
WORTH COUNTY, IOWA, ZONING ORDINANCE

ORDINANCE NUMBER _01/26/09_

AN ORDINANCE REPEALING THE WORTH COUNTY ZONING ORDINANCE, AS ADOPTED ON 17 APRIL 1970, AND ANY AMENDMENTS THERETO; AND ENACTING IN LIEU THEREOF A NEW ORDINANCE ENTITLED THE WORTH COUNTY, IOWA ZONING ORDINANCE.

RECOMMEND FOR ADOPTION BY
THE WORTH COUNTY PLANNING & ZONING COMMISSION
ON:
01/19/2009

ADOPTED BY
THE WORTH COUNTY BOARD OF SUPERVISORS
ON:
First Reading: 01/26/2009
Second Reading: 02/02/2009
Third Reading: 02/09/2009

EFFECTIVE DATE:
Upon Publication

MODIFIED DATE AND PURPOSE
June 15, 2009 to add C-1 Public Gathering and Recreation Activity District
December 14, 2009 to update for Wind Generators
April , 2011 to redact the Flood Insurance Provision (Section XVIII)
February 10, 2014 to Add C-2 Highway Commercial District
September 30, 2019 to add additional Conditional uses to the A-1 District
May 23, 2022 to apply zoning county-wide per Ordinance 2022.05.16
Jun 22, 2026 to apply changes related to conditional use permit that was supposed to have been added Sep 30, 2019

PREPARED WITH ASSISTANCE BY THE
NORTH IOWA AREA COUNCIL OF GOVERNMENTS

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NOTICE

The Ordinance text and the zoning maps are subject to occasional change through amendments to the Ordinance. Information to any specific property may be obtained from the Planning and Zoning Office

All references to the commercial classification have been altered from C to C-1 effective 07/23/2012..

PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with the Worth County Comprehensive Land Use Plan, as amended, and as permitted and specifically authorized in Chapters 352, Land Preservation and 335, County Planning and Zoning, Code of Iowa, as amended.

This Ordinance is intended and designed to meet the specific objectives of Chapter 335.5, Code of Iowa, as amended, to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion on the street or highway; to secure safety from fire, panic, and other hazards; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements.

This Ordinance is also intended and designed to meet the specific purpose of Chapter 352, Code of Iowa, as amended, to provide local citizens and local governments the means by which agricultural land may be protected from non-agricultural development pressures. This is accomplished by the creation of the Worth County Comprehensive Plan, as amended, the adoption of this Zoning Ordinance so that land shall be conserved for the production of food, fiber, and livestock, thus assuring the preservation of agriculture as a major factor in the economy of this county and state. It is the intent of this Ordinance, as authorized in Chapters 335 and 352, to provide for the orderly use and development of land and related natural resources in Worth County, Iowa, for residential, commercial, industrial, and recreational purposes; preserve private property rights; protect significant natural and historic resources and fragile ecosystems of this county including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas; to provide the efficient use and conservation of energy resources; and to promote the protection of soil from wind and water erosion.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WORTH COUNTY, IOWA:

**SECTION I.
TITLE**

This Ordinance, 01/26/09, shall be known and may be cited and referred to as the "Worth County, Iowa, Zoning Ordinance.

**SECTION II.
SPECIAL EXEMPTIONS**

A. Agricultural Exemption

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, farmstead, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used:

1. Application. It shall be the responsibility of any person or group claiming that property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
2. Limitation. This exemption shall not apply to any structure, buildings, dam, obstruction, deposits or excavation in or on the floodplains of any river or stream.
3. Voluntary Compliance. It shall be the policy to seek voluntary compliance of the provisions of this Ordinance for agricultural uses, specifically, the minimum yard requirements of the applicable zoning district.

**SECTION III.
INTERPRETATION OF STANDARDS**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

**SECTION IV.
IOWA OPEN MEETINGS LAW**

The Worth County Zoning Commission and Board of Adjustment, both public bodies, are subject to the terms, regulations and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in these Ordinances a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

SECTION V. DEFINITIONS

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

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. Abandoned Sign: “Abandoned sign” means an advertising device, which includes the structure, that has been allowed to become in a state of disrepair or which advertises a business or service no longer in existence.
2. Abutting: Adjacent to and sharing common property lines (including a single point of tangency), but not including properties separated by a road or road right-of-way or a publicly dedicated and approved easement.
3. Accessory Buildings or Use: A subordinate building, which is subordinate to that of the principal building, or to the use of the premise. An accessory use is one which is incidental to the principal use of the premise. An accessory building shall not be used as a dwelling unit.
4. Administrative Officer: The individual designated by this Ordinance to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance. This person may also be referred to as the “Zoning Administrator”.
5. Adult: As used in this title refers to persons who have attained the age of eighteen (18) years.
6. Adult Bookstore: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: 1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes, DVD’s or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or 2) Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.” A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specified sexual activities” or “specified anatomical areas.”
7. Adult Cabaret: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
8. Adult Media: Magazines, books, videotapes, movies, DVD’s, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to hardcore material.

9. Adult Media Shop: An establishment that rents and/or sells media, and that meets any of the following three (3) tests: a) Forty (40%) percent or more of the gross public area is devoted to adult media; b) Forty (40%) percent or more of the stock in trade consists of adult media; c) The establishment advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater or adult cabaret.
10. Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting motion pictures, slides or photographic reproductions which: a) is distinguished or characterized by an emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, for observance by patrons therein, or b) excludes minors by reason of age.
11. Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used predominantly for presenting motion pictures, slides or photographic reproductions which: a) is distinguished or characterized by an emphasis on matters depicting, describing or relating to specified anatomical areas, for observation by patrons therein, or b) excludes minors by reason of age.
12. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, fish farm, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of such accessory or interrelated agricultural uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
13. Agricultural Area: An area meeting the qualifications of section 352.6 and designated under section 352.7 of the Code of Iowa.
14. Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways, including all necessary taxi ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
15. Alley or Lane: A dedicated public right-of-way, other than a street which provides only a secondary means of access to abutting property.
16. Apartment House: A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family. See Dwelling, Multiple.
17. Automobile Salvage Yard: See Junk Yard.
18. Auxiliary Dwelling Unit: An additional residential unit containing its own kitchen and bathroom exclusively for occupancy by at least one family member of the primary residential unit. A unit can be a room addition or an attached or detached structure to the existing primary dwelling unit. For the purpose of Auxiliary Dwelling Unit, the definition of family is anyone related by blood, marriage, adoption, legal guardianship or as foster parent-children or a domestic partner of said family member.
19. Basement / Cellar: That portion of a building having more than one-half (1/2) of its height below grade. A basement / cellar are not included in computing the number of stories for the purpose of height measurement.

20. Bed and Breakfast Home: A private residence which provides lodging and meals for guests, in which the host or hostess resides and guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
21. 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 reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
22. Block: An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys and the exterior boundary or boundaries of the subdivision.
23. Board of Adjustment: The Board of Adjustment of Worth County, Iowa.
24. Board of Supervisors: The Board of Supervisors of Worth County, Iowa.
25. Boarding House: A building other than a hotel, where for compensation, meals and lodging are provided for three (3) or more persons.
26. Body Piercing Studio: An establishment operated by one or more practitioners, whether organized as a corporation, limited liability corporation, partnership, sole practitioner or other association, where the piercing of the body, including the ears, is conducted in order to display jewelry on a person.
27. Buildable Area: The area of the lot remaining after the minimum open space, flood plain and all easement requirements of the ordinance have been complied with.
28. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
29. Building, Attached: Any building which is joined to another building at one or more sides by a common wall, except that an accessory building, including a garage, shall be considered as attached to the principal building if connected by a roof and/or within six (6') feet of the principal building. An attached building shall be considered part of the principal building and shall meet all required principal building setbacks.
30. Building, Detached: A building entirely surrounded by open space and more than six (6') feet from the principal building.
31. Building, Height of: The vertical distance from the average natural grade to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
32. Building, Principal: A building in which is conducted the main or principal use of the lot in which said building is located.
33. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Worth County, Iowa.
34. Building Official: The agent so designated by the Board of Supervisors.

35. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than one hundred thousand (100,000) gallons.
36. Business or Commercial: When used in this title, refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices, recreational, or amusement enterprises.
37. Cabin: See “Vacation or Recreational Cabin”
38. Camping Unit: Any recreational vehicle or other vehicle, tent, or other movable shelter used for camping purposes.
39. Car Wash: A building, or portion thereof, containing facilities for the primary purpose of washing motor vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether mechanically operated or by the customer.
40. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purposes of this Ordinance, a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements herein.
41. Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium’s, crematories, mausoleums, and mortuaries if operated in connection with, and within the boundaries of such cemetery.
42. Cemetery, Pet: Land used or intended to be used for the burial of domesticated animals and dedicated for pet cemetery purposes.
43. Clinics: A building or buildings used by physicians, lawyers, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.
44. Club: See Lodge.
45. Commercial Feed Operation: A lot, yard, corral, building or other area in which animals are confined and fed and maintained for forty-five days or more in any twelve-month period, and all structures used for the storage of manure from animals in the operation, including confinement buildings and manure storage structures. [See Iowa Administrative Code Environmental Protection 567 (Chapter 65) and any successive IAC provision thereto].
46. Commission/Planning and Zoning Commission: The Worth County Planning and Zoning Commission.
47. Common Land or Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
48. Common Sewer System: A central sewer collecting system available to each platted lot and discharging into a treatment plant, lagoon or other systems which are approved by the Worth

County Department of Health. The design and location of a sewer system must be approved by the County Board of Health. The above definition is not to be construed to mean individual household, private sewage disposal systems.

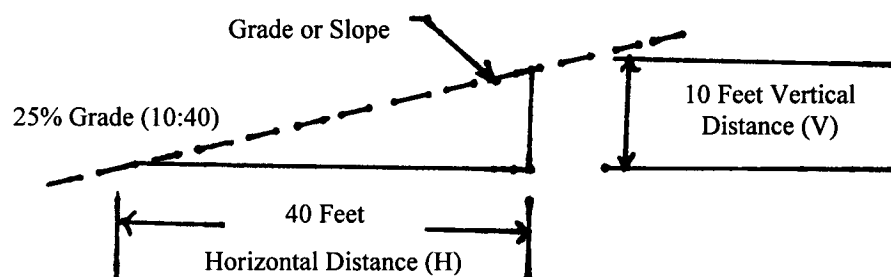
49. Common Water System: A central water system available to each platted lot approved by the County Department of Health.
50. Communication Tower, Commercial: A freestanding structure designed to accommodate one (1) or more communication antennas. Communication towers shall be considered to mean the tower plus the antenna(s) to be affixed to the tower. Communication antenna shall mean a structure intended for use in the wireless transmission or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic or any other type of communicative transmission which is to be affixed to another building or structure, including communicative transmission which is to be affixed to another building or structure, including the equipment necessary for its use, but not including structures for signal reception only.
51. Conditional Use: A conditional use is the main use of the premises that would not be appropriate generally or without restrictions throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if a specific provision for such conditional use is made in this Ordinance.
52. Contiguous: Having a common border or being separated from such common border by an alley, easement, or other publicly dedicated and approved easement and/or roads.
53. Convalescent, Nursing and Retirement Homes: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases.
54. Convenience Store: Any retail establishment offering for sale prepackaged food products, household and grocery items, newspapers and magazines and/or sandwiches and other freshly prepared foods and beverages, as well as vehicle fuel and gasoline.
55. Corn Suitability Rating (CSR): An index created by the US Department of Agriculture (USDA) and included as part of the Worth County Soil Survey, which ranks the productivity of soils and their suitability for row-crop production.
56. County: Worth County, Iowa
57. County Infraction: A civil offense punishable by a civil penalty and issued by means of a citation.
58. County Road: Any street, other than a highway.
59. Cul-de-sac: A street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.
60. Day Nursery, Nursery School, or Day Care (Public): Any licensed or unlicensed agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for six (6) or more children.
61. Deck: A flat floored roofless structure, attached or detached from a building at least two feet (2') above the established ground level.

62. Developer: The legal or beneficial owner or owners of a lot of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
63. District: A section or sections of the unincorporated area or portion thereof of Worth County for which the regulations governing the number and use of buildings and premises or the height and area of buildings are uniform.
64. Drive-in Establishment: An establishment which, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product which may be used or consumed in an automobile on the premises or to be entertained while remaining in an automobile. This term does not include sidewalk or patio cafes where service is provided to tables only.
65. Drive-through Establishments: An establishment which, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product while remaining in an automobile. The service or product received is generally not utilized or consumed on site.
66. Driveway: A public access either to a private or public street, road, alley, highway or freeway. All driveways, public and private, shall meet or exceed the current Worth County driveway policy.
67. Dump: A premises used for the disposal of “clean type” of fill material, such as dirt, rocks and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.
68. Dwelling: Any building or portion thereof which is designed or used for residential purposes, but not including a tent, cabin, trailer or mobile home.
69. Dwelling, Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
70. Dwelling, Multiple: A dwelling or portion thereof designed for or occupied by three or more units.
71. Dwelling, Row: Any one of three (3) or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
72. Dwelling, Single-Family: A detached residence designed for or used exclusively and occupied by one family only.
73. Dwelling, Two-Family: A residence designed for or used exclusively and occupied by two (2) families living independently of each other, with separate housekeeping and cooking facilities for each. Twin homes shall be considered two-family dwellings.
74. Dwelling, Unit: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
75. Earth Home: An earth home is a structure that is below the ground on two (2) or more sides and is constructed with passive solar generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be construed or confused with the definition of a basement or cellar.

76. Easement: A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation or a certain person or persons, and within the limit of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees, which interfere with the use of such easements.
77. Engineer: An engineer is a licensed engineer authorized and licensed to practice engineering in the State of Iowa.
78. Factory-Built Structure: Any structure which is, wholly or in substantial part, made fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
79. Factory-Built Housing: A factory-built structure designed for long term residential use. For the purposes of these regulations, factory-built housing consists of three types: Mobile homes, modular homes and manufactured homes.
80. Family: One or more persons occupying a single dwelling unit provided that unless all members are related by blood, marriage or adoption.
81. Farm: An area comprising thirty-five (35) contiguous acres, exclusive of streets and roads, or more which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property non-contiguous.
82. Farmstead: The buildings and adjacent service areas of a farm, including sites where the buildings may have been removed provided the land has not been cultivated.
83. Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at road side stand or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.
84. Farm Products: Those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber or fur.
85. Feed Lot/Confinement Operation: An animal feeding area on which the principal use is the confinement of livestock, primarily for the purposes of concentrated feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and/or upon which livestock are allowed to graze or feed.
86. Fill: The placing, storing, or dumping of any material such as earth, clay, sand, rubble or concrete upon the surface of the ground which results in increasing the surface elevation.

87. Flood: A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff of surface water from any source.
88. Flood Elevation: The elevation flood waters would reach at a particular site during the occurrence of a specific flood period. For instance, the 100-year flood elevation is that elevation of flood waters related to the occurrence of the 100-year flood.
89. Floodplain: Any land area susceptible to being inundated by water as a result of a flood.
90. Floodplain Management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
91. Floor Area: The sum of gross horizontal areas of all floors of a building.
92. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
93. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
94. Garage, Commercial: Any building or premises except those used as private, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.
95. Garage, Private: An enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises.
96. Garage, Storage: Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.
97. Gas Station: Any building or premises used for the retail sale of products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. A gas station is neither a commercial garage nor a body or fender shop.
98. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building (see figure 1).

Figure 1: Grade of Slope



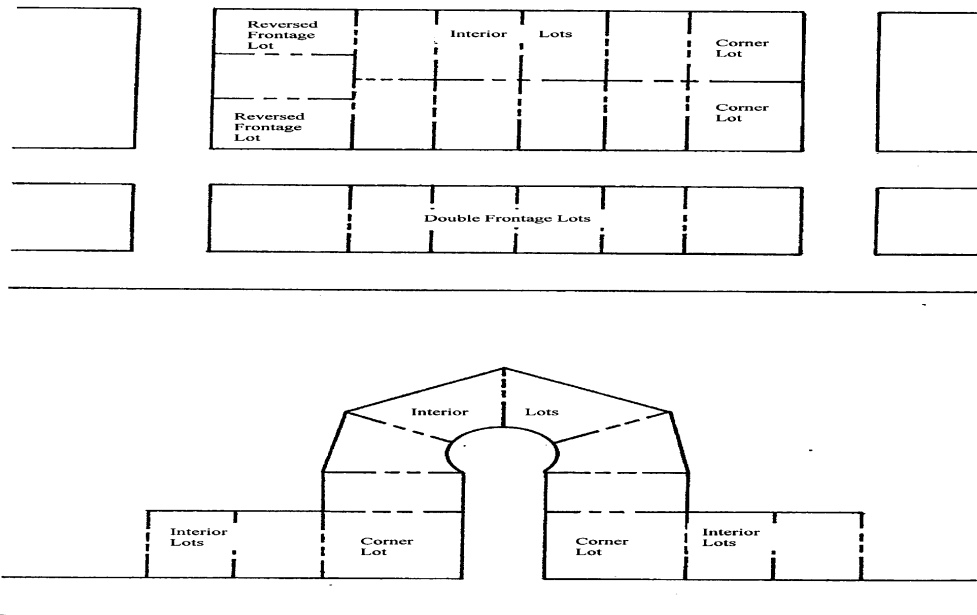
$$\text{SLOPE CALCULATION} = V/H$$

99. Grain Elevator: A structure or group of related structures whose primary purpose is, but not limited to, the receiving, selling, processing, storage, drying and transporting of bulk grain.
100. Greenhouses and Nurseries, Retail: Land, buildings, structures, or combinations thereof for the storage, cultivation and transporting of live trees, shrubs or plants, a portion of which are offered for retail sale on the premises, and including products used for gardening and landscaping.
101. Greenhouses, Private: A structure, accessory to the principal use, for the storage and cultivation of live trees, shrubs or plants for private use.
102. Group or Family Home: A group home, or family home, means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 in the Iowa Code to provide room and board, personal care, habitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, a group home or family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa.
103. Hazardous Waste: A hazardous waste as defined in Chapter 455B.411, Code of Iowa, as amended or designated as such by the Federal Environmental Protection Agency.
104. Health Care Facility: An establishment for provision of care to persons suffering from illness, injury or disability and includes hospital, custodial home, nursing homes, convalescent home, extended care facility and similar facilities.
105. Health Club: A non-medical service establishment intended to maintain or improve the physical condition of persons, and that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.
106. Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.
107. Home Industry: Any occupation or activity carried on by a member of the immediate family residing on the premises, where no more than two (2) persons not a member of the family there residing may be regularly employed in addition to the proprietor, and where mechanical equipment or facilities not normally used for purely domestic or household purposes are used.
108. Home Occupation: Any occupation, or profession carried on by a member of the immediate family residing on the premises; in connection with which there is used no sign other than a name plate not more than two square feet in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in which no person is employed other than a member of the immediate family residing on the premises; in which no goods are sold except those prepared on the premises, and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

109. Hospital: An establishment providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury or disability and including any related facilities such as laboratories, outpatient care, obstetrical, central service, staff offices or training facilities. "Hospital" does not include establishments that are intended primarily for permanent or long-term care or custodial care.
110. Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding house or rooming house.
111. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainage ways, sewers, water mains, wells and other works and appurtenances.
112. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
113. Junk or Salvage: Scrap copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous materials.
114. Junk or Salvage Yard: Any area where junk, discarded or salvaged material or equipment is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations and not including contractors' storage yards. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been licensed or are not capable of operating under their own power, or from which parts have been removed for reuse, salvage or sale, shall constitute prima facie evidence of a junk yard.
115. Kennel, Dog (commercial): Any parcel of land on which six (6) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
116. Kennel, Dog (private): A noncommercial kennel at, in or adjoining a private residence where dogs are kept for hobby of the householder, in using them for hunting or practice training or for exhibiting them in shows of field or obedience trials or for guarding or protecting the householders property. The keeper of a private kennel may keep or maintain no more than five (5) dogs, six (6) months or older.
117. Livestock: Cattle, horses, sheep, swine, poultry or any other animal or fowl, which are being produced primarily for commercial purposes.
118. Loading Space, Off Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking in computation of required off-street parking spaces.
119. Lodge: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not primarily for profit or to render a service which is customarily carried on as a business.

