

26-490

Palo Alto County, Iowa No. 96  
Filed for Record 1-11-2000 At 11:15  
Book 26 Page 490 Fee Nil  
MARY CLASING, RECORDER  
[Signature] DEPUTY

ZONING ORDINANCE

for

PALO ALTO COUNTY

IOWA

August 9th, 1995 Official Publication, retain for future use

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**ZONING ORDINANCE and REGULATIONS  
PALO ALTO COUNTY, IOWA**

**WHEREAS, Chapter 335 of the Code of Iowa empowers the Board of Supervisors of Palo Alto County, in accordance with the conditions of procedures specified in said Chapter, to regulate and restrict:**

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

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

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

**WHEREAS it is the firm belief of the Palo Alto County Board of Supervisors that reasonable zoning regulation of certain such activities is warranted and properly within the police power of the county.**

**THEREFORE, BE IT ORDAINED**, by the Board of Supervisors of Palo Alto County, Iowa for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Palo Alto County and the State of Iowa, that the following be adopted as a Zoning Regulation of Palo Alto County, Iowa.

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

**Section 1. Title**

The Ordinance shall be known as Zoning Ordinance for Palo Alto County, Iowa.

**Section 2. Application**

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

**Section 3. Purpose**

The zoning ordinance and districts are herein established have been made in accordance with a comprehensive plan and policies to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Palo Alto County, Iowa. They are designed to provide for the lessening of congestion in the streets or roads, reducing the waste of excessive amounts of roads, securing the safety from fire, flood, panic and other dangers, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, preserving the availability of agricultural land, considering the protection of soil from wind and water erosion, encouraging efficient urban development patterns, promoting conservation of energy resources and reasonable access to solar energy, fostering the State's

agricultural and other livestock confinement industry, and protecting urban and non-urban development by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration for the existing districts involved and their

suitability for particular uses, to trends of growth or change with a view to conserving natural resources and the value of land and buildings, and encouraging the most appropriate use of land throughout the unincorporated territory of Palo Alto County, Iowa

#### Section 4. Farms Exempt

In accordance with the provisions of Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use of farm purposes as defined in this Regulation as a primary means of livelihood while so used.

Farm buildings in a floodplain are not exempt.

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

#### Section 5. Interpretation

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

The Zoning Commission may, at its discretion, consult with or request an opinion from other county agencies.

## ARTICLE 2. DEFINITIONS

### Section 1. General Rules of Construction

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

### Section 2. Definitions

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

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

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

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

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

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

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

**Block.** That property abutting on one side of a street in line with the two nearest intercepting or intersecting streets or

lined within the nearest intercepting or intersecting streets and unsubdued acreage or railroad right of way.

**Board. Board of Adjustment.** A board which is appointed by the Board of Supervisors that in turn hears appeals made due to requirements of the zoning ordinance including disagreements between the zoning administrator and property owners(s), exemptions, and variances in conformance with Chapter 335, Code of Iowa.

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

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

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

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

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

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

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

**Confinements. (Ia. Adm. Code 567 Ch. 65)** Totally roofed animal feeding operation in which wastes are stored or removed as a liquid or semi-liquid.

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

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

**Dwelling, Single Family.** A building designed for or occupied exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Multi Family.** A building or portion thereof designed for or occupied exclusively for residential purposes by two (2) or more families or housekeeping units living independently of each other.

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

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

**Family Home.** "Family home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C, the Code of Iowa or as a child foster care facility under chapter 237, Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the State Code.

**Farm.** A tract of land greater than ten (10) acres and including a farm house, farm barns, farm outbuildings, and other buildings, which are adapted by reason of nature and area for use of agricultural purposes as a primary means of livelihood.\*



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

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

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

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

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

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

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

**Home Occupation.** Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building in connection with which there is no advertising other than identification sign of not more than twenty square feet in area and no other display or exterior indication of the home occupation or a variation from the residential character of the main building or accessory building, and in connection with which are no more than four persons outside the family employed and no equipment used which creates offensive noise, electrical interference, vibration, smoke, dust, odors, heat, or glare. When within the

above-requirements, a home occupation includes, but is not limited to, the following: (a) art studio; (b) beauty parlor; (c) dressmaking and/or tailoring; (d) professional offices of a physician, dentist, lawyer, engineer, architect, accountant, salesperson, real estate agent, insurance agent or other similar occupation; (e) teaching, with musical instruction limited to one or two pupils at a time.

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

**Junk Yard.** See Salvage Yard.

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

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

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

requirements shall be considered the same as a site-built single-family detached dwelling.

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

one integral unit and which when manufactured receives a Manufacturing Certificate of Origin.

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

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

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

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

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

**Open Feedlot,** as defined in Iowa Adm. Code Chapter 567 Rules Ch. 65.1 (455B), means an unroofed or partially roofed animal feeding operation in which no crops, vegetation, forage growth or residue cover is maintained during the period that animals are confined in the operation.

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

**Parks.** Includes river accessed, multi-use parks, lakes, playgrounds, prairies, habitat areas, greenbelts, recreation areas, wilderness areas, forests and forest preserves.

**Planned Development (PD).** A tract of land which contains or will contain two (2) or more principle buildings or uses, the

development of which is unique and of a substantially different character than the surrounding areas.

**Premises.** A lot, together with all buildings and structures thereon.

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

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

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

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

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

**Road.** See Street.

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

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

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

a) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.

b) Legal notices, identification, informational, directional, regulatory, or warning signs erected or required by governmental bodies.

c) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

**Sign, On Site.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On site signs do not include signs erected by the outdoor advertising business.

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

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

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

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

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

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

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

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

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

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

**Supervisors.** The Board of Supervisors of Palo Alto County.

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

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

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

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

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

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

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

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

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

#### Section 1. Districts

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

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

#### Section 2. District Maps

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

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



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

4. When and where uncertainty exists with respect to the boundaries of the various districts, as shown on the maps which are to accompany and will be made a part of this Regulation, the following rules shall apply:

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

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

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

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

**Section 3. General Regulations**

1. No building or land shall hereafter be used, and no building or part thereof shall be erected, reconstructed, converted, enlarged, moved, or structurally altered unless in conformity with this Regulation.

2. Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Regulation.

3. The minimum yards, height limits, parking space, open spaces, including lot area per family, required by this Regulation for each and every building existing at the time of the passage of these regulations or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, except as hereinafter provided nor shall any lot area or lot dimensions be reduced below the requirements of this Regulation.

4. No accessory building shall be used for dwelling except in accord with the specific provisions of this Regulation.

5. For the purpose of this Regulation, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this Regulation, uses not specifically listed are prohibited.

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

#### 7. Non-Conforming Uses

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

Actual Construction shall also include

(A) excavation for a proposed structure, or

(B) excavation for footings for a proposed structure, however,

Actual Construction does not begin upon occurrence of any of the following:

(1) Removal of trees, brush or other vegetative growth

(so long as the provisions of the shoreland zoning ordinance has been otherwise complied with),

(2) construction of driveways or roads,

(3) General Earth moving for leveling or compacting at the site,

(4) Installation of temporary utility services. (Sept. 97 amendment)

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

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

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

(e) **Restoration of a Damaged Non-conforming Building.** A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed sixty percent (60%) of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the costs of restoration of such damaged building does not exceed sixty (60) percent of the cost of replacement of the entire building, no repairs or reconstruction shall be made unless such restoration is commenced within one (1) year from the date of the fire or other casualty or act of God and is diligently pursued until completion. { cf: Article 7, Section 3(3)(b) }

**8. Fences, Wall and Vision Clearance.** On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the area described as follows:

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

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

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

**ARTICLE 4 DISTRICT REGULATIONS**  
**Section 1. A-C Agricultural-Conservation District**

**1.1 Purpose of the District**

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

**1.2 Permitted Uses**

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

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

### 1.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm or acreage where products are grown on the premises for sale:

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

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

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

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

2. Garage, private.

3. Home occupations in a main building.

4. Signs as follows:

(a) Traffic and official signs.

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

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

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

1.4 Conditional Uses

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

1.5 Lot Size Requirements

	Minimum Lot Area	Minimum, Feet Lot Width	Minimum, Feet Lot Depth
Single-Family Dwelling	3 acres 130,680* sq. ft.	200	300

Lot width is measured at the building line.

1.6 Yard Requirements

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

Minimum in Feet

	Front Yard	Side Yard Minimum	Side Yard Aggregate	Rear Yard
2. Single-Family Dwelling	50	40	100	50

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

1.7 Height Requirements

Maximum Height

Single-family dwellings and all other structures not specifically exempted 2½ stories but not to exceed 35 feet

1.8 Off-street Parking and Loading Requirements contained in section 2

1.9

**Minimum Distances for on-site wastewater treatment and disposal systems**  
 All such disposal systems shall be located in accordance with the distances shown in the following table , identified as Table #1 in Ia. Adm. Code 567-69-3.2:

Minimum Distance in Feet from	Closed Portion of Treatment System(1)	Open Portion of Treatment System (2)
Private water supply well	50	100
Public water supply well	200	200
Groundwater heat pump bore hole	100	100
Lake or Reservoir	50	100
Stream or open ditch	25	25
Dwelling or other structure	10	10
Property Lines	10	10
Other type subsurface treatment system	5	10
Water lines continually under pressure	10	10
Suction water lines	50	100
Foundation drains or subsurface tiles	10	10
Water supply well for open livestock confinement		400



Environmental and Safety Standards - A livestock confinement operation for which application for permit is made, upon the adoption of this ordinance, shall comply with the following standards:

1. All standards mandated by state and federal law, including Iowa Code House File # 519 adopted by the 1995 Legislature .

