Any nonconforming use lawfully existing on the effective date of these regulations may continue, subject to the limitations of this section.
- ii) Whenever the use of a premise becomes nonconforming through a subsequent change in the zoning ordinance or zoning district boundaries, such use may be continued or changed to another nonconforming use of the same or lesser intensity with the approval of the County Board of Supervisors, following a public hearing and recommendation of the Planning and Zoning Commission.

(b) Change and Amortization of Nonconforming Uses

A nonconforming use may be changed to another nonconforming use of the same or lesser intensity, as measured by the Intensity Rating in the Use Matrix and by the category of use type. For the purpose of measuring nonconforming use rights, the hierarchy of Intensity Ratings ascends from low to moderate to high to intensive. The hierarchy of uses ascends from agricultural to residential to office to commercial to industrial and transportation. For example, a nonconforming commercial use in a residential district with an Intensity Rating (IR) of H may be converted to another commercial use with an IR of H, M, or L. However, such a use may not be converted to an industrial use type regardless of its IR.

(c) Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.



(d) Abandonment of Nonconforming Use

- i) If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve months, any subsequent use must conform to all use regulations applicable to the property's zoning district.
- ii) If a structure housing a nonconforming use converts to a conforming use, it forfeits any further claim to nonconforming use rights.

(e) Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

(f) Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds sixty percent (60%) of the replacement cost of the structure, the nonconforming use shall no longer be permitted.

(g) Nonconforming Uses and Conditional Use Permits

A lawful pre-existing use which would require a Conditional Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in this Section.

i. **Zoning Board of Adjustment**

(1) Established; Composition; Terms

A Zoning Board of Adjustment is established, which shall consist of five members. The terms of office of the members of the Zoning Board of Adjustment and the manner of their appointment shall be as provided by statute. A majority of the members of the Zoning Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

(2) Meetings

The meetings of the Zoning Board of Adjustment shall be held at the call of the chair and at such other times as the board may determine. Such chair, or in the chair's absence the acting chair, may administer oaths and compel the attendance

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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 that 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 four members shall be necessary to constitute a quorum.

(3) Procedure for Appeals

- (a) Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Zoning Officer or of any other administrative officer in the enforcement of this ordinance. Each appeal shall be taken within a reasonable time as provided by the rules of the board. The Zoning Officer and any other officer whose decision is the subject of the appeal shall forthwith transmit to the board all papers constituting the record upon which the action appealed from is taken.
- (b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the board, after notice of appeal shall have been filed, that, because of the facts stated in the certificate, a stay would, in the Zoning Officer's 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 Officer and on due cause shown.
- (c) The board shall fix a reasonable time for the hearing on the appeal, shall give public notice thereof as well as due notice to the parties in interest, and shall decide the appeal 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 Zoning Board of Adjustment, the appellant shall pay a fee to the County Auditor in the amount set forth in the schedule of fees adopted by the Board of Supervisors by resolution.

(4) Powers and Duties

The Zoning Board of Adjustment shall have the power and duty to:

- (a) Hear and decide appeals taken pursuant to Section 20.1(10)(i)(3).
- (b) Grant a variance in the regulations of this ordinance that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the regulations will result in unnecessary

hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. To establish unnecessary hardship a property owner must show all of the following elements:

- i) The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use.
- ii) The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood.
- iii) The use to be authorized by the variance will not alter the essential character of the locality of the land in question.

No appeal for a use variance shall be considered by the board unless a proposed amendment to rezone the subject property to a district classification permitting such use has been considered and denied by the Board of Supervisors within the preceding year, provided that this requirement shall not apply to appeals for area variances.

- (c) Permit the exceptions to the district regulations set forth in Section 4 of this ordinance, provided all exceptions granted by the Zoning Board of Adjustment shall be found to meet the following standards:

- i) Exceptions shall by their design, construction, and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property;
- ii) Exceptions shall not impair an adequate supply of light and air to adjacent property;
- iii) Exceptions shall not unduly increase congestion in the public streets;
- iv) Exceptions shall not increase public danger of fire and safety; and
- v) Exceptions shall not diminish or impair established property values in surrounding areas.

- (d) The Zoning Board of Adjustment may permit:
- i) Exceptions to any setback, area, length, width, height, yard, size or projection limitation or to the minimum required number of off-street parking or loading spaces; provided such an exception may be granted only where:
  - ii) Such exception does not exceed 50 percent of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building and such addition extends no further into the required yard than the existing building;
  - iii) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;
  - iv) The exception is reasonably necessary due to practical difficulties related to the land in question;
  - v) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and
  - vi) The exception is in harmony with the essential character of the neighborhood of the land in question.
- (e) Hear and decide applications for special use.

(5) Appeals from the Zoning Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the county aggrieved by any decision of the Zoning Board of Adjustment may seek review of such decision by the Mills County District Court in the manner provided by the laws of the State and particularly by Section 414.15, Code of Iowa, and amendments thereto.

(6) Decisions; Review of Use Variance

- (a) In exercising the powers mentioned in Section 20.1(10)(i)(4), the Zoning Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Officer. 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 Officer 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 it has filed a written decision in the board office describing the action taken, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this section. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

- (b) Every variation and exception granted or denied by the Zoning Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith. In granting any appeal, variance, exception or other relief within its jurisdiction, 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 relief is granted, shall be deemed a violation of this ordinance subject to enforcement under Sections 20.1(10)(a)(2) and 20.1(10)(a)(3).
- (c) If any application for a variance or exception shall have been denied by the Zoning Board of Adjustment, no new application for the same relief shall be considered for two years by the board unless the board shall find that conditions have changed.
- (d) Any taxpayer or any officer, department, board or bureau of the county or any persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. All decisions of the board, except decisions granting use variances shall be final immediately upon filing. Each decision granting a use variance shall be referred to the Board of Supervisors for review pursuant to Section 414.7, Code of Iowa. The Board of Supervisors shall review such decision within thirty (30) days after the decision is filed. After such review, the Board of Supervisors may remand the decision to the board for further study. If the Board of Supervisors does not act to review the decision within thirty (30) days after it is filed, the decision shall become effective on the 31st day. If the Board of Supervisors declines to remand a decision, that decision shall become final on the date of the Board of Supervisors' action. If the Board of Supervisors remands a decision to the board, the effective date of the decision is delayed for thirty (30) days from the date of remand.

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- (e) Upon remand of a decision from the Board of Supervisors, the matter shall be placed on the agenda for further study at the first board meeting after such Board of Supervisors action. If, for any reason, the board does not hold a regularly scheduled meeting during such thirty (30)-day period, it shall be required to hold a special meeting and consider an act upon the remanded decision within such thirty (30)-day period. At such meeting the board shall act to either affirm its earlier decision or grant a rehearing. A rehearing shall be treated in the same manner as an original appeal, except that no fee shall be payable. If the board grants a rehearing, its initial decision shall be deemed to have been withdrawn. The board decision on rehearing is not reviewable by the Board of Supervisors and shall be final upon filing.

**SECTION 2  
DEFINITIONS**

**20.2.1 Purpose**

Section 2 shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

**20.2.2 General Construction of Language**

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall, Must, and May

“Shall” and “must” are always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items or provisions apply.
- (2) "Or" indicates that the connected items or provisions may apply singly or in any combination.
- (3) "Either ... or" indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in these regulations are those of Mills County.

**20.2.3 Definition of Terms**

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

**20.2.4 A**

- a. **Abutting:** Having lot lines or district boundaries in common.
- b. **Accessory Structure:** A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
- c. **Accessory Use:** A use that is incidental to and customarily associated with a specific principal use on the same site.
- d. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
- e. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

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- f. Alley: A narrow dedicated street more commonly a way thru a middle of a block giving access to the rear of properties.
- g. Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
- h. Apartment: A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
- i. Approving Authority: The County Board of Supervisors or its designee.
- j. ASCE: The American Society of Civil Engineers.
- k. Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

20.2.5 **B**

- a. Base Zoning District: A district established by these regulations that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
- b. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
- c. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
- d. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, or lakes.
- e. Board of Adjustment: A body, established by the County expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by these regulations.
- f. Bufferyard: A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

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- g. Building: A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
- h. Building Coverage: The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features, also referred to as the building footprint.
- i. Building Elevation: An exterior wall of a building exposed to public view.
- j. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
- k. Building Line: The outer boundary of a building established by the location of its exterior walls.
- l. Building Official: The county official, designated by the County Board of Supervisors, who is responsible for the enforcement of the applicable building code.
- m. Business: Activities that include the exchange or manufacture of goods or services on a site.
- n. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

20.2.6 C

- a. Change of Use: The replacement of an existing use type by a new use type.
- b. Channel: The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.
- c. Common Area: An area held, designed, and designated for common or cooperative use within a development.
- d. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
- e. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- f. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

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- g. Comprehensive Plan: The duly adopted Comprehensive Plan of Mills County.
- h. Concept Plan: A preliminary presentation that includes the minimum information necessary, as determined by the Zoning Officer, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
- i. Condominium: An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.
- j. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
- k. Conservation (or Cluster) Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided: 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
- l. County: Mills County, Iowa.

20.2.7 **D**

- a. Density: The amount of development per specific unit of a site.
- b. Design standards: Standards that set forth specific improvement requirements.
- c. Detached: Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.
- d. Developer: The legal owner(s) or authorized agent of any land engaged in a proposed development.
- e. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
- f. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
- g. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
- h. Drainage system: The system through which water flows from the land.

- i. Driveway: An area providing vehicular access between a street and an off-street parking or loading area.
- j. Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as a separate place of residence, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this section, maintaining a household.

20.2.8 E

- a. Easement: A non-possessing interest granted on, above, under, or across the lands of another for a specific purpose by one owner to another owner, public or private agency, or utility, where fee simple title remains with the property owner.
- b. Enclosed: A roofed or covered space fully surrounded by walls.
- c. Existing Use: The use of a lot or structure at the time of the effective date of these regulations.

20.2.9 F

- a. Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, including no more than two additional unrelated persons; or a group of not more than four (4) unrelated persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit, cost-sharing basis. The following persons shall be considered related for the purpose of these regulations:
  - (1) Persons related by blood, marriage, or adoption.
  - (2) Persons residing with a family for the purpose of adoption.
  - (3) Not more than eight persons under nineteen (19) years of age, residing in a foster house licensed or approved by the State of Iowa.
  - (4) Not more than eight persons nineteen (19) years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Iowa.
  - (5) Person(s) living with a family at the direction of a court.
- b. Fascia: A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.
- c. Federal: Pertaining to the Government of the United States of America.

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- d. Final Approval: The final official action of the Board of Supervisors, upon a recommendation by the Planning and Zoning Commission, permitting the filing of a subdivision with the Mills County Auditor and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of these regulations.
- e. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court from which access is permitted.

20.2.10 G

- a. Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.
- b. Grade: The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
  - (1) For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.
  - (2) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
  - (3) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- c. Gross Floor Area (GFA): The total enclosed horizontal area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

20.2.11 H

- a. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level 5 feet from exterior face of the building or structure.
- b. Home Based Business/Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

20.2.12 I

- a. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of swimming pools is excluded from this definition.

20.2.13 J

20.2.14 K

20.2.15 L

- a. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
  - (1) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
  - (2) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
- b. Lane: An approved private right-of-way that provides access to residential properties and meets at least three of the following conditions:
  - (1) Serves twelve or fewer housing units or platted lots.
  - (2) Does not function as a local street because of its alignment, design, or location.
  - (3) Is completely internal to a development.
  - (4) Does not exceed 600 feet in length.
- c. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
- d. Lot: For the purpose of this ordinance, a lot is a tract of land represented and identified by number or letter designation on an official plat.
  - (1) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.