120. Lot: For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of:
- A single lot of record;
 - A portion of a lot of record;
 - A combination of complete lots of record; or complete lots of record and portions of lots of record; or of portions of lots of record;
 - A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
121. Lot, Area: Total horizontal area within lot lines.
122. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection (see Figure 2).
123. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.
124. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot (see Figure 2).
125. Lot, Interior: A lot other than a corner lot (see Figure 2).
126. Lot, Lines: The lines bounding a lot.
127. Lot Line, Front: The line separating the lot from the street on which it fronts.
128. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
129. Lot Line, Side: Any lot line other than a front or rear lot line.
130. Lot of Record: A lot, the contract or deed to which that has been recorded in the office of the Recorder of Worth County, Iowa, prior to adoption of current ordinance.
131. Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear (see Figure 2).

Figure 2: Examples of Lot Definitions



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

133. Lot, Zoning: A single tract of land located within a single block which (at the time of filing for a zoning permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a “zoning lot or lots” may or may not coincide with a lot of record.
134. Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.
135. Massage Establishment: Any establishment having a fixed place of business, which excludes minors by reason of age, where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include: a) persons licensed by the state of Iowa under the provisions of chapter 148, 148A, 148B, 150, 152, 153, 157 or 158, Iowa Code, when performing massage therapy or massage services as a part of the profession or trade for which licensed; b) persons performing massage therapy or massage services under the direction of a person licensed as described in item a) of this definition; c) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; d) nurses’ aides, technicians and attendants at any hospital or healthcare facility licensed pursuant to chapter 135B, 135C or 145A, Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in item a) of this definition; e) an athletic coach or trainer in any accredited public or private secondary school, junior college or university or employed by a professional or semi-professional athletic team or organization, in the course of his employment as such coach or trainer. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational and athletic facilities for the welfare of the residents of the area.
136. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
137. Manufactured Home: A factory-built structure built under authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.
138. Metes and Bounds Description: The method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.
139. Mini-Warehouse: A building or group of buildings not more than one (1) story or twenty (20) feet in height and not having any dimension greater than one hundred fifty (150) feet per building, containing varying sizes of individualized, compartmentalized and controlled access stalls or lockers for the dead storage of customer’s goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or

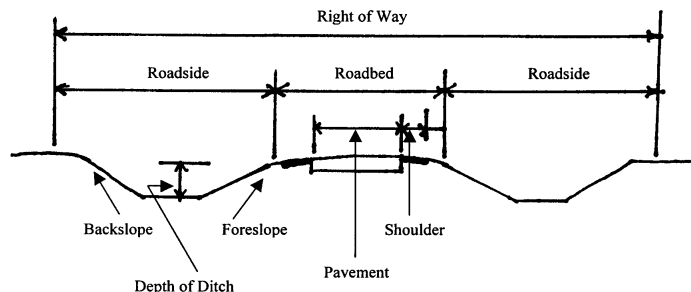
supervisors' quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.

140. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as a real estate.
141. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
142. Modular Home: Any single-family dwelling unit which is manufactured in whole or in components at a place other than at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home or mobile home.
143. Motel, Auto Court, Motor Lodge: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
144. New Construction (New Buildings, New Mobile Home Parks): Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.
145. Night Club: An establishment located within any building and operated for the purpose of supplying entertainment and/or music, and providing a dance floor containing 300 square feet or more; and having a seating capacity of greater than fifty (50) people at tables; and/or providing meals or refreshments prepared on the premises; and/or serving alcoholic beverages for consumption on the premises.
146. Nonconforming Use: The lawful use of any building or land that was established prior to or at the time of passage of the Worth County Zoning Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendments thereto with the use regulations of the district in which it is situated.
147. Nursery: Land or greenhouses used for the limited sale of flowers, plants, shrubs, trees and vegetables.
148. Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases.
149. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill or other analogous structure or matter in, along, across, or projecting into any floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

150. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
151. Parcel: A part of a tract of land.
152. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
153. Parking Space: An area of not less than one hundred eighty (180) square feet (9 feet wide by 20 feet long), plus necessary maneuvering space for the parking of a motor vehicle, together with a surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. Space for maneuvering, incidental to parking or non-parking, shall not encroach upon any public right-of-way.
154. Patio: Areas adjoining a building often paved, but open to the sky which is less than two feet (2') above the established ground level.
155. Pavement or Paving: The pavement structure, or the upper surface of a pavement structure, or the materials of which the pavement structure is constructed.
156. Plat: In appropriate context, may refer to the parcel of land represented by a plat map or drawing and may be synonymous with the word subdivision.
157. Plat, Final: The map or drawing and its required certifications, on which the subdivision plan is presented in a form which is in compliance with the preliminary plat to be recorded by the County Recorder.
158. Plat, Preliminary: A study, including drawings, indicating the proposed manner of layout and construction of a subdivision and its proposed improvement, which is submitted for consideration to and approval by the Board of Supervisors and others.
159. Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall are enclosed by a building or siding material other than meshed screens.
160. Premises: The land together with any buildings or structures located thereon.
161. Principal Use: The main use of land or structures as distinguished from an accessory use.
162. Public Utilities: Public or quasi-public distributing or operating equipment for related services for telephone, electricity, cable television, gas, sewer and water. For purposes of the Ordinance, a private, common water system and/or a common sewer system may be considered a public utility when a public or quasi-public system is not available and when the creating parties agree.
163. Recreational vehicle: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
164. Recycling Facility: A site in which waste or materials which otherwise become waste are collected, separated, or processed and reused or returned to use in the form of raw materials or projects. Recycling includes, but is not limited to, the composting of yard waste which has been previously separated from other waste and collected by a sanitary facility, but does not include any form of energy recovery.
165. Right-of-way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes (see Figure 3).

166. Road: All property intended for use by vehicular traffic, dedicated or intended for public or private road, street, alley, highway, and freeway or roadway purposes or to public easements therefore.

Figure 3: Examples of Road Definitions



167. Roadside Stand: A temporary structure used seasonally for the sale of homegrown agricultural products.
168. Rooming or Lodging House: A building or place where lodging or boarding is provided for compensation for three (3) or more, but not exceeding twenty (20) individual, not open to transient guests, in contrast to hotels open to transients.
169. Sanitary Landfill: Land utilized for disposing of solid or hazardous wastes in accordance with the rules and regulations of the Department of Natural Resources.
170. Setback: The minimum horizontal distance between a lot line or right-of-way (where applicable) and a building or structure located upon such lot required by the provisions of this chapter.
171. Sex Shop: An establishment offering goods for sale or rent and that meets any of the following tests: a) The establishment offers for sale or rent items from any two (2) of the following categories: 1) adult media, 2) lingerie, or 3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten (10%) percent of its stock in trade or occupies more than ten (10%) percent of its floor area; b) More than five (5%) of its stock in trade consists of sexually oriented toys or novelties. c) More than five (5%) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.
172. Sexual Activity Establishment: An establishment which excludes minors by reason of age, used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or involving "specified sexual activities" or "specified anatomical areas." Provided, that the provisions of this definition shall not apply to a theater, concert hall, art center, museum or similar establishment which is primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas."
173. Sexually Oriented Business: An inclusive term used to describe the following collectively: adult cabaret; adult motion picture theater; video arcade; bathhouse; massage shop; and/or sex shop.

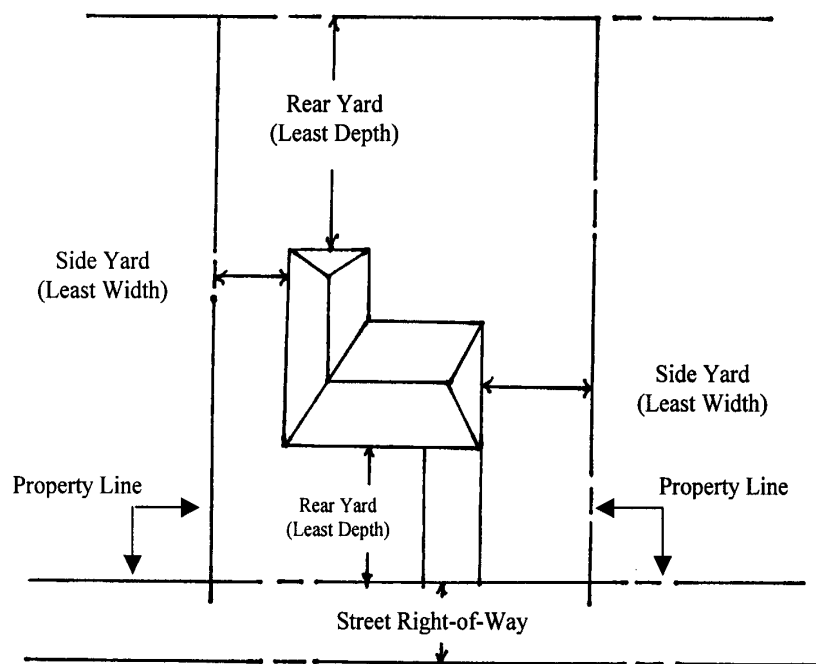
174. Sexually Oriented Toys or Novelties: The instruments, devices, or paraphernalia either designed as representations of human genital organs, buttocks or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
175. Shoulder: That portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
176. Sign: “Sign” means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. “Sign” includes “billboard” but does not include the flag, pennant, or insignia of any nation, state, county or other political unit. Nor does it include any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.
177. Sign, Area: The sign area shall be that area determined by the Zoning Administrator using actual dimensions where practicable, or approximate dimensions when irregularity of sign shape warrants. Such area shall include the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached directly to a building or wall surface shall be the smallest rectangle which encloses the whole group. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than twenty-four (24) inches from one another. In this instance the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
178. Sign, Free Standing or Pole: Any sign that is not attached to a building erected or affixed in a rigid manner to any pole or post, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
179. Sign, Illuminated: A sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign, including but not limited to neon and exposed lamp signs.
180. Sign, Off-Site: A sign other than on on-site sign.
181. 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 industry in the conduct of the outdoor advertising business.
182. Sign, Outdoor Advertising and Billboards: “Outdoor Advertising Sign” and “Billboard” as used in this Ordinance shall include all structures, regardless of the material used in the construction on the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said sign or billboards are located.
183. Sign, Portable: A freestanding sign which is not permanently anchored securely to the ground.
184. Sign, Roof: A sign which is erected upon or above the roof or parapet of any building.
185. Sign, Temporary: A sign which is intended only for a limited period of display.

186. Sign, Wall: A sign which is painted on or attached to and erected parallel to the face of the outside wall of any building and supported by such building or wall and which displays only one (1) advertising surface.
187. 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.
188. 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 noncommercial purposes.
189. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
190. Story, Half: A space under a sloping roof which has the line of intersecting of roof decking and wall face not more than four (4) feet above the top floor level.
191. Street, Road, Drive, Alleys or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision.
192. Street, Road, Alleys, Drive or Entrance (Public): All property intended for use by vehicular traffic, which has been dedicated to the public or deeded to a political subdivision.
193. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
194. Structural Alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
195. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards and poster panels.
196. Tattoo Studio: An establishment or facility in which the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels or other related equipment and/or a facility where the piercing of body parts, other than ears, is performed for purposes of allowing the insertion of jewelry.
197. Tavern: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments commonly known as key clubs, which are open and in which alcoholic beverages are served only to members and their guests.
198. Tower: Any guyed, monopole or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more antennas.
199. Towing, Wrecker Service: The temporary storage of vehicles towed in conjunction with the towing service.
200. Tract: An aliquot part of a section, a lot within an official plat, or a government lot.
201. Trailer or Mobile Home: See "Mobile Home"

202. Trailer or Mobile Home Park: See “Mobile Home Park or Trailer Park”
203. Transfer Station: A fixed or mobile intermediate solid waste disposal facility for transferring load of solid waste, with or without reduction of volume, to another transportation unit.
204. Travel Trailer: A vehicle customarily used for vacation or recreational purposes defined and licensed in accordance with Section 321.1 (39)(b), Code of Iowa.
205. Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
206. Vacation or Recreational Cabin: A structure consisting of sleeping rooms, kitchen and living area used as a temporary residence, not to exceed six (6) months at a time, for recreational purposes.
207. Wind Farm: One or more wind turbine generators which are connected to the electrical transmission grid or local distribution grid. Wind farms shall include but are not limited to wind turbine generators, operations and maintenance buildings, meteorological towers, electrical collector systems, communications, roads and substations.
208. Wind Turbine Generator (Commercial): A device designed to extract kinetic energy from the wind and generate electrical energy at a rate greater than 100KW that is connected to the electrical transmission grid or local distribution.
- Wind Turbine Generator (Private): A device designed to extract kinetic energy from the wind and generate electrical energy at a rate that is equal to or less than 100KW that is connected to the electrical transmission grid or local distribution or a battery charger.
- a. Blade: An element of a wind turbine generator which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- b. Wind Tower: The support structure, above grade, that supports the nacelle and rotor assembly.
- c. Tower Foundation: The tower support structure, above and/or below grade that supports the entire weight of the wind turbine generator.
- d. Total Height: The height from grade to the highest vertical point of the swept arc. In the case of a wind turbine generator with a vertical axis rotor, the height of the blades from grade to the highest vertical point of the wind turbine generator.
- e. Substation: An electrical construction designed to collect and modify electrical energy produced by the Wind Farm.
209. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from twenty-four (24) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.
210. Yard, Front: A yard extending the full width of the lot and measured between the front lot line and the building (see Figure 4). For the purposes of this Ordinance, “front” shall be determined by the street where the address is derived.

211. Yard, Rear: A yard extending across the full width of lot and measured between the rear lot line and the building or any projection other than steps, unenclosed balconies or unenclosed porches (see Figure 4). On both corner lots and interior lots the opposite end of lot from the front yard.
212. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building (see Figure 4).

Figure 4: Yard Definitions



213. Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.
214. Zoning Certificate: Written authorization, issued by the Zoning Administrator, which indicates a proposed project conforms to this Ordinance.
215. Other Terms: All other terms used in these regulations, including all types of permitted uses shall have their normal, most common meaning.

SECTION VI.
ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

A. Establishment of Districts

In order to classify, regulate, and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the unincorporated area of Worth County, Iowa, is hereby divided into nine (9) classes of districts. The use, heights, and area regulations are uniform in each class of district, and said districts shall be known as:

‘A-1’	Agricultural District
‘R-1’	Low Density Residence District
‘R-2’	Moderate Density Residence District
‘R-MH’	Residential Mobile Home District
‘PUD’	Planned Unit Development District
‘C’	Commercial District
‘C-1’	Public Gathering and Recreation District
‘C-2’	Highway Commercial District
‘C-R’	Commercial Recreation District
‘I-L’	Light Industrial District
‘I-H’	Heavy Industrial District

District Boundaries and Official Zoning Maps

The boundaries of these districts are indicated upon the Official Zoning Maps of Worth County, Iowa, which maps are made a part of this Ordinance by reference. The said Official Zoning Maps of Worth County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said maps were all fully described herein. The said Official Zoning Maps shall be on file in the office of the Zoning Administrator of Worth County, Iowa, and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that these are the Official Zoning Maps referred to in Section VI of this Ordinance. The Official Zoning Maps shall show all amendments or changes and shall indicate the date of each amendment or change. It shall be the responsibility of the Zoning Administrator to see that the Zoning Maps are kept current at all times.

Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Maps accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either street line or alley lines unless otherwise shown, and where the districts designated on the maps accompanying and made a part of this Ordinance are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district, street and alley right-of-way not included in zoned areas.
2. Where boundaries are indicated so they approximately follow lot lines and are not more than twenty (20) feet distance there from, such lot lines shall be interpreted to be the boundary of the district.
3. Boundaries that approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.

4. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines.
7. Where no other indication of the district boundary is made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the maps.
8. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Map; and, as such, said maps or portions of said maps need not be published.
9. As a last resort, the Board of Adjustment may interpret district boundaries.

**SECTION VII.
GENERAL REGULATIONS AND PROVISIONS**

A. Severance

Any addition to the unincorporated area of the County resulting from disconnections by municipalities or otherwise shall be automatically classified as in the 'A-1' Agricultural District until otherwise classified by amendment.

B. Conformance Required

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations that apply to uses within the jurisdiction of this Ordinance.

C. Farmstead

Within an Agricultural district, a farmstead by definition in existence on 17 APRIL 1970, the date Appendix A of the Worth County Code of Ordinances was adopted, may be severed from the farm. A minimum of one and one half (1.5) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located. If a single family home is proposed to be built on a farmstead, an existing home may be allowed to remain until the new home is either completed or occupied, whichever is a shorter period of time.