This ordinance adopts by reference and incorporates herein the existing applicable State legislation and administrative directives governing livestock confinement operations including manure indemnity funds, minimum distances between facilities and neighboring uses, manure storage structures, Manuer spraying and drilling, Motor carrier requirements, time frames for incorporating the manure into the soil;

2. All Livestock confinement-site to markets roads shall be either hard-surfaced or maintained in such a fashion to minimize the presence of fugitive dust.

3. All livestock confinement operations shall minimize the disturbance to the prevailing hydrologic balance at the site and the associated off-site areas and to the quantity and quality of water in surface-water and ground-water systems both during and after operations .

4. Whenever a livestock confinement operation poses a public hazard or any nuisance as determined by the Board, based on recommendations by the County Engineer, the operator shall construct an improvement in dealing with the nuisance that shall meet the criteria set forth by the Board.

5. Based on the recommendation of the County Engineer, the Board may order the temporary shut down of a site if seasonal conditions are such that hauling of the manure product could cause excessive damage to public roadways or, that due to unusual weather conditions, continued operations might pose a hazard to local water and/or soil conditions.

6. The Board may, upon the recommendation of the County Engineer, impose a speed limit on vehicles used for purposes of hauling the manure product, based on vehicular tonnage, should seasonal conditions be such that excessive damage might be incurred by the roadways.

7. No site, whether active or inactive, shall be used for disposal of any unauthorized solid waste, liquid waste, hazardous waste, or wrecked, disabled, or abandoned equipment or materials.

**Section 2. FLOOD PLAIN AND CONSERVATION DISTRICT**

**Section 2.1 Purpose of the District**

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

**2.2 Permitted Uses**

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

**2.3 Permitted Accessory Uses**

1. Roadside stands for sale of farm products raised on the premises

2. Signs as follows:

(a) Traffic and official signs.

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

(c) Signs not exceeding thirty (30) square feet in area, providing information or direct interest to the traveling public, being information about public places operated by governmental agencies, natural phenomena, historic sites, areas of scenic beauty, or naturally suited for outdoor recreation and places for camping, lodging, eating, the sale of farm supplies, and vehicular service and

repair; but only when no such sign contains, includes or is illuminated by any flashing, intermittent or moving parts. Such signs shall be set back a minimum distance of thirty (30) feet from any highway right-of-way line and there shall be a minimum distance of two hundred (200) feet between each sign.

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

#### 2.4 Conditional Uses

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

#### 2.5 Process

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

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

#### 3.1 Purpose of the District

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

#### 3.2 Permitted Uses

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

1. Farms, as defined in Article 2.
2. Detached single-family dwellings, including detached modular homes. Modular homes are subject to the provisions of Article

6, Section 5.

3. Camps, day or boarding, commercial or non-commercial.

4. Churches, rectories, parish houses, convents and monasteries, temples, and synagogues.

5. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course providing no such building is located closer than one hundred (100) feet from adjoining property lines.

6.1 Nursery or greenhouse, commercial.

7. Publicly-owned parks, playgrounds, recreation areas and forest preserves.

8. Public and parochial schools, elementary and secondary.

9. Extraction of sand and gravel, provided that all pits and excavations shall be filled and leveled to the extent necessary so that the ground is put back in a usable and safe fashion within six (6) months after the extraction operations are terminated.

10. Family homes, as provided for in Section 335.25 and 335.30 Code of Iowa.

3.3 Permitted Accessory Uses

1. Accessory uses as follows on a farm:

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

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

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

(d) Dwellings for person employed on the premises, including up to two mobile homes provided such mobile homes are

occupied by persons employed on the premises or immediate members of the family or families owning or operating the farm.

2. Garage, private.
3. Guest houses.
4. Home occupation in a main building.
5. Radio or television transmission or receiving tower not more than one hundred eighty (180) feet in height.
6. Swimming pool and game courts, for use of occupants or their guests.
7. Temporary buildings, the uses of which are incidental to construction operations during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two (2) years of time of erection of such temporary buildings, whichever is sooner.
8. Temporary buildings for use as a sales or rental office for an approved real estate development or subdivision.
9. Accessory off-street parking and loading spaces.
10. Signs, as follows:
  - (a) Traffic and official signs.
  - (b) Signs pertaining to the sale or lease of property, or to activities conducted on the property, provided however, that these shall not exceed thirty (30) square feet in area.
  - (c) Signs not to exceed thirty (30) square feet in area, providing information of direct interest to the traveling public, being information about public places operated by governmental agencies, natural phenomena, historic sites, area of scenic beauty, or naturally suited for outdoor recreation and places for camping, lodging, eating, the sale of farm supplies and vehicular service and repair, but only when no such sign contains, includes or is illuminated by any flashing, intermittent or moving parts. Such signs shall be set back a minimum distance of thirty (30) feet from any highway right-of-way line and there shall be a minimum distance of two hundred (200) feet between each sign.

(d) Signs larger than thirty (30) square feet in area, but not to exceed three hundred (300) square feet in area, provided such signs are set back a minimum distance of fifty (50) feet \* from any highway right-of-way, and provided further than there shall be a minimum distance of one thousand three hundred twenty (1,320) feet between each sign on the same side of a roadway.

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

3.4 Conditional Uses

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

3.5 Lot Size Requirements

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

Lot area excludes public rights-of-way

Lot width is measured at the building line.

3.6 Yard Requirements

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

Minimum in Feet

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

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

**3.7 Height Requirements**

Maximum Height

Single-family dwellings and 2½ stories but not to all other structures not exceed 35 feet specifically exempted

**3.8 Off-street Parking and Loading Requirements**

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

**3.9 Other Requirements**

A permit for the waste disposal system must be obtained from the County Sanitarian before occupancy.

**Section 4. R Residential District**

**4.1 Purpose of the District**

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

**4.2 Permitted Uses**

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

1. Detached single-family dwellings, including detached modular homes. Modular homes are subject to the provisions of Article 6, Section 5.
2. Farm, as defined in Article 2.
3. Churches, rectories, parish houses, convents and monasteries, temples and synagogues.



4. Golf courses, not lighted for night play and not including miniature golf courses, putting greens, driving ranges, and similar activities operated as a business, but including a building for a golf shop, locker room, and snack bar as an accessory use to a permitted golf course proving no such building is located closer than one hundred (100) feet from adjoining property lines.

5. Public parks, as defined in Article 2.

6. Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

7. Family homes as proved for in Section 335.25, Code of Iowa.

4.3 Permitted Accessory Uses

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

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

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

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

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

2. Garage, private

3. Garden house, tool house, playhouse or greenhouse incidental to residential use.

4. Home occupations in a main building.

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

6. Temporary buildings, the uses of which are incidental to

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

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

8. Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one (1) ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

9. Signs, as follows:

(a) A sign, limited in area to thirty (30) square feet for identification of a farm or estate or subdivision.

(b) A sign, limited in area to thirty (30) square feet for a church bulletin board or identification of permitted public and semi-public uses, recreational uses, or clubs.

(c) A temporary, non-illuminated sign, limited in area to ten (10) square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.

#### 4.4 Conditional Uses

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

#### 4.5 Lot Size Requirements

Minimum Lot Area	Minimum, Feet	
	Lot Width	Lot Depth

(Sq. Ft. per  
Family Unit)

1. Single-Family Dwelling--

With Public Water and Public Sewerage	10,000	65 <del>80</del>	100
Shoreland with public water* and public sewerage	8,000	65 <del>80</del>	100
With Public Water but with Individual Sewerage	18,000	100	125
With Individual Water System and Individual Sewerage	1/2 Acre 21,780	100	<del>115, 140</del>

Lot width is measured at the building line.

- 2. Two-Family Dwelling 12,000\* 65  
~~80~~ 100
- 3. Multi-Family Dwelling 12,000\* 80 100

4.6 Yard Requirements

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

Minimum in Feet

	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
2. Single-Family, Two-Family or Multi-Family Dwelling	25	10	20	25
	<del>25</del>	12	24	

*lots abutting Navigable Waters see Article 11-9(3)*

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

4.7 Height Requirements

Maximum Height

Single-family dwellings and all other structures not specifically exempted 2 1/2 stories but not to exceed 35 feet

4.8 Off-street Parking and Loading Requirements

Revised 12-99  
see map # 33

Section 4.5 Lot Size Requirements

Minimum Feet: (Sq.Ft/family unit)	Lot Area	Lot Width	Lot Depth
With Public Water and Public Sewerage	10,000'	80'	100'
Shore land with public water* and public sewerage	8,000'	80'	100'
With Public Water but with Individual Sewerage	18,000'	100'	125'
With Individual Water System and Individual Sewerage	One Half acre 21,780'	100'	140'

Lot width is measured at the building line.

2. Two-Family Dwelling                      12,000\*              80'              100'
3. Multi-Family Dwelling                      12,000\*              80'              100'

4.6 Yard Requirements

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

	Minimum in Feet			
	Front Yard	Side Yard, Minimum	Side Yard, Aggregate	Rear Yard
2. Single-Family, Two-Family or Multi-Family Dwelling	25'	12'	24'	25'

Lots abutting navigable waters shall comply with Section 11.9(3) as amended

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

4.7 Height Requirements

	Maximum Height
Single-family dwellings and All other structures not specifically exempted	2 & ½ stories but not to exceed 35 feet

4.8 Off-street Parking and Loading Requirements

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

**Section 5. RMH Residential Mobile Home District**

**5.1 Purpose of the District**

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

**5.2 Permitted Uses**

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

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

2. Mobile home park, provided:

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

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

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

(d) That the design evidences a reasonable effort to

preserve the natural amenities of the site.