- (2) Double Frontage Lot: A lot, other than a corner lot, having frontage on two non-intersecting streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by these regulations. (Also known as a Through Lot)
  - (3) Interior Lot: A lot other than a corner lot whose sides do not abut a street.
  - (4) Common Development Lot: When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of these regulations.
- e. Lot Area: The total horizontal area within the lot lines of a lot.
- f. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
- g. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.
- (1) Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.
    - (a) For an interior lot, the lot line separating the lot from the right-of-way or easement.
    - (b) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Zoning Officer, or as may be noted on the final plat.
    - (c) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Officer at the time of application for the original building permit for the lot, or as may be noted on the final plat.
  - (2) Rear Lot Line: The lot line that is opposite and most distant from the front line.
  - (3) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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- h. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

20.2.16 M

- a. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
- b. Manufactured Home Dwelling: A factory built single-family dwelling, structure which is to be used as a place for human habitation, which is manufactured or constructed under the authority of 42 USCS § 5403, Federal Manufactured Home Construction and Safety Standards, and which is not constructed or equipped with permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling as is provided in Section 435.26, Code of Iowa, and which complies with the following architectural and aesthetic standards listed below. For the purpose of any these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
  - (1) Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted when the following additional requirements are met:
    - (a) Any dwelling shall have no less than eighteen (18) feet exterior width.
    - (b) The dwellings shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
    - (c) The dwelling shall be placed upon a permanent foundation approved by the Building Official or Zoning Officer.
    - (d) All utility services shall be directly connected to the structure.
  - (2) Manufactured homes which do not meet all of the standards in paragraph (1.) above, may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are 320 or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

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- c. Mixed Use Building: A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
- d. Mixed Use Development: A single development that incorporates complementary land use types into a single development.
- e. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
- f. Mobile Home Park: A Zoning under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
- g. Mobile Home Subdivision: A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

20.2.17 N

- a. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
- b. Nonconforming Lot: A lot which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
- c. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Ordinance.



- d. **Nonconforming Structure:** A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.
- e. **Nonconforming Use:** A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the land use.
- f. **Nuisance:** An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

**20.2.18 O**

- a. **Off-Site:** Located outside the boundaries of the parcel that is the subject of an application.
- b. **Open Space:** Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
- c. **Outdoor Storage:** The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
- d. **Overlay District:** A district established by these regulations that prescribes special regulations to be applied to a site only in combination with a base district.
- e. **Owner:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**20.2.19 P**

- a. **Parcel:** A part of a tract of land.
- b. **Parking Facility:** An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking.
- c. **Parking Lane:** A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.

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- d. **Parking Spaces:** An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.
- e. **Paved:** Permanently surfaced with poured concrete, concrete pavers, or asphalt.
- f. **Permitted Use:** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
- g. **Planning and Zoning Commission:** The Planning and Zoning Commission of the Mills County.
- h. **Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
- i. **Premises:** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- j. **Principal Use:** The main use of land or structures as distinguished from an accessory use.
- k. **Private Garage:** A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
- l. **Property Line:** The division between two parcels or tracts of land separating ownership. In subdivisions, property lines are usually but not in every case coincident with lot lines.

20.2.20 **Q**

20.2.21 **R**

- a. **Recreational Vehicle:** A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
- b. **Regulation:** A specific requirement set forth by this Zoning Ordinance that must be followed.

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- c. Remote Parking: A supply of off-street parking at a location not on the site of a given development.
- d. Right-of-Way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

20.2.22 S

- a. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of these regulations.
- b. Setback: The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
- c. Sidewalk: A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
- d. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
- e. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of these regulations.
- f. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the County in order that an informed decision can be made on the associated request.
- g. Special Use Permit: An approval of a use with a land use intensity higher than uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Special uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Zoning Board of Adjustment.
- h. State: The State of Iowa.
- i. Storm Sewer: A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

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- j. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
- k. Street Yard: The distance between a lot line adjacent to a public street and the wall or façade of a building parallel to such lot line. If the building wall is not parallel to the lot line, the street yard depth shall be the distance between the street lot line and a parallel line that equals the average distance of the building wall or façade from the street lot line.
- l. Structure: Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

20.2.23 T

- a. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
- b. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.
- c. Tract: An aliquot part of a section, a lot within an official plat, or a governmental lot.

20.2.24 U

- a. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

20.2.25 V

- a. Vacation: The official abandonment of public right-of-way or easement by the County in accordance with State law.
- b. Variance: A modification of the application of certain regulations or provisions of these regulations by the Board of Adjustment, under the authority provided by these regulations and State Statutes.
- c. Vehicle, motor: Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

20.2.26 W

20.2.27 X

20.2.28 Y

a. Yard; Required: That portion of a lot that lies between a lot line or right-of-way line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by these regulations.

(1) Front Yard: The space extending the full width of a lot, lying between the front lot line or right-of-way line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:

(a) The yard along the blockface to which a greater number of structures are oriented; or

(b) The yard along a street that has the smaller horizontal dimension.

(2) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

(3) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

(4) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

20.2.29 Z

a. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

b. Zoning Officer: The county official authorized by the Board of Supervisors to administer this Zoning Ordinance.

**SECTION 3  
USE TYPES**

**20.3.1 Purpose**

Section 3 shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a

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procedure for determining the applicable use type of any activity not clearly within any defined use type.

**20.3.2 Determinations**

a. Intensity Rating

For each Zoning District, uses are permitted by Intensity Rating. Intensity Ratings are presented in a hierarchy of impact on the land and surrounding properties, and include ratings of Low, Moderate, High, and Intense. Table 4.01 presents a Use Matrix, indicating the Intensity Ratings of uses permitted in each zoning district.

The designation of an Intensity Rating incorporates consideration of the following factors:

- (1) Impacts on the physical environment. These impacts include the potential for air pollution, dust, odors, water pollution, noise, obtrusive lighting, vehicular traffic, impervious surface coverage and storm drainage problems, and other destruction of the natural environment.
- (2) Impacts on aesthetics and cultural values. These impacts include the likely visual attractiveness of the proposed development, assuming typical buffer yards, landscaping, signage, other site improvements and building materials.

b. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Officer of Mills County shall have the authority to determine the appropriate use type. A determination of the Zoning Officer may be appealed to the Board of Adjustment. In making such determinations, the Officer and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

c. Records

The Zoning Officer shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

**20.3.3 Agricultural Use Types**

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or other plants; or the raising and feeding of livestock or poultry.

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a. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses. (Intensity Rating: L)

b. Crop Production

The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions. (Intensity Rating: L)

c. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free range dairy farming, and poultry farming. (Intensity Rating: M)

d. Livestock Sales

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns. (Intensity Rating: H)

20.3.4 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing twenty-four (24)-hour skilled nursing or medical care, forced residence, or therapeutic settings.

a. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family. Mobile home units, as defined by this section, are not a single-family residential use type.

- (1) Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit. (Intensity Rating: L)
- (2) Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot. (Intensity Rating: L)

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b. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units. (Intensity Rating: M)

c. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit. (Intensity Rating: M)

d. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical party walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls. (Intensity Rating: M)

e. Multiple-Family Residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units. (Intensity Rating: M)

f. Group Residential

The use of a site for the residence of more than three unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a College and University use type. (Intensity Rating: M)

g. Boarding House

The use of a site for the residence of more than four unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. (Intensity Rating: M)

h. Manufactured Home Residential

Use of a site for one or more manufactured home dwellings, as defined in Section 20.2(16). (Intensity Rating: L)

i. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility. (Intensity Rating: M)



j. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the Mills County's subdivision ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot. (Intensity Rating: L)

k. Retirement Residence

A building or group of buildings which provide residential facilities, provided that seventy-five percent (75%) or more of the residents are at least sixty years of age, or households headed by a householder of at least sixty years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care. (Intensity Rating: M)

20.3.5 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county and city offices. (Intensity Rating: L.)

b. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Intensity Rating: L.)

c. Clubs

Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.

- (1) Clubs (Recreational): Clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include

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country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges. (Intensity Rating: L.)

- (2) Clubs (Social): Clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations. (Intensity Rating: M.)

d. College and University Facilities

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization. (Intensity Rating: H.)

e. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes. (Intensity Rating: L.)

f. Cultural Services

A library, museum, or similar registered nonprofit organizational use displaying,<sup>8</sup> preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences. (Intensity Rating: M.)

g. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities. (Intensity Rating: L.)

h. Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities. (Intensity Rating: M.)

i. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community. (Intensity Rating: I.)

j. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings. (Intensity Rating: L.)

k. Group Care Facility

A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the: (Intensity Rating: M)

- (1) Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
- (2) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
- (3) Rehabilitation from the effects of drug or alcohol abuse.
- (4) Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

l. Group Home

A facility licensed by the State of Iowa in which no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism, or mental retardation. (Intensity Rating: L.)

m. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis. (Intensity Rating: L.)

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. (Intensity Rating: M.)

o. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors. (Intensity Rating: I.)

p. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities. (Intensity Rating: H.)

q. Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces. (Intensity Rating: L.)

r. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service. (Intensity Rating: M.)

s. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa. (Intensity Rating: M.)

t. Public Assembly

Facilities owned and operated by a public agency, charitable nonprofit, or organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities. (Intensity Rating: H.)

u. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use. (Intensity Rating: L.)

v. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services. (Intensity Rating: M.)

w. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa. (Intensity Rating: H.)

x. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land. (Intensity Rating: M.)

20.3.6 **Office Use Types**

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. General Offices

Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices. (Intensity Rating: M.)

b. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, credit unions, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered within the Personal Services Use Type. The Financial Services use type is divided into two categories. Financial Services A includes less than 4,000 square feet of floor area and has no more than two drive-up lanes (including ATM lanes) (Intensity Rating: L). Financial Services B includes 4,000 square feet or more of floor area and/or has more than two drive-up lanes. (Intensity Rating: M.)

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c. Medical Offices

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Iowa.

The Medical Offices use type is divided into two categories. Medical Offices A includes less than 3,000 square feet of floor area (Intensity Rating: L). Medical Offices B includes 3,000 square feet or more of floor area. (Intensity Rating: M.)

20.3.7 **Commercial Use Types**

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms. (Intensity Rating: H.)

b. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

- (1) **Automobile Auction Lots:** Sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships. (Intensity Rating: H.)
- (2) **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships. (Intensity Rating: H.)
- (3) **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations,

car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services. (Intensity Rating: H.)

- (4) Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages. (Intensity Rating: I.)
- (5) Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments. (Intensity Rating: H.)
- (6) Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services. (Intensity Rating: H.)

c. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one month period. (Intensity Rating: L.)

d. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying. (Intensity Rating: M.)

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e. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility. (Intensity Rating: H.)

f. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven (7) consecutive days during any one month period. (Intensity Rating: M.)

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section. (Intensity Rating: H.)

h. Commercial Recreation

Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, or private skating facilities, or go-carting. (Intensity Rating: H.)

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types." (Intensity Rating: M.)

j. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales. (Intensity Rating: H.)

k. Consumer Services

Establishments that provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines,



appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops. (Intensity Rating: M.)

l. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing. (Intensity Rating: H.)

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

(1) Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and the sales of fuel for motor vehicles. (Intensity Rating: H.)

(2) Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores. (Intensity Rating: L.)

(3) General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 but less than 40,000 square feet. Typical uses include grocery stores and locker plants. (Intensity Rating: M.)

(4) Supermarkets: Establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities larger than 40,000 square feet. Typical uses include large grocery stores. (Intensity Rating: I.)

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries. (Intensity Rating: M.)