D. Required Yard Per Building

No yard or other open space or lot area requirement shall be considered as providing a yard or open space or lot area requirement for a building on any other lot, and no yards or other open space or lot area requirement about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space or lot area requirement for any other building.

E. Road Vacation

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

F. One Principal Building Per Lot

Every building hereafter erected or structurally altered shall be located on a lot as defined herein and, with the exception of areas zoned 'I' Industrial; in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided by this Ordinance.

G. Requests

All petitions for rezoning, special permits, variance, etc., must be in writing stating the exact legal description of land involved, the purpose for which the land is to be used, the disruption expected to be incurred on the area's natural setting, and the methods to be implemented to lessen the severity of disruption on the area. The

Zoning Administrator must receive petitions at least twenty (20) working days prior to a stated or special meeting of the Zoning Commission. A preliminary plat shall be submitted with a petition for rezoning for subdivisions.

H. Water Supply and Sewage Disposal

Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities that conform with the Well and Sewage Regulations of the County Department of Health and all other applicable regulations.

I. Street Frontage Required

Except as permitted in this Ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least fifty (50) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street, and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least twenty-four (24) feet wide may be provided for two (2) such single-family dwellings. For more than two (2) dwellings the access easement must be in conformance with the Subdivision Ordinance of Worth County, Iowa.

J. Accessory Buildings

Minimum lot area, lot frontage, and yard requirements will be determined for each of the zoning district classifications. All accessory buildings shall be placed in the side or rear yard. An unattached accessory building shall maintain a clearance of ten (10) feet (wall to wall) between the principal permitted building and the accessory building.

An accessory building that is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard. However, nothing in this Ordinance will prohibit the construction of at least a four hundred forty (440) square foot accessory building on a lot, provided all yard setbacks can be maintained.

K. Corner Lots

The front yard regulation shall apply to each street side. Side and rear yard requirements are determined by direction of front of principal building. The "front" of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

L. Front Yard

In any 'R' district there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots. In computing the average setback, buildings located on reversed corner lots or entirely on the rear half of lots shall be counted. The required setback as computed herein need not exceed fifty (50) feet in any case. For the purposes of this Ordinance, "front" is determined by the street where the address is derived.

M. Required Yard Cannot Be Reduced

No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this Ordinance.

N. Building Lines on Approved Plats

Whenever the plat of a land subdivision on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

O. Fences

Residential fences are permitted in any yard and may be constructed on the property lines in residential districts except as herein provided. However, fences or walls located in required yards shall not in any case exceed a height of six feet (6'); except such fences or walls shall not exceed a height of four feet (4') in the front yard. Security or screening fences are permitted on the property lines in all districts except residential districts but shall not exceed ten feet (10') in height.

P. Visibility at Intersections

On any corner lot, there is established a traffic visibility zone at the intersection of two (2) or more streets. The traffic visibility zone shall include that part of a corner lot that is within the area bounded by the intersecting street right of way lines and a diagonal line intersecting said street right of way lines at a distance of twenty feet (20') from the corner (the point of intersection of the right of way lines of 2 intersecting streets). In any traffic visibility zone, no fence, structure, earth bank, hedge, planting or other obstruction shall be erected, planted or maintained which materially impedes vision in the visibility zone between the heights of three feet (3') and ten feet (10') above the established curb grade.

Q. Pending Applications for Building Permits

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which shall conform with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

R. Lot Area Computation

In all districts, lot area requirements shall be computed exclusive of street, road, alley, or highway right-of-way.

S. Dwelling Standards

The following standards shall apply to all new dwellings for which building permits have been issued.

1. The dwelling shall be affixed to a permanent foundation system, in accordance with the Uniform Building Code standards;

2. The minimum average dimension of the width and of the length of the main body of the dwelling unit shall not be less than twenty-four (24) feet, with the exception of Section XIII, J (1)

T. Home Occupation Standards

The following standards and criteria shall apply to home occupations:

1. Clearly incidental and secondary to the use of the dwelling unit as a residence;
2. Conducted entirely within an existing dwelling unit;
3. Conducted by a member(s) of the family residing within the dwelling unit.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Only two (2) identification signs may be displayed, one of which may be an off-premises sign, subject to the following requirements:
 - a. Contains only the name of the occupant and the nature of the occupation.
 - b. Shall not contain more than two (2) square feet in area.
 - c. Shall not be illuminated.
 - d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.
 - e. Shall not be located on County right-of-way.

U. Home Industry Standards

The following standards and criteria shall apply to home industries:

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property;
2. Conducted entirely and confined within an accessory building(s) located upon the property;
3. Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employees;
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the County Health Department;

6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements.
 - a. Contains only the name of the occupant and the nature of the occupation.
 - b. Shall not contain more than thirty-two (32) square feet.
 - c. Shall not be illuminated.
 - d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.
 - e. Shall not be located on County right-of-way.

V. Bulk Requirements

All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or further conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located.

Minimum bulk requirements are listed in Table 1.

W. Uses Not Listed

Uses not specifically listed as principal permitted or accessory uses or special exceptions shall be considered for addition to the Ordinance according to the amendment procedures.

Table 1. Bulk Requirements

"A-1" Agricultural District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family or Farm Dwelling in the "A-1" Agricultural District	--	35 Acres, unless CSR is 70 or less on 75% of lot then 1.5 Acres	150 Feet	50 Feet	25 Feet	50 Feet
Other Permitted Structures	--	1.5 Acres	150 Feet	50 Feet	25 Feet	50 Feet
Accessory Buildings	--	--	--	60 Feet ¹	25 Feet ¹	4 Feet ¹
"R-1" Low Density Residence District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family	2.5 Stories or 35 Feet, whichever is lower.	20,000 Square Feet	100 Feet	30 Feet	10 Feet	30 Feet
Other Permitted Structures		--	--	35 Feet	10 Feet	35 Feet
Accessory Buildings	18 Feet	--	--	60 Feet ¹	4 Feet ¹	4 Feet ¹
"R-2" Moderate Density Residence District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family	3 Stories or 45 Feet, whichever is lower.	8,000 Square Feet	70 Feet	30 Feet	10% of lot width	30 Feet
Two Family		9,000 Square Feet	80 Feet	40 Feet	10% of lot width	30 Feet

"R-2" Moderate Density Residence District (Continued)	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Multiple Family		10,000 Square Feet	85 Feet	20 Feet	8 Feet	35 Feet
<u>Mobile Home Park</u> Individual Unit Requirements		<u>1 Acre</u> 3,000 Square Feet	<u>100 Feet</u> 25 Feet	<u>25 Feet</u> 10 Feet	<u>20 Feet</u> 10 Feet	<u>40 Feet</u> 10 Feet
Other Permitted Structures		1 Acre	100 Feet	25 Feet	20 Feet	40 Feet
Accessory Buildings	1 Story or 18 Feet, whichever is lower.	--	--	25 Feet ¹	10 Feet ¹	30 Feet ¹
"C" Commercial & "C-R" Commercial-Recreational Districts	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Permitted Structures	2 Stories or 35 Feet, whichever is lower	2 Acres	100 Feet	25 Feet	10 Feet	25 Feet
Accessory Buildings		--	--	60 Feet ¹	10 Feet ¹	4 Feet ¹
"I" Industrial District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Principal and Conditional Uses	3 Stories or 48 Feet, whichever is lower	2 Acres	100 Feet	15 Feet	30 Feet	15 Feet
Accessory Buildings	--	--	--	60 Feet ¹	10 Feet ¹	4 Feet ¹

Notes:

Lot Area Requirements Shall Be Computed Exclusive Of Street, Road, Alley, Or Highway Right-Of-Way.

- 1 No accessory building shall be erected in any required yard other than a rear yard except as provided herein. Detached accessory buildings in the rear yard shall be a distance of at least four (4') feet from the side and rear lot lines. On a corner lot, accessory buildings and/or structures shall conform to setback regulations for principal buildings on the street side.

Detached accessory buildings located nearer than sixty (60') feet to the front lot line or placed within six (6') feet of the principal building shall be considered to be attached to the principal building, and all yard requirements for a principal building must be complied with.

Accessory buildings which are not a part of the main building shall not occupy more than thirty (30%) percent of the rear yard, however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard, provided all yard setbacks can be maintained.

**SECTION VIII.
NATURAL RESOURCE PROTECTION AND PRESERVATION**

A. Intent

In accordance with the Worth County Comprehensive Plan it is the intent of this section to recognize, and to preserve the natural processes of land, as land undergoes change for man's use. This Ordinance identifies the functions of the land that provide important public benefits and have designed provisions to protect those functions. The public benefits arrived by the protection of natural functions of lands include:

1. The preservation of important productive lands and renewable resources;
2. Protection of public resources such as water supplies and the water quality of our lakes, rivers, and aquifers; and
3. Protection of public and private economic resources from expenditures and property values loss due to environmental degradation.

For purposes of this Ordinance, land shall be identified by function(s) and may be further classified as either sensitive or significant. Identification and classification of lands shall be based upon the explanatory materials, notations, and maps found in the official Soil Survey of Worth County, Iowa, published by the United States Department of Agriculture Soil Conservation Service.

B. Significant Lands

Significant lands are agricultural lands of highly productive soils, wetlands, woodlands, flood-prone areas, and other fragile or environmentally sensitive areas.

1. Identification:

- a. Agricultural Lands of Highly Productive Soils: Shall be defined as a parcel of land where more than twenty-five (25) percent of its area consists of agricultural lands of productive soils (having a Corn Suitability Rating that has been rated at seventy (70) or above). Determination regarding Corn Suitability Ratings (CSR) and other soil characteristics shall be referenced from the most current, official Soil Survey of Worth County, Iowa, published by the United States Department of Agriculture Soil Conservation Service.

Soil boundaries shall be determined from the soil maps found in the official Soil Survey of Worth County, Iowa, or from a soil map upon an aerial photograph compiled and attested by a certified soil scientist or technician.

It shall be the policy of Worth County, Iowa, which is rich in fertile productive soils, to maintain this nonrenewable resource for future generations. In addition, this resource shall be reserved for the production of food and fiber, and therefore, such lands shall be preserved for agricultural uses and be zoned as 'A-1' Agricultural District, unless there are extenuating circumstances.

- b. Other Significant Lands: These lands shall include wetlands; forest covers and forest reservations; flood-prone areas, lakes, rivers, streams, and stream banks; open and native prairies and wildlife habitats; as may be protected by the County Board of Supervisors, as amended.

C. Permitted and Conditional Uses:

- a. Agricultural Lands of Highly Productive Soils: Subject to Section II, Special Exemption and Section IX, Use Regulation for 'A-1' Agricultural District
- b. Other Significant Lands: This classification includes areas that may be designated by Worth County in the Worth County Comprehensive Plan; Worth County Soil Survey; or in other plans, ordinances, and/or policies, as may have been or be adopted by Worth County. These areas shall be preserved in their natural, undisturbed state and are not to be used for economic gain, including but not limited to using land for development, the storage of equipment, machinery or crops.

D. Performance Standards:

Shall be applicable to the appropriate section(s) of this Ordinance.

E. Incentives for Preservation:

In accordance with Chapter 427.1, Code of Iowa, as amended, the Worth County Board of Supervisors may grant a tax exemption to other significant lands.

SECTION IX.
USE REGULATION FOR 'A-1' AGRICULTURAL DISTRICT

A. Intent:

The Agricultural 'A-1' District is intended to preserve agricultural resources and protect agricultural land from encroachment of urban land uses. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture and that the rural character of these areas be preserved.

In the 'A-1' Agricultural District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses

1. Farms
2. Nurseries and greenhouses, orchards and tree farms
3. Stables, private and public, riding academies and clubs and similar uses.
4. Feedlots and confinement facilities for livestock.
5. Specialized animal farms including but not limited to fowl, rabbits, mink, chinchilla and bees.
6. Forest, forest preserves and environmentally significant lands.
7. Hiking and horseback trails.
8. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers.
9. Transmitting and receiving stations and towers, upon recommendation from the Planning and Zoning Commission and approval by the Board of Supervisors.
10. Parks, recreation areas, wildlife preserves and game management areas owned by governmental agencies.
11. Structures or methods for the conservation of soil.
12. Any use erected or maintained by the County.
13. Kennels, private, located at least fifty (50) feet from all boundary lines of the property on which located.
14. Private airport grass (non-pavement) landing strips and associated facilities, in conjunction with agriculture. This provision shall be authorized only after the recommendation of the County Planning and Zoning Commission and approval of the County Board of Supervisors.
15. Seed and feed dealerships provided, however, there is no evidence of showroom or other commercial activities.
16. Home occupations and industries.
17. Churches or other places of worship, including parish houses and Sunday School buildings; Schools, both public and private educational institutions, preschools and day nursery or care facilities.
18. Private wind generators

B. Accessory Uses

1. Private garages.
2. Vegetable and flower gardens.
3. Tennis courts, basketball courts and swimming pools.
4. The keeping of poultry, pigeons, rabbits and other small animals and fowl (for personal use and not commercial use).
5. Greenhouses (private), pergolas, ornamental gates, barbeque ovens, fireplaces and similar uses customary to residential use. Storage of wood, lumber and other material where the land occupied by such storage is confined to one location with a maximum area of one hundred (100) square feet.

6. The keeping of kennels for the raising, breeding or boarding of domesticated animals on parcels of five (5) acres or more. Any buildings or related structures for housing or exercising runways shall be no less than two hundred (200) feet from all property lines.
7. The keeping of animals including, but not limited to horses, cattle, sheep and goats on lots of two (2) acres or more (for personal use and commercial use). In addition, that no more than fifty (50) adult, [fifty five (55) pounds or more] animals of any one or combination thereof may be kept on such minimum lot, and that five (5) additional animals may be added for each acre over two (2) acres.
8. Roadside stands, offering for sale any agricultural products or other products produced on the premises.
9. The following regulations for accessory buildings or uses shall be observed:
 - a. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction.
 - b. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies.
 - c. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line.

C. Height Regulations

Shall be those specified in Section VII (Bulk Requirements)

D. Water and Sewer Systems

Subject to approval of the County Department of Health.

E. Minimum Lot Area, Lot Frontage, and Yard Requirements for 'A-1' Agricultural Districts

Shall be those specified in Section VII (Bulk Requirements).

F. Conditional Uses:

The following designated activities qualify for Conditional Use Permits in the Agricultural District, subject to such Supplemental Conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Accessory Dwellings: A secondary farm dwelling may be allowed as an accessory use to the principal dwelling unit, provided that the principal dwelling unit remains occupied:
 - a. may be constructed only in the Agricultural zoning districts;
 - b. must be built to serve as living quarters exclusively for the family as defined by related by blood, marriage, adoption, legal guardianship or as foster parent-children or a domestic partner of said family member;
 - c. shall be located within 250 feet of the primary farm dwellings;
 - d. shall be a permanent structure anchored to a permanent foundation;
 - e. may not be sold separately from the sale of the entire property, including the principal dwelling unit;
 - f. shall comply with all required building setbacks for the principal residential use;
 - g. shall be provided an additional parking space.
2. Airports and landing fields in accordance with IDOT Land Use guidance for airports.
3. Bed and Breakfast homes.
4. Campgrounds.
5. Cemeteries, including mausoleums, mortuaries and crematoriums.
6. Churches or other places of worship and schools, both private and public.
7. Commercial wind generators.
8. Communication towers
9. Golf courses and country clubs.
10. Grain Elevators
11. Landfills.
12. Landscaping business.
13. Mining and mineral extraction.

14. Orchard, retail.
15. Seasonal agricultural labor camps.
16. Special events.
17. Temporary operation of asphalt and ready-mix plants.
18. Wineries.
19. Commercial and Private Solar Generators.
20. Commercial and Private Battery Storage Systems.

Table 2. A-1 Bulk Regulations

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Nurseries and greenhouses, orchards and tree farms	2 acres	150	50	50	25	35' and/or 2 ½ stories
Stables, private and public, riding academies and clubs and similar uses	5 acres	150	50	50	25	35' and/or 2 ½ stories
Residential Uses	40,000*	150	50	50	25	35' and/or 2 ½ stories
Private Garage	**	—	50	60	25	35' and/or 2 ½ stories
Structures listed in Sec. IX B-4,5	**	—	50	50	25	35' and/or 2 ½ stories
Structures listed in Sec. IX B-6	**	—	50	60	25	35' and/or 2 ½ stories
Kennels, campgrounds	5 acres	—	200	200	200	35' and/or 2 ½ stories
Structures and uses listed Sec. IX B-7	2 acres	—	50	50	25	35' and/or 2 ½ stories

* Must meet Worth County Health Department Standards, as well.

** Not Applicable

SECTION X.
USE REGULATION FOR 'R-1' LOW DENSITY RESIDENCE DISTRICT

A. Intent:

The 'R-1' Low Density Residence District is intended and designed to provide for single-family dwellings in conjunction with agriculture at a low density, where common utilities are not available and on-site facilities must be utilized. It is further the intent of this district to be applied to land in predominantly agricultural areas for rural residential use, in accordance with the policies of the Worth County Comprehensive Plan.

In the 'R-1' Low Density Residence District, the following provisions, criteria regulations, and restrictions shall apply:

B. Principal Permitted Uses

1. Single-family dwellings.
2. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers.
3. Home occupations.
4. Public parks and recreational open spaces.
5. Religious institutions; including churches, or other places of worship.
6. Private wind generators

C. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above principal permitted uses.
2. Roadside stands, offering for sale any agricultural products or other products produced on the premises.
3. Private garages.
4. Vegetable gardens and flower gardens.
5. Tennis courts, basketball courts and swimming pools.
6. The keeping of poultry, pigeons, rabbits and other small animals and fowl (for personal use and not commercial use).
7. Greenhouses (private).
8. The keeping of animals including, but not limited to horses, cattle, sheep and goats on lots of two (2) acres or more (for personal use and commercial use). In addition, that no more than two (2) animals of any one or combination thereof may be kept on such minimum lot, and that one (1) additional animal may be added for each acre over two (2) acres.
9. The following regulations for accessory buildings or uses shall be observed:
 - a. No accessory building shall be used for dwelling purposes.
 - b. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction.
 - c. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies.
 - d. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line.
 - e. Accessory buildings and uses, if less than ten (10) feet from principal building, must meet the setback requirements of the district in which they are located. If more than ten (10) feet from principal building, and more than sixty (60) feet from the front ROW, the accessory building may be four (4) feet from the rear and/or side lot line. A corner lot, accessory buildings and/or structures shall conform to the setback regulations for principal buildings on the street side.