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

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

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

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

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

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

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

### 5.3 Permitted Accessory Uses

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

2. For individual mobile home sites: awnings or porches, and one storage building, all of materials and construction acceptable in accordance with sound building practices and not extending closer

than five (5) feet to the boundaries of the individual mobile home site.

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

4. Signs as follows:

(a) Any sign permitted in the R Residential District

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

5.4 Conditional Uses

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

5.5 Site Plan Required

Each petition for a change to the RMH zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park site plan. The mobile home park site plan shall meet the requirements for a preliminary plat as stated in the Palo Alto County, Iowa, Subdivision Regulations. The Site Plan shall be considered by the Zoning Commission and the Board of Supervisors concurrently with the application for amendment to the zoning map and following the procedures specified in Article 5. The Board of Supervisors may approve or disapprove the Plan or require such changes thereto as are deemed necessary to accomplish the intent and purpose of these regulations.

5.6 Lot Size, Density, and Site Requirements

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

2. In a mobile home park:

(a) The maximum density of units in a mobile home park shall be nine (9) gross acre and the minimum area for a mobile home

site for parking one (1) mobile home shall be three thousand (3,000) square feet with no dimension less than forty (40) feet, and with corners of each site visibly marked and numbered by a permanent marker. Adjustment between sites may be approved in order to preserve natural amenities. No more than one (1) mobile home shall be parked on any one (1) site.

(b) In addition to the requirement of a (a) above, an open space or spaces of not less than five thousand (5,000) square feet accessible to all mobile home occupants and suitable for use as a recreational land area shall be provided within the mobile home park at a ratio of a minimum of four hundred (4) square feet of recreational area per mobile home site in such park.

#### 5.7 Yard Requirements

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

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

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

#### 5.8 Height Requirements

	Maximum Height
1. Single-family dwellings and all other structures except mobile homes and those specifically exempted.	2- stories but not to exceed 35 feet
2. Mobile homes	15 feet

#### 5.9 Off-Street Parking and Loading Requirements

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



(1/2) space per mobile home in locations convenient to groups of homes.

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

**Section 6. C Commercial District.**

**6.1 Purpose of the District**

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

**6.2 Permitted Uses**

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

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

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

### 6.3 Permitted Accessory Uses

1. Any accessory use permitted in the R Residential District.
2. Storage of office supplies or merchandise normally carried in stock in connection with a permitted office, business, or commercial use.

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

6.4 Conditional Uses

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

6.5 Lot Size Requirements

1, For permitted dwellings and other uses permitted in the R Residential District, the lot size requirements are the same as in the R Residential District.

2. For other permitted uses, there are no minimum lot size requirements except as may be required to meet sanitary standards.

6.6 Yard Requirements

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

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

Side and rear yard, required only if adjacent to a Residential District.

6.7 Height Requirements

### Maximum Height

Dwellings, business buildings and all other structures not specifically exempted. 4 stories but not to exceed 50 feet

### 6.8 Off-Street Parking and Loading Requirements

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

## Section 7. LI Light Industrial District

### 7.1 Purpose of the District

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

### 7.2 Permitted Uses

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

1. Generally those light manufacturing uses similar to those listed below which do not create any more danger to health and safety in surrounding area and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat or glare, that which is generally associated with light industries of the types specifically permitted below:

(a) Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.

(b) Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheet-metal products, and vitreous enameled metal products.

(c) Beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning, packing and processing of fish, meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry.

(d) Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods.

(e) Manufacture of boxes, furniture, cabinets, baskets, and other wood products of similar nature.

(f) Compounding of cosmetics, toiletries, drugs and pharmaceutical products.

2. Banks, drive-in or otherwise.

3. Dwellings for resident watchmen and caretakers employed on the premises.

4. Laboratories, research, experimental or testing, but not

testing combustion engines or explosives.

5. Offices and office buildings.
6. Photographic processing or blueprinting.
7. Printing and publishing.
8. Restaurants.
9. Wholesale merchandising or storage warehouses, with floor area devoted to warehousing and handling of merchandise.
10. Farms as permitted in the A-R Agricultural Rural Residential District.

#### 7.3 Permitted Accessory Uses

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

#### 7.4 Conditional Uses

Specific uses identified in Article 5 as conditional uses for the LI Light Industrial District may be permitted if approved by

the Board of Supervisors in accordance with the procedures, guides and standards of Article 5.

**7.5 Site Plan Required**

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

**7.6 Lot Size Requirements**

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

Lot width is measured at the building line.

Minimum street frontage is 100 feet.

**7.7 Yard Requirements**

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

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

**7.8 Height Requirements**

All structures not specifically exempted  
Maximum Height  
2- stories but not to exceed 35 feet unless approved by the Board of Adjustment

**7.9 Off-street Parking and Loading Requirements**

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

**7.10 Special Conditions**

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

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

2. The front yard shall be maintained in a neat and attractive condition.



**Section 8. HI Heavy Industrial District**

**8.1 Purpose of the District**

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

**8.2 Permitted Uses**

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

**1. Chemicals, Petroleum, Coal and Allied Products**

- (a) Acids and derivatives
- (b) Acetylene
- (c) Ammonia
- (d) Carbide
- (e) Caustic soda
- (f) Cellulose and cellulose storage
- (g) Chlorine
- (h) Coke oven products (including fuel gas) and coke oven products storage

- (i) Creosote
- (j) Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones.
- (k) Explosives (including ammunition and fireworks) and explosives storage
- (l) Fertilizer (organic)
- (m) Fish oils and meal
- (n) Glue, gelatin (animal)
- (o) Hydrogen and oxygen
- (p) Lamp black, carbon black, and bone black
- (q) Nitrating of cotton or other materials
- (r) Nitrates (manufactured and natural) or an explosive nature, and storage
- (s) Petroleum, gasoline, and lubricating oil refining and wholesale storage
- (t) Plastic materials and synthetic resins
- (u) Potash
- (v) Pyroxyline
- (w) Turpentine and resin
- (y) Wells, gas and oil
- (z) Clay, stone and glass products

2. Clay, Stone and Glass Products

- (a) Brick, firebrick, refractories and clay products (coal fired)
- (b) Cement, lime, gypsum, or plaster of Paris

(c) Minerals and earths: quarrying, extracting, grinding, crushing and processing

**3. Food and Beverage**

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

**4. Metals and Metal Products**

- (a) Aluminum powder and paint manufacture
- (b) Blast furnace, cupolas
- (c) Blooming mill

(d) Metal and metal ores, reduction, refining, smelting, and alloying

(e) Scrap metal reduction or smelting

(f) Steel works and rolling mill (ferrous)

5. Wood and Paper Products

(a) Match manufacture

(b) Wood pulp and fiber, redaction and processing

6. Unclassified Industries and Uses

(a) Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage

(b) Stockyard

(c) Garbage dump and land-fill operations

8.3 Permitted Accessory Uses

1. Storage of goods or materials used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations and screened from the street by landscape, fences or walks.

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

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

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

(c) Accessory farm buildings, including barns,

stables, sheds, tool rooms, shops, bins, tanks and silos.

(d) Dwellings for persons employed on the premises.

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

8.4 Lot Size Requirements

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

8.5 Site Plan Required

Each petition for change to the HI zoning classification submitted shall be accompanied by a site plan. The site plan shall meet the requirements for a preliminary plat as stated in the Palo Alto County, Iowa, Subdivision Regulations. The Governing Authority shall have discretionary power consistent with the Palo Alto County Subdivision Ordinance.

8.6 Yard Requirements

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

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

8.7 Height Requirements

All structures not Specifically exempted	<p>Maximum Height</p> <p>Three stories but not to exceed 45 feet unless approved by the Board of Adjustment under Article 7.</p>
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8.8 Off-street Parking and Loading Requirements

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

#### Section 9. PD Planned Development

##### 9.1 Purpose of the District

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

##### 9.2 Permitted Uses

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

##### 9.3 Permitted Accessory Uses

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

##### 9.4 Lot and Yard Requirements

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

##### 9.5 Special Provisions

1. Any portion of the lot may be petitioned to be Planned Development.

2. The Zoning Commission and the Board of Supervisors may reduce, but not eliminate, the number of hard surfaced parking spaces required by the regulations to reasonably accommodate the use being requested.

3. The Zoning Commission and/or the Board of Supervisors may require such reasonable information to be provided to them as shall enable them to make a decision on the petition of those desiring the zoning change. Such information may include but not be limited to the following:

- a. Market surveys
- b. Evidence as to need
- c. Topographical studies
- d. Plans for water supply and sewage disposal both present and future
- e. Order of development of various parts of the parcel
- f. An approximate cost of the various segments of the parcel when developed
- g. Traffic counts both prior to the zoning application and anticipated in the event the application is granted. Data available from the County will be furnished to the applicant upon request but all other cost relating to traffic surveys will be born by the applicant.

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

#### 9.6 Procedure

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

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



regulations relating to the project shall be made prior to approval by the Board of Supervisors.

**9.7 Site Plan**

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

**9.8 Time of Essence**

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

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

**9.9 Changes**

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

1. 1. Procedure. Any petitioner desiring minor changes in

a particular PD district will make application for such to the Palo Alto County Board of Supervisors on forms provided. These applications shall be forwarded to the Zoning Commission for their recommendation.

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

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

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

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

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

**ARTICLE 5. CONDITIONAL USE REGULATIONS**

**Section I. Conditional Use Procedure**

**1.1 Procedure**

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

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

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

**1.3 Public Hearing by the Zoning Commission**

Once the Zoning Administrator has accepted and filed the Conditional Use Application with the Planning and Zoning Commission, the Planning and Zoning Commission shall hold a public hearing and shall provide legal notification according to the laws of the State of Iowa. The Zoning Administrator shall notify the applicant in writing of this public hearing.