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o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of Mills County and/or the State of Iowa. (Intensity Rating: H.)

p. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds. (Intensity Rating: M.)

q. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services. (Intensity Rating: H.)

r. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption. (Intensity Rating: H.)

s. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels. (Intensity Rating: H.)

t. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction. (Intensity Rating: M.)

u. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Iowa when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the

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direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician. (Intensity Rating: M.)

v. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals. (Intensity Rating: M.)

w. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs. (Intensity Rating: M.)

x. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

- (1) Restaurant (Drive-in or Fast Food): An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers. (Intensity Rating: H.)
- (2) Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants. (Intensity Rating: H.)

y. Restricted (or Adult) Businesses

Any adult entertainment business as defined in Chapter 18 - Sexually Oriented Business of the Code of Ordinances for Mills County, Iowa and/or any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria, if the sale of such material constitutes more than twenty percent (20%) of the sales or retail floor area of the establishment. For the purposes of this ordinance, specified anatomical and specified sexual activities are defined in Title II - Health and Welfare of the Code of Ordinances for Mills County, Iowa. Typical uses include retail services or stores which are distinguished by an emphasis on activities or materials that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult

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entertainment businesses without regard to service of alcoholic beverages. (Intensity Rating: I.)

z. Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

- (1) Limited Retail Services: Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Mills County. (Intensity Rating: M.)
- (2) Medium Retail Services: Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Mills County. (Intensity Rating: M.)
- (3) Large Retail Services: Establishments providing retail services, occupying facilities between 10,001 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Mills County. (Intensity Rating: H.)
- (4) Mass Retail Services: Establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general retailing oriented to Mills County. (Intensity Rating: I.)

aa. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes

instruction in riding, jumping, and showing or the riding of horses/equine for hire.  
(Intensity Rating: M.)

bb. Surplus Sales

Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators. (Intensity Rating: I.)

cc. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors. (Intensity Rating: M.)

dd. Travel Centers

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which less than thirty percent (30%) of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for Diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near Interstate Highways or other principal State and Federal designated highway routes. (Intensity Rating: H.)

ee. Truck Stops

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which 30 percent (30%) or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes. (Intensity Rating: I.)

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ff. Vehicle Storage (Short-Term)

Short-term storage of operating or non-operating vehicles for a period of no more than twenty-one (21) days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage beyond twenty-one (21) days constitutes an Industrial Use Type. (Intensity Rating: M.)

gg. Veterinary Services (General)

Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria, and veterinary hospitals for livestock and large animals. (Intensity Rating: M.)

hh. Veterinary Services (Large Animal)

Veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals. (Intensity Rating: H.)

**20.3.8 Parking Use Types**

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility. (Intensity Rating: H.)

b. Parking Structure

The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site. (Intensity Rating: H.)

**20.3.9 Industrial Use Types**

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products. (Intensity Rating: L.)

a. Agricultural Industry

Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators, storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies. (Intensity Rating: I.)

b. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards. (Intensity Rating: H.)

c. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving: (Intensity Rating: M)

- (1) The use of hand tools; or
- (2) The use of domestic mechanical equipment not exceeding two (2) horsepower; or
- (3) A single kiln not exceeding eight (8) KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

d. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses. (Intensity Rating: M.)

e. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of materials or products. (Intensity Rating: H.)

f. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials. (Intensity Rating: I.)

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- g. Recycling Collection  
Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities. (Intensity Rating: M.)
- h. Recycling Processing  
Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities. (Intensity Rating: H.)
- i. Resource Extraction  
A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and removal of dirt for off-site use. (Intensity Rating: I.)
- j. Salvage Services  
Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards. (Intensity Rating: I.)
- k. Vehicle Storage (Long-Term)  
Long-term storage of operating or non-operating vehicles for a period exceeding twenty-one (21) days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage of twenty-one (21) days or less constitutes a Commercial Use Type. (Intensity Rating: H.)
- l. Warehousing (Enclosed)  
Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies. (Intensity Rating: M.)
- m. Warehousing (Open)  
Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage. (Intensity Rating: H.)

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20.3.10 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation (General)

Airports, including take-off and landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Typical uses include private or municipal airports. (Intensity Rating: I.)

b. Aviation (Private)

Take-off or landing strips or fields within a parcel generally put to other uses and primarily used for the convenience of the owner of the parcel. Typical uses include private airstrips within a large property. (Intensity Rating: I.)

c. Railroad Facility

Fixed railroad facilities, including switching yards, equipment servicing facilities, and freight terminal facilities, but not including normal right-of-way. (Intensity Rating: I.)

d. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities. (Intensity Rating: H.)

e. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. (Intensity Rating: H.)

20.3.11 Miscellaneous Type Uses

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities. (Intensity Rating: M.)

b. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators. (Intensity Rating: L.)

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c. Communications Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers. (Intensity Rating: M.)

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects. (Intensity Rating: H.)

e. Landfill A (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile. (Intensity Rating: H.)

f. Landfill B (Putrescible and Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure. (Intensity Rating: H.)

g. Wind Energy Conservation System (WECS)

Any device that converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines. (Intensity Rating: L.)

**SECTION 4  
ZONING DISTRICT REGULATIONS**

**20.4.1 Purpose**

Section 4 shall be known as the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote patterns of development that are consistent with the policies set forth by the county's comprehensive plan and to establish site development regulations appropriate to the purposes and specific nature of each district.

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20.4.2 Establishment of Districts

The following base districts and overlay districts are hereby established. These districts correspond to the Land Use Policy Districts established by the Mills County Comprehensive Plan.

**BASE ZONING DISTRICTS**

**DISTRICT NAMES**

AG	Agricultural District
AR	Agricultural/Residential District
LH	Loess Hills Conservation Development District
V	Village District
C-1	Convenience Commercial
C-2	Highway Oriented Commercial
I	Industrial District
OS	Greenway/Open Space Conservation District

**OVERLAY DISTRICTS**

GP	Grading Permit Overlay District
PUD	Planned Unit Development Overlay District

- a. Agriculture District (AG): The General Agricultural District promotes agricultural uses, including crop and animal production. Much of this area is beyond the probable demand for residential development within the foreseeable future. However, encroaching residential uses, even if scattered, create potential conflicts with intensive agriculture. In Agriculture Districts, a wide range of agriculture activity is encouraged. Opportunities for other uses will exist, but the emphasis will be on agricultural uses, whereby land use conflicts will be minimized.
- b. Agriculture Residential District (AR): The Residential Agriculture District recognizes residential development in and around the Loess Hills region where slopes are low to moderate and there is significant demand for residential development. Land within this district is likely to continue being subdivided or otherwise used for low-density rural residential development. The county should encourage conservation subdivision development and community water/wastewater systems, when possible.
- c. Loess Hills Conservation Development (LH): The Loess Hills Conservation Development District recognizes the importance of the fragile and unique landform of the Loess Hills and the demand for residential development. The concept of conservation development encourages developers to preserve areas of environmental or scenic significance in exchange for allowing greater development density in other parts of the project or by lessening the minimum lot size of the parcel if the overall percentage of open space or agricultural land stays

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- constant. Minimum lot size standards should be observed for construction of private septic system and wells. However, constructing common water and wastewater systems in place of private systems will allow an even greater development density. The Loess Hills Conservation Development District allows the landowner to develop at a greater density using conservation development techniques.
- d. Village (V): This district is intended to provide for residential and commercial development in existing, long-standing rural unincorporated villages. The Village District is appropriate to areas in the county within identifiable communities, such as Mineola and Strahan. The use of the V District for development using private infrastructure should be discouraged, although it is not prohibited.
  - e. Convenience Commercial (C-1): This district is intended for commercial facilities that serve the needs of markets ranging from a rural community to the overall region. Permitted commercial and office uses are generally compatible with nearby residential areas, with development standards designed to minimize the effects of traffic and operation characteristics. C-1 Districts are appropriate at major intersections or at the periphery of a rural community.
  - f. Highway Oriented Commercial District (C-2): Highway Oriented Commercial District includes major road corridors in rural areas that attract high quality commercial and industrial development. The district should allow commercial uses and limited industrial uses.
  - g. Industrial District (I): The district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility. The Industrial District applies to areas that provide logical locations for major industry, based on transportation and locational assets.
  - h. Open Space District (OS): The Open Space District maintains open uses in areas that provide major environmental resources or should not receive conventional development. These areas include wetlands, lakes, rivers, and other distinctive environmental features. These natural resource areas, recognized by the County's Comprehensive Plan, are not appropriately described by traditional base zoning districts. Flood prone areas may be included within the OS district.
  - i. Grading Permit Overlay District (GP Overlay): This overlay district identifies the unique land formation of the Loess Hills and establishes regulations to control development that adversely affects the integrity of the region. This district also establishes a County Grading Permit requirement throughout Mills County. It proposes standard environmental management measures for controlling erosion and dust, maintaining drainage patterns and groundwater quality, establishing

buffers, encouraging community infrastructure systems, and restoring the landscape.

- j. Planned Unit Development District (PUD Overlay): The Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment.

#### 20.4.3 Application of Districts

A base district designation shall be applied to each area and parcel the county's planning jurisdiction.

Overlay districts may be applied to any site or any portion thereof, in addition to a base district designation.

#### 20.4.4 Development Regulations

For each Zoning District, uses are permitted by Intensity Rating as set forth in Section 20.3(2)(a). Table 4.01 presents a Use Matrix, indicating the Intensity Ratings of uses permitted in each zoning district.

Table 4.02 establishes specific regulations that apply to various design and development criteria for each district. These regulations may refer to other tables or sections of the ordinance. Supplemental Regulations may also affect specific land uses or development regulations in each district.

#### 20.4.5 Zoning Map

##### a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the County Auditor. The Auditor shall certify that this is the Official Zoning Map referred to by these regulations. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this ordinance. The Zoning Map shall be on file with the County Auditor and shall be readily accessible to the public at the Mills County Courthouse in Glenwood, Iowa.

##### b. Changes to the Zoning Map

The Board of Supervisors may from time to time adopt a new official zoning map which shall supersede the prior official zoning map, in the event that the official zoning map becomes damaged or destroyed; or for 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.

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**20.4.6 Interpretation of District Boundaries**

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following section lines, half-section, quarter section lines, or quarter-quarter section lines, ownership, or lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, streams or creeks, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.
- d. Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
- e. Boundaries not capable of being determined as set forth in Sections 20.4(6)(a) through 20.4(6)(d) shall be as dimensioned on the official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

**20.4.7 Vacation of Public Rights of Way**

Whenever a public right-of-way is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

**20.4.8 Required Conformance**

Except as specified in this ordinance, 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 title for the district in which the building or land is located.

**20.4.9 Required Frontage**

No platted lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty feet on at least one public street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet wide may be provided for two or more such single-family dwellings or for structures housing more than one family in independent units.

**20.4.10 Use Matrix: Levels of Permitted Uses**

Within zoning districts in Mills County, different uses are permitted with different conditions. These are displayed in Table 4.01: Use Matrix. Levels of permission include:

- a. Uses which are permitted by right. These uses are permitted subject to issuance of a building permit by the Zoning Officer, subject only to compliance with all regulations of these regulations. Uses permitted by right might be subject to supplemental regulations contained in these regulations. These uses are indicated in the Use Matrix by a "P" in the applicable cell.
- b. Special uses. These uses are subject to approval of a Special Use Permit by the Zoning Board of Adjustment following the procedure set forth in Section 20.1(10). These uses are indicated in the Use Matrix by an "S" in the applicable cell.

**20.4.11 Guide to Site Development Regulators**

The regulators set forth in the Table 4.02 establish the limits and requirements for most development in Mills County. This section is intended to provide guidance for applying the regulators contained in these tables.

a. Site Area per Housing Unit

This indicates the gross land area per unit within a residential development. For example, a twenty (20)-lot subdivision on a forty (40)-acre will have a site area per unit of two (2) acres per unit. Site area per unit, which measures gross density, may differ from minimum lot size. In conservation development, the site area per unit will be larger than minimum lot size, permitting the clustering of lots in exchange for common open space. In multi-family development, the site area per unit will usually be smaller than minimum lot size, because the lot is the legal parcel on which a multiple-unit building is built.

b. Minimum Lot Size

This indicates the minimum size of a legally described and recorded parcel upon which development can take place. As noted above, minimum lot size and site area per unit may not be the same.

c. Minimum Yards

These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for a number of exceptions. Some of these include:

- (1) Planned Unit Developments. Yard setbacks can be varied within Planned Unit Developments, which are reviewed and approved by the Board of Supervisors after a recommendation from the Planning and Zoning Commission.