D. Height Regulations

Shall be those specified in Section VII (Bulk Requirements).

E. Water and Sewer Systems

Subject to approval of County Department of Health.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for 'R-1' Single Family Residence District
Shall be those specified in Section VII (Bulk Requirements).

G. Parking and Sign Regulations
See Sections XXI and XXII.

H. Conditional Uses:

The following designated activities qualify for Conditional Use Permits in the R-District, subject to such supplemental conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Bed and Breakfast homes.
2. Child care center, pre-kindergarten, kindergarten or special schools.
3. Commercial and private wind generators.
4. Communication towers.
5. Cemeteries
6. Golf courses and country clubs.
7. Group homes.
8. Home industry.
9. Hospitals and educational, religious and philanthropic institutions.
10. Private schools with a curriculum similar to public elementary and high schools.
11. Schools, both public and private educational institutions, preschools, and day nursery or care facilities.
12. Special events.

The following bulk regulations are established for all 'R' Districts. All regulations are minimum standards unless otherwise noted.

Table 3. R-1 Residential Bulk Regulations

R-1 Residential District	Lot Area per unit (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Single Family	40,000**	100	30	30	10	35' and/or 2½ stories
Permitted Structures	—	—	35	35	10	35' and/or 2½ stories
Accessory Buildings*	—	—	60	4*	4*	18'

*Accessory buildings and uses, if less than 10 feet from principal building, must meet the setback requirements of the district in which they are located. If more than 10 feet from principal building, and more than 60 feet from the ROW, the accessory building may be four (4) feet from the rear and/or side lot line on a corner lot.

**Must meet Worth County Health Department Standards, as well.

1. The following regulations for yards shall be observed:
 - a. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
 - b. On corner lots, there shall be a front yard on each street.
 - c. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
 - d. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
 - e. Projections into a required yard setback from a permitted structure or accessory building (bay window, building cantilever, roof overhang, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.
2. The following exceptions may be made in yard regulations:

- a. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
 - b. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural access road; accessory buildings are not obliged to maintain these setbacks.
3. The following regulations for area requirements shall be observed:
 - a. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.
 - b. A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area or as allowed by public health.
4. Off street parking space: See Off-Street Parking Regulations section XX.
5. Sign regulations: See Sign Regulations section XXI.

SECTION XI.
USE REGULATION FOR 'R-2' MODERATE DENSITY RESIDENCE DISTRICT

A. Intent:

The 'R-2' Moderate Density Residence District is intended and designed to provide for mixed residential development within subdivisions in the unincorporated areas of the county by encouraging the maximum use of existing subdivisions, and as an orderly expansion of existing residential development, where common water system is available and a common sewer system may be available at the time of development.

In the 'R-2' Moderate Density Residence District, the following provisions, regulations, and restrictions shall apply:

B. Principal Permitted Uses

1. Any principal permitted use allowed in the 'R-1' District.
2. Two-family and multiple family dwellings.
3. Public or private community parks and playgrounds, but not to include commercial recreation.
4. Home occupations.
5. Religious Institutions including churches or other places of worship.

C. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above principal permitted uses.
2. Roadside stands, offering for sale any agricultural products or other products produced on the premises.
3. Private garages.
4. Vegetable gardens and flower gardens.
5. Tennis courts, basketball courts and swimming pools.
6. The keeping of poultry, pigeons, rabbits and other small animals and fowl (for personal use and not commercial use).
7. Greenhouses (private).
8. The keeping of animals including, but not limited to horses, cattle, sheep and goats on lots of two (2) acres or more (for personal use and commercial use). In addition, that no more than two (2) animals of any one or combination thereof may be kept on such minimum lot, and that one (1) additional animal may be added for each acre over two (2) acres.
9. The following regulations for accessory buildings or uses shall be observed:
 - a. No accessory building shall be used for dwelling purposes.
 - b. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction.
 - c. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies.
 - d. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line.
 - e. Accessory buildings and uses, if less than ten (10) feet from principal building, must meet the setback requirements of the district in which they are located. If more than ten (10) feet from principal building, and more than sixty (60) feet from the front ROW, the accessory building may be four (4) feet from the rear and/or side lot line. A corner lot, accessory buildings and/or structures shall conform to the setback regulations for principal buildings on the street side.

D. Height Regulations

Shall be those specified in Section VII (Bulk Requirements).

E. Water and Sewer Systems

Shall require both common water and a common sewage treatment system, subject to approval by the County Department of Health.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for 'R-2' Multiple Residence District

Shall be those specified in Section VII (Bulk Requirements).

G. Parking and Sign Regulations

See Sections XX and XXI.

I. Conditional Uses

1. Hospitals, day nurseries or care facilities, nursing and convalescent home and medical clinics.
2. Private clubs, lodges, and similar uses.
3. Group homes.
4. Hotels and motels, including hostels, boarding and lodging houses.
5. Funeral home and mortuaries

J. District Regulations:

The following bulk regulations are established for 'R-2' Districts. All regulations are minimum standards unless otherwise noted.

Table 4. R-2 Residential District Bulk Requirements

R-2 Residential District	Lot area per unit (square feet)	Average Lot Width (feet)	Front Yard Setback (Feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Single Family	8,000***	70'	30'	30'	10'	45' and/or 3 stories
Two-Family	9000***	80'	30'	30'	10'	
Multiple Family	10,000***	85'	30'	35'	10'	
Other permitted structures	1 acre	100'	30'	40'	20'	
Accessory buildings	—	—	60*	4*	4*	18'

* Accessory buildings and uses, if less than 10 feet from principal building, must meet the setback requirements of the district in which they are located. If more than 10 feet from principal building, and more than 60 feet from the ROW, the accessory building may be four (4) feet from the rear and/or side lot line on a corner lot.

** A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area or as allowed by public health.

1. The following regulations for yards shall be observed:
 - a. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
 - b. On corner lots, there shall be a front yard on each street.
 - c. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
 - d. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
 - e. Projections into a required yard setback from a permitted structure or a ccessory building (bay window, building cantilever, roof overhang, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.
2. The following exceptions may be made in yard regulations:
 - a. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half

- (3½) feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
- b. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural access road; accessory buildings are not obliged to maintain these setbacks.
3. The following regulations for area requirements shall be observed:
- a. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.
 - b. A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area or as allowed by public health.
4. Off street parking space: See Off-Street Parking Regulations section XX.
5. Sign regulations: See Sign Regulations section XXI.

SECTION XII.
USE REGULATION FOR 'R-MH' RESIDENTIAL MOBILE HOME DISTRICT

A. Intent:

The 'R-MH' Mobile Home District is to provide for the location of mobile homes, modular homes, manufactured housing and the development of manufactured housing parks. It is further intended to provide for the placement of such residences on individual subdivided lots.

In the 'R-MH' Mobile Home District, the following provisions, regulations, and restrictions shall apply:

B. Required Uses.

Storm safe-rooms shall be required in each 'RMH' Manufactured Housing Residential District constructed after 15 FEBRUARY 2009. However, if the Board of Supervisors determines that a safe place of shelter is available within a reasonable distance of the manufactured home community or mobile home park for use by community or park residents, in lieu of requiring construction of a storm safe-room, a community or park owner shall provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds. Each evacuation plan prepared pursuant to this subsection shall be filed with, and approved by, Worth County Emergency Management. If construction of a residential or community safe-room is required, the following requirements shall be met:

1. The size of the safe room shall be larger than the equivalent of seven square feet for each manufactured or mobile home space in the manufactured home community or mobile home park.
2. The safe room will not require a restroom if the shelter is used exclusively as a safe room.
3. The safe room shall meet or exceed the construction specifications in, FEMA Publication 361 *Design and Construction Guidance for Community Shelters*, approved by a licensed professional engineer and presented by the owner of the manufactured home community or mobile home park.
4. The shelter shall be located no farther than one thousand three hundred twenty (1,320) feet from any manufactured or mobile home in the manufactured home community or mobile home park.

For the purpose of this Chapter, "Safe Room" shall mean a single structure or multiple structures designed to provide persons with temporary protection from a tornado or high-speed wind event.

C. Permitted Uses.

Premises in each 'RMH' Manufactured Housing Residential District shall be used for Manufactured Housing Parks only.

D. Accessory Buildings or Uses.

The following accessory buildings and uses are permitted, provided such buildings and uses are incidental to the principal use.

1. Private garages.
2. Home occupations.
3. Vegetable and flower gardens.
4. Tennis courts, basketball courts and swimming pools.
5. Greenhouses (private).
6. Laundry facilities.
7. Management office.
8. Recreation facilities.
9. Storage buildings.
10. The following regulations for accessory buildings or uses shall be observed:
 - a. No accessory building shall be used for dwelling purposes.
 - b. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies.
 - c. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line.

A. Conditional Uses.

The following designated activities qualify for Conditional Use Permits in the 'RMH'

District, as may be warranted to mitigate any deleterious effects of the proposed use.

1. Commercial and private wind generators.
2. Communication towers.
3. Home industries.
4. Manufactured housing sales and service.
5. Special events.

B. Special Provisions.

1. In no instance shall an area not having direct access to a paved Secondary Road or Primary Highway be zoned 'RMH'.
2. The maximum overall density shall be eight homes per acre of all land within the mobile home park.
3. Manufactured housing parks shall comply with all applicable requirements of the Iowa Department of Public Health and the Worth County Department of Public Health.
4. Manufactured housing subdivisions and the subdivision of manufactured housing parks shall comply with the Bulk Regulations of this article and all other provisions of this chapter including the Site Plan Review Requirements.

C. District Regulations:

The following bulk regulations are established for all 'RMH' Districts. All regulations are minimum standards for the overall site unless otherwise noted.

Principal Buildings	Site Area	Average Site Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
All uses	10 acres	300	50	50	50	35' and/or 2 ½ stories

1. The following regulations for individual mobile home lots shall be observed:
 - a. There shall be provided and maintained a minimum distance of twenty-five (25) feet between mobile homes.
 - b. The individual mobile home lot shall be not less than eighty (80) feet in depth and lot area shall contain not less than four thousand (4,000) square feet in area. However, such minimum lot area may be reduced by an amount equal to an area included in common open space, not including land in individual lots, parking areas, or streets contiguous and immediately available to the individual lot or lots having reduced minimum areas, and, by means of location, size, shape, and landscaping, being designed primarily for the utilization and enjoyment of the inhabitants of the said contiguous lots. However, in no case shall an individual mobile home lot be reduced to an area less than two thousand and five hundred (2,500) square feet.
2. The following regulations for accessory buildings shall be observed:
 - a. All detached accessory buildings and structures shall maintain a minimum of ten (10) feet from the principal building and from all other accessory buildings on the same lot or parcel.
 - b. Maintain a minimum of ten (10) feet from any individual side lot line when the accessory building or structure is located beside the principal building; otherwise maintain a minimum of three (3) feet from any side or rear lot line with any overhang not closer than one (1) foot from the lot line.
3. The following regulations for yards shall be observed:

- a. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
- b. On corner lots, there shall be a front yard on each street.
- c. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- d. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
- e. Projections into a required yard setback from a permitted structure or accessory building (bay window, building cantilever, roof overhang, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

4. Mobile Homes Located Other than in Mobile Home Parks

- a. A mobile home may be placed on a farm as the principal dwelling unit. Also, one (1) mobile home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home is a member of the immediate family (father, mother, son, daughter, sibling or father, mother, son, daughter, or sibling in law) of the property owner and actively engaged in the conduct of a agricultural operation of said farm. The preceding provision is not to be construed to permit two (2) mobile homes on one (1) farm.
- b. A special use permit, for mobile homes used as temporary living quarters during construction of a principal dwelling, may be issued by the Zoning Administrator after approval of the County Planning and Zoning Commission. The Commission shall determine the expiration date of the permit.
- c. A job trailer may be used as a temporary office upon obtaining a permit from the Zoning Administrator. Said permit shall be authorized for a period not exceeding one hundred eighty (180) days.
- d. Nothing in this Ordinance shall be construed as permitting a mobile home to be used for permanent commercial, storage, or uses other than for human habitation.

5. Off street parking space:

See Off-Street Parking Regulations section XX

6. Sign regulations:

See Sign Regulations section XXI

7. Site Plan Requirements.

A Site Plan Review shall be required to obtain a building permit in the RMH District. The review shall include proof of compliance with all requirements of the Department of Health of the State of Iowa. Required as proof of such compliances shall include the following:

- a. An approved set of plans showing lot and street layout.
- b. Sewage and disposal systems.
- c. Water supply and distribution system.
- d. Electrical distribution and lighting.
- e. Method of tie down.

When such approved plans have been submitted, the Zoning Administrator shall then issue a permit for the construction of such facilities on the approved site.

SECTION XIII USE REGULATION FOR 'PUD' PLANNED UNIT DEVELOPMENT DISTRICT

Intent: The 'PUD' Planned Unit Development District is intended to encourage a more efficient use of land and public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of other use districts for lot-by-lot development. Although 'PUD' developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the Planned Unit Development District and its accompanying guidelines are intended to allow freedom of design in order to promote developments which will be an asset to the County by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations.

Planned unit developments are conceived for use primarily in two (2) situations:

- a. Vacant Land: Areas of substantial open land where strict pre-regulation may limit good planning, may restrict the full achievement of the comprehensive plan or may not meet those changes in technology and demand that would be consistent with the best interest of the County, and in
- b. Built-Up and Aged Areas: Areas of the County needing rehabilitation and redevelopment, including areas which may be deficient in public facilities and services, where it is believed that private investment should be encouraged to contribute to that redevelopment; and in recognition that such necessary redevelopment cannot be expected to take place in strict accordance with those uniform regulations appropriate to more viable and established areas of the County.

A. Principal Permitted Uses:

Each planned unit development shall be comprised of one or more subdistricts which shall be as follows:

- 'PUD-R' General Residential
- 'PUD-C' Commercial
- 'PUD-I' Industrial

In a Planned Unit Development only the following uses are permitted within each subdistrict:

1. 'PUD-R': Dwelling units in detached, semi-detached, attached groups of attached or clustered or multi-storied structures, or any combination thereof.
2. 'PUD-C': Any commercial use which by design, use and restriction is compatible with all adjacent uses. Mixed commercial and residential use, located within the same building.
3. 'PUD-I': Any industrial use which by design use and restriction is compatible with all adjacent uses.
4. In each of the above types, the following uses are permitted; Child-care centers, Child-care homes, public and private educational and recreational facilities and accessory buildings and uses customarily incidental to a permitted use.

B. General Provisions

1. Ownership: A tract of land to be developed as a planned unit development shall be under the control of: a single owner, or a group of land owners, acting through a corporation, partnership or joint venture, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements and other provisions of the Worth County Recorder's Office.
2. Plan Preparation: The applicant is required to have the necessary documents and supporting plans prepared by a registered landscape architect, engineer, architect or certified planner.

3. More than one building may be placed in one platted or recorded lot in any 'PUD'.
4. No building permit shall be granted for any building on land for which a plan for a 'PUD' is in the process of County review or which does not conform to the approved final plan.
5. Occupancy and use of buildings and structures in a 'PUD' may be permitted when the buildings and structures have been completed to the satisfaction of the Zoning Administrator and the access drives and parking areas are sufficiently completed to support emergency vehicles at all times and are kept in a dustfree condition. Final surfacing of streets, roadways and parking areas and landscaping may be deferred over winter months upon written application to and approval of the Zoning Administrator.
6. Approval of 'PUD' shall not relieve the owner in any way from complying with the County and State subdivision requirements.
7. Covenants, Easements and Restrictions: The final plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential uses, nonresidential uses and public facilities as are necessary for the welfare of the 'PUD' and are consistent with the best interest of the County.
8. Streets, Utilities, Services and Public Facilities: The uniqueness of each proposal for 'PUD' requires the specifications and standards for streets; utilities and services shall be subject to minor modifications from the specifications and standards established in this and other County ordinances governing their construction. The Board of Supervisors may therefore waive or modify the specifications or standards where it is found that they are not required in the interests of the residents or of the entire County. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary and approved by the County Engineer and the Zoning Administrator prior to the final approval of the 'PUD' plan by the Board of Supervisors.
9. Open Space: A primary function of the 'PUD' provision is to encourage development which will preserve and enhance the worthwhile, natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial including but not limited to the following:
 - a. The amount and location of common open space shall be consistent with the stated purpose and intent of this Section.
 - b. All common open space shall be labeled as such and as to its intent or design functions.
10. Architectural style of buildings shall not solely be a basis for denial or approval of a plan. However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary considerations in the review stages of the Planning and Zoning Commission and the Board of Supervisors.
11. The Zoning Administrator shall review each planned unit development at least once a year until the development has been completed and shall make a report through the Planning and Zoning Commission to the Board of Supervisors on the status of the development in each 'PUD' District. If development is not progressing according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the Supervisors find that the development has not occurred according to the established development schedule or is not otherwise reasonable in view of the Supervisors, the Supervisors may initiate rezoning to remove the 'PUD' District. In any event, it shall not be necessary for the Supervisors to find the rezoning to a 'PUD' District was in error.

C. Approval Procedure:

The following procedures and requirements shall be met for the establishment of a 'PUD' District:

1. Pre-Application Conference: Prior to filing an application for preliminary 'PUD' plan approval, the applicant shall consult with the Zoning Administrator to determine the procedures and requirements governing approval of planned unit developments and shall submit a concept plan.
 - a) This plan should show the generalized overall plan for development of the proposed 'PUD' area. Included as a part of the overall plan should be the following elements:
 - 1) Location and size of site;
 - 2) Street location, other public or private drives and generalized parking areas;
 - 3) Approximate building location;
 - 4) Existing topography and illustration of existing drainage considerations (proposed grades not necessary at this point);
 - 5) Approximate density and number and types of dwelling units;
 - 6) Existing tree masses and other geologic or environmentally important characteristics;
 - 7) Proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas.
 - b) The Zoning Administrator shall have thirty (30) days in which to review and comment in regard to the above listed items. At the option of the applicant or Zoning Administrator, the concept plan may be submitted to the Planning and Zoning Commission for review and comment.
2. Preliminary Plan Approval: Following review of and comment upon the concept plan by the Zoning Administrator; the applicant shall submit an application for preliminary plan approval to the Zoning Administrator. Such application shall be deemed a petition for rezoning to a 'PUD' classification.