**1.4 Review and Recommendation of the Conditional Use by the Planning and Zoning Commission**

Following the public hearing on the conditional use application, the Planning and Zoning Commission, within forty-five (45) days of the date of the public hearing, shall review the Conditional Use Application and shall recommend approval, with or without conditions or rejection of the Conditional Use Application to the Board of Supervisors. The Planning and Zoning Commission shall then forward its written recommendation to the Board along with its written report on the Conditional Use Application. The Zoning Administrator shall notify the applicant of the recommendation of the Planning and Zoning Commission and shall include a copy of the Planning and Zoning Commission's records indicating the reasons for its recommendation.

**1.5 Review and Approval or Rejection of the Conditional Use by the Board**

Within forty-five (45) days of the receipt of the recommendation and report on the Conditional Use Application from the Planning and Zoning Commission, the Board of Supervisors shall review those materials and the Conditional Use Application as necessary. The Board of Supervisors shall then approve, with or without conditions, or reject the conditional use. If the Board disapproves the conditional use, it shall set forth the reasons for such disapproval in its records and shall provide the applicant with a copy of such reasons. If the Board approves the conditional use, it shall inform the Zoning Administrator that he may issue a Certificate of Compliance for the conditional use.

**1.6 Basis of Commission Recommendation**

The Planning and Zoning Commission, in preparing its recommendation to the Board of Supervisors, shall base it upon the following items and its general findings concerning the conditional use application. The recommendation shall be based upon:

1. The question of the particular suitability of the property in question for the proposed use.
2. The effect of the proposed use on the character of the area and in property values in the areas.
3. The intended conditional use will be compatible with the existing land uses on adjoining property or with those land uses which are permitted under existing zoning.
4. The adequacy and availability of fire and police protection, and of transportation, water and sewerage.
5. The effect of the proposed use on all such services, particularly whether the County will have to make substantial increases in its normal expenditures to provide such services.
6. The use will not overload and adversely affect traffic congestion on adjacent streets or roads.
7. That such use will be in accord with the intent, purpose and spirit of this Regulation and of the Comprehensive Plan and policies of Palo Alto County.

**Section 2. Conditional Uses**

The following uses may be permitted as conditional uses in the stated district if approved by the Board of Supervisors in accordance with the procedures contained in Section 1, above.

**2.1 In the AC District**

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

2. Guest ranches, hunting and fishing resorts, and incidental facilities, including swimming pools, restaurants, incidental retail sales and services and personal services, provided they are located on sites containing not less than twenty (20) acres.

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

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

5. Cemetery on site of not less than twenty (20) acres.

6. Feed lot or confinement area for livestock or poultry provided such use is no closer than seventy-five (75) feet from any side or rear property line and seventy-five (75) feet from the right-of-way of the road adjacent to the front property line. In no instance will the use be closer than one-half (1/2) mile (2,640 feet) from a city boundary or public park or one-quarter (1/4) mile (1,320 feet) to a residence except that this provision shall not apply to the residence of the owner and operator of said facility. An owner/operator under the definition of "farm" shall comply with the regulations of this article.

This use shall meet all licensing and water quality regulations of the Iowa Department of Natural Resources and the Palo Alto County Board of Health. The Palo Alto County soil profiles should be used in determining soil suitability, percolation rates and lagoon sealing requirements.

**A site plan is required and shall include the following:**

- a. Proposed name of the development;**
- b. Location by legal description;**
- c. Names, addresses and telephone numbers of applicant and designer of the plan;**
- d. Scale of plan, 1" to 50';**
- e. Date, North Arrow;**
- f. Contours at five foot (5') intervals. The Zoning Administrator may at his/her discretion, permit the use of spot elevations or different contour intervals for plans of expansions of existing buildings or paved areas.**
- g. The boundary lines of the area included in the site plan, including legal description, angles, dimensions and reference to a section corner, quarter corner of point on a recorded plat;**
- h. Location, widths and names of all existing roads, railroad and utility rights-of-way, parks and other public open**

spaces, permanent buildings and structures, houses or permanent easements, and natural features, such as woods, streams and lakes or ponds, and section and municipal boundary lines;

- i. Existing wells, culverts and other underground facilities within the tract;
- j. Location arrangement and dimensions of proposed buildings and structures;
- k. A schedule indicating total building area, dwelling units, land area and parking spaces;
- l. Draining system including finished grades, slopes, banks, and ditches;
- m. Preliminary sketches of building elevations;
- n. Location and dimensions of entrances and exits;
- o. Location, height and materials of walls and fences.

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

All drainage from the operation must meet water quality standards of the Iowa Department of Natural Resources and the Palo Alto County

Board of Health and Board of Adjustment and Zoning Commission. No feedlot or confinement area or its waste disposal system shall be constructed or located within the watershed area of a lake, creek, river or environmentally sensitive area

identified here in. No direct or indirect disposal or discharge of animal waste from a livestock feeding operation shall be permitted into a creek, river, or lake; a road ditch; all operation shall be disposed of in a manner which will not cause surface or groundwater pollution. The operator must demonstrate ownership and/or access on land for manure disposal.

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

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

9. Two-Family Dwellings.

2.2 In the FPC District

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

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

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

2.3 In the R District

1. Privately operated lakes, swimming pools and tennis courts, provided they are located on sites containing not less than five (5) acres.

2. Public buildings erected by any department of governmental agency. (See setback requirements of Article 6, Sec. 3, page 55.)

3. Hospitals, clinics and educational, philanthropic or religious institutions on sites of not less than five (5) acres, provided not more than fifty percent (50%) of the site area may be occupied by the buildings, and provided further than the buildings shall be set back from all required yard lines an additional two (2) feet for each foot of building height.



- 4. Cemeteries on sites of not less than twenty (20) acres.
- 5. Private clubs and lodges.
- 6. Multi-family developments, with site plan approval (as required for Mobile Home Parks and described in Article 4, Section 5.5).

2.5 In the RMH District

Any conditional use permitted in the R Residential District.

2.6 In the C Commercial District

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

2.7 In the LI District

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

2.8 In the HI District

Conditional Uses.

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

## ARTICLE 6. SUPPLEMENTARY REGULATIONS

### Section 1. Off-Street Parking Requirements

#### 1.1 Specific Requirements by Use

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

Use or Use Category	Off-Street Parking Spaces Required
One, two or three-family dwelling	1 per dwelling unit
Multiple-family dwelling, more than 3 dwelling units	1.50 per dwelling unit plus one space for each 2 roomers
Church temple, synagogue, auditorium or place of assembly	1 per 4 seats or bench seating spaces (seats in main auditorium only)
College or high school	1 per 4 seats or bench seating spaces (seats in main auditorium only)
Elementary, junior high, or nursery school	1 per 10 seats in main assembly room or 2 per classroom which is greater
Country club or golf club	1 per 5 members or 1 for each 400 square feet of floor area, whichever is greater
Sanitarium, convalescent home, home for the aged, or similar institution	1 per 4 patient beds
Tourist court, motel, motor hotel, motor lodge, or hotel	5 spaces plus 1 per sleeping room or suite

Hospital	2 per patient bed
Office or office building (other than medical), post office, studio	1 per 400 square feet of floor area, 3 spaces minimum
Medical offices or clinic	1 per 200 square feet of floor area; 10 spaces minimum for a clinic
	<b>Off-Street Parking Spaces Required</b>
Use or Use Category	
Funeral home	1 per 100 square feet of floor area excluding storage and work area, 30 spaces minimum
Restaurant or other establishment for consumption of food or beverages inside a building on the premises	1 per 100 square feet of floor area, 3 spaces minimum
Restaurant, drive-in	1 per 100 square feet of floor area, 25 spaces minimum
Retail store or personal service establishment and banks	1 per 200 square feet of floor area; retail food stores over 4,000 square feet; 1 per 100 square feet of floor area
Furniture or appliance store, machinery, equipment, and automobile and boat sales and service	1 per 300 square feet of floor area; 2 spaces minimum. Automobile sales and service 20 minimum
Auditorium, theater, gymnasium, stadium, arena or convention hall	1 per 4 seats or seating spaces
Bowling alley	5 per lane
Amusement place, dance hall, skating rink, swimming pool, or exhibition hall, without fixed seats	1 per 100 square feet of floor area
General service or repair establishment, printing,	1 per 3 employees on premises. Auditorium for broadcasting sta-

**publishing, plumbing, heating, broadcasting station**      tion requires space as above.

**Animal hospital**      1 per 400 square feet of floor area; 4 spaces minimum

**Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse or similar establishment**      1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry

### 1.2 Interpretation of Specific Requirements

1. The parking requirements above are in addition to space for storage of trucks or other vehicles used in connection with any use.

2. The parking requirements in this article do not limit other parking requirements contained in the district regulations.

3. The parking requirements in this article do not limit special requirements which may be imposed with conditional uses.

4. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

5. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

6. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

### 1.3 Design Standards

1. Minimum Area. For the purpose of these regulations, an off-street parking space is an all-weather surfaced area not in a street or alley and having an area of not less than one hundred eighty (180) square feet, exclusive of driveways, permanently reserved for

the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile without requiring another automobile to be moved.

2. Drainage and Maintenance. Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable county specifications. Off-street parking areas shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee and not used for the sale, repair or dismantling or servicing of any vehicles, equipment, materials or supplies.