(2) Major roads. The County may require greater than normal setback along segments of the County's arterial road system, as defined in the comprehensive plan.

d. Maximum Height

Height normally measures the vertical distance from the established grade to the highest point of a building. However, as established by the definition of height, the point of measurement may vary for different types of buildings and roof slopes.

e. Maximum Building Coverage

This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a 20,000 square foot building on a 40,000 square foot site has a building coverage of fifty percent (50%). This is a method of regulating the scale of buildings in an area.

f. Maximum Impervious Coverage

This measures the percentage of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of stormwater runoff and provide for groundwater recharge.

g. Land Disturbance Standards

This indicates areas that require application of special performance standards and procedures applying to the disturbance of land in environmentally sensitive areas, such as the Loess Hills. These standards are set forth in Section 20.7(3).

h. Conservation Development Standards

These are voluntary regulations allowing the application of conservation development procedures, as set forth in Section 5.

i. Landscape Requirements

This establishes areas for which landscaping that must be provided on private property adjacent and in from the right-of-way line. These specific standards are set forth in Section 20.6(4).

j. Minimum Bufferyard Requirements

This establishes areas in which bufferyards must be provided by more intensive land uses adjacent to less intensive land uses. These specific standards are set forth in Section 20.6(5).



MISCELLANEOUS RECORD BOOK 389, MILLS COUNTY, IOWA

**Table 4.01: Use Matrix**

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>AGRICULTURE USES</b>										
Horticulture	L	P	P	P	P	P	P	P	P	
Crop Production	L	P	P	P	P	P	P	P	P	
Animal Production	M	P	P	P	P	P	P	P	P	
Livestock Sales	H	P	P	P	P	P	P	P	P	
<b>RESIDENTIAL USES</b>										
Single-Family Detached	L		P	P	P	P		S	S	
Single-Family Attached	L		P	P	P	P		S	S	
Duplex	M			S	S	S		S		
Two-Family	M			S	S	S		S		
Townhouse	M			S	S	S		S		
Multiple-Family	M			S	S	S		S		
Group Residential	M			S	S	S		S		
Boarding House	M			S	S	S		S		
Manufactured Home Residential	L		P	P	P	P		S	S	
Mobile Home Park	M			S	S	S		S		
Mobile Home Subdivision	L		P	P	P	P		S	S	
Retirement Residential	M			S	S	S		S		
<b>CIVIC</b>										
Administration	L	P	P	P	P	P		P	S	
Cemetery	L	P	P	P	P	P		P	S	
Clubs (Recreational)	L	P	P	P	P	P		P	S	
Clubs (Social)	M	S	P	P	P	P		P	S	
College/University	H		P	S	S	S		P	S	
Convalescent Services	L	P	P	P	P	P		P	S	
Cultural Services	M	S	P	P	P	P		P	S	
Day Care (Limited)	L	P	P	P	P	P		P	S	
Day Care (General)	M	S	P	P	P	P		P	S	
Detention Facilities	I		S	S				S	P	
Emergency Residential	L	P	P	P	P	P		P	S	
Group Care Facility	M	S	P	P	P	P		P	S	
Group Home	L	P	P	P	P	P		P	S	
Guidance Services	L	P	P	P	P	P		P	S	
Health Care	M	S	P	P	P	P		P	S	
Hospital	I		S	S				S	S	
Maintenance Facility	H		P	S	S	S		P	P	
Park and Recreation	L	P	P	P	P	P		P	S	

P Permitted by right or by right subject to supplemental regulations  
 S Permitted by Special Use Permit  
 Blank Not Permitted

OS - Open Space District      AG - Agriculture District      AR - Agriculture/Residential District  
 LH - Loess Hills Conservation Development      VR - Village Residential      I - Industrial  
 C-1 - Convenience Commercial      C-2 - Highway-Oriented Commercial

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MISCELLANEOUS RECORD BOOK 389, MILLS COUNTY, IOWA

**Table 4.01: Use Matrix**

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>CIVIC (continued)</b>										
Postal Facilities	M	S	P	P	P	P		P	S	
Primary Education	M	S	P	P	P	P		P	S	
Public Assembly	H		P	S	S	S		P	S	
Religious Assembly	L	P	P	P	P	P		P	S	
Safety Services	M	S	P	P	P	P		P	S	
Secondary Education	H		P	S	S	S		P	S	
Utilities	M	S	P	P	P	P		P	S	

**OFFICE USES**

General Offices	M		S	S	S	S	S	P	S	
Financial Services A	L		S	S	S	P	P	P	S	
Financial Services B	M		S	S	S	S	S	P	S	
Medical Offices A	L		S	S	S	P	P	P	S	
Medical Offices B	M		S	S	S	S	S	P	S	

**COMMERCIAL USES**

Ag Sales/Service	H							P	S	
Auto Auction Lots	H							P	S	
Auto Rental/Sales	H							P	S	
Auto Services	H							P	S	
Body Repair	I							P	S	
Equip Rental/Sales	H							P	P	
Equipment Repair	H							P	P	
Bed and Breakfast	L		S	S	S	P	P	P	S	
Business Support Services	M		S	S	S	S	S	P	S	
Business/Trade School	H							P	S	
Campground	M		S	S	S	S	S	P	S	
Cocktail Lounge	H							P	S	
Commercial Recreation	H							P	S	
Communication Service	M		S	S	S	S	S	P	S	
Construction Sale/Service	H							P	P	
Consumer Service	M		S	S	S	S	S	P	S	
Convenience Storage	H							P	S	
Food Sales (Convenience)	H							P	S	
Food Sales (Limited)	L		S	S	S	P	P	P	S	
Food Sales (General)	M		S	S	S	S	S	P	S	
Food Sales (Super markets)	I							S	S	
Funeral Services	M		S	S	S	S	S	P	S	

P Permitted by right or by right subject to supplemental regulations  
 S Permitted by Special Use Permit  
 Blank Not Permitted

OS - Open Space District      AG - Agriculture District      AR - Agriculture/Residential District  
 LH - Loess Hills Conservation Development      VR - Village Residential      I - Industrial  
 C-1 - Convenience Commercial      C-2 - Highway-Oriented Commercial

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MISCELLANEOUS RECORD BOOK 389, MILLS COUNTY, IOWA

Table 4.01: Use Matrix

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>COMMERCIAL USES (cont)</b>										
Gaming Facilities	H							P	S	
Kennels	M		S	S	S	S	S	P	S	
Laundry Services	H							P	S	
Liquor Sales	H							P	S	
Lodging	H							P	S	
Personal Improvement	M		S	S	S	S	S	P	S	
Personal Services	M		S	S	S	S	S	P	S	
Pet Services	M		S	S	S	S	S	P	S	
Research Services	M		S	S	S	S	S	P	S	
Restaurants (Drive-in)	H							P	S	
Restaurants (General)	H							P	S	
Restricted Business	I								P	Yes*
Retail Services (Limited)	M		S	S	S	S	S	P	S	
Retail Services (Medium)	M		S	S	S	S	S	P	S	
Retail Services (Large)	H							P	S	
Retail Services (Mass)	I							S	S	
Stables	M		S	S	S	S	S	P	S	
Surplus Sales	I							S	S	
Trade Services	M		S	S	S	S	S	P	S	
Travel Centers	H							P	S	
Truck Stops	I							S	P	
Vehicle Storage (Short-term)	M		S	S	S	S	S	P	S	
Vet Services (General)	M		S	S	S	S	S	P	S	
Vet Services (Large Animal)	H							P	S	

P Permitted by right or by right subject to supplemental regulations

S Permitted by Special Use Permit

Blank Not Permitted

OS - Open Space District      AG - Agriculture District      AR - Agriculture/Residential District  
 LH - Loess Hills Conservation Development      V - Village District      I - Industrial  
 C-1 - Convenience Commercial      C-2 - Highway-Oriented Commercial

\*Restricted Business Additional Regulations. No person shall cause or permit the establishment of any restricted business, as defined in Section 3, within 1,500 feet from another such business, any school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed-use district restricted to residential use. Measurement shall be taken on a direct line from the property line of such restricted business to the point on the property line of such other business, school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed-use district restricted to residential use which is closest to the property line of such restricted business.

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MISCELLANEOUS RECORD BOOK 389, MILLS COUNTY, IOWA

Table 4.01: Use Matrix										
	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>PARKING USES</b>										
Off-Street Parking	H									
Parking Structure	H									
<b>INDUSTRIAL USES</b>										
Agricultural Industry	I								P	
Construction Yards	H		S					S	P	
Custom Manufacturing	M		S	S	S			P	P	
Light Industry	M		S	S	S			P	P	
General Industry	H		S					S	P	
Heavy Industry	I								P	
Recycling Collection	M		S	S	S			P	P	
Recycling Processing	H		S					S	P	
Resource Extraction	I								S	
Salvage Service	I								S	
Vehicle Storage (Long-term)	H		S					S	P	
Warehousing (Enclosed)	M		S	S	S			P	P	
Warehousing (Open)	H		S					S	P	
<b>TRANSPORTATION USES</b>										
Aviation (General)	I	S	S							
Aviation (Private)	I	S	S							
Railroad Facilities	I	S	S						P	S
Truck Terminal	H	S	S						P	
Transportation Terminal	H	S	S						P	
<b>MISCELLANEOUS USES</b>										
Alternative Energy Production Devices	M		P	P	S		S	P	S	
Amateur Radio Tower	L	P	P	P	P		P	P	S	
Communications Tower	M		P	P	S		S	P	S	
Construction Batch Plant	H		S	S				S	P	
Landfill (Non-Putrescible)	H		S	S				S	P	
Landfill (Putrescible)	H		S	S				S		
WECS	L	P	P	P	P		P	P		

**P** Permitted by right or by right subject to supplemental regulations  
**S** Permitted by Special Use Permit  
**Blank** Not Permitted  
**OS** - Open Space District      **AG** - Agriculture District      **AR** - Agriculture/Residential District  
**LH** - Loess Hills Conservation Development      **V** - Village District      **I** - Industrial  
**C-1** - Convenience Commercial      **C-2** - Highway-Oriented Commercial

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**Table 4.02: Development Criteria for Zoning Districts**

Site Area per Unit	OS	AG	AR	LH
Minimum site area per housing unit	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conventional residential development)	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conservation residential development)	NA	NA	NA	1 acre
Minimum lot size (non-residential)	¼-¼ section	5 acres	2 acres	3 acres
Minimum front yard	100 feet	75 feet	75 feet	75 feet
Minimum front yard (major subdivision with public water and sewer)	25 feet	25 feet	25 feet	25 feet
Minimum side yard	10 feet	10 feet	10 feet	10 feet
Minimum rear yard	25 feet	25 feet	25 feet	25 feet
Minimum lot width	1,000 feet	300 feet	300 feet	300 feet
Minimum lot depth	1,000 feet	300 feet	300 feet	300 feet
Maximum height	25 feet	NA	35 feet	35 feet
Maximum building coverage	1%	5%	15%	5%
Maximum impervious coverage	5%	10%	10%	10%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development Standards (Section 5)	No	No	No	Yes
Landscape requirement (Section 20.6(3))	No	No	For special permit uses	For special permit uses
Bufferyard requirement (Section 20.6(5))	No	No	For special permit uses	Yes

*Note:* Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 20.7(4).