A fee in the amount of one hundred dollars (\$100.00) plus twenty five dollars (\$25.00) per acre or portion thereof included in the development, in addition to the following information, drawings and data, shall accompany the application:

- a) The location, size and legal description of the site;
- b) The nature of the developer's and landowner's interest in the land proposed to be developed; including an attorney's opinion as to ownership or options to purchase land or lands proposed as part of the development package;
- c) The total number of living units and the overall density of the project defined as the number of living units per acre. Note: existing or proposed public or semi-public park, church and school lands shall be excluded from any residential density computations for purposes of determining total residential holding capacities;
- d) The location and boundaries of proposed land uses, if more than one proposed;
- e) Approximate height and location of buildings and other structures;
- f) Form of organization proposed to own and maintain public or private open space;
- g) Preliminary layout of the proposed systems for the collection and treatment of sanitary wastes and disposition of storm water;
- h) Proposed source and distribution of water facilities;
- i) The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for utilities;
- j) The provisions for parking of motor vehicles including the total number and location of public and private parking spaces;
- k) The location and width of proposed public and private streets and thoroughfares;
- l) A schedule showing the proposed phasing and time limitations within which applications for final approval of all phases and construction of improvements within phases of the planned unit development are intended to be filed;

- m) Generalized preliminary grading plan but not to include detailed final grades or elevations;
 - n) Generalized landscaping plan but not to include detailed planting list or planting plan;
 - o) Generalized exterior building elevations or facades;
 - p) Proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas;
 - q) Vicinity map of area;
 - r) All maps and diagrams shall be of sufficient scale and size to permit easy interpretation by the Commission, Supervisors and staff;
 - s) North arrow and graphic scale shall be provided with all maps or sketches;
 - t) Maps illustrating the following information for the project area and those adjoining properties within two hundred feet (200') (60m) of the proposed project boundaries excluding street or highway right of way:
 - 1) Existing zoning
 - 2) Existing land use
 - 3) Existing ownership
 - 4) Proposed land use as illustrated by current comprehensive plan maps.
 - 5) Any existing or proposed major thoroughfare, abutting or servicing the proposed 'PUD'.
 - 6) Names and addresses of property owners within two hundred feet (200') (60m) of property in question;
 - 7) Names, addresses and telephone numbers of principals of each landscape architect, planner, architect, engineer or law firm serving the proposed development.
3. The Planning and Zoning Commission shall hold a public hearing, following the public notice method prescribed for zoning change requests, and make recommendation to the Board of Supervisors upon the application for preliminary approval within sixty (60) days following receipt of all required plans and documentation. Prior to Planning and Zoning Commission review, the preliminary plans shall be reviewed by appropriate County departments and public utility companies for review and comment. Comments received shall be transmitted to the applicant at least one week prior to the Planning Commission hearing. The Board of Supervisors shall take final action on the preliminary plan within a reasonable time following receipt of the Planning Commission's recommendation.

In granting approval of the preliminary plan, the Planning and Zoning Commission and the Board of Supervisors shall determine whether the 'PUD' District regulations and standards have been satisfied based on the preliminary plans and specifications, after making the following findings:

- a) That title to the tract to be developed is held by the applicant;
- b) That provision for public sewer and water facilities is adequate;
- c) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic allows for adequate turning and parking and provides ample space for the movement of public and private vehicles or the servicing of the proposed land uses without blocking traffic.
- d) That there will not be undue conflicts between pedestrian and vehicular traffic;
- e) That the design of open spaces and housing will assure both easy access and privacy;
- f) That no structure which contains residential units will be more than two hundred feet (200')(60m) from a street, parking area or other right of way on which a fire truck may be operated;
- g) That adequate street, parking, walkway and accessory lighting will be provided;
- h) That continuity of open space and recreation areas will be maintained;
- i) That provision has been made for:
 - 1) The preservation of existing vegetative, geologic, historic or other environmentally important characteristics of the site;
 - 2) Where existing landscape materials are inadequate to create an esthetically pleasing atmosphere, additional trees, shrubs and other appropriate plant materials will be added;
- j) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;
- k) That in a planned unit development, adequate deed restrictions and covenants is present, running in favor of anyone or more of the following:
 - 1) The County,

- 2) An automatic homeowner's association, or
- 3) Individual homeowners, for the proper maintenance, care and preservation of the exterior design, all common structures, facilities, sewer and water utilities, pedestrian and vehicular access and open spaces by the original and all subsequent owners of property within the development;
- l) That in addition to other deed restrictions or covenants running in favor of the County, there shall be provision for the free and uninhibited access to all private or common areas by the fire, sheriff or other public safety vehicles and personnel for the customary performance of their respective duties and responsibilities.

If the preliminary plan is approved, the Supervisors shall adopt an ordinance amending the zoning map as designed on the plan and the applicant shall proceed to final plan approval. If the application for preliminary plan is denied, the applicant must submit another application and fee to receive consideration.

4. Final Plan Approval: Within one year following Board of Supervisors approval of the preliminary plan, an application for final plan approval shall be submitted to the Zoning Administrator for approval by the Planning and Zoning Commission and the Board of Supervisors. Such final plan shall include either the entire site included in the preliminary plan or a portion thereof, in accordance with the phasing plan approved. Subsequent final plan submittals shall be submitted in accordance with the approved phasing plan.

A fee in the amount of one hundred fifty dollars (\$150.00), in addition to the following information, drawings and data, shall accompany each application:

- 1) A plan with locations of all structures including placement, size and type with topography showing two foot (2') six meter (6m) intervals;
- 2) Elevations or sections through the site which will best indicate the relationship of the building with the various terrain features and site elements;
- 3) Detailed grading and drainage plan at two foot (2') (6m) contour intervals;
- 4) Utility plan for all public utilities;
- 5) Landscape plan prepared by a practicing landscape architect, landscape practitioner or nurseryman;
- 6) Deed restrictions, covenants, agreements, bylaws of proposed homeowner's association and other documents controlling the use of property, type of construction or development or the activities of future residents;
- 7) The procedures for approving and recording of plats shall be followed if the final plan involves platting or division of land or the platting of public streets;
- 8) Any other information which is necessary to fully represent the intentions of the preliminary plan.

The Planning and Zoning Commission shall consider the final plan and make recommendation to the Board of Supervisors within sixty (60) days following submission of the required material. The Board of Supervisors shall make its consideration and determination within a reasonable time following receipt of the Planning Commission's recommendation. In granting final approval of the application, the Planning and Zoning Commission and the Board of Supervisors shall determine whether the following 'PUD' District regulations and standards have been satisfied based on the final plans and specifications which shall include final forms of all documents, maps, tables and other pertinent information previously submitted and revised to the date of final submittal:

- 1) That the final plan is in substantial conformity to the preliminary plan approved;
- 2) That detailed grading plans illustrate:
 - a) Proper provision has been made in regard to drainage both on and off the site; and
 - b) Especially that adjoining properties are not adversely affected by improper channelization or concentration of runoff as a result of the proposed grading.
- 3) That the applicant has bonded himself / herself and their contractor(s) to provide the public and private improvements shown on the plans including amenities; and

- 4) That in a planned unit development, the owner or ownership has at the County's discretion deeded the recreation space to the County for the County to maintain or has covenanted with the County that it will be maintained, such covenant to be binding on all future ownership.
5. Changes: Changes in the final plan involving the location and alignment of structures not to exceed ten feet (10')(3m) in any direction and other minor revisions in the shape of structures may be authorized by the Zoning Administrator for good cause shown, provided the changes are within the maximum allowable floor area limits, are in harmony with the intent of the concept statement as to uses and densities of use and the architectural style has been approved in writing by the PUD's homeowner association or other ownership body. All other changes shall be made only after public hearings by the Commission and Board of Supervisors, upon notice as provided in subsection XIV C-2 and any changes approved by the Board of Supervisors shall be by resolution as an amendment to the final plan.

D. Site Size

1. A Planned Unit Development project in a Residential District shall contain an area of not less than eighty thousand (80,000) square feet.

**SECTION XIV.
USE REGULATION FOR "C" COMMERCIAL DISTRICT**

Intent: The 'C' District is intended to provide space for a wide variety of retail stores, offices and related activities which serve the entire county or may even have a regional impact. This district is characterized by much of the commercial frontage along major transportation arteries.

A. Permitted Uses.

Premises in the Commercial District shall be used for the following purposes only:

1. Antique shop
2. Apparel shop
3. Appliance store, sales and service
4. Art supply shop and galleries
5. Animal Hospital (no exterior kennels or corrals)
6. Automobile accessory and new parts store
7. Bait shops
8. Bakery
9. Banks and other financial institutions
10. Barber shop
11. Beauty parlor
12. Bicycle sales and repair shop
13. Book store
14. Business and computer machine retail store
15. Camera shop
16. Candy retail shop
17. Car wash
18. Carpenter shop
19. Clothing repair, seamstress
20. Commercial indoor recreation facilities including bowling alleys, billiard and pool halls, theater (indoor), skating rinks, ballrooms and dance studios, game arcades, tennis courts, swimming pools, handball courts, archery, and gymnasiums
21. Commercial parking lots
22. Contractors' equipment, interior storage
23. Convenience stores/ gasoline stations excluding body repair or used parts wrecking and storage
24. Delicatessen
25. Diaper service
26. Drapery shop
27. Department store
28. Drive-in eating establishment
29. Drug store
30. Electrical supply store
31. Fish markets
32. Florist and retail nursery shop
33. Fruit and vegetable market
34. Furniture store
35. Furniture upholstery shop
36. Gift shops
37. Grocery stores
38. Hardware store
39. Hobby or craft store
40. Home Improvement Stores
41. Household appliance sales and repair
42. Jewelry and watch repair shops
43. Laboratory, dental or medical

44. Landscaping supply shop
45. Lawnmower repair shop
46. Laundromat
47. Locksmith
48. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises
49. Music store and studios
50. Newspaper or printing shop
51. Paint and wallpaper store
52. Pet shops
53. Photographic studio, printing and developing establishments
54. Plumbing, heating, or electrical contractor shops
55. Post office substation
56. Professional Offices
57. Radio and television sales and service
58. Restaurant, cafe, and soda fountain
59. Sexually Oriented Business subject to Section XIV (J)
60. Shoe repair shops
61. Shopping Centers
62. Single-family dwellings are permitted when physically a part of a retail, office, recreation or service establishment and are on the 2nd story or above.
63. Sporting goods store
64. Tack shop
65. Tailor shop
66. Tattoo/Body piercing
67. Taverns and night clubs, provided that principal building is located at least three hundred (300) feet from any "R" Residential District
68. Toy store
69. Travel bureau or agency
70. Variety store
71. Any similar commercial use or professional office use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XIV of this Ordinance.

B. Accessory Buildings or Uses.

The following accessory buildings and uses are permitted, provided such buildings and uses are incidental to the principal use.

1. Residential uses when located above a commercial structure.
2. Private garages.
3. The following regulations for accessory buildings or uses shall be observed:
 - a. No Accessory building shall be used for dwelling purposes.
 - b. Temporary buildings for construction purposes are permitted in any district as Accessory buildings
 - c. during the course of construction.
 - d. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies.
 - e. Where a garage is entered from an alley, it must be kept fifteen (15') feet from the alley line.

C. Conditional Uses:

The following designated activities qualify for Conditional Use Permits in the 'C-1' District, subject to such Supplemental Conditions as required by Section XXIV(E) and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Bed and breakfast homes.
2. Commercial wind generators.

3. Communication towers.
4. Special events.

D. District Regulations:

The following bulk regulations are established for all 'C-1' Commercial Districts. All regulations are minimum standards unless otherwise noted.

Table 5, District C-1 Bulk Requirements; Multi Family Dwellings

Accessory Buildings and Uses	Lot Area	Front Yard Setback (feet)	Rear Yard Setback (feet)*	Side Yard Setback (feet)	Maximum Height
Multiple-Family Dwellings**	2,000 square feet	30'	30'	8'	35' and /or 2 ½ stories

* If less than ten (10) feet from principal building. If more than ten (10) feet from principal building, and more than sixty (60) feet from the ROW, the accessory building may be five (5) feet from the rear and/or side lot line.

** All dwellings must be located on the second story and above only. First story is reserved for commercial businesses.

Table 6, District C-1 Bulk Requirements

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback***	Maximum Height
All other uses	No requirement****	No requirement****	25'	25'	No requirement**	35' and/or 2 ½ stories

* Must meet Worth County Health Department Standards, as well.

** No side yards are required where dwellings are installed above a commercial structure. If side yards are provided where not required, they must be at least five (5) feet wide. All dwellings must be located on the second story and above only. First story is reserved for commercial businesses.

*** Where two or more principal permitted buildings are on the same lot, the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest building.

**** A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area and an average width of not less than one hundred (100) feet.

1. Yard Requirements
 - a. The following regulations for yards shall be observed:
 - b. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
 - c. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
 - d. Where a lot is located next to an 'R' District, the side or rear yard required in that 'R' District shall be provided along the boundary line.
 - e. There may be two or more related commercial, multi-family, hotel, motel, or institutional buildings on a lot, provided that:

- f. the required yards be maintained around the group of buildings, and
- g. shall be separated by a horizontal distance that is at least equal to the height of the highest building.
- h. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
- i. Projections from a permitted structure or accessory building into a required yard setback (bay window, roof overlap, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

2. Yard Exceptions

The following exceptions may be made in yard regulations:

- a. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
- b. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural
 - a. access road; accessory buildings in all districts are not obliged to maintain these setbacks.
- c. If side yards are provided where not required, they must be at least five (5) feet wide.

3. Lot requirements

The following regulations for area requirements shall be observed:

- a. A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area and an average width of not less than one hundred (100) feet.
- b. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.

E. Off street parking space

See Off-Street Parking Regulations Section XX.

F. Sign regulations

See Sign Regulations Section XXI.

G. Sexually Oriented Business

Adult cabaret, adult mini-motion picture theater, adult motion picture theater, lingerie modeling studio, massage parlor or sexual activity establishment, are subject to these restrictions:

1. These uses shall not be located within one thousand feet (1000') of each other, nor shall they be located within one thousand feet (1,000') of a public or private school, church or place of worship, daycare or childcare center, government buildings or residential zoning district. The distance between establishments shall be the shortest distance measured in a straight line from the boundary of the zoning lots containing such uses. The distance between the adult cabaret, adult mini-motion picture theater, adult motion picture theater or lingerie modeling studio and the protected use or residential zoning district shall be measured from the nearest property line of such protected use or district boundary of such zoning district, to the nearest public entrance door of the premises of the adult cabaret, adult mini-motion picture theater, adult motion picture theater or lingerie modeling studio along the street right of way line providing the nearest direct route usually traveled by pedestrians between such points.

2. All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.
3. In new construction, and whenever else it is considered feasible by the zoning administrator, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semipublic areas.
4. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or from other public or semipublic areas.

SECTION XVI-B
USE REGULATION FOR “C-2” HIGHWAY COMMERCIAL DISTRICT

Intent: The “C-2” District is intend to provide space for a wide variety of highway service commercial uses, including highway and other retail uses not permitted in other C Districts. It is intended that this district be located along major streets, highways or Interchange areas and not close to residential areas

A. Permitted uses:

- a. Any principal permitted uses in the ‘C-R’ Commercial Recreation District
- b. The following retail, commercial and service establishments and uses:
 1. Amusement Parks, and outdoor stadiums and arenas.
 2. Automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including sales lots); including all repair work in connection with personal or customers' vehicles
 3. Carpenter and cabinetmaking shops
 4. Car Washes, including self-service
 5. Gas Stations or Service Stations
 6. Lumber yards, retail only
 7. Monument sales yards
 8. Public auction buildings or rooms. (Does not include animal, vehicle auctions.)
 9. Mini-Warehouse
 10. Transportation terminal or truck stops, including minor repairs as accessory use
 11. Small repair shop, including but not limited to bicycle, motorcycle, lawn mower, and garden tractor repair. All activities must be confined inside the building(s), including storage of parts and machines
 12. Professional and semi-professional office buildings
 13. Day Care Center, Day Nursery or Nursery School, licenses by the State of Iowa.
 14. Health, Athletic or Fitness Centers or Clubs, with all indoor facilities or outdoor facilities concealed from public view.
 15. Any use which is found by the Zoning Administrator to be a use similar to one of the above named

B. Accessory Buildings or Uses.

The following accessory buildings and uses are permitted, provided such buildings and uses are incidental to the principal use.

1. Retail establishments, refreshment stands and employee cafeterias accessory to principal buildings; provided, however, there shall be no access to such place of retail use except from the inside of the principal building, complex, or internal courtyard, nor shall any display of stock, goods or advertising for such be so arranged that it can be viewed from outside the principal building.

2. Storage or warehousing area incidental to the principal use, but not to exceed a floor area which is equal to fifty (50) percent of the floor area used by the principal use, and such storage shall be wholly contained within the principal building, and loading areas are screened or concealed from general public view.
3. Temporary use of buildings or trailers for use incidental to construction work, which buildings or trailers shall be removed upon the completion or abandonment of the construction work
4. The following regulations for accessory buildings or uses shall be observed:
 - a. No Accessory building shall be used for dwelling purposes.
 - b. Temporary buildings for construction purposes are permitted in any district as Accessory buildings during the course of construction.
 - c. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies.
 - d. Where a garage is entered from an alley, it must be kept fifteen (15') feet from the alley line.

C. Conditional Uses:

The following designated activities qualify for Conditional Use Permits in the 'C-2' Highway Commercial District, subject to such Supplemental Conditions as required by Section XXIV(E) and such additional conditions as may be warranted to mitigate any deleterious effects of the proposed use.

1. Bed and breakfast homes.
2. Commercial wind generators.
3. Communication towers.
4. Special Events
5. Hospitals
6. Private Dining Clubs, which are operated for the use and benefit of its members
7. Branch facilities of colleges and schools which specialize in business, commercial and technical training courses

D. District Regulations:

The following bulk regulations are established for all 'C-2' Highway Commercial Districts. All regulations are minimum standards unless otherwise noted.

Table 7, Bulk Requirements C-2, Highway Commercial Districts

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (Feet) ***	Maximum Height
All other Uses	No Requirement****	No Requirement****	30'	30'	No Requirement**	35' and/or 2 1/2 stories

* Must meet Worth County Health Department Standards, as well.

** No side yards are required where dwellings are installed above a commercial structure. If side yards are provided where not required, they must be at least five (5) feet wide. All dwellings must be located on the second story and above only. First story is reserved for commercial businesses.

*** Where two or more principal permitted buildings are on the same lot, the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest building.