3. Marking. Parking spaces in lots of more than ten spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used as necessary to ensure efficient traffic operation of the lot.

4. Lighting. Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.

Section 2. Off-Street Loading Requirements

2.1 Specific Requirements by Use

Except as otherwise provided in this Regulation, when any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by twenty-five (25) percent or more, or any building is hereafter converted, for the uses listed below, when such buildings contain the floor area specified, accessory off-street loading spaces shall be provided as required below or as required in subsequent sections of this article.

Use or Category	Floor Area In Square Feet	Loading Spaces required
Retail store, department	2,000-10,000	One
store, restaurant, wholesale	10,000-20,000	Two
house, warehouse, general	20,000-40,000	Three
service, manufacturing,	40,000-60,000	Four
or industrial establishment	Each 50,000 over 60,000	One additional

Apartment building, motel	5,000-10,000	One
hotel, offices or office	10,000-100,000	Two
building, hospital or	100,000-20,000	Three
similar institutions or	Each 100,000 over	One additional
places of public assembly	200,000	
Funeral home or mortuary	2,500-4,000	One
	4,000-6,000	Two
	Each 10,000 over	One additional
	6,000	

**2.2 Interpretation of Specific Requirements**

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

**2.3 Design Standards**

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

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

### Section 3. Setback Regulations

#### 3.1 Purpose

In order to reserve for public transportation use and to protect the County and its residents from excessive public costs, no Certificate of Zoning Compliance shall be issued and no building or structure shall be erected along an existing or future county road or state highway within the setback line as measured from road right-of-way or road easement line as identified in Section 3.2. The setback line as defined shall include one-half ( $\frac{1}{2}$ ) of the land for future right-of-way plus the required front yard depth.

#### 3.2 Setbacks

Setbacks for all existing county roads and state highways shall be forty-five (45) feet from the right-of-way line.\*

### Section 4. Supplementary Height and Area Regulations

#### 4.1 Modification of Height Regulations

1. Public, semi-public or public service buildings, hospital, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yardline at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators or necessary mechanical appurtenances, are exempt from the height regulations are contained herein.

#### 4.2 Yards and Open Spaces

1. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall be located closer than ten (10) feet to the main building, the garage shall be considered as part of the main building for the purposes of determining side and rear yards.

2. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

3. Every part of a required yard shall be open to the sky, unobstructed by any structure, except that the projection of sills, belt course, cornices and ornamental features are not to exceed twelve (12) inches.

4. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

5. Open-lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Zoning Administrator for a distance of not more than three and one-half (3½) feet and where the same are so placed as not to obstruct light and ventilation.

6. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.

7. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be distance at least two (2) feet from the adjacent side lot line.

8. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling, shall be considered as one building occupying one lot.



9. Temporary buildings and uses that are used in conjunction with construction work only may be permitted in any district during the period of construction, but such temporary buildings shall be removed upon completion of the construction work.

10. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

11. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one (1) main building on the lot; provided however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three or four-story buildings.

12. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be a least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings, and forty (40) feet for three or four-story buildings.

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

14. Except as specified in Section 3 above, the front yards heretofore established shall be adjusted in the following cases:

(a) Where forty percent (40%) or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.

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

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

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

## Section 5. Special Regulations for Modular Homes

### 5.1 Standards for Modular Homes

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

The modular home shall:

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

## Section 6. Lots of Record

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

**ARTICLE 7. BOARD OF ADJUSTMENT****SECTION 1. Organization and Meetings**

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

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

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

**Section 2. Appeals**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Administrative Officer from whom

the appeal is taken and with the Board a notice of appeal specifying the grounds therefore. The administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

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

### Section 3. Powers

The Board of Adjustment shall have the following powers:

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

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

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

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

(b) To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed (to the extent of more than sixty percent (60%) of its replacement value) by fire or Act of God where the Board shall find some compelling public necessity requiring the continuance of the nonconforming use. { cf: Article 3 Section 3 (7) (e) }

(c) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary

for public convenience or welfare.

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

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

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

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

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

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

## ARTICLE 8. CHANGES AND AMENDMENTS

### SECTION 1. Initiation of Change

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

### Section 2. Report from Zoning Commission

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

### Section 3. Notice and Hearings

The Zoning Commission shall hold a public hearing hereon, before submitting its report to the Board of Supervisors. Notice of public hearings before the Commission shall be given by publishing the time, place and nature of the hearing at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing in a newspaper of general circulation in the County. The notice shall contain reference to the place or places and times within the County where the text, maps, plans, regulations, amendments or changes may be examined and shall state the location of the district affected by naming the township and section and the boundaries of the district shall be expressed in terms of streets or roads, if possible. In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or of the area included in such proposed change, or

of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty (60) percent of all members of the Board of Supervisors.

**Section 4. Revision by Board of Supervisors**

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

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

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

**Section 6. Certificate of Zoning Exemption**

A Certificate of Zoning Exemption shall be obtained from the Zoning Administrator prior to the construction or relocation of a building. There is no fee for the Certificate of Zoning Exemption.

See Article 1, Sec. 4, pages 2-3.

## **ARTICLE 9. ADMINISTRATION AND ENFORCEMENT**

### **Section 1. Enforcement**

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

### **Section 2. Zoning Administrator**

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

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

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

### **Section 3. Notification of Assessor**

Pursuant to Chapter 441.18-441.19 of the Code of Iowa, prior to construction, the owner of any proposed new structure or use



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

**Section 4. Certificate of Occupancy**

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

**4.2** No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, except for farm exemptions, until a Certificate of Occupancy shall have been issued by the Zoning Administrator, stating that the building or proposed use of a building or premises complies with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Zoning Administrator.

**Section 5. Certificate of Zoning Compliance**

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

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

**5.3** The Zoning Administrator shall issue a Certificate of Zoning Compliance or denial thereof with reasons in writing within fifteen (15) days of the date of the filing of the application. In the event that permit or denial thereof is not issued within fifteen (15) days, the applicant may appeal directly to the Zoning Board of

Adjustment which shall order the issuance of a permit or denial thereof with reasons in writing. Except where an extension has been obtained in writing from the Zoning Administrator, permits hereafter issued shall expire within ninety (90) days if a substantial beginning has not been made in the construction or the establishment of the use applied for and within one (1) year if not completed.

**Section 6. Certificate of Zoning Exemption**

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

**Section 7. Plot Plans**

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

**Section 8. Violation and Penalties**

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

7.2 Any person or corporation who shall violate any of the provision of this Regulation or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00) or be imprisoned not more than thirty (30) days, or both, and each and every day such

violation shall continue shall be deemed a separate offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this Regulation, shall be placed, or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

This zoning ordinance in no way authorizes the establishment of any dog or horse races, casinos or pari-mutuel wagering parlors, or riverboat excursion gambling boats within Palo Alto County. The intangible social costs of gambling, the diversion of disposable income from families with family members who gamble, the difficulty as a result of gambling losses the increased costs of law enforcement expended in monitoring gambling behavior and the potential drain on the County infrastructure militate against establishing casino gambling as a permitted use, unless an existing use and operational licensed premises is in operation as of the date of the enactment of this ordinance.

#### ARTICLE 10. Subdivision Control

**SECTION 1. Purpose.** The purpose of this Article is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services, and to promote the health, safety, and general welfare in Palo Alto County, Iowa.

**SECTION 2. Definitions.** For use in this Article certain terms or words used herein shall be interpreted or defined as follows:

1. "Alleys" shall mean a public thoroughfare which affords only a secondary means of access to abutting property.

2. "Board" shall mean the Board of Supervisors of Palo Alto County, Iowa.

3. "Commission" shall mean the Zoning Commission of Palo Alto County, Iowa.

4. "Easement" shall mean the map or drawing and its required certifications, on which the subdivision plan is presented in a form which is to be recorded by the County Recorder.

5. "Final Plat" shall mean the map or drawing and its required certifications, on which the subdivision plan is presented in a form which is to be recorded by the County Recorder. The map or drawing shall comply with the provisions of Chapters 354 and 355, Code of Iowa.

6. "Improvements" shall mean addition of any facility or construction on land necessary to prepare land for building sites, and including road paving, drainageways, sewer, water mains, wells and other works and appurtenances.

7. "Lot" shall mean a parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, including the open spaces required by this Article and having its principal frontage upon a street or upon an officially approved place. The minimum area requirements shall include any part of an abutting street, road, or other public right-of-way.

8. "Performance Bond" shall mean a surety bond or cash deposit made out to Palo Alto County, Iowa, in an amount equal to the full cost of the improvements which are required by this Article, said cost estimated by the County Engineer, and said surety bond or cash bond being legally sufficient to secure to the county that the said improvements will be constructed in accordance with this Article.

9. "Preliminary Plat" shall mean a study, including drawings, indicating the proposed manner of layout and construction of a subdivision and its proposed improvements, which is submitted for consideration to the Board of Supervisors and others.

10. "Road" shall mean all property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easements therefor.

11. "Subdivider" shall mean any person, firm, corporation, partnership, association, or trust, who shall lay out, or cause to be laid out, for the purpose of transfer of ownership or building development, any subdivision or part thereof, as herein defined.

12. "Subdivision" shall mean the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.

### SECTION 3. General Provisions.

1. Subdivision of land in unincorporated areas. All plats, replats, and subdivisions of any parcel of land of forty acres or less or of more than forty acres if divided into parcels, any of which are less than forty acres, and lying in the unincorporated area of Palo Alto County, Iowa, including the subdivision of land within two miles of any city, shall be prepared, approved by the Palo Alto County Board of Supervisors, and recorded as herein prescribed.