*Note:* In Loess Hills Conservation Development, the development criteria and grading permit standards may be the same as in the Agriculture/Residential District, if the land has crop land history as proven by Farm Service Agency (FSA) maps.

\* Maximum of three housing units per ¼-¼ section.

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**Table 4.02: Development Criteria for Zoning Districts**

Site Area Per Unit	V	C-1	C-2	I
Minimum site area per housing unit	NA	NA.	25,000 sq. ft.	¼-¼ section
Minimum lot size (conventional residential development)	1 acre without sewer 10,000 sq. ft. with sewer	NA	2 acre	¼-¼ section
Minimum lot size (conservation residential development)	NA	NA	NA	NA
Minimum lot size (non-residential)	2 acre without sewer 10,000 sq. ft. with sewer	5 acres	5 acres	5 acres
Minimum front yard	NA	25 feet	25 feet	25 feet
Minimum side yard	NA	10 feet	10 feet	10 feet
Minimum rear yard	NA	50 feet	50 feet	50 feet
Minimum lot width	NA	400 feet	400 feet	400 feet
Minimum lot depth	NA	400 feet	400 feet	400 feet
Maximum height	35 feet	50 feet	50 feet	50 feet
Maximum building coverage	NA	40%	40%	50%
Maximum impervious coverage	NA	70%	70%	80%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development (Section 5)	No	No	No	No
Landscape requirement (Section 20.6(3))	No	Yes	Yes	Yes
Bufferyard requirement (Section 20.6(5))	No	Yes	Yes	Yes

Note: Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 20.7(4).

**SECTION 5  
CONSERVATION DEVELOPMENT STANDARDS**

**20.5.1 Purpose and Application**

Section 5 shall be known as the Conservation Development Standards. These standards provide voluntary design standards and techniques for subdivisions with five or more lots within the LH district. Conservation Development techniques require that the natural landforms determine the design and character of new residential development in environmentally sensitive areas. Areas of environmental sensitivity and potential outside of LH district are established by the Mills County comprehensive plan.

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**20.5.2 Process**

Conservation developments generally follow the subdivision approval procedures outlined in Chapter 19 - Subdivision Regulations of the Code of Ordinances for Mills County, Iowa, establishing the process for preliminary and final plat approval. Projects that do not require subdivision follow approval procedures appropriate to the specific project, including Special Use Permits, zoning amendments, site plan review, or other applicable measures. The requirements and standards included in this section are in addition to those established procedures.

**20.5.3 Permitted Density Yield**

The density of conservation developments is set forth in Table 4.02. Community water and wastewater systems are required as presented in Chapter 19 – Subdivision Regulations of the Code of Ordinances for Mills County, Iowa. Permitted yield in housing units (Y) is calculated by the formula:

$$Y = \frac{.90(TA - UA)}{SA}$$

where:

TA = Total parcel area

UA = Undevelopable areas, defined as the sum of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding twenty percent (20%), floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Soil Conservation Service, is subtracted from the total parcel area.

.90 = an allowance for the typical percentage of land available after deducting the area of public streets and right-of-ways serving a low-density residential development.

SA = Minimum site area per unit for conservation development required by the underlying zoning district.

**20.5.4 Minimum Percentage of Open Space**

- a. The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement held by Mills County, a Homeowners Association, or a recognized land trust or conservancy, shall be a minimum of thirty-five percent (35%) of the Net Developable Area, defined as  $.90(TA - UA)$ .
- b. The above areas shall generally be designated as undivided open space, to facilitate easement monitoring and enforcement, and to promote appropriate management by a single entity according to approved land management standards.

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- c. All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the County and duly recorded in the Mills County Recorders Office.
- d. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposed in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum open space.
- e. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground pipelines. However, land within the rights-of-way of high tension power lines shall not be included as comprising part of the minimum required open space.

**20.5.5 Conservation Areas as Open Space**

- a. The location of open space shall be consistent with the policies contained in Mills County's Comprehensive Plan, and with the recommendations contained in this section and the following section ("Evaluation Criteria").
- b. Open space shall be comprised of two types of land; "Primary Conservation Areas" and "Secondary Conservation Areas." All lands within both Primary and Secondary Conservation Areas shall be protected by a permanent conservation easement prohibiting future development, and setting other standards safeguarding the site's special resources from negative changes.
  - (1) Primary Conservation Areas. This category consists of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding twenty-five percent (25%), floodways, and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Soil Conservation Service.
  - (2) Secondary Conservation Areas. Secondary Conservation Areas comprise at least thirty-five percent (35%) of the Net Developable Area and shall be designated and permanently protected. Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state, and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. Secondary Conservation Areas are determined by specific project design and typically include all or some of the following kinds of resources:
    - (a) A one hundred (100)-foot deep greenway buffer along all waterbodies and watercourses, and a fifty (50)-foot greenway buffer alongside wetlands soils classified as "very poorly drained"



in the medium intensity county soil survey of the USDA Natural Resources Conservation Service). These areas must be conserved as Secondary Conservation Areas but are considered as Developable Areas for the purpose of calculating yield.

- (b) One hundred (100)-year floodplains.
- (c) Woodlands, individual specimen trees, or small stands of trees with a caliper size of twelve inches (12") or greater.
- (d) Aquifer recharge areas and areas with highly permeable ("excessively drained") soil.
- (e) Significant wildlife habitat areas.
- (f) Agriculture Land.
- (g) Historic, archaeological or cultural features listed (or eligible to be listed) on the National Register of Historic Places, or on inventories developed by the Golden Hills RC&D or the Iowa State Historical Society.
- (h) Slopes in excess of fourteen percent (14%).
- (i) Ridgelines and view corridors.
- (j) Land with soils that do not support residential development.

**20.5.6 Location Standards for Open Space**

a. Access to Residential Lots

Undivided open space shall be directly accessible to the largest practicable number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses, or trail links.

b. Interconnection of Open Spaces

Protected open spaces in each new subdivision are encouraged to adjoin each other, ultimately forming an interconnected network of Primary and Secondary Conservation Areas across the county.

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20.5.7 Special Processes for Conservation Developments

The review and approval process for conservation developments is the same as that for conventional subdivisions, as set forth in Chapter 19 - Subdivision Regulations of the Code of Ordinances for Mills County, Iowa. Additional provisions and approval processes are set forth in this section.

a. Existing Features Plan

- (1) Plans analyzing each site's special features are required for all proposed subdivisions. The Existing Features Plan shall include at a minimum: (1) a contour map based at least upon topographical maps published by the U.S. Geological Survey; (2) the location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and one hundred (100)-year floodplains, and all rights-of-way and easements; (3) soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and (4) the location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.
- (2) The Existing Features Plan shall identify both Primary Conservation Areas and Secondary Conservation Areas, as described in Section 20.5(5) of these regulations. The Existing Features Plan shall form the basis for the Conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands in new subdivisions, according to the four-step design process described in Section B, below.

b. Conceptual Preliminary Plan

A sketch plan or a Conceptual Preliminary Plan shall be submitted for all proposed subdivisions to the Zoning Officer before submission of a formal preliminary plat application. A Conceptual Preliminary Plan presents a conceptual layout for greenway and open lands, house sites, and street alignments. Each Conceptual Preliminary Plan shall follow a four-step design process, as described below. Applicants shall be prepared to demonstrate to the Zoning Officer that these four design steps were followed in the preparation of the plan.

- (1) *Step One: Designating the Open Space.* During the first step, all potential conservation areas (both primary and secondary as defined above) are identified, using the Existing Features Plan.
- (2) *Step Two: Location of House Sites.* During the second step, potential house sites are located. Subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not

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closer than one hundred (100) feet from Primary Conservation Areas, but may be situated within fifty (50) feet of Secondary Conservation Areas, in order to enjoy views of the latter without negatively affecting the former.

- (3) *Step Three: Street and Lot Layout.* The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fourteen percent (14%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six or fewer homes may be designed with "hammerheads" facilitating three-point turns.
- (4) *Step Four: Lot Lines.* The fourth step is simply to draw in the lot line (where applicable). These are generally drawn midway between house locations and may include L-shaped "flag lots" meeting the county's minimum standards for the same.
- (5) *Review and Comments.* The Zoning Officer and the County Engineer shall return written comments on the Conceptual Preliminary Plan to the applicant within thirty (30) days of submittal. These comments should recommend changes to be made prior to submittal of a Preliminary Plat application.

#### 20.5.8 Ownership and Maintenance of Common Open Space

Conservation developments shall provide for ownership and maintenance of common open space. Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the County.

a. Offer of Dedication

Mills County shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The County or other public agency may, but shall not be required to accept undivided open space provided: (1) such land is accessible to the residents of the county; (2) there is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and (3) the county agrees to and has access to maintain such lands. Alternatively, a public agency may accept an easement, subject to the above conditions.

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b. Homeowners Association

The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

- (1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the open space.
- (2) The association shall be organized by the developer and shall be operated with financial assistance from the developer, before the sale of any lots within the development.
- (3) Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- (4) The association shall be responsible for maintenance of insurance and taxes on undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
- (5) The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
- (6) In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by a public agency, notice of such action shall be given to all property owners within the development.
- (7) The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands.

c. Condominiums

The undivided open space and associated facilities may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the state statute. All undivided open space land shall be held as a "common element."

d. Transfer of Easements to a Private Conservation Organization

An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and /or natural resources, provided that:

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- (1) The organization is acceptable to the County, and is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
- (3) A maintenance agreement acceptable to the commission is entered into by the developer and the organization.

**20.5.9 Maintenance Standards**

a. Financial Responsibility

The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, or other methods. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.

b. Maintenance Enforcement

- (1) In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the County may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
- (2) Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of these regulations.
- (3) Should any bill or bills for maintenance of undivided open space by the County be unpaid, a late fee of fifteen percent shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

**20.5.10 Evaluation Criteria**

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning and Zoning Commission and Board of Supervisors as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purpose of these regulations:

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- a. Protection of floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as may be approved for essential infrastructure or active or passive recreation amenities.
- b. Preservation and maintenance of woodlands, existing fields, pastures, meadows, and orchards, and sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- c. Maintenance of buffers adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- d. Design around existing treelines between fields or meadows, and minimal impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat.
- e. Maintenance of scenic views.
- f. Avoidance of new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- g. Protection of wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
- h. Design around and preserves sites of historic, archaeological, or cultural value, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.
- i. Protection of rural character and improvement of public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
- j. Landscaping of common areas if appropriate.
- k. Provision of active or passive recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- l. Inclusion of a pedestrian circulation system providing access between properties, activities, or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails.
- m. Provision of open space that is reasonably contiguous, avoiding fragmented open spaces.

**SECTION 6**  
**LANDSCAPING AND SCREENING STANDARDS**

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**20.6.1 Purpose**

Section 6 shall be known as Landscaping and Screening Standards. The Landscaping and Screening Regulations provide additional standards for the development of certain sites within Mills County by addressing landscaping and screening requirements. They are designed to improve the appearance of the county, buffer potentially high impact land uses from lower impact uses, and conserve the value of properties within Mills County. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

**20.6.2 Applicability**

The provisions of this section shall apply to all new development on each lot within zoning districts identified by Table 4.02 upon application for a building permit, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent (20%) of the building established on the site on the effective date of these regulations. Where such cumulative additions or enlargements are 20 percent (20%) or greater, these provisions shall apply only to that portion where the new development occurs.

**20.6.3 Landscaping Requirements**

Landscaping shall be required adjacent to each street property line and shall extend to a minimum depth inward on private property as set forth in the Development Regulations and summarized in Table 6.01.

**20.6.4 Landscaping Materials and Installation Standards**

- a. Landscaping Plan  
A landscaping plan meeting the requirements of this ordinance must be submitted by a registered nurseryman or registered landscape architect.
- b. Use of Inorganic Landscaping Materials
  - (1) No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than thirty-five percent (35%) of the minimum required

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landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways and walkways.