**** A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area and an average width of not less than one hundred (100) feet.

E. Yard Regulations

The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
2. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
3. Where a lot is located next to an 'R' District, the side or rear yard required in that 'R' District shall be provided along the boundary line.
4. There may be two or more related commercial, multi-family, hotel, motel, or institutional buildings on a lot, provided that:
 - a. the required yards be maintained around the group of buildings, and
 - b. shall be separated by a horizontal distance that is at least equal to the height of the highest building.
5. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
6. Projections from a permitted structure or accessory building into a required yard setback (bay window, roof overlap, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

F. Yard Exceptions

1. The following exceptions may be made in yard regulations:
2. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
3. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural access road; accessory buildings in all districts are not obliged to maintain these setbacks.
4. If side yards are provided where not required, they must be at least five (5) feet wide.

G. Area Requirements

The following regulations for area requirements shall be observed:

1. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.
2. A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area and an average width of not less than one hundred (100) feet.

H. Off street parking space

See Off-Street Parking Regulations Section XX.

I. Sign regulations

See Sign Regulations Section XXI.

**SECTION XV
USE REGULATION FOR 'C-R' COMMERCIAL RECREATION DISTRICT**

Intent: The Commercial Recreation 'C-R' District is intended to reserve or protect appropriately located commercial recreation facilities within or proximate to the county's scenic natural recreation areas; to provide space for appropriate community facilities; and to permit the location of certain commercial uses in recreation areas where such uses are clearly incidental to the recreation use or facility.

In the 'C-R' Commercial Recreation District, the following provisions, regulations and restrictions shall apply:

A. Principal Permitted Uses

1. Amusement parks, archery ranges, bowling alleys, drive-in movie theaters, fairgrounds, skating rinks, sports arenas.
2. Commercial horse stables, riding academies and clubs, provided that no structure shall be closer than fifty (50) feet to any property line.
3. Commercial campgrounds and recreational vehicle parks, including incidental retail sales of merchandise on the site.
4. Hotels, restaurants, recreational gaming facilities and exhibition centers with liquor sales subject to state and county regulations.
5. Resorts and guest ranches, including incidental retail sales of merchandise on the site.
6. Commercial golf courses, country clubs and appurtenant pro shops, restaurants and liquor sales subject to other state and county regulations.
7. Any similar commercial recreational use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XV of this Ordinance.

B. Accessory Uses

1. Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded.

C. Height Regulations, Minimum lot Area, Lot Frontage and Yard Requirements

Table 8, Size Regulations; C-R Commercial Recreational

'C-1' Commercial & 'C-R' Commercial-Recreational Districts	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Permitted Structures	2 Stories or 35 Feet, whichever is lower	2 Acres	100 Feet	25 Feet	10 Feet	25 Feet
Accessory Buildings		--	--	60 Feet*	10 Feet*	4 Feet*

* No accessory building shall be erected in any required yard other than a rear yard except as provided herein. Detached accessory buildings in the rear yard shall be a distance of at least five (5') feet from the side and rear lot lines.

On a corner lot, accessory buildings and/or structures shall conform to setback regulations for principal buildings on the street side.

Detached accessory buildings located nearer than sixty (60') feet to the front lot line or placed within six (6') feet of the principal building shall be considered to be attached to the principal building, and all yard requirements for a principal building must be complied with.

D. Water and Sewer Systems

Subject to the approval of the County Department of Health.

E. Conditional Uses

The following conditional uses shall be permitted in a 'C-R' District, subject to such Supplemental Conditions as may be warranted to mitigate any harmful effects of the proposed use.

1. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
2. Transformer stations, booster stations and utility stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and front yard setback may be waived by the Board of Supervisors only on finding that the waiver will not create a detrimental effect on the adjacent properties.
3. Gun clubs, rifle ranges and skeet or trap shooting, provided no shooting activity shall be located closer than one thousand three hundred twenty (1320) feet from any dwelling nor closer than one (1) mile from any 'R' District or platted residential subdivision and further provided that shooting be so conducted that no shot leaves the range premises.
4. Race tracks, strips or trails used for racing of horses, automobiles, motorcycles, snowmobiles or ATV's.
5. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres.
6. Employee living quarters which are incidental to a permitted principal or conditional use and not for rent or otherwise used as a separate dwelling.
7. Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses.
8. Caretaker dwelling or living quarters when dwelling or living quarters are a part of the recreational establishment, e.g. parkland with a park ranger's dwelling.

F. District Regulations

The following bulk regulations are established for all Commercial Recreation ‘C-R’ Districts. All regulations are minimum standards unless otherwise noted.

Table 9, Bulk Requirements, C-R Commercial Recreation

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Recreational Facilities	5 acres	300'	50'	50'	25'	35' and/or 2½ stories
Other permitted structures and uses	2 acres	175'	50'	50'	25'	35' and/or 2½ stories

SECTION XVI
C-1 PUBLIC GATHERING AND RECREATION DISTRICT

Intent: The C-1 public gathering and recreational activity district is intended to provide areas for entertainment and commercial uses. The area is characterized by large parcels and large parking areas and containing buildings and ground facilities capable of handling large groups of people at one time.

A. Principle Permitted Uses

In the "C-1" Public Gathering and Recreational District, the provisions of this Article shall apply and the following uses shall be permitted:

1. Recreational gaming facilities (including attached or adjacent hotels, restaurants, retail sales space, exhibition centers, recreational activities and facilities, parking garages and lots, and other ancillary buildings or facilities).
2. Exhibition centers containing exhibition halls and meeting and outdoor display areas (retail sales space, restaurants with lounge, recreational activities, etc.).

SECTION XVII
USE REGULATION FOR 'I-L' LIGHT INDUSTRIAL

Intent: Premises in each 'IL' District shall be used for any use except residential and those permitted and conditional uses. The 'IL' District is intended and designed to provide for uses, with exterior storage or industrial character, which due to their size and nature would not be compatible with general rural development patterns of Worth County. The district is further intended to permit the normal operation of industries, subject to prescribed regulation needed to control congestion and to protect non-industrial uses.

In the 'I-L' Light Industrial District, the following provisions, regulations, and restrictions shall apply:

A. Permitted Uses

Premises in the Industrial District shall be used for the following purposes only:

Retail, service, or light industrial establishments such as the following:

1. Agricultural retail/service outlets
2. Animal hospital, veterinary clinic or commercial kennel; providing an exercising runway shall be at least six hundred and sixty (660) feet from any 'R' District, incorporated boundary line or dwelling other than the lessee or owner of the site.
3. Automobile sales, including automobile repair.
4. Body and Fender repair.
5. Bulk storage and pumping of agricultural chemicals and fertilizers.
6. Clothes dry cleaning and/or dyeing establishments.
7. Commercial or wholesale seed processing and storage.
8. Convenience stores, including automobile repair.
9. Creamery, bottling, ice manufacturing and cold storage plant.
10. Dairy retail store.
11. Distribution, storage or manufacture of food products.
12. Exterminator sales.
13. Gasoline or service station or convenience store, including body repair or used parts wrecking and storage.
14. Hatcheries.
15. Laboratories, experimental or testing.
16. Locker plant and storage for retail sales only.
17. Lumber yards and home improvement stores.
18. Machine Shop.

19. Manufacture of cosmetics and pharmaceutical products.
20. Manufacture or assembly of electrical appliances, devices and motors.
21. Manufacture of insulation.
22. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay.
23. Milk distributing station other than a retail business conducted on the premises.
24. Monument sales yard.
25. Printing and/or publishing houses.
26. Rental of equipment commonly used by contractors.
27. Sales auction (automotive, livestock, or furniture and/or appliances).
28. Sawmill, planing mill, including manufacture of wood products.
29. Tire shop, including vulcanizing and re-treading.
30. Any similar manufacturing or industrial use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XVI of this ordinance.

B. Conditional Uses:

None of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a conditional use permit.

1. Any principally permitted use in the 'C-1' Commercial District except all residential uses are prohibited.
2. Coal, coke, wood and other raw material storage yards.
3. Junk, salvage, or scrap metal yards. Junk, metal or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or solid fence, not less than six (6) feet in height, completely obscuring the activity. Such junk yards must comply with the fifty (50) foot setback requirements for all junk and scrap metal and must screen such material from any road.
4. Manufacture, refining, extraction, and pumping of chemicals, fertilizers, or petroleum products.
5. Residential corrections facility; if not nearer than one hundred feet (100') to any residential district or nearer than five hundred feet (500') to another such facility or supervised group home.

C. District Regulations:

The following bulk regulations are established for all 'I' Industrial Districts. All regulations are minimum standards unless otherwise noted.

Table 10, Bulk Requirements, I-L Light Industrial

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback* (feet)	Maximum Height
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All permitted uses	No requirement	50'	50'	50'	50'	6 stories and/or 90 feet

* Where two or more principal permitted buildings are on the same lot, the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest building.

Accessory Buildings	Lot Area	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
All accessory uses and buildings	No requirement	50'	5'	5'	6 stories and/or 90 feet

D. Yard Requirements

The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
2. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
3. There may be two or more related commercial or industrial buildings on a lot, provided that:
 - a. the required yards be maintained around the group of buildings, and
 - b. shall be separated by a horizontal distance that is at least equal to the height of the highest building.
4. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
5. Projections from a permitted structure or accessory building (bay window, roof overlap, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

E. Yard Exceptions

The following exceptions may be made in yard regulations:

1. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
2. Principal structures must maintain a minimum of a 30 foot setback distance from an agricultural access road; accessory buildings in all districts are not obliged to maintain these setbacks.

F. Area Requirements

The following regulations for area requirements shall be observed:

1. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.

2. A lot not served by a public community sewer and a public water supply shall have an area of not less than 40,000 square feet of buildable area and an average width of not less than one hundred fifty feet.

G. Off street parking space

See Off-Street Parking Regulations section XX.

H. Sign regulations

See Sign Regulations section XXI.

I. Performance Standards for 'I-L' Light Industrial District

1. Sewage wastes. Users in any industrial district shall meet all applicable IDNR and County Health Department requirements and standards for sewage wastes.
2. Storage. The open storage of materials other than junk, waste products, salvage or wrecked automobiles may be permitted in the 'IL' District, if at least 30 feet from any street right-of-way line and not less than 20 feet from any other lot line, except that the storage of livestock feed, coal and similar materials shall not be closer than 300 feet to any 'R' District and shall be handled so as to effectively control dust. All combustible material shall be stored in such a way, including, where necessary, access drives, so as to permit free access of fire fighting equipment.

SECTION XVIII
USE REGULATION FOR 'I-H' HEAVY INDUSTRIAL

Intent: Premises in each 'IH' District shall be used for any use except residential and those permitted and conditional uses. The 'IH' Heavy Industrial District is designed to accommodate large, relatively self-contained and isolated areas intended to be used for industrial activities whose potential nuisance or hazard generation is moderately high.

A. Permitted Use

Premises in the Heavy Industrial District shall be used for the following purposes only:

1. Any use listed as a conditional use in the 'I-L' Light Industrial District; except residential correctional facilities.
2. Any other use not in conflict with any provision of the Zoning Ordinance regulating nuisances and not listed in Section XVII(B).
3. Acid manufacture or wholesale storage of acids.
4. Cement, lime gypsum or plaster of Paris manufacture.
5. Extraction of gravel, sand or other raw materials.
6. Fertilizer manufacture.
7. Gas manufacture.
8. Glue manufacture.
9. Junk yards and auto graveyards.
10. Petroleum refining.
11. Penal institutions.
12. Power generation plant.
13. Prisons.
14. Smelting of tin, copper, zinc or iron ores.
15. Stockyards or slaughterhouses.
16. Tannery.
17. Transmission power generation plant.

B. Conditional Uses

1. Activities involving the manufacture, storage or utilization of materials or products which explode.

2. Fat rendering or distillation of bones.
3. Garbage, waste materials, offal, dead animal or refuse dumping, incineration or storage.
4. Any other heavy industrial type use deemed a potential nuisance or hazard not listed as a principal permitted use.

C. Prohibited Uses

The following uses are specifically prohibited from the 'IH' Heavy Industrial District.

1. Dwelling units and lodging rooms other than watchmen's quarters.

D. District Regulations

The following bulk regulations are established for all 'IH' Districts. All regulations are minimum standards unless otherwise noted.

Table 11, Bulk Requirements I-H Heavy Industrial

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback*	Maximum Height
All permitted uses	2 acres	100'	50'	50'	50'	75'***

* Where two or more principal permitted buildings are on the same lot, the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest building.

** There is no height limitation except where buildings are erected within two hundred feet (200') of a residence or business district, in which case buildings or structures shall not exceed seventy five feet (75') in height.

Accessory Buildings	Lot Area	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
All accessory uses and buildings	No requirement	50'	5'	5'	75'*

* There is no height limitation except where buildings are erected within two hundred feet (200') of a residence or business district, in which case buildings or structures shall not exceed seventy five feet (75') in height.

E. Yard Requirements

The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.
2. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
3. There may be two or more related commercial or industrial buildings on a lot, provided that:
 - a. the required yards be maintained around the group of buildings, and
 - b. shall be separated by a horizontal distance that is at least equal to the height of the highest building.

4. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
5. Projections from a permitted structure or accessory building (bay window, roof overlap, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

F. Yard Exceptions

The following exceptions may be made in yard regulations:

1. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
2. Principal structures must maintain a minimum of a 30 foot setback distance from an agricultural access road; accessory buildings in all districts are not obliged to maintain these setbacks.

G. Area Requirements

The following regulations for area requirements shall be observed:

1. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.
2. A lot not served by a public community sewer and a public water supply shall have an area of not less than two (2) acres of buildable area and an average width of not less than one hundred fifty feet.

H. Off street parking space

See Off-Street Parking Regulations section XX.

I. Sign regulations

See Sign Regulations section XXI.

J. Performance Standards for 'IH' Heavy Industrial District

1. Sewage wastes. Users in any industrial district shall meet all applicable IDNR and County Health Department requirements and standards for sewage wastes.
2. Storage. The open storage of materials other than junk, waste products, salvage or wrecked automobiles may be permitted in the 'IH' District, if at least 30 feet from any street right-of-way line and not less than 20 feet from any other lot line, except that the storage of livestock feed, coal and similar materials shall not be closer than 300 feet to any 'R' District and shall be handled so as to effectively control dust. All combustible material shall be stored in such a way, including, where necessary, access drives, so as to permit free access of fire fighting equipment.

SECTION XIX NONCONFORMING USES

A. General Intent

Within the districts established by this Ordinance, or amendments that may later be adopted, there exist lots, structures, buildings, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

1. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2. 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 construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which substantial improvements have been made.
3. Any use in existence at the time of adoption of this Ordinance which was not an authorized "nonconforming use" under the previous Zoning Ordinance shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

B. Nonconforming Use of Land

The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of the parcel, or land, in question than was occupied at the effective date of adoption or amendment of this Ordinance.
2. If any such nonconforming use of land ceases for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located, unless an extension is granted by the Commission.
4. No such nonconforming use shall be moved in whole, or in part, to any other portion of the lot or parcel that was not occupied by such use at the effective date of adoption or amendment of the Ordinance.

C. Nonconforming Use of Structures

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, which would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.

2. Any nonconforming use of a structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification.
4. When a nonconforming use of a structure, building or premises (including mobile homes) is discontinued or abandoned for one (1) year, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless an extension is granted by the Commission.

D. Nonconforming Structures

Where a nonconforming structure exists at the effective date of adoption or amendment of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structures be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

E. Nonconforming Lots of Record/Remnant Sites

In any district in which a single-family dwelling is permitted, notwithstanding limitations imposed by other provisions of this Ordinance a single-family dwelling and customary accessory buildings may be erected on a lot of record, herein defined, provided the yard area (minimum of one and one half (1.5) acre) and setback requirements are met.

F. Nonconforming Status Exemption

The following exemptions shall apply to any use that would be deemed nonconforming by the provisions of this section, subject to the following provisions:

1. In an 'A-1' Agricultural District existing dwellings, including mobile homes, that were lawful prior to the adoption of this Ordinance or amendments thereof that would be declared nonconforming. Such dwellings and customary accessory buildings shall qualify for an exemption which shall permit said use to be enlarged, extended, reconstructed, replaced, or structurally altered.
2. Any use for which a special permit has been issued.

G. Repairs and Maintenance

All nonconforming structures may be repaired for normal maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Said maintenance or restoring shall not be valued at sixty (60) percent or more of the structure's value prior to construction.

H. Certification of Nonconforming Uses

All nonconforming uses and structures shall be recorded and identified in the official nonconforming use file maintained by the Zoning Administrator. The file shall include, but not limited to, the property location and identification and the current use of the structure or land. Nonconforming uses not included may be subsequently added to the file when accompanied by an affidavit of proof that such nonconforming use was legally established prior to the effective date of this Ordinance.

SECTION XX.
PROVISIONS FOR OFF-STREET PARKING & LOADING

- A. In the 'C-1' Commercial and 'I-L' Light Industrial Districts in connection with every industrial, commercial, business, trade, institutional, recreational, or similar uses, off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule shown in Table 2; however, no parking area required hereunder shall be less than one thousand (1,000) square feet in area except in the case of dwellings and retail stores and shops under one thousand (1,000) square feet. A parking space shall contain not less than one hundred eighty (180) square feet plus necessary maneuvering for the parking of a motor vehicle. Space for maneuvering, incidental to parking or un-parking, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be of a surface material approved by the County Engineer.
- B. Where a parking lot does not abut on a public or private street, road, alley, or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided however, such easement of access or access drive shall not be located in any agricultural or residence district, except where serving a permitted use in an agricultural or residence district.
- C. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
1. No part of any parking space shall be closer than five (5) feet to any established highway, road, street, or alley right-of-way line. In case the parking lot adjoins an 'R' Residence District, it shall be set back at least five (5) feet from the 'R' Residence District boundary and shall be effectively screen planted.
 2. All required off-street parking area, including any commercial parking lot, for more than ten (10) vehicles shall be surfaced with an Asphaltic or Portland cement binder pavement or such other surfaces so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading and unloading and parking and storage of self-propelled vehicles.
 3. Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any 'R' District.
- D. In any 'R' Residence District abutting a 'C-1' Commercial or 'I-L' Light Industrial District, off-street parking lots shall be permitted in accordance with Table 2 and the following requirements:
1. Off-street parking lots located in an 'R' Residence District shall provide front and side yards in accordance with the district in which it is located. Provided further that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area. Provided further that where a contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line.
 2. Off-street parking lot in any 'R' Residence District shall provide a permanent fence of shrubbery screen on all side yards of the abutting 'R' Residence District. Such screen to be located in the provided side yard.
 3. Off-street parking lots on any 'R' Residence District shall be developed with an all weather, dust free surface. Such surfacing shall be approved by the County Engineer. Provided further that such parking lots shall be maintained in an orderly manner free from refuse or debris.
 4. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.