2. Subdivision of land within jurisdictional limits. Any subdivision under the provisions of Iowa Code, Chapter 354 & 355 of land lying within two miles of any incorporated city in Palo Alto County, Iowa, shall be prepared, and after review and recommendation by the Planning and Zoning Commission in cities where such commission exists, approved by the city council, and recorded as herein prescribed.

3. General application of regulations. The provisions of these regulations shall apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel on the effective date of these regulations into two or more lots or parcels of forty (40) acres or less for the purpose whether immediate or future, of transfer of ownership or building development. It is the intent of these regulations that any division of land which creates a lot or parcel of forty (40) acres or less shall be subject to the plating procedures and requirements prescribed herein.

4. Recording of plan. No final plat, replat or subdivision within Palo Alto County, Iowa, which is subject to the terms of this ordinance, shall be filed by the County Auditor or recorded by the County Recorder, and shall thereby be held invalid, until such final plat or subdivision has been reviewed and approved in accordance with these regulations. Further, that such final plat shall be held invalid unless the final plat is filed and recorded by the owner in the offices of the County Recorder, the County Auditor, and the County Assessor within one year after the date of approval by the Board of Supervisors.

5. Public dedication. No road hereafter created in the unincorporated area of Palo Alto County shall become a part of any road system as defined in Chapter 306 of the Code of Iowa; and no improvements shall be made by Palo Alto County, nor shall Palo Alto County incur any expense for maintenance or repair of roads or other facilities on land that has been subdivided after the date of adoption of these regulations unless such subdivision and road or other facility shall have been approved in accordance with the provisions of these regulations and accepted as a public road or improvement.

**SECTION 4. Procedure.**

1. Required procedure. Any person intending to subdivide land within the terms of these regulations shall comply with the procedures established in this section. Prior to application for subdivision approval, the subdivider may request a preliminary planning conference with the zoning administrator, the zoning staff, those officials which may require review of the proposed subdivision.

This conference is to inform the subdivider as to the nature of the regulations and feasibility of the subdivision plan. Subsequent review and approval of preliminary and final plats shall in no way be bound to the planning conference. Upon approval of the zoning administrator, the subdivider may submit application for a combined preliminary and final plat approval.

2. Submission of preliminary plat.

a. The subdivider shall prepare a preliminary plat and make application for preliminary plat approval. The preliminary plat shall be submitted to the zoning administrator together with an application form and filing fee.

b. Applications shall be placed on the agenda for public meeting by the Zoning Commission. Applications filed within 15 days of a scheduled meeting shall be placed on the agenda of the next subsequent Zoning Commission meeting.

c. The zoning administrator may require the subdivider to obtain the review and recommendation of the preliminary plat by the County Engineer, County Health Department, county soil conservation district, school district officials, unit of government or service provider furnishing fire, ambulance, water, and waste disposal to the area, and those officials or agencies which may be required for review and comment on the application for preliminary plat approval. Comments and recommendations shall be submitted in writing prior to preliminary plat action by the Zoning Commission.

3. Preliminary plat action by Zoning Commission. The Zoning Commission shall study the preliminary plat and such other information offered for consideration of the application to assure that it is in full conformance with the provisions and purpose of these regulations. The Commission shall hear each application appearing on its agendas and within sixty (60) days (unless an extension is agreed to by the subdivider) pass upon the preliminary plat as submitted or modified. It shall set forth its recommendations in writing, whether approval, modification, or disapproval.

a. In the event that substantial changes or modifications are recommended by the Commission or disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.

b. If approved, the Commission shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.

c. The action of the Commission shall be noted on five (5) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider and the other copies retained by the Commission.

d. The "Conditional Approval" by the Commission shall not constitute final acceptance of the addition or subdivision by the city, but an authorization to proceed with preparation of the final plat.

4. Submission of final plat. The subdivider may prepare a final plat for all or any portion of the approved preliminary plat and make application for final plat approval. Final plats submitted two years after the approval date of the preliminary plat shall not be acted upon until the Commission reapproves the preliminary plat. The final plat shall be prepared in accordance with the specifications and standards of these regulations and in conformance with the approved preliminary plat. Applications shall be placed on the agenda for public hearing by the Zoning Commission. Applications filed within 15 days of a scheduled hearing shall be placed on the agenda of the next subsequent Zoning Commission hearing.

5. Final plat review. The zoning administrator may require the subdivider to submit the final plat for examination by the officials listed in paragraph 2 (c) of this section to determine its conformance with the approved preliminary plat and with applicable statutes and policies. Comments and recommendations shall be submitted in writing prior to final plat action by the Zoning Commission.

6. Final plat action by the Zoning Commission. The Zoning Commission shall study the final plat and such other information offered for consideration of the application to assure that it is in full conformance with the provisions and purpose of these regulations. The Commission shall hear each application appearing on its agenda and within forty-five (45) days (unless an extension is agreed to by the subdivider) transmit its recommendation to approve, disapprove, or grant conditional approval to the Board of Supervisors. If it is the recommendation of the Commission to disapprove the application, or to grant conditional approval, the Commission shall give its reasons or specify its conditions in writing for submission to the Board.

7. Final plat action by the Board of Supervisors. Within forty-five (45) days of receipt of the Zoning Commission recommendations, the Board of Supervisors shall hear the application and shall approve or disapprove the final plat. The final plat shall be approved when found to be in conformance with the approved preliminary plat and accompanied by the approved documents.

Approval of the final plat by the Board shall be indicated on each of five (5) copies, signed by the chairperson of the Board of Supervisors and attested to by the County Auditor.

8. Effect of final plat action by board. Approval of the final plat by the Board of Supervisors shall be deemed an authorization to record the final plat with the office of the County Recorder. Approval of the final plat shall not constitute approval of, or acceptance of roads or any other improvements within the area of the final plat unless so certified. Disapproval of the final plat by the Board shall terminate further consideration of such application.

9. Application for amendment, modification, or withdrawal.

a. Amendments. The subdivider may upon authorization from the zoning administrator amend or change the application for plat approval. Any changes made to an original application shall require the submission of a revised preliminary or revised final plat. Plats revised to satisfy conditional approval requirements shall not require reapproval. All other changes shall be shown on a revised plat and shall be submitted for re-examination and approval by the Zoning Commission.

b. Modifications. The strict application of the principles and standards set forth in these regulations may be modified when a specified provision is found to create a substantial hardship due to physical characteristics peculiar to a parcel of land. A written petition specifying the extent of any reason for modification if the spirit and intent of these regulations is not compromised.

c. Withdrawal. The subdivider may withdraw any plat application at any stage in the review process. Resubmission of a previously withdrawn plat shall constitute a new application and shall be submitted in accordance with the specified procedures for an initial application.

**SECTION 5. Requirements of preliminary plat.** The subdivider shall make application for preliminary plat approval by submitting to the zoning administrator seven (7) copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point and date.
2. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners.
3. Present and proposed streets, alleys and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.



4. Proposed layout of lots, showing numbers, dimensions, radii, chords and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
7. Present and proposed easements, showing locations, widths, purposes, and limitations.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the county.
10. Names and addresses of the owner, subdivider, builder and engineer, surveyor, or architect who prepared the preliminary plat, and the engineer, surveyor, or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater, unless the commission waives this requirement.

**SECTION 6. Requirements of final plat.** The subdivider shall make application for final plat approval by submitting to the zoning administrator seven (7) copies of the final plat drawn to a scale of not more than one hundred (100) feet to one (1) inch in compliance with the provisions of Chapters 354 & 355, Code of Iowa, showing the following:

1. The title under which the subdivision is to be recorded.
2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arcs, chords, points of tangency and central angles.
3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the county plan.

4. Location, type, materials and size of all monuments and markers including all U.S., county, or other official bench marks.
5. The plat should be signed and acknowledged by the subdivision landowner and his/her spouse.
6. A sealed certification under original signature of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.

**SECTION 7. Final Plat Attachments.** The final plat shall have the following attached to it:

1. A correct description of the subdivision land.
2. A certificate by the owner and his spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
3. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner and that the land is free from encumbrances other than those authorized by law.
4. A certificate from the county treasurer that the subdivision land is free from taxes.
5. A certificate from the clerk of the district court that the subdivision land is free from all judgments, attachments, mechanics, or other liens of record in his/her office.
6. A certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those provided by law.
7. A certificate of dedication of streets and other public property.
8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.
9. Resolution and certificate for approval by the Board and for signature of the chairman of the board.
10. Profiles, typical cross sections and specifications of street improvements and utility systems, to show the location, size and grade. These should be shown on a fifty (50) foot horizontal scale and five (5) foot vertical scale with west or south at the left.

- 11. A certificate by the County Engineer or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the County Attorney and filed with the County Auditor, or that the Board of Supervisors has agreed that the county will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.
- 12. The encumbrance bond and performance bond, if any.

**SECTION 8. Design standards.**

1. Minimum requirements. The principles and standards set forth in this Article are held to be minimum requirements unless specifically noted otherwise. Approval or preliminary plats and final plats shall be predicated on the conformance of such plats to the provisions of this Article and to such other requirements as are prescribed in these regulations.

2. Conformance to Zoning Ordinance. The Board of Supervisors shall not approve a plat which includes any lot having an area or width less than the area or width required by the Palo Alto County Zoning Ordinance or fails to comply with any other provisions of the Zoning Ordinance for the zoning district which applies to the areas of the final plat.