- (2) Loose rock, mulch, bark or wood chips shall not be permitted within the required depth area set forth in Table 6.01.

<b>COLUMN 1</b> Use Type with Intensity Rating	<b>COLUMN 2</b> Minimum Depth of Landscaping Adjacent to Street Property Lines
<b>Civic</b>	
High	15 feet
Intensive	25 feet
<b>Commercial/Office</b>	
Low	10 feet
Medium	15 feet
High	25 feet
Intensive	35 feet
<b>Industrial</b>	
Low	15 feet
Medium	20 feet
High	35 feet
Intensive	50 feet

**20.6.5 Bufferyard Provisions**

These provisions apply when a use is established in a more intensive use type (Use A) that is adjacent to a pre-existing less intensive use type (Use B). The owner, developer, or operator of Use A shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this section. Bufferyard requirements apply only to those districts indicated in Table 4.02.

- a. The bufferyard dimensions set forth in Table 6.02 apply to uses that share a common lot line.

District A (More Intensive Use with Intensity Rating)	District B (Less Intensive Use Type with Intensity Rating)			
	Agriculture	Residential	Civic	Commercial

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	L	M	H	L	M	H	L	M	H	L	M	H
<b>Residential</b>	50	50	50									
<b>Civic</b>												
Medium												
High				10	20	20						
Intensive				20	30	30						
<b>Commercial</b>												
Low				20	20	20	20	20				
Medium				30	30	30	20	20				
High				40	40	40	30	20				
Intensive				60	40	40	30	20				
<b>Industrial</b>												
Low				30	30	30	30	30	30			
Medium				60	60	60	60	60	30	20		
High				100	100	100	100	100	40	30	20	
Intensive				200	200	200	100	100	80	40	30	

- b. When a roadway separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard set forth in Table 7.02.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

**20.6.6 Screening Standards**

a. Application

Screening is required when a use type requiring buffering as indicated in Table 6.02 borders a residential use type and has one or more of the following conditions and is directly visible from and faces toward the boundary of the residential use:

- (1) Outdoor storage areas or storage tanks, unless otherwise screened.
- (2) Loading docks, refuse collection points, and other service areas.
- (3) Major machinery or areas housing a manufacturing process.
- (4) Major on-site traffic circulation areas or truck and/or trailer parking.
- (5) Sources of glare, noise, or other environmental effects.
- (6) Bailing or stockpiling of cardboard or other shipping or packaging materials.
- (7) Surface parking lots with 150 or more stalls directly adjacent to less intensive districts.

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b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 20.7(6)(a) from the residential use as follows:

- (1) A solid wood, PVC, and/or masonry fence or wall at least six feet in height.
- (2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting.
- (3) A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
- (4) Any combination of these methods that achieves a cumulative height of six feet.

c. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

d. Permitted Interruptions of Screening

Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed twenty percent (20%) of the length of the required screened area.

**20.6.7 Parking Lot Landscaping**

a. Landscape and Screening Requirements

Unless otherwise noted, each unenclosed parking facility with a paved surface of 10,000 square feet or more shall comply with the following regulations:

- (1) Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any roadway property line.
- (2) Each parking facility that abuts a residential district shall provide a ten-foot landscaped buffer along its common property line with the residential district.
- (3) Any parking facility which abuts property in a residential use type shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Officer.

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- (4) Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

**20.6.8 Tree Plantings**

- a. In any landscaped area for commercial uses only required by the Minimum Depth Requirements, one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.
- b. Any tree of an approved species planted or maintained with a caliper of three inches (3") or above shall count as 1.5 trees toward the satisfaction of the requirements of this section. An approved existing tree with a caliper of eight inches or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this section.

**20.6.9 General Provisions**

a. Time of Application

The provisions contained in this section shall be applied for each individual lot or site when an application for a building permit on such lot is made. A Landscape Plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Officer for compliance with the provisions of this section.

b. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this section and the approved landscaping plan for the project.

c. Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

d. Earth Berm Locations

All earth berm locations shall be reviewed by the Zoning Officer, or his/her designee to determine how the berms shall relate to drainage.

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**SECTION 7  
OVERLAY DISTRICTS**

**20.7.1 Purpose**

Overlay Districts are used in combination with Base Zoning Districts to modify or expand base district requirements. They adapt to the special needs of areas of the county and further allow Mills County's Zoning Ordinance to evolve as the planning and development needs and trends of specific areas also change. The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the County which require specific regulation.
- b. To provide for the protection of special features in the natural and built environment of the county.
- c. To allow for change and adaptability to different needs and trends in land development.
- d. To encourage comprehensive neighborhood and environmental planning in the county, and to protect the integrity of vital services.
- e. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

**20.7.2 Establishment of Districts**

The following Overlay Districts are hereby established.

	<b>OVERLAY DISTRICTS</b>
<b>GP</b>	Grading Permit Overlay District
<b>PUD</b>	Planned Unit Development Overlay District

**20.7.3 GP GRADING PERMIT OVERLAY DISTRICT**

**a. Purpose and Application**

These regulations apply to certain land disturbing activities within Mills County, with additional requirements within the Loess Hills Conservation Development District (LH). The grading permit requirements are intended insure that problems potentially caused by extensive grading are averted and to conserve the unique environmental features of the Loess Hills environment in Mills County. These regulations do not apply to the following activities:

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- (1) Plowing, disking, preparation, or use of any land for the crop production or animal production use types. Terracing of land for agricultural purposes is also exempt.
- (2) Work done by any political subdivision on any dedicated street or drainage right-of-way.
- (3) The installation, maintenance and/or repair of a septic system shall not require approval of a Grading Permit or Special Use Permit, as specified, prior to carrying out such activity provided the final grade does not deviate from the existing grade.

b. **Grading Permit and Special Use Permit Requirements**

The following actions require approval of a Grading Permit or Special Use Permit, as specified, prior to carrying out any of the following actions:

(1) Grading and Excavation: County Wide (Outside LH District)

The removal, addition, or relocation in any twelve (12)-month period of soil or other materials from any single parcel owned or controlled by any single entity, including joint tenants and co-tenants when the disturbed area exceeds one (1) acre. Such activity must secure a Grading Permit from the Mills County<sup>\*</sup> Engineer prior to undertaking grading operations.

(2) Grading and Excavation: Loess Hills Conservation Development District

The removal, addition, or relocation in any twelve (12)-month period of soil or other materials from any single parcel owned or controlled by any single entity, including joint tenants and co-tenants when the disturbed area exceeds 5,000 square feet. Such activity must secure a Special Use Permit from the Zoning Board of Adjustment, as described in Section 20.1(10)(i)(4)(c).

c. **Criteria and Standards**

Applications for Grading Permits and Special Use Permits for Grading in the LH District must include the following submittals. Control measures in addition to those listed below may be imposed as conditions of the Grading Permit or Special Use Permit as needed to reduce or prevent damage to the environment.

- (1) An Erosion and Sediment Control Plan that demonstrates how the development of the site will:
  - (a) Keep erosion on site to allowable soil loss limits as per NRCS Soil Survey.
  - (b) Prevent siltation of waterways and loss of sensitive soils.

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- (c) Prevent deterioration/damage to man made structures.
  - (d) Protect wildlife habitat and protective vegetation.
  - (e) Erosion and Sedimentation Plan must meet NPDES requirements.
  - (f) Plan must minimize excessive cut and fill. Use phased grading techniques where applicable.
- (2) A Storm Water Control Plan that demonstrates how the development of the site will:
- (a) Avoid alteration of existing drainage patterns. See Iowa Drainage Rules.
  - (b) Prevent increase in storm runoff or velocity from site that would exceed waterway capacity or damage to natural/human-made environment.
- (3) Disturbance of Sensitive or Unique Features
- (a) Buffering
    - i) No activity controlled by these regulations may take place within fifty (50) feet of a wetland.
    - ii) No activity controlled by these regulations may take place within fifty (50) feet of an intermittent streambank or one hundred (100) feet of a perennial streambank.
  - (a) Effects on Features

Plans for development and construction shall avoid damaging or destroying unique or sensitive features, or causing significant changes to the eco-system that would adversely affect those features.
  - (b) Assessment of Effects

An assessment must be prepared by the applicant to identify both direct and indirect effects of the proposed activity on the environment, including a determination of whether the effects are potentially adverse or beneficial. Alternatives to the proposed action must be identified, along with an assessment of the potential effects of the alternatives.
  - (c) Mitigation of Damage

If the environmental assessment findings indicate that there are no feasible alternatives that would prevent damage or destruction to the

unique or sensitive feature, a study must be conducted to identify the extent of the adverse effects and a sensitive or unique feature mitigation plan must be prepared to identify measures necessary to mitigate the adverse effects. The plan must be prepared by persons qualified in the areas of natural sciences and engineering or related fields, and submitted to the county for review and recommendation by county officials and experts in the same areas.

d. **Grading Permit and Special Use Permit Application Requirements**

Any Grading Permit or Special Use Permit application for grading and excavation must include the following information:

- (1) An Erosion and Sediment Control Plan and Storm Water Control Plan as described in Section 20.7(3), prepared by a CPEC-certified individual;
- (2) A landscaping plan, showing both existing vegetation and proposed plantings, including a proposed sequence for planting, if applicable; and
- (3) Additional plans, if applicable according to the standards and criteria of this section:
  - (a) An assessment of the effect of the proposed activity on the water table;
  - (b) A plan for perimeter buffers and screening of the site; and
  - (c) Any additional information deemed necessary by the Zoning Officer for review of the proposal.

20.7.4 **PUD PLANNED UNIT DEVELOPMENT DISTRICT**

a. **Purpose**

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment.

Planned unit developments often involve groupings of buildings or sites that are designed as an integrated unit on land under unified control or ownership at the time of grant of development permission. The requirements of a PUD run with the land regardless of the subsequent sale or conveyance of property. The PUD District may be used in combination with any base district specified in this ordinance. The PUD District, which is adopted by the Board of Supervisors with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project.

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b. **Permitted Uses**

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with a LH, C-1 or C-2 District to allow a combination of use types not anticipated by conventional base districts.

c. **Objectives of Planned Unit Development Districts**

In evaluating applications for PUD Planned Unit Development Overlay Districts, the Planning and Zoning Commission and Board of Supervisors shall consider the following general objectives.

- (1) Residential PUD Districts. Residential PUD Districts should be designed to produce more usable open space, provide better recreation opportunities, enhance pedestrian scale, protect or create neighborhood amenities and environmental features, and produce more attractive neighborhoods than those produced by conventional development techniques.
- (2) Commercial PUD Districts. Commercial PUD Districts should be designed to produce more attractive and functional clusters and commercial centers than the strip development that is frequently produced by the application of conventional zoning regulations. Techniques encouraged by PUD Districts include consolidated access, shared parking, consistent architectural quality, improved pedestrian and trail access to commercial facilities, public space, and integrated landscaping and signage programs.
- (3) Industrial PUD Districts. Industrial PUD Districts should promote the establishment of industrial parks and to encourage groups of industrial buildings with integrated site design and architectural and landscaping themes.
- (4) Mixed Use PUD Districts. Mixed use PUD Districts should promote the objectives of innovative design of their individual uses and encourage creative groupings of different but complementary uses to establish high quality urban environments. Mixed Use PUD Districts may encourage co-location of living and working areas, or activity centers that incorporate a variety of uses.
- (5) PUD Districts in Sensitive Contexts. PUD Districts may be utilized to provide a high level of detail and define the requirements of project approval for developments proposed within settings that are so sensitive that normal zoning requirements, including landscaping and buffering requirements, do not provide sufficient protection for neighboring properties.