5. No portion of a front yard or corner side yard shall be used for off street parking in the 'R-1', 'R-2' and 'PUD-R' districts. In the single and two-family residential districts, no portion of a required front yard or corner side yard shall be used for off street parking except upon an improved driveway providing access to a garage, carport or parking area for a dwelling.

Table 12, Parking Requirements

USE	PARKING REQUIREMENT
Automobile body and repair establishments	1 space for each employee or manager and 1 space for each repair or service stall
Automobile sales establishment	2 spaces for each employee or manager and 2 spaces for each service stall
Automobile service stations	1 space for each employee or manager, 2 spaces for each service stall; 5 spaces per stall for a car wash operation in conjunction with said station. Space provided in service stalls or at gas pumps shall not be used to satisfy off street parking requirements.
Banks, business and professional office buildings	1 space for each three hundred (300) square feet of floor area
Boarding Houses, Lodging Houses, sororities, fraternities and dormitories	1 space for each 2 beds
Bowling Alleys	6 spaces for each lane
Car Washes	Spaces equal to 5 times the capacity of the facility and one space for each employee or manager
Casino	1 space for each 1,000 square foot of gross building
Childcare centers	1 space for each employee at peak employment shift and at least 2 stacking spaces. More stacking spaces may be required at the discretion of the Zoning Board of Adjustment.
Churches, Auditoriums and Theaters	1 space for each 5 seats
Clinics, Medical, Dental and Veterinary	3 spaces for each doctor and 1 space for each 2 staff members
Commercial Retail Sales and Service establishments	1 space for each 200 sq. ft. of floor area
Dwelling, one and two family	2 spaces for each dwelling unit
Dwelling, multi-family	1 1/2 spaces for each dwelling unit
Senior citizen multiple family dwellings	1 space for each 2 dwelling units
Furniture and Appliance stores	1 space for each 600 square feet of floor area
Government Buildings and public service businesses	1 space for each 500 square ft of floor area
Hospitals	1 space for each 2 beds; 1 space for each 2 employees; 1 space for each doctor based on the maximum number of doctors on duty at one time.
Hotel	1 space for each 2 dwelling units; 1 space for each 2 employees; and spaces equal to 30% of the capacity of any restaurant, tavern and/or cocktail lounge operated in conjunction with said hotel.
Laundromats	1 space for each 200 square feet of floor area
Lumberyards and building supply stores	1 space for each 2 employees and one space for each 300 square feet of floor area of office space
Manufacturing, industrial and wholesale establishments	1 space for each 2 employees of the largest shift, plus 1 space for each 250 square feet of office space
Mobile Home Parks	2 spaces for each dwelling unit
Mortuaries and funeral homes	8 spaces for each parlor and 1 space for each vehicle maintained on the premises

USE	PARKING REQUIREMENT
Motels	1 space for each dwelling unit, 1 space for each manager on duty, 1 space for each staff member; and space equal to 30% of the capacity of any restaurant, tavern or cocktail lounge operated in conjunction with the motel
Private Club or Lodge	Spaces equal to 30% of the capacity in persons of such clubs or lodges.
Recreational amusement establishments, swimming pools, golf courses, etc.	Spaces equal to 30% of the capacity of said facility
Restaurants, Fast food type	1 space for each 100 square feet of floor area
Restaurants, Sit down type, taverns, cocktail lounges	Spaces equal to 30% of the capacity of said restaurant, tavern or lounge
Schools, Elementary and junior high schools, preschools	1 space for each staff member
Schools, High schools, trade schools and colleges	1 space for each staff member and 1 space for each 3 students
Shopping Centers	4 1/2 space for each 1,000 square foot of floor area
Sports arenas, football stadiums, gymnasiums	1 space for each 5 seats
Transfer and storage companies	1 space for each 2 employees and 1 space for each vehicle maintained on the premises
Transportation Terminals	1 space for each 100 square feet of floor area
In the case of any use which is not specifically mentioned either herein or through the process outlined in Section XXIV(K), the provisions for a similar use mentioned shall apply.	1 space for each 300 square feet of floor area

SECTION XXI
OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

A. Intent

The purpose of this sections is to promote, preserve and protect the health, safety and general welfare of the county, to alleviate the congestion of public streets, to provide for the promotion of traffic safety, to conserve the value of buildings and to enhance and protect the appearance of the county by providing reasonable regulations and standards relating to the type, placement and physical dimensions of signs as hereafter set forth. This chapter recognizes and subscribes to the right of businesses to advertise and the right of advertising companies to pursue their business, subject to the reasonable regulations herein set forth for the purposes and reasons heretofore indicated.

This section shall apply to all on premises signs and off premises signs within the county. All signs erected, repaired, altered, relocated or maintained within the County.

B. Definitions

1. Abandoned and/or obsolete sign: A sign which, for more than ninety days (90), does not display any advertisement, copy or message or any sign which identifies or advertises a business, lessor, service, owner, product or activity which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.
2. Abandoned and/or obsolete sign structure: A sign support, frame, pole or structure which, for more than ninety days (90), does not meet current zoning regulations because of height, size or location, and which does not support a nonabandoned/obsolete sign or no sign.
3. Animated sign: A sign which uses movement or change of light to depict action or to create a special effect or scene. It does not include message center or time and temperature signs.
4. Attached sign: A sign attached to any building or habitable structure.
5. Banner sign: A sign made of fabric or other non-rigid materials with no enclosing framework.
6. Campus Complex: A agglomeration of industrial, commercial or professional office parcels that may, because of proximity of location or arrangement of buildings, be considered a single premises by the zoning administrator for the purpose of allowing a multitenant sign.
7. Changeable copy sign: A sign on which copy is changed manually in the field, such as a reader board with changeable letters or changeable pictorial panels.
8. Civic Banners: A temporary sign erected by a government agency on rights of way or other county property.
9. Clearance (of a sign): The vertical distance between the prevailing, natural surface grade and the lowest point of any sign, including framework and embellishments, extending over that grade.
10. Crop field sign: A sign used to designate seed crop, herbicide, fertilizer or any type of crop input.
11. Detached Sign: A sign supported by poles, uprights, and braces or otherwise not attached to any building or accessory structure.
12. Directional/Information Sign: An on premises sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.

13. Double Head Sign: An off premises sign that contains two (2) sign faces when viewed head on. A double head sign may be a side by side or double decker sign.
14. Façade, Other: The exterior walls of a building other than the primary façade or secondary façade.
15. Façade, Primary: A single exterior wall of a building that faces the front line of the lot or the exterior wall of a building that contains the primary entrance to the building. The designation of a primary façade shall be at the discretion of the owner.
16. Façade, Secondary: A single exterior wall of a building other than the primary façade. The designation of a secondary façade shall be at the discretion of the owner.
17. Face(of a sign): The area of a sign on which the copy is placed.
18. Festoons: A string of ribbons, tinsel, small flags, pinwheels or similar devices.
19. Flashing sign: A directly or indirectly illuminated sign which contains an intermittent flashing light source. This does not include message center or time/temperature signs.
20. Flyer sign: A temporary sign or poster affixed to a utility pole, fence, etc.
21. Height (of a sign): The vertical distance measured from the highest point of the sign or sign structure to the prevailing natural surface grade beneath the sign, whichever is less.
22. Illegal sign: A sign erected without a permit required by this section, or in violation of any of the limitations, prohibitions or requirements of this section.
23. Illegal sign structure: A sign structure erected without a permit required by this section, or in violation of any of the limitations, prohibitions or requirements of this section.
24. Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
25. Incidental sign: A small sign, emblem or decal informing the public of goods, facilities, or services available on the premises.
26. Lot width: The average width of a zoning lot measured parallel to the front lot line.
27. Maintenance: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic size, design, or structure of the sign.
28. Message center: An electronically or computer controlled reader board where different copy changes are shown on a lamp bank or other electronic displays.
29. Monument sign: A detached sign mounted directly on the ground or with no more than three feet (3') of clearance from the ground.
30. Multitenant sign: A sign within a shopping center, strip mall or campus complex depicting multiple tenants or the name of the shopping center.
31. Nonconforming sign: A. A sign which was erected legally, but which does not comply with subsequently enacted sign regulations and restrictions, or B. A sign which does not conform to the sign code requirements but for which a variance has been issued.

32. Nonconforming sign structure: A. A sign structure which was erected legally, but which does not comply with subsequently enacted sign regulations and restrictions, or B. A sign structure which does not conform to the sign code requirements but for which a variance has been issued.
33. Off Premises Advertising Sign: A sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located. An off premises sign shall be considered a principal use in the zoning districts in which it is allowed.
34. On Premises Advertising Sign: A sign which directs attention to a business, profession, product, service, or activity conducted, sold or offered on the same premises where the sign is located. An on premises sign shall be considered an accessory use in the zoning districts in which it is allowed.
35. Pole sign: A detached sign with more than three feet (3') of clearance from the ground.
36. Portable sign: A sign that, by its construction or nature, may be, or is intended to be freely moved from one location to another. The removal of the wheels or undercarriage does not place the sign in another category.
37. Premises: An individual zoning lot, parcel or campus complex, together with the buildings and structures thereon.
38. Projecting sign: An attached sign supported by uprights, braces, or other devices or otherwise attached to a building or structure and projecting perpendicular to the face of the building.
39. Public sign: A temporary or permanent sign erected and maintained by the county, state or federal government for traffic control or direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.
40. Roof sign: An attached sign erected, constructed or maintained wholly or partially upon or over the roofline of any building with the principal structural support on the roof or building structure.
41. Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.
42. Sign: An object, device, graphic design or part thereof, visible outdoors used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, illuminated neon tubing and projecting images.
43. Sign Area: A. Detached on premises signs attached on premises signs with frames, and off premises signs: For a sign composed of one face, the sign area is the area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. For a sign composed of more than one face: the sign area is the areas enclosed by a continuous line connecting the extreme points or edges of each face and shall be totaled. The area shall be determined using the total sign area or silhouette, but excluding the necessary supports or uprights. For a sign composed of two (2) faces constructed back to back, or at less than a forty five degree (45°) angle to each other: the sign area shall be determined using the sign area or silhouette of the largest face, but excluding the necessary supports or uprights. For a sign composed of two (2) faces constructed at more than a forty five degree (45°) angle to each other: the sign area shall be determined using the total area of all faces, but excluding the necessary supports or uprights. B. Attached on premises signs without frames: The sign area is the area including all lettering, wording and accompanying design or symbols together with any background. For a sign composed of individual letters or figures: the sign area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

44. Sign Permit: A permit granted by the county for the erection, construction, enlargement, relocation or conversion of any on premises or off premises sign for which a permit is required.
45. Sign separation: The horizontal distance between sign faces when measured along the centerline of a public right of way from a point on the centerline of the public right of way at a right angle to the center of one sign face to a point on the centerline of the same public right of way at a right angle to the center of another sign face.
46. Single head sign: An off premises sign that contains a single sign face when viewed head on.
47. Street frontage: The length of the property line of any one premises abutting the public right of way.
48. Swinging Sign: A sign installed on an arm, mast or spar that is by design intended to allow the sign to swing due to wind action.
49. Traffic visibility zone: The triangle bounded by a street right of way and any driveway or alley right of way with sides of ten feet (10') from the point of intersection of said rights of way or driveway. Between the heights of three feet (3') and ten feet (10') the visibility zone must be free from obstruction.
50. Transient sign: A sign, banner, pennant, placard, valance or advertising display or sign constructed of light fabric, plastic, cardboard, wallboard, plywood, paper or other light materials, with or without frames, intended to be displayed for a limited period of time, e.g., garage sale, rummage sale, real estate, open house, product sign, vendor sign and similar types of signs.
51. Wall sign: An attached sign that is inscribed or painted directly on a wall of any building or structure.
52. Window sign: A temporary on premises sign installed in, on, or behind a window and intended to be viewed from the outside.

C. Permitted Signs

The following signs are allowed and are exempted from the sign permit requirements.

Table 13, Permitted Signs

Crop field signs in Agricultural Districts.	Sign's up to six (6) square feet are allowed per crop, herbicide, fertilizer or crop input. One (1) sign up to thirty two (32) square feet is permitted designating the test plot. Crop field signs are allowed between May 1 st and December 1 st .
Transient signs in Residential zoning districts.	One (1) transient sign of up to six (6) square feet is allowed. Multiple transient signs with a cumulative area of no more than twelve (12) square feet are allowed if there is a valid building permit issued for the premises. The height of any sign shall not exceed six feet (6') Transient signs may be placed in the required setbacks but not within the traffic visibility zone. Transient signs may be placed for no more than ninety (90) days in any calendar year.
Transient signs in commercial, industrial zoning districts.	On zoning lots with up to two hundred feet (200') of street frontage along a single street, multiple transient signs with a cumulative area of no more than eight (8) square feet are allowed. Multiple transient signs with a cumulative area of no more than sixteen (16) square feet are allowed if there is a valid building permit issued for the premises. The height of any sign shall not exceed seven feet (7'). Transient signs in commercial and industrial districts shall meet the required setbacks of the zoning district.

Directional/informational signs.	One (1) sign per street access, not to exceed four (4) square feet in sign area for each sign. Such sign may be illuminated but shall not flash.
Holiday decorations.	
Public signs.	
Balloons, festoons and other promotional devices.	In a commercial or industrial area. Such device may be used for no more than thirty (30) days in any calendar year. In a residential area. Such devices may be used for no more than ten (10) days in any calendar year.
Temporary window signs.	
Signs not intended to be viewed from any public right of way.	
Civic banners.	
Signs not requiring a permit.	No sign shall be illuminated unless otherwise provided herein No sign shall be located in, on, under or over any public right of way. The sign area shall not be applied to the total sign area allowed by the zoning district. Signs are not subject to the setback requirement unless specifically stated herein. Signs shall not be placed in the traffic visibility zone. Signs must be constructed of a rigid material, or erected tightly so as to appear of a rigid material, and securely mounted without the use of guywires, ropes, strings or cords.

D. Prohibited Signs

The following signs are prohibited in all zones

Table 14, Prohibited Signs

Prohibited Signs
Abandoned and/or obsolete signs and sign structures.
Signs imitating or resembling official traffic or government signs or signals.
Signs bearing or containing statements, words, or pictures that describe or depict specified anatomical areas or specified sexual activities.
Flyer signs.
Swinging signs.
Other signs which are not expressly permitted by this section or violate or advertise activities that violate county, state or federal law.
Any nonpublic sign located in, on, under or over any public right of way unless meeting requirements of this section.
Flashing signs. This does not include message centers or time/temperature signs, other than required by state or federal regulations.
Off premises advertising signs that are either roof signs or wall signs.

E. Campus Complex

1. A campus complex may be designated by the zoning administrator in industrial or commercial zoning districts where several parcels are so located and arranged that they give an appearance to the general public of an institutional or commercial center. A designation of a campus complex allows the various

parcels to be considered a single premises for the purpose of meeting the requirements for a multitenant sign.

2. The designation of several parcels as a campus complex allows a single sign structure to support the detached signs of the various parcel. The formula for determining detached signage allowances in the zoning district shall be applied to each individual parcel. A single sign structure, located on any one of the parcels, may be used to support the various detached signs of each individual parcel. In no case shall more total or individual signage be allowed under the campus complex designation than would be allowed using the signage requirements of each individual premises.
3. A sign designating the name of the campus complex may be attached to the campus complex sign structure. The total sign area allowed on the campus complex sign structure, including the sign designating the name of the campus complex, shall not exceed the signage allowed below.

F. Performance Standards:

Table 15, Bulk Sign Requirements

General Regulations	1. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress or to prevent free passage from one part of a roof to another part thereof or access thereto. 2. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the building or fire prevention codes. 3. Signs shall not be suspended by chains, hooks or cables or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections. 4. Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible. 5. Detached signs shall be self-supporting structures and be permanently attached to sufficient foundations. 6. Attached signs must derive their principal and total support from the building to which they are attached. 7. All projecting signs must be constructed so as to provide a minimum height above grade as follows: ten feet (10') above any pedestrianway; fourteen feet (14') above any vehicular way. 8. All off premises signs hereafter erected or remodeled shall bear a permanent, legible identification plate stating the name of the owner of the sign or corporation responsible for the construction or erection.
Electrical standards.	1. Electrical service to on premises and off premises signs shall be concealed to the greatest extent feasible. 2. No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed or allowed so as to direct or reflect any artificial light onto any structure or adjoining property or to constitute a hazard to the safe operation of vehicles upon a street or highway.
Maintenance standards.	1. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, representable and good structural and aesthetic condition at all times, including replacing of defective parts and lettering, repainting, cleaning and other acts required for the maintenance of such sign. 2. The ground area around any detached sign shall be kept free and clean of weeds, trash and other debris. 3. Any violation of this section shall be considered a public nuisance.

Encroachment standards.	1. Signs attached parallel to the face of a building may encroach into a right of way up to fifteen inches (15") in the commercial district provided they maintain a minimum clearance of ten feet (10') below the sign. 2. Canopy and awning signs shall be considered to be attached on premises signs and are allowed, required they meet the requirements of this section. 3. Detached signs are not allowed to encroach into a right of way.
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G. Signs allowed by District

Table 16, Sign Requirements Per District Type

District	Signs Allowed:	Sign Types Allowed:	Sign Area Allowed:	Height Restrictions	Setbacks	Additional Regulations
A-1,A-R	Signs not requiring permits On Premises advertising signs	Attached and Detached	Residential uses: 6 square feet Other uses: 32 square feet	Detached: 6' Attached: shall not be above first floor.		May be illuminated but not flash. No moving, rotating or animated parts.
R-1, R-2, R-MH*	Signs not requiring permits On Premises advertising signs	Attached and Detached	Residential uses: 6 square feet Other uses: 32 square feet	Detached: 6' Attached: shall not be above first floor.		Non-residential uses may be illuminated but not flash. Residential uses may not be illuminated. No moving, rotating or animated parts. Residential uses are allowed attached signs only.
C, C-R*	Signs not requiring permits On Premises advertising signs	Attached and Detached	Attached: One (1) pole or ground sign not to exceed 20% of the area of primary façade. Secondary façade signage shall not exceed 10% Detached: 1 square foot of sign per foot of lot width with a minimum of 30 square feet and a maximum of 250 sq. feet.	Attached: Not to exceed 125% of the height of roofline Detached: Not exceed 35'. Signs within 100' of a residential district shall not exceed 25'	One (1) sign structure is permitted on each premises for each street frontage. Where an individual street frontage exceeds 300', one (1) additional sign structure may be permitted.	Signs may be illuminated, but shall not flash. Time / temperature and message centers are allowed, Signs shall not have moving, rotating or animated parts.