3. Conformance to ordinances and regulations of Board of Health. The Board of Supervisors may refuse to approve any preliminary plat for subdivisions which are proposed to include improvements or facilities that are subject to regulations by the Palo Alto County Board of Health unless such improvements or facilities have been approved by the County Health Department. The Board of Supervisors shall not approve a final plat for lots to be served by individual sewage disposal systems which includes any lot having an area less than the minimum area required by such applicable regulations and ordinances as shall have been adopted by the Palo Alto County Board of Health.

4. Land suitability. No land shall be subdivided which is found to be unsuitable for subdividing based on flooding, ponding, poor or inadequate drainage, adverse soil conditions, (including prime agricultural land which has a crop suitability rating of "70" or above), geological formations or topography, or any other features likely to be harmful to the health, safety, or general welfare of the residents of Palo Alto County until such time as the conditions causing the unsuitability are corrected. The following general standards shall apply:

a. Floodland. No lot of one (1) acre or less shall include floodlands. All lots more than one (1) acre shall contain not less than 40,000 square feet of land which is above the elevation of such floodlands. Whenever a tract of land to be subdivided includes any floodlands they shall be included within lots or reserved as open space for the recreational use of the future residents of the land to be subdivided.

b. Lands altered or filled with nonearth materials within ten years of the date of application shall not be divided into building sites which are to be served by soil absorption waste disposal systems.

c. The Zoning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Commission may affirm, modify, or withdraw its determination of unsuitability.

5. Soil erosion and sediment control. Upon direction of the zoning administrator, the subdivider shall submit a letter of intent including a soil erosion and sediment control plan for the entire area of the proposed subdivision. The owner shall bear final responsibility for controlling erosion of the subdivision by such methods as seeding, sodding, earth dikes, sediment basins, or other controls as deemed necessary and approved by the Zoning Commission. No site plan or preliminary plat shall be granted approval unless it includes a soil erosion and sediment control plan in accordance with the Palo Alto county Soil Conservation District Technical Guide or unless there has been a determination by the Zoning Commission or its duly authorized representative that a plan for minimizing soil erosion and sedimentation is not necessary. The following general standards shall apply:

a. Tree cutting and shrubbery clearing shall be so conducted as to prevent erosion and sedimentation and preserve and improve scenic qualities.

b. Earth movements, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.

c. The Zoning Commission, as it deems appropriate, may request review of such cutting, clearing, and movement by the Palo Alto County Soil Conservation District.

6. Construction of subdivision roads. All subdivision roads shall be designed with consideration of and in relationship to topographic conditions and drainage requirements, public safety and convenience, and the proposed use of land to be served by such roads. The following general and design standards shall apply for all roadway development:

a. The proposed roadway shall be so designed as to provide adequate service to each lot of a subdivision.

b. Dead-end streets, as such, shall not be permitted. Cul-de-sac roads shall provide a turn-around right-of-way diameter of no less than one hundred (100) feet. Temporary dead-ends may be allowed at the boundary of a subdivision bordering on undeveloped property.

c. The design of subdivision road intersections shall conform to the following standards:

(1) The intersection angle of road centerlines shall be between 80 degrees and 100 degrees.

(2) Road intersections with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.

(3) Intersection of more than two roads at a point shall be prohibited.

(4) Traffic surface radius at an intersection shall not be less than twenty-four (24) feet.

d. Subdivision roads shall be named so as not to cause confusion with other subdivision roads in the county.

e. The traffic surface of all subdivision roads shall consist of the same or better quality, material and construction as the main access road leading up to the subdivision.

f. Construction standards shall conform to the following specifications:

(1) Subdivision collector roads shall provide a moderate speed, freeflow access and distribution facility between secondary and residential development roads and shall be constructed in substantial compliance with the following design standards: (a) right-of-way, minimum width: 66 feet; (b) traffic surface, minimum width: 24 feet; (c) traffic surface, maximum verticle grade:

10 percent; (d) grading, maximum slope: 3:1 ratio.

(2) Residential Service shall provide a low speed; low volume access to abutting property that effectively eliminates through traffic and shall be constructed in substantial compliance with the following design standards: (a) right-of-way, minimum width: 50 feet; (b) traffic surface, minimum width: 24 feet; (c) traffic surface, maximum vertical grade: 12 percent; (d) grading, maximum slope: 3:1 ratio.

(3) Marginal Access shall provide a slow speed, limited access to no more than one thousand (1,000) feet in length, serving no more than six (6) abutting lots and shall be constructed in substantial compliance with the following design standards: (a) right-of-way, minimum width: 40 feet; (b) traffic surface, minimum width: 20 feet; (c) traffic surface, maximum vertical grade: 15 percent; (d) grading, maximum slope: 3:1 ratio.

7. Subdivision entrances to secondary roads. All entrances from subdivisions to secondary roads shall be constructed and maintained by the subdivider or property owner, to Palo Alto County specifications and without cost to the county. Entrances to secondary roads which will, in the judgement of the county engineer, tend to generate access movement in excess of five hundred vehicles per day, may be required to provide acceleration lanes, turning lanes, or additional turning radius. The Board of Supervisors or County Engineer may refuse to approve plats and subdivisions which propose highway entrances that unnecessarily diminish the intended safety or traffic capacity of secondary roads.

8. Improvements required. The subdivider shall install and construct all improvements required by the Board of Supervisors. All improvements must be installed and constructed before the Board of Supervisors will approve the final plat. This completion requirement may be waived in whole or in part if the subdivider posts a performance bond guaranteeing that the improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat.

**SECTION 9. Subdivider's Agreement.** The Board of Supervisors, following review and comment by the Commission, shall have the right to agree with the subdivider regarding such matters as: the

maintenance of roads, the placement and repair of fences, the installation of water and sewer facilities, or any other improvement intended to serve the subdivision, and may require that certain minimum regulations regarding these matters be incorporated in a subdivider's agreement. Such regulations shall be intended to protect the character and value of surrounding development and shall tend to secure the most appropriate character of development on the property which is subdivided.

**SECTION 10. Drainage Requirements.** Natural drainage courses and waterways within any subdivision shall be preserved, and if necessary, such drainage courses and waterways shall be lined and sodded or riprapped to prevent erosion. Adequate storm drainage systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlet and catch basins and be connected to an approved outfall.

**SECTION 11. Utilities.** Utility locations shall be provided by the subdivider to the convenience of the utility and shall be subject to approval of the utility company. Where necessary, utility easements shall be provided of sufficient width as to provide realistic access for service to such utilities in the future.

**SECTION 12. Official Easements.** The subdivider shall grant to Palo Alto County, Iowa, an easement over roads and common facilities for any all-official county purposes.

**SECTION 13. Cluster Subdivision.**

1. Purpose. This section is intended to permit the development of cluster subdivisions in which buildings and dwellings are grouped together. The concept of clustering will provide for a flexibility in subdivision design to fit the natural characteristics of land and will permit more usable open space, common ground and recreational area. The provisions of this section shall not be construed to apply to any other section of this ordinance.

However, all other sections of this ordinance and the Palo Alto County Zoning Ordinance apply to cluster subdivisions unless exempted by this section.

2. Exception and applications. The district requirements may be varied provided that adequate open space shall be included to insure that the average land area per family dwelling shall be equal to or greater than that permitted for the district in which the development is located. The following provisions apply:

a. Open space, common ground, or recreational areas shall be provided for the uses and benefit of the family dwelling units in the development.

b. All cluster lots must abut or have direct access to open space, common ground, or recreational areas.

c. The total land area of the development divided by the total number of family dwelling units provides an average land area per family dwelling unit. Total land area of the development shall include all open space, common ground, and recreation areas, but shall not include land set aside for ponds and lakes within the subdivision, or the traffic surface area of subdivision roads.

d. At no time shall approval be granted to developments which include lots containing less than 50 percent of the lot area required.

3. Open space covenants. As a condition of approving the cluster subdivision and permitting exceptions to the standard subdivision requirements, the subdivider shall submit with his/her final plat a subdivider's agreement regarding the liability for and maintenance for the open space, common ground, or recreation areas.

**SECTION 14 Changes and Amendments.** Any regulations or provisions of this regulation may be changed and amended from time to time by the Board of Supervisors, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than ten (10) nor more than twenty-five (25) days before the date of the hearing.

**SECTION 15. Penalty.** Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to the penalty for a simple misdemeanor, and each additional day of a violation shall be deemed a separate offense subject to individual penalties.

**SECTION 16. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.



If the County Zoning Board or the Board of Supervisors issues or refuses to issue a permit, the Administrator shall endorse the reasons upon the application. The applicant shall have a right to a hearing before the Board at its next regular meeting. The Board may reverse, modify, or affirm the decision of the County by a majority vote of the

Board. The governing authority shall have the discretionary power consistent with the subdivision ordinance.

## **ARTICLE 11. SHORELAND ZONING**

**11.1 PURPOSE.** For the purpose of promoting the public health, safety, convenience and welfare, this Article of the ordinance has been established to:  
Control the use of the shorelands and pollution of the navigable waters of Palo Alto County which would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Iowa under Home Rule has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty.

### **11.2 FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:**

- (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (2) Establishing lot sizes for buildings or subdivisions adjacent to shoreland consistent with other subdivisions and to provide adequate area for private sewage disposal facilities.
- (3) Controlling shoreline alterations, dredging .

### **11.3 CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:**

- (1) Prohibiting certain uses detrimental to the shoreland area.
- (2) Regulating side yards and building setbacks from waterways.

### **11.31 PRESERVE SHORE COVER AND NATURAL BEAUTY THROUGH:**

- (1) Restricting the removal of natural shoreland cover.
- (2) Preventing shoreline encroachment by structures.
- (3) Controlling shoreland excavation and other earth moving activities.
- (4) Regulating the use and placement of structures.