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d. **Site Development Regulations**

Site Development Regulations are developed individually for each Planned Unit Development District. Base district regulations provide flexibility, including higher densities, within Planned Unit Development districts.

e. **Access to Public Streets**

Each PUD District must abut a public street for at least one hundred (100) feet and gain access from that street.

f. **Application Process**

(1) Development Plan. The application for a Planned Development District shall include a Development Plan containing the following information indicated in this section.

(2) Application Requirements. An application for approval must contain at a minimum the following information:

(a) A detailed site map, including:

- i) A boundary survey.
- ii) Site dimensions.
- iii) Contour lines at no greater than two foot intervals.
- iv) Adjacent public rights of way, transportation routes, and pedestrian or bicycle systems.
- v) Description of adjacent land uses.
- vi) Utility service to the site and easements through the site.
- vii) Description of other site features, including drainage, soils, or other considerations that may affect development.

(b) A development plan, including:

- i) A land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.
- ii) A site layout, including the location of proposed buildings, parking, open space, and other facilities.

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- iii) Location, capacity, and conceptual design of parking facilities.
  - iv) Description of the use of individual buildings.
  - v) Conceptual information sufficient to indicate a building height, bulk, materials, and general architectural design.
  - vi) A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
  - vii) Vehicular and pedestrian circulation plan, including relationship to external transportation systems.
  - viii) Schematic building elevations and sections if required to describe the project.
  - ix) Grading plans.
  - x) Proposed sewer and utility improvements.
  - xi) Location, sizes, and types of all proposed signage.
- (c) A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

g. **Adoption of District**

- (1) The Planning and Zoning Commission and Board of Supervisors shall review and evaluate each Planned Unit Development application. Criteria for findings of fact in acting on PUD applications are set forth in Table 7.1. The County may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- (2) The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- (3) The Planning and Zoning Commission may recommend amendments to PUD district applications.
- (4) The recommendation of the Planning and Zoning Commission shall be transmitted to the Board of Supervisors for final action.

- (5) The Board of Supervisors, after proper notice, shall hold a public hearing and act upon any Ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- (6) An Ordinance adopting a Planned Development Overlay Zoning District shall require a favorable simple majority of the Board of Supervisors for approval.
- (7) Upon approval by the Board of Supervisors, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the County Auditor.

**h. Amendment Procedure**

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 20.7(4)(g).

**i. Building Permits**

The County shall not issue a building permit or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

**j. Termination of PUD District**

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning and Zoning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.

Table 7.1: Criteria for Findings of Fact in Approving Planned Unit Developments	
	Criteria for Findings of Fact
<b>Land Use Compatibility</b>	
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.
Land Use Plan	Consistency with the land use plan of Mills County.
<b>Height and Scale</b>	
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
Setbacks	Development should respect pre-existing setbacks in its urban context. Variations should be justified by site or operating characteristics.
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
<b>Site Development</b>	
Environment	Project should maximize conservation of existing environmental features, including natural vegetation, tree cover, and drainage patterns.

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Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>
<b>Site Development</b>	
Open Space	Open spaces should contribute to the quality of the overall project and should provide supporting amenities for residential development. Open spaces should contribute to the design of the project and, when appropriate, provide locations for project-related activities.
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Project design should preserve features of environmental importance to the greatest degree possible. These features include mature trees and woodlands, wetlands, steep slopes, waterways and bodies of water.
Streetscape	Projects should relate to surrounding public streets and contribute to the quality of the street environment.

Table 7.1: Criteria for Findings of Fact in Approving Planned Unit Developments	
	Criteria for Findings of Fact
<b>Building Design</b>	
Architectural Quality	Architectural design and building materials should be compatible with surrounding areas or reflect the specific design objectives of a new development area.
<b>Transportation</b>	
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements should be included to mitigate impact on street system operations.
Street Network and Continuity	Project should maintain the continuity of Mills County's street network or should provide opportunities for local traffic flow away from major arterials.
Alternative Modes	Project should make appropriate accommodations for access by public transportation, bicycles, and pedestrians.
<b>Public Facilities</b>	
Utility Service	Project is adequately served by public utilities and infrastructure.
Storm Drainage	<p>Project should handle storm water adequately to prevent overloading of public storm water management system.</p> <p>Project should not inhibit development of other properties or create adverse effects on other sites.</p> <p>Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.</p> <p>Project should maximize d preservation and enhancement of natural drainage features on site and should facilitate stormwater storage techniques consistent with the policies of the County.</p>
Public Safety	Project can be adequately served with police and fire protection.
<b>Comprehensive Plan</b>	
Consistency with Development Objectives	Project must be consistent with the county's comprehensive plan, including applicable special area or specific plans. Project design should be consistent with the development standards and objectives of these plans.

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**SECTION 8  
OFF-STREET PARKING AND LOADING**

**20.8.1 General Provisions**

The following general provisions shall apply to off-street parking and loading facilities:

- a. At the time of construction of a structure, or at the time of enlargement or change in use of a structure, off-street parking facilities shall be provided for use in the storage of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons capacity, whether for compensation, for fee, or as an accommodation to clients or customers. Also, structures to be constructed or substantially altered and which will receive and distribute materials and merchandise by trucks, shall provide off-street loading facilities of sufficient number and size to adequately handle the needs of the particular use. The provision and maintenance of such off-street parking and loading facilities shall be the continuing obligation of the owner and tenant of the premises.
- b. No Certificate of Zoning Compliance shall be issued until plans are submitted in accordance with Section 20.1(10)(d), which shows that sufficient area is and will remain available for exclusive use as off-street parking and loading facilities. The subsequent use of the premises for which the Zoning Permit is issued shall be conditional upon the unqualified continuance and availability of the off-street parking and loading facilities required by this ordinance. Whenever on any premises there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking and loading spaces, additional such facilities shall be provided on the basis of the increased requirement of the new use or other unit of measurement; provided however, that in case such change, or aggregate of such changes, creates a need for an increase in off-street parking and loading spaces of less than ten (10) percent of the facilities previously provided, no additional facilities shall be required.
- c. The requirements for off-street parking and loading for types of structures and uses not specifically described in this Chapter shall be determined by the Zoning Officer, based upon the requirements of comparable uses listed.
- d. For the purposes of this Chapter, the following units of measurement shall apply:
  - (1) In the cases of offices, merchandising or service type of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repairs, processing or packaging of merchandise, for show windows, for offices incidental to the

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management or maintenance of stores or buildings, for toilets or restrooms, fitting or alteration rooms.

- (2) In hospitals, bassinets shall not be counted as beds.
  - (3) In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this ordinance.
  - (4) When the total parking spaces requirement includes a fractional space, any fraction up to and including one-half (1/2) space shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.
- e. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
  - f. Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading facilities when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Zoning Officer in the form of deeds, leases, or contracts to establish the joint use.
  - g. Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

20.8.2 Development and Maintenance of Parking Areas

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

- a. The minimum number of required off-street parking spaces for all districts shall be as provided in Section 20.8(3).
- b. Each required parking stall shall be not less than nine (9) feet in width and not less than eighteen (18) feet in length.
- c. Maneuvering space required is the aisle width necessary to permit the safe and convenient parking of a motor vehicle and is based on the degree of angle parking provided. The width of aisles shall not be less than as set forth in the following schedule:

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SCHEDULE OF AISLE WIDTHS	
DEGREE OF ANGLE OF PARKING PROVIDED	AISLE WIDTH REQUIRED
0 parallel	12'
20	11'
30	11'
40	12'
45	13'
50	13'
60	18'
70	19'
80	24'
90	24'

If the degree of angle of parking provided is not listed above, the aisle width required shall be the next largest angle of parking shown above.

- d. All off-street parking spaces in a Residential District or platted residential subdivision shall be located on the same lot with the principal use. All other required off-street parking spaces shall not be located farther than 500 feet from the building or use they are intended to serve. The distance shall be measured in a straight line from the building or use to the farthest parking space.
- e. All groups of more than two (2) parking spaces shall be located and served by an access drive that their use will not require backing or other maneuvering within a street right-of-way other than an alley.
- f. No part of any off-street parking space shall be located within the required front yard setback of any zoning district.
- g. Curbs or wheel barriers at least four (4) inches high shall be installed along the outside boundaries of any parking area, except at designated access points. The curbs or wheel barriers shall be installed in such a manner as to prevent a parked vehicle from encroaching in any required setback.
- h. Access drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicle traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by access drives. Access drives shall not be more than thirty (30) feet in width, nor less than ten (10) feet in case of a dwelling, or less than twenty (20) feet in all other cases; provided the one-way access drives may be reduced to not less than ten (10) feet in width. Access drives on the same lot frontage shall be separated by a minimum length of curb of thirty (30) feet, provided that for every foot which the lot frontage exceeds one hundred (100) feet the minimum required length of curb shall be increased by one

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(1) foot, up to a maximum requirement of 200 feet. In the case of a corner lot, access drives shall be located not closer than thirty (30) feet to the intersecting street lines.

- i. All access drives shall comply with Chapter 5 – Entrance and Driveway of the Code of Ordinances for Mills County, Iowa.
- j. All off-street parking areas and access drives shall be surfaced with gravel or such other surfacing material so as to provide a durable all-weather surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- k. Adequate lighting shall be provided if the parking facilities are used at night, and shall be so arranged as to reflect the light away from the adjoining premises in any Residential District or platted residential subdivision.

**20.8.3 Parking Spaces Required**

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

OFF-STREET PARKING SCHEDULE		
	STRUCTURE AND USES	MINIMUM OFF-STREET PARKING REQUIREMENTS
.01	Banks, Business and Professional Offices	One (1) space per every 400 square feet of gross floor area, but in no case less than five (5) spaces
.02	Barber Shops and Beauty Parlors	One (1) space per every seventy-five (75) square feet of gross floor area
.03	Bowling Alleys	Five (5) spaces per lane
.04	Churches, Synagogues and Temples	One (1) space per six (6) seats in the main unit of worship
.05	Dwelling, single-family; Dwelling, duplex; and mobile homes	One (1) space per each dwelling unit
.06	Dwelling, multiple	Two (2) spaces per each dwelling unit
.07	Dwelling, public housing for elderly	One (1) space per every four (4) units
.08	Eating and/or drinking establishments	One (1) space per every one hundred (100) square feet of gross floor area
.09	Educational Uses	
	A. Nursery Schools	One (1) space per every two (2) classrooms
	B. Elementary or Junior High Schools	One (1) space per every classroom, plus one (1) space per every ten (10) seats in auditorium or assembly hall
	C. High Schools	One (1) space per every classroom, plus one (1) space per every eight (8) seats in auditorium or assembly hall
	D. Colleges	One (1) space per every three (3) full-time equivalent students
.10	Funeral Homes, Mortuaries	One (1) space per every five (5) seats in the