District	Signs Allowed:	Sign Types Allowed:	Sign Area Allowed:	Height Restrictions	Setbacks	Additional Regulations
I-L, I-H*	Signs not requiring permits On Premises advertising signs	Attached and Detached	Attached: Not to exceed 10% of the area of primary façade. Secondary façade signage shall not exceed 10% Detached: 1 square foot of sign per foot of lot width with a minimum of 30 square feet and a maximum of 250 square feet.	Attached: Not to exceed 125% of the height of roofline Detached: Not exceed 35'. Signs within 100' of a residential district shall not exceed 25'	One (1) sign structure is permitted on each premises for each street frontage. Where an individual street frontage exceeds 300', one (1) additional sign structure may be permitted.	Signs may be illuminated, but shall not flash. Time/temperature and message centers are allowed, Signs shall not have moving, rotating or animated parts. Commercial uses in an industrial district for which a conditional use permit has been issued by the zoning board of adjustment are subject to the sign requirements of the C district for such time as the conditional use permit is valid.
PUD	Signs not requiring permits On Premises advertising signs	Attached and Detached	Maximum sign area allowed for detached and attached signs shall be determined through the PUD approval process	Maximum sign heights allowed for detached and attached signs shall be determined through the PUD approval process	Setback requirements for detached signs shall be determined through the PUD approval process	Signs may be illuminated, but shall not flash. Time/temperature and message centers are allowed, Signs shall not have moving, rotating or animated parts. If the PUD site plan does not explicitly identify signage placement or size, the following limits shall be followed. PUD-R shall follow R district regulations, PUD-C shall follow C district regulations and PUD-I shall follow "I" district regulations.

*Portable signs: 1. A portable sign, up to thirty two (32) square feet, shall be allowed for up to thirty (30) days. No portable sign shall be permitted for the ensuing sixty (60) days. 2. Portable signs shall not be erected or maintained on any public right of way. 3. Portable signs shall be set back no less than ten (10') feet from any lot line. 4. Portable signs may be internally illuminated, but shall not flash. 5. Portable signs may not displace any required parking.

H. Off Premises Advertising Signs:

Table 17, Off-Premise Sign Requirements

Allowed Districts	Sign types allowed	Sign area allowed	Height Restrictions	Setbacks	Additional Regulations
C-R, I-L, I-H	Detached only, single head signs shall be allowed in C-R district, double head signs are allowed in I-L and I-H districts. Signs may have sign faces erected back to back in all allowed districts provided the minimum separation distances are met.	Sign faces shall not exceed three hundred (300) square feet.	Signs in the C-R, I-L and I-H districts shall not exceed thirty five (35') feet. Signs located within seventy five feet (75') of a residential zone shall not exceed a height of twenty five (25') feet.	Signs shall meet the setbacks of the zoning district.	Sign faces shall have a minimum separation of six hundred feet (600') The face of an off premises sign shall be located no less than seventy five (75') feet from any residential zoning district or any lot containing a government building, church, or school.

I. Nonconforming signs and sign structures:

1. On and off premises signs legally erected and in existence on the adoption date of this ordinance and which do not conform to the provision of this section shall be deemed a nonconforming sign and may continue in existence until the sign is deemed abandoned and/or the sign is destroyed in excess of fifty percent (50%) of value.
2. On and off premises sign structures legally erected and in existence on the adoption date of this ordinance and which do not conform to the provisions of this section shall be deemed a nonconforming sign structure and may continue in existence until the sign structure is deemed abandoned and/or the sign structure is destroyed in excess of fifty percent (50%) of replacement cost at time of destruction.

J. Public Nuisance Declared:

1. The owner of any unmaintained sign is prima facie responsible for the maintenance of such sign upon public or private property in violation of this chapter. Any owner, occupant or person in possession of real property within the county upon which one or more unmaintained signs are found is prima facie responsible for permitting such unmaintained sign upon such property in violation of this section. No person shall be charged with more than one violation of this section for any one sign. The owner of an unmaintained sign and the owner of real estate upon which such unmaintained sign are found may both be charged. Each day the owner of an unmaintained sign and the owner, occupant or person in possession of real property within the county is found in violation of this section and permits the violation to continue after the notice period provided in Section XXIII (J-3) shall be a new violation of this section.
2. Upon discovery of any unmaintained sign upon private property within the county, any sheriff or law enforcement officer, or other county officer, official or employee having authority or responsibility for enforcement of any provisions of this code, may notify in writing the owner of said unmaintained sign, and the owner of the property upon which it is located that: 1. the unmaintained sign constitutes a

violation under the provisions of this section. 2. The owner must abate the violation by removing or repairing same in accordance with the terms of subsection J-3 of this section. 3. Failure to remove or repair same shall be sufficient cause for removal and disposal by the county and assessment of costs. In the alternative, the county may cause to be issued to the owner of the unmaintained sign, or to the owner of the property on which the unmaintained sign is found, a citation for a municipal infraction setting forth the violation of this section and seeking an order of removal on conviction. The notice provided by this section relates only to the abatement of a violation of this section and is not an element of a violation, provided, however, that a second and/or any subsequent citation shall not be issued until after the notice provided herein.

3. The owner of the unmaintained sign which violates the provisions of this chapter, or the owner of the property upon which it is located, shall within ten (10) days after service of a written notice from any county officer, official or employee having authority or responsibility for enforcement of any provisions of this code, remove or repair same.
4. If the owner of an unmaintained sign or the owner of the property upon which it is located, shall fail to remove or repair same in accordance with the requirements of subsection J-3 of this section, any county officer, official or employee having authority or responsibility for enforcement of any provisions of this code, may abate such violation by causing same to be removed to a place of safekeeping and the cost of removal and storage shall be charged to the owner of the unmaintained sign, or to the owner of the property upon which it was located.

A violation of any of the provisions of this section may be charged as a municipal infraction or a misdemeanor.

SECTION XXII
EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT,
AND AREA REGULATIONS

The district regulations as set forth in this section shall qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

- A. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from side and rear yard lines heretofore established an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.
- B. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.
- C. Chimneys, cooling towers, grain silos, elevators, bulkheads, fire towers, monuments, wind generators, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers or necessary mechanical apparatus, may be erected to any safe height not in conflict with existing or hereafter adopted regulations of Worth County, Iowa.
- D. Accessory buildings may be built in a required rear yard, set back sixty (60') feet from front yard lot line, but shall not occupy more than thirty (30) percent of the rear yard. However, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard, provided all yard setbacks can be maintained.
- E. No basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed. This variation is not to be construed to prohibit earth-sheltered subterranean dwellings.
- F. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard and except for the ordinary projections of sills, belt course, cornices, cantilevers, bay windows and ornamental features projecting not to exceed twenty-four (24) inches.
- G. For the purpose of side yard requirements, a two-family group house or multiple dwelling shall be considered as one building occupying one lot.
- H. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period the work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.
- I. More than one (1) industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract in a district permitting these uses, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings nor shall there be any change in the intensity of use regulations.
- J. The Board of Adjustment shall review, may modify, and may, by special permit, issue a special exemption to the following uses. Said use may be located in any zoning district but otherwise restricted by other provisions of this Ordinance:
 - 1. Municipal, state or federal government buildings.
 - 2. Commercial, amusement or recreational development for temporary periods.

- K. In any district, in which a single-family dwelling and its customary accessory building may be erected on a lot of record or remnant site a single-family dwelling may be constructed provided the yard area (minimum of one and one half (1.5) acre) and setback requirements are met.

SECTION XXIII ZONING CERTIFICATES

A. Zoning Certificate Required

Zoning Certificates shall be required in accordance with the following, except that no permit shall be required for agricultural uses in accordance with Section II of this Ordinance.

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a Zoning Certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.
2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, unless such changes are in conformity with the provisions of this Ordinance and a Zoning Certificate is issued therefore by the Zoning Administrator.
3. Nothing in this section shall prevent the continuance of a nonconforming use as here in before authorized, unless discontinuance is necessary for the safety of life or property.
4. In accordance with this section, zoning certificates shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Zoning Certificates shall be issued to complying applicants after application is made. The appropriate records and copies of Certificates shall be maintained as a matter of public record.
5. A Zoning Certificate shall become null and void twelve (12) months after the date on which it is issued unless within such twelve (12) month period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

B. Zoning Certificate Application Procedure

Applicants for a Zoning Certificate shall be required to provide the following:

1. A sketch, drawing, or plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon or used, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and a vicinity map of the lot to be built upon or used.
2. Such information as may be necessary to provide for the enforcement of this Ordinance.

**SECTION XXIV
ADMINISTRATION AND ENFORCEMENT**

A. Organization

The administration of this Ordinance is vested in the following four (4) offices of the government of Worth County: Board of Supervisors, Planning and Zoning Commission, Board of Adjustment, and the Zoning Administrator.

B. Basis of Regulations

Regulations are made in accordance with the Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

C. Board of Supervisors

1. Jurisdiction. The Board of Supervisors of Worth County, Iowa, shall discharge the following duties under this Ordinance:
 - a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
 - b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
 - c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
 - d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
 - e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
 - f. To decide all matters upon which it is required to pass under this Ordinance, or by Statute or Regulation.

D. Board of Adjustment

1. Creation. The Board of Adjustment, as established under applicable provisions of the Iowa State Statutes, is the Board of Adjustment referred to in this Ordinance.
2. Appointment-Terms-Removal. The Board of Adjustment shall consist of five (5) members to be appointed by the Board of Supervisors for a term of three (3) years. All the members of the Board of Adjustment shall be persons residing within the zoned townships of the county. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member affected.

3. Powers and Duties. The Board of Adjustment is hereby vested with the following powers and duties:
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. The Board of Adjustment will also interpret this Ordinance, as is necessary.
 - b. To hear and decide all applications for special exceptions and temporary use permits in the manner prescribed in this Ordinance.
 - c. To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
4. Meetings and Rules. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. Meetings requiring action will require that the Board of Adjustment hold at least one (1) public hearing, notice of which shall be given by local newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent, or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be filed in the office of the Zoning Administrator.

The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title.
5. Finality of Decisions of the Board of Adjustment. All decisions and findings of the Board of Adjustment on appeals applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.
6. Appeals from the Board of Adjustment. Any person or persons, or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the state.

E. Conditional Uses

1. Purpose. The development and administration of this Ordinance is based upon the division of the County into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such special exceptions fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest;
 - b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
2. Initiation of Conditional Uses. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
3. Application for Conditional Uses. An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
4. Hearing on Application. Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed conditional use. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Worth County. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.
5. Authorization. For each application for a conditional use the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
6. Standards. No conditional use shall be granted by the Board of Adjustment unless such Board shall make written findings of fact:
 - a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - b. That the conditional use will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 - c. That the establishment of conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 - f. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment; and

- g. That the conditional use shall conform to the Worth County Comprehensive Plan.
- 7. Conditions and Guarantees. Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.
- 8. Reapplication for and Revocation of Conditional Uses.
 - a. Reapplication for Conditional Use After Denial. No application for a conditional use that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
 - b. Revocation of a Conditional Use. In any case where conditional use has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

F. Variances

- 1. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- 2. Application for Variances. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.
- 3. Hearing on Application. Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance request. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Worth County. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.
- 4. Standards for Variances. The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
 - a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from a literal enforcement of the Ordinance.

- c. Special conditions and circumstances do not result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - e. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - f. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the surrounding landowners, or otherwise detrimental or contrary to the public welfare.
 - g. The Board of Adjustment shall make a finding that granting a variance will be in conformance with the Worth County Comprehensive Plan.
 - h. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under this Ordinance.
 - i. Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
 - j. If a variance is sought to permit building within four (4) feet or less of a property line, the request must be accompanied by a certified survey.
5. Reapplication for Variances after Denial. No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

G. Other Powers of the Board of Adjustment.

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

- 1. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in this Ordinance leaves a reasonable doubt as to the boundary between two (2) Zoning Districts, the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.
- 2. Temporary Uses and Permits. The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use is of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

H. Planning and Zoning Commission

1. Creation. The Planning and Zoning Commission of Worth County, as established under the applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance.
2. Membership. The Planning and Zoning Commission shall consist of five (5) members to be appointed by the Board of Supervisors for a term of three (3) years. All the members of the Planning and Zoning Commission shall be persons residing within the zoned townships of the county. Vacancies shall be filled by the Board of Supervisors for only the unexpired term of the member affected. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the Board of Supervisors.

Immediately following their appointment the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with County Ordinances and state laws. The Commission shall keep written records of its proceedings that shall be open at all times to public inspection.

3. Powers and Duties. The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:
 - a. Make such surveys, studies, maps, plans, or charts of the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Board of Supervisors, and may publish its studies and recommendations.
 - b. Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the County, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the County.
 - c. Make careful and comprehensive studies of present conditions and future growth of the County with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
 - d. Hold at least one (1) public hearing before the adoption of any such comprehensive plan, notice of which shall be given by local newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. The adoption of the plan shall be by resolution of the Commission carried by the affirmative vote of a simple majority of the members.
 - e. Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Planning and Zoning Commission disapproves the proposed change it may be adopted by the Board of Supervisors only by the affirmative vote of at least two-thirds (2/3) of the Board of Supervisors members.
 - f. Recommend to the Board of Supervisors changes in the zoning regulations or districts, per Section XXVI(K).
 - g. File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the Board of Supervisors.
 - h. Hold at least one (1) public hearing prior to any action item, pertaining to this Ordinance, that is to be reviewed by the Board of Supervisors, notice of which shall be given by local

newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. A formal recommendation from the Planning and Zoning Commission to the Board of Supervisors shall then be made. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing.

I. Zoning Administrator

1. Designation of Zoning Administrator. The Zoning Administrator shall be designated by the Worth County Board of Supervisors.
2. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce this Ordinance and in addition thereto and in furtherance of said authority, shall:
 - a. Issue all permits and collect applicable fees.
 - b. Process all applications for variances, special exceptions, and rezoning for referral to the Board of Adjustment and Planning and Zoning Commission.
 - c. Respond to complaints of alleged violations to the Ordinance.
 - d. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
 - e. Provide proper forms to the public for the zoning process.
 - f. Review site plans for conformance with the Ordinance.
 - g. Carry out the administrative duties for both the Planning and Zoning Commission and the Board of Adjustment.
 - h. Shall act as the Secretary to the Planning and Zoning Commission and the Board of Adjustment.
 - i. Insure that public notices of hearings are properly advertised in local newspapers, and that notice is provided to the parties of interest.

J. Secretary of the Planning and Zoning Commission and the Board of Adjustment

1. Jurisdiction. The Secretary of the Planning and Zoning Commission and the Secretary of the Board of Adjustment shall be the Zoning Administrator.
 - a. The Secretary of the Planning and Zoning Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission.
 - b. The Secretary of the Board of Adjustment shall attend all meetings, take full and necessary reports and documents for and on behalf of the Board of Adjustment, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board of Adjustment.

K. Amendments to this Ordinance

1. Procedure. The regulations, restrictions, zoning designation and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearings first before the Planning and Zoning Commission and then the County Board of Supervisors. The notice of the time and place of the hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice. Land owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action. Following the hearings, the County Board of Supervisors shall conduct the necessary readings regarding the Ordinance amendment, as outlined in the Code of Iowa.

In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the Board of Supervisors against such change signed by the owner of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed five-hundred (500) feet there from, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed five hundred (500) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Board of Supervisors.

As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

L. Applications for Rezoning, Variances, and/or Special Exceptions

Applications shall contain the following items:

- a. The name of the applicant/owner.
- b. The legal description and local address, if available, of the property to be rezoned.
- c. The present zoning classification and the zoning classification requested for the property.
- d. The existing use and proposed use of the property.
- e. The names and addresses of the property owners within five hundred (500) feet of the property in question.
- f. A statement of the reasons why the applicant feels the present zoning classification should be changed or why a variance or special exception is necessary.
- g. A plat, or copy thereof, showing the locations, dimensions, and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features.
- h. Assurances that all applicable fees are paid.
- i. When requesting rezoning, notice shall be given indicating that rezoning shall constitute an official amendment to the Official Zoning Map(s), thus requiring publication of the address and legal description of the property in question.

- j. The signature of the property owner.
- k. Reapplication for Rezoning After Denial. No application for rezoning that has been denied wholly or in part by the Board of Supervisors shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Supervisors.

SECTION XXV
VIOLATION AND PENALTY

Violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of special exceptions or variances) shall constitute a municipal infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Worth County from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION XXVI
ENFORCEMENT AND FEES**

A. Enforcement

The Board of Supervisors shall appoint an Administrative Officer, and it shall be the duty of said officer to enforce this Ordinance. Such Administrative Officer may be a person holding other public office in the County, or in a county or other governmental subdivision within the County. The Board of Supervisors is authorized to pay to such officer out of the general fund such compensation as it shall deem fit.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, shall institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business, or use in or about such premises.

B. Fees

Fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted by resolution by the County Board of Supervisors. A copy of the Schedule of Fees shall be on file in the Zoning Administrator's office. The following fees will be charged by the County.

1. Rezoning application fee.
2. Variance application fee.
3. Conditional Use application fee.
4. Subdivision review fee.

SECTION XXVII
REPEALER AND SEVERABILITY

A. Repealer

All ordinances, including the existing Worth County Zoning Ordinance, as adopted on 17 APRIL 1970, and all amendments thereto, resolutions, or any part thereof, in conflict with all or any part of this Ordinance are hereby repealed.

B. Severability

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

SECTION XXVIII
EFFECTIVE DATE

This Ordinance, adopted as Worth County Zoning Ordinance 01/26/09, shall be in full force and effect upon publication.

Final passage and adoption of this Ordinance was documented on the Minutes of the Worth County Board of Supervisors meeting 02/09/2009.

//Signed//

Chair

Worth County Board of Supervisors

ATTEST:

//Signed//

Worth County Auditor

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map of the County and have not been codified herein, but are specifically saved from repeal and are in full force and effect.

[illegible]