**11.4 TITLE.** Shoreland Zoning Article for Palo Alto County, Iowa.

**11.5 GENERAL PROVISIONS.**

**11.5(1) AREAS TO BE REGULATED.** Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Palo Alto County which are:

**11.5(2)** Within one thousand (1,000) feet of the highwater mark of navigable waters as those terms are defined by the Iowa Code Chapter 462A. Lakes, ponds or flowages in Palo Alto County shall be presumed to be navigable if they are controlled by the Iowa Department of Natural Resources.\* cf: Article 11.40(8).

**11.5(3)** Within three hundred (300) feet of the highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Palo Alto County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

**11.5(4)** Determinations of navigability and highwater mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department of Natural Resources for a final determination of navigability or highwater mark.

**11.6 SHORELAND ZONING MAPS.** The maps designated below are hereby adopted and made part of this ordinance. They are on file in the office of the zoning administrator for Palo Alto County.

- (1) United States Geological Survey Quadrangle Maps for Palo Alto County .
- (2) Iowa Wetland Inventory maps.

**11.61 COMPLIANCE.** The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

**11.62** This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

**11.63 INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Iowa Statutes.

**11.7 LIMITED REZONING TO ACHIEVE REDUCED LOT SIZES AND SETBACKS.**

**11.71 PURPOSE.** In some instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in this ordinance if the owner were required to comply with one or more of the requirements for minimum lots sizes, width and setback, the board of adjustment may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a Planned Residential Unit Development . The Planned Residential Unit Development is intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space in the shoreland.

**11.72 Preservation of Ground Cover.** The location of homesites and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development shall preserve the ground cover of the shoreland and scenic beauty of the navigable water and prevent erosion. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

**11.8 EXISTING LOTS SERVED BY A PUBLIC SANITARY SEWER.**

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot which is of record at the effective date of the adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements involving the area or width or both of the lot.

Such buildings shall conform to the other regulations of the district. In no event shall such buildings be constructed less than 10 (ten) feet from existing public right of way and less than five (5) feet from existing lot lines. \*

**11.9 EXISTING LOTS NOT SERVED BY PUBLIC SANITARY SEWER.**

A existing lot not served by public sanitary sewer which is at least 10,000 sq. ft. in area and at least 65 feet in width at the building setback line and at least 65 feet in width at the ordinary highwater mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the requirements of this ordinance.

**11.9(1) OTHER EXISTING LOTS.** Except for lots which meet the requirements of section 4.2 or 4.32, a building permit for the improvement of a lot having lesser dimensions than those stated in sections 4.1 and 4.2 shall be issued only after granting of a variance by the board of adjustment.

**11.9(2) LOTS IN CLUSTER SUBDIVISIONS.** Lots in cluster subdivisions not served by public sanitary sewers may be reduced to the minimum size allowed by the county ordinance pursuant to the procedures set forth in this ordinance.

**11.9(3) LOTS THAT ABUT ON NAVIGABLE WATERS.** All buildings and structures, except piers, boat hoists, boathouses and open fences which may require a lesser setback, shall be set back at least THIRTY-FIVE FEET (35) feet from the highwater mark of navigable waters.

**11.9(4) REDUCED BUILDING SETBACKS.** A setback of less than that required by section 5.1 may be permitted by the zoning administrator where there is at least one main building on either side of the applicant's lot, within 200 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing building's setback and the required setback.

Any other setback reduction may be permitted by the board of adjustment pursuant to section 10.5 of this ordinance.

#### **11.10 BOATHOUSES.**

**11.11** Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation.

**11.12** One boathouse is permitted on a lot as an accessory structure.

**11.13** Boathouses shall be set back a minimum of 10 feet from the highwater mark and shall be constructed in conformity with local floodplain zoning standards.

**11.14** Boathouses shall not exceed one story and  $20 \times 40 = 800$  square feet in floor area.

**11.15 PURPOSE.** The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased or dying trees or shrubbery at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.

**11.16 SHORELINE CUTTING.** Tree and shrubbery cutting in an area parallel to the ordinary highwater mark, and extending 35 feet inland from all points along the ordinary highwater mark, shall be limited in accordance with the following provisions:

**11.17** No more than 30 feet in any 100 feet, as measured along the highwater mark, may be clear cut to the depth of the 35 foot area.

**11.18** Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.



**11.19 PATHS.** Any path, road or passage within the 35 foot area shall be constructed and surfaced so as to effectively control erosion.

**11.20 CUTTING PLAN.** As an alternative to section 6.2, a special cutting plan allowing greater cutting may be permitted by the board of adjustment by issuance of a special exception permit. An application for such a permit shall include a sketch of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The board may grant such a permit only if it finds that such special cutting plans:

(a) Will not cause undue erosion or destruction of scenic beauty, and

(b) Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the board may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.

**11.21 CUTTING MORE THAN 35 FEET INLAND.** From the inland edge of the 35

foot area to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted management and soil conservation practices which protect water quality.

**11.22 FILLING, GRADING, LAGOONING, DITCHING AND EXCAVATING.**

General Standards. Filling, grading, lagooning, ditching or excavating which does not require a permit under sections may be permitted in the shoreland area provided that:

11.23 It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

11.24 Filling, grading, lagooning, ditching or excavating in a shoreland-wetland district meets the requirements of this ordinance.

11.25 All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

11.26 Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

11.27 PERMIT REQUIRED. Except as provided in section 7.3, a special exception permit is required:

11.28 For any filling or grading of any area which is within 300 feet landward of the ordinary highwater mark of navigable water and which has surface drainage toward the water and on which there is either:

- (1) Any filling or grading on slopes of more than 20%
- (2) Filling or grading of more than 1,000 sq. ft. on slopes of 12-20%
- (3) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.

11.29 For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary highwater mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water:

**11.30 SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE.**

Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under this ordinance when designed and constructed to Soil Conservation Service technical standards.

11.31 The maintenance of existing agricultural drainage systems shall be permitted in conformity with the maintenance dredging of farm drainage to reestablishing the original ditch cross section unless a special exception permit is obtained.

11.32 PERMIT CONDITIONS. In granting a special exception permit under section 7.2, the board of adjustment shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 10.42 and 10.43.

11.33 The smallest amount of bare ground shall be exposed for as short as time as feasible.

11.34 Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

11.35 Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

11.36 Fill shall be stabilized according to accepted engineering standards.

11.37 Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

11.38 Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

For the purpose of administering and enforcing this shoreland ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

The following terms used in Shoreland portion of this ordinance mean:

- (1) "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use.
- (2) "Boathouse" means any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.
- (3) "County zoning agency" means that committee or commission created or designated by the county board to act in all matters pertaining to county planning and zoning.
- (4) "Department" means the Department of Natural Resources.
- (5) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.
- (6) "Drainage System" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (7) "Floodplain" means the land which has been or may be hereafter covered by flood water during the regional flood.
- (8) "Navigable waters" means all natural inland lakes within Iowa and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Iowa portion of boundary waters, which are navigable under the laws of this state.  
Private ponds on private property are not considered navigable waters.

(9) "Ordinary highwater mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(10) "Regional Flood" means a flood determined to be representative of large floods known to have generally occurred in Iowa and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years, the last having occurred in the summer season of 1993 .

(11) "Shorelands" means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(12) "Special exception (conditional use)" means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

(13) "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

(14) "Variance" means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

**Article 12. Severability Clause. 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 section, provision, or part thereof not adjudged invalid or unconstitutional.**

**The effective date of this ordinance shall be the date enacted by the Palo Alto County Board of Supervisors , August 9<sup>th</sup> , 1995.**

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26-599

Resolution Adopting Zoning Ordinance for Palo Alto County with August 9th, 1995 as Effective Date.

Whereas the Palo Alto County Board of Supervisors on June 28th, 1995 moved to publish the summary of the Zoning Ordinance for Palo Alto County on the 6th day of July and again on the 13th day of July, 1995 in the Emmetsburg Democrat as the official publication for this County and had a full copy of the ordinance with revisions available to the general public at the Palo Alto County Auditors Office, and the Supervisors read the ordinance on two separate occasions, once on July 19th, 1995 at 11:00 AM O'Clock and held the second reading on July 26th, 1995 at 11:00 AM O'Clock and waived the third and final reading by reason of the summary being published and full text of the Ordinance and summary being available at the Auditors Office prior to the publication; and, proof of publication having been filed with the Auditor by Emmetsburg Publishing Company on this date,

Whereas the Supervisors desire to enact the Ordinance, and hereby resolve that this Ordinance be passed by virtue of authority established under the Iowa Code, 331.302(5) and (6) and 331.305 and the County Home Rule Amendment to the Iowa Constitution;

WHEREFORE the Palo Alto County Supervisors have held the necessary readings of the Ordinance on July 19th and July 26th and waived the third reading as above stated, and by motion to introduce the resolution by Phil Simonson and to waive the third reading, which was seconded by Mary Greene, upon calling the question and by unanimous affirmative recorded voice vote the Palo Alto County Board of Supervisors hereby enact the Zoning Ordinance for Palo Alto County. The effective date of this Zoning Ordinance shall be August 9th, 1995.  
Ayes: Phil Simonson, Mary Greene, Lannie Miller, Leo Goeders, Charlie Naig  
Nays: None

Resolution passed this 26th day of July, 1995 and attested to and entered in the ordinance records by the Auditor with an effective date of August 9th, 1995.

On Motion the Board Adjourned

*Mary J. Leonard*  
Gary J. Leonard, Auditor

*Charlie Naig*  
Charley Naig, Chairman

Courthouse  
Emmetsburg Iowa  
August 2, 1995