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OFF-STREET PARKING SCHEDULE		MINIMUM OFF-STREET PARKING REQUIREMENTS
STRUCTURE AND USES		
		principal auditorium
.11	Fraternalities, Sororities and Dormitories	One (1) space per every two (2) residents
.12	Hospitals	One and one-half (1 1/2) spaces per each bed
.13	Hotels	One (1) space per every two (2) rental units
.14	Motels, Motor Hotels	One (1) space per every guest room
.15	Boarding, lodging or rooming houses	One (1) space per every five (5) guest rooms
.16	Convalescent hospitals, Sanitariums, Homes for the Aged	One (1) space per every three (3) beds
.17	Welfare or Correctional Institutions	One (1) space per every four (4) beds
.18	Medical and dental offices	One (1) space per every 300 square feet of gross floor area
.19	Private clubs and lodges	One (1) space per every 500 square feet of floor area
.20	Dance hall and Skating rinks	One (1) space per ever one hundred (100) square feet of gross floor area
.21	Retail Sales Establishments	
	A. General	One (1) space per every 250 square feet of gross floor area
	B. Furniture and appliance stores, auto and implement dealers	One (1) space per every 500 square feet of gross floor area
.22	Roadside stands	Four (4) spaces per establishment
.23	Industrial Uses	
	A. Industrial usage in the I-1 and I-2 districts, except as specifically mentioned herein	One (1) space per every 500 square feet of gross floor area
	B. Wholesale and storage operations	One (1) space per every 700 square feet of gross floor area
	C. Laboratories and research facilities	One (1) space per every 300 square feet of gross floor area
	D. Machinery or equipment	One (1) space per every 500 square feet of gross floor area
.24	Theaters, auditoriums, and places of assembly	One (1) space per four (4) people in designed capacity
.25	Veterinary establishment	Three (3) spaces per staff doctors
.26	Billiard parlors, gamerooms and pool halls	One and one-half (1 1/2) spaces per each one hundred (100) square feet of gross floor area for any establishment other than one with liquor license or beer permit
.27	Mini-warehouse	One (1) space per each ten (10) storage spaces, stalls or lockers equally distributed throughout the storage area; plus one (1) space for any caretaker's quarters; plus five (5) spaces located at or near the project office for the use of prospective customers

20.8.4 Development and Maintenance of Loading Spaces

Every building or part thereof hereafter erected, having gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt of distribution by vehicles of material of

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merchandise, shall develop and maintain on the same lot with such building an off-street loading area in accordance with the following requirements:

- a. The minimum number of required off-street loading spaces for all districts shall be at least one (1) loading space plus one (1) additional loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet. For buildings having less than 10,000 square feet of gross floor area, the regular off-street parking areas may be used to meet the off-street loading requirements herein set forth.
- b. Off-street loading space shall each contain at least 350 square feet measuring ten (10) feet in width and thirty-five (35) feet in length, and shall have a clearance of at least fourteen (14) feet. When the vehicle generally used for loading and unloading purposes exceed these dimensions, the required length of such spaces shall be correspondingly increased.
- c. All off-street loading spaces shall be so located and served by an access drive that their use will not require any backing or other maneuvering within a street right-of-way other than an alley.
- d. All off-street loading spaces shall be developed in accordance with the provisions of Section 20.8(2)(f) through Section 20.8(2)(k).

**20.8.5 Submission of Plans**

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

- a. Delineation of individual parking and loading spaces.
- b. Circulation area necessary to serve spaces.
- c. Access to streets and property to be served.
- d. Curb cuts.
- e. Dimensions, continuity and substance of screening.
- f. Grading, drainage, surfacing and subgrading details.
- g. Delineation of obstacles to parking and circulation in finished parking area.
- h. Specifications as to signs, bumper guards and lighting.
- i. All other pertinent details, including dimension of ingress, egress and driveway areas.

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**20.8.6. Completion Time for Parking Lots**

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Zoning Officer. An extension of time may be granted by the Zoning Officer provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the County Engineer, and provided the parking space is not required for immediate use. In the event the improvement is not completed within one (1) year from the date of commencement, the bond or its equivalent shall be forfeited and the improvements thereafter constructed or completed under the direction of the County Engineer.

**SECTION 9  
DISPLAY AND OUTDOOR ADVERTISING SIGNS**

**20.9.1 General Provisions**

The following general provisions shall apply to display and outdoor advertising signs:

- a. Nothing in this Chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a non-conforming use under the terms of this ordinance; provided however, the following signs shall be made to conform with the provisions of this Chapter or shall be removed by the owner upon written notice of the Zoning Officer, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:
  - (1) Any sign which is in a state of serious disrepair or is no longer functional.
  - (2) An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned.
  - (3) Any sign which is in violation of the provisions of Section 20.9(1)(b) and 20.9(1)(c).
  - (4) Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment.
  - (5) Any portable sign that is not permanently anchored or secured to either a building or the ground.
  - (6) Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.

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

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

20.9.2 Signs Permitted in All Districts

Signs hereinafter designated shall be permitted in all zoning districts:

a. The following temporary signs shall be permitted:

- (1) One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to advertise the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Such sign shall not extend higher than eight (8) feet above grade level nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. Such sign shall be removed within seven (7) days after the disposition of the premises.
- (2) One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to identify the architects, engineers, contractors, or other individuals involved in construction of the building on the premises on which the sign is displayed. Such sign may also announce the character of the building enterprise or the purpose for which the building is intended, but shall not include product advertising. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a protective barricade surrounding the construction. Such sign shall be removed within seven (7) days following completion of construction.
- (3) One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision to identify and/or provide information regarding such subdivision. One additional such sign shall be permitted at an auxiliary entrance provided such auxiliary entrance fronts on a separate street from the main entrance. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. Such sign shall be removed upon completion of the sale of ninety (90) percent of the lots located within the subdivision.
- (4) One (1) non-illuminated sign not to exceed nine (9) square feet in area shall be permitted for each dwelling which is used for display or as a model home. Such sign shall not extend higher than four (4) feet above grade level and shall only be located within the front yard of the lot containing such dwelling. Such sign shall be removed when a display or model home is no longer so used.
- (5) Political campaign signs shall be permitted to announce candidates seeking public political office or pertinent political issues. Such signs shall not be erected earlier than forty-five (45) days prior to the date balloting

takes place for the candidates or issues indicated on the sign, and shall be removed no later than seven (7) days after said balloting date.

- (6) Seasonal decorations shall be permitted when pertaining to recognized national holidays and national observances.
  - (7) Signs which contain or consist of banners, balloons, pennants, ribbons, streamers, spinners or other similarly moving devices shall be permitted on the premises of an establishment having a grand opening or other special event.
- b. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such subdivision. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.
  - c. One (1) sign or nameplate not to exceed fifteen (15) square feet in area shall be permitted to identify the occupant of the premises or a permitted use. Such sign shall not extend higher than six (6) feet above the grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
  - d. Non-illuminated community direction signs shall be permitted at a county road intersection when such signs are placed, controlled and maintained by a cooperative neighbor placed, controlled and maintained by a cooperative neighbor organization, and approved by the County Engineer. The County Engineer shall not approve such sign unless there is an adequate shoulder to permit short-term standing, and unless the visual clearance at the intersection will not be impaired by the sign or such standing. Each participating neighbor may place upon such community direction sign one (1) "arrow" sign, not to exceed one (1) square foot in area, show his name, the distance to his property, and indicating the direction.
  - e. Community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial or commemorative plaques, signs indicating scenic or historical points of interest, and all other similar signs, including all signs erected by or upon the order of a public officer in the performance of his public duty, shall be permitted when such signs are of a noncommercial nature and in the public interest.
  - f. Off-site signs not to exceed three (3) square feet in area shall be permitted to display the emblem of a service club or of a church, and information on the time and location of meetings or services. More than one (1) such sign may be mounted on a common sign standard or structure, provided such standard or structure shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.

- g. Integral signs for churches or temples, or names of buildings, dates of erections, monumental citations, commemorative tablets and other similar signs shall be permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are attached.
- h. Official flags, insignias, and emblems of the United States, the State of Iowa, and municipal and other bodies of established government; and flags which display the recognized symbol of on-site business firms and enterprises, religious, charitable, public and nonprofit organizations shall be permitted provided that no single flag shall exceed fifty (50) square feet in area.

**20.9.3 Signs in Agricultural and Residential Districts**

The following signs shall be permitted in the Class "A", "AR", and "LH" District or platted residential subdivisions:

- a. On-site and off-site signs not to exceed thirty-two (32) square feet in area shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm premises.
- b. One (1) non-illuminated sign not to exceed fifteen (15) square feet in area shall be permitted to identify a home occupation, home professional office or rural enterprise business. Such sign shall not extend higher than six (6) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
- c. One (1) sign not to exceed fifteen (15) square feet in area shall be permitted per lot frontage of a lot upon which is located any building or buildings containing not less than three (3) nor more than nine (9) dwelling units. A similar sign not to exceed twenty-four (24) square feet in area shall be permitted for each lot frontage upon which is located any building or buildings containing ten (10) or more dwelling units. Such signs shall denote only the name and/or the name and address of the management thereof, or allied information. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.
- d. One (1) sign not to exceed fifty (50) square feet in area shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material, and shall indicate only the name of such mobile home park. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.
- e. One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a church, school, institution, or public building or use. Such signs shall not extend higher than eight (8) feet above grade level and shall be mounted flat against the wall of the building. In addition, one (1) bulletin board not to exceed fifty (50) square feet in area shall be permitted for each premises.

Such bulletin board shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.

- f. One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a permitted conditional use, or a legally established nonconforming use, which did have any signs prior to the effective date of adoption or amendment of this ordinance. Such sign shall denote only the name and/or profession of professional persons occupying premises, and/or the name of the establishment. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.

**20.9.4 Signs in Commercial and Industrial Districts**

The following on site signs shall be permitted in the Class "C" and "I" Districts:

- a. One (1) free-standing sign not to exceed eighty (80) square feet in area, plus one (1) square foot in area for each additional linear foot of lot frontage over eighty (80) feet shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two (22) feet. Such sign shall not extend higher than forty-five (45) feet above grade level, nor closer than fifteen (15) feet to any property line unless the bottom of the sign face is higher than twelve (12) feet above grade level.
- b. One (1) projecting sign not to exceed twenty-four (24) square feet in area shall be permitted per lot frontage. Such sign shall not extend lower than eight (8) feet, nor higher than the roof or parapet line of the wall to which it is attached, and shall not extend more than six (6) feet beyond the wall to which it is attached.
- c. One (1) roof sign not to exceed twenty (20) percent of the surface area of any one (1) given wall of the building to which it is attached, shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two (22) feet. All roof signs shall adhere to the height requirements of the district in which they are located. The back of such sign shall be effectively shielded from public view by a building wall, by backing the sign against another sign face, by grouping such signs in clusters to conceal the exposed backs, or by painting the exposed back a neutral color.
- d. The maximum area of all wall signs shall not exceed twenty (20) percent of the surface area of the wall to which they are attached, provided that in no case shall such signs exceed a maximum of 200 square feet in area per wall. Such signs shall be mounted flat against the wall of the building; shall be restricted to remain within the outline of the wall to which they are attached; and shall not exceed more than one (1) foot out from the wall.

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20.9.5 Outdoor Advertising Signs and Billboards

The following regulations shall govern the placement of outdoor advertising signs and billboards:

- a. The regulations governing outdoor advertising signs and billboards shall comply with all State and Federal regulations.
- b. All outdoor advertising signs and billboards shall be setback from any existing or proposed right-of-way line of any street, county road, or highway as shown on the official street plan, at least as far as the required front yard setback for the district in which it is located; except at any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred (100) feet from the established right-of-way line of each such street." The setbacks for signs meeting the Iowa Department of Transportation's criteria as a private directional signs placed adjacent to Interstate right-of-way shall be not less than ten (10) feet from said right-of-way.
- c. No outdoor advertising sign or billboard which faces the front or side lot line of any lot in AR or LH Districts or platted residential subdivision used for residential purposes shall be permitted within one hundred (100) feet of such lot line.
- d. No outdoor advertising sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred (300) feet thereof.

**Section 2. REPEALER.** All other ordinances, rules, regulations, or part thereof, in conflict with this ordinance are hereby repealed by this ordinance.

**Section 3. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any provision thereof not adjudicated to be invalid or unconstitutional.

**Section 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law.

First Reading: June 14, 2007

Second Reading: June 19, 2007

Third Reading: June 21, 2007

Approved:


Ronald E. Kohn  
Ronald E. Kohn

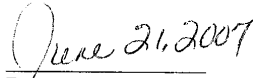
June 21, 2007  
Date

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Chair - Board of Supervisors

Attest:

  
\_\_\_\_\_  
Carol Robertson  
Mills County Auditor

  
\_\_\_\_\_  
Date