

ZONING ORDINANCE

DES MOINES COUNTY, IOWA

ORDINANCE NO. 34

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Two-Mile Zoning Ordinance from the Burlington City Limits
for the unincorporated areas of Des Moines, County, Iowa.

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ARTICLE I - GENERAL PROVISIONS

DIVISION 10: GENERAL PROVISIONS

- 1 Purpose. This ordinance is adopted for the purpose of promoting public health, safety, comfort, order, and general welfare to conserve and protect natural and manmade environment, to secure and provide the social and economic advantages resulting from an orderly, planned use of land resources, and to facilitate adequate but economical provisions for public improvements, all in accordance with and as permitted by the provisions of Chapter 335 of the Iowa Code.
- 2 Short Title. This ordinance shall also be known simply as the “Zoning Ordinance.”
- 3 Exemption of Farm Structures and/or Agricultural Land. Except, to the extent required to implement section 335.27 of the Iowa Code, no ordinance adopted under Chapter 335 of the Iowa Code applies to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinance may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the Special Flood Hazard Areas (SFHA) of any river or stream.
 - a) 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.
 - A. 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.
- 4 Interpretation of Standards. In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control.
- 5 Existing Uses. The use of a building existing at the time of the enactment of this ordinance may be continued even though such use may not conform with the regulations of this ordinance for the district in which it is located. Any use in existence at the adoption hereof that is not an authorized “non-conforming use” in a district shall not be authorized to continue as a non-

conforming use pursuant to this ordinance, or amendments thereto. The completion of a certificate of zoning compliance, as referred to in Sec. 010-060 Zoning Compliance, authorizes a non-conforming use.

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

7 District Designation. For the purpose of this Ordinance the land covered by this Ordinance is hereby divided into the following designated districts as shown on the Official Des Moines County, Iowa Zoning District Map which, with all its notations, designations, references and other matters shown thereon, is hereby adopted by reference and declared to be part of this ordinance, to-wit:

"A-1"	Agricultural District
"R-1"	One Household Residential District
"R-2"	Multi Residential District
"B-1"	Business / Commercial District
"I-1"	Industrial District
"C-1"	Conservation District
"FP"	Flood Plain Overlay District

8 Official Zoning Map.

A. The official zoning map shall be identified by the signature of the Chairman of the Board of Supervisors, attested to by the County Auditor, under the following language: "This is to certify that this is the original official Des Moines County Zoning District Map referred to in Sec. 010-070 District Designation of the Zoning Ordinance for Des Moines County, Iowa," together with the date of adoption of this Ordinance.

B. If, in accordance with the provisions of this ordinance and the laws of the State of Iowa, changes are made in district boundaries or other matter portrayed in the said original official zoning map, such changes shall be portrayed on a map identical to the original official zoning map and certified as herein above provided for the original official zoning map, except said changed map shall be identified as being an amended official zoning map for Des Moines County Zoning District and show the date of adoption of said amending ordinance.

C. The original official Des Moines County Zoning District Map and all amendments thereto shall be kept at the office of the Land Use

Administrator.

- 9 District Boundaries. The boundaries of the various districts established by this ordinance are road lines, property lines, lot lines, section lines, quarter section lines, quarter-quarter section lines, center of streams, or other lines shown on the official zone maps. Where boundaries are approximately indicated as property or lot lines, the true location of such lines shall be taken as the boundary lines. Where the distance to any boundary line, from a road line, property line or lot line, is indicated by the original official Des Moines County Zoning District Map or amendment thereto, such measurements shall control.

Sec. 010-100 Application of District Regulations. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered other than herein required; or in any other manner contrary to the provisions of this Ordinance:
- 1) To exceed the height;
 - 2) To accommodate or house a greater number of families;
 - 3) To occupy a greater percentage of lot area;
 - 4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces;
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance, that is below the minimum requirements set forth herein, shall be reduced in dimension. Yards or lots created after the effective date of this Ordinance shall meet, at least, the minimum requirements established by this Ordinance.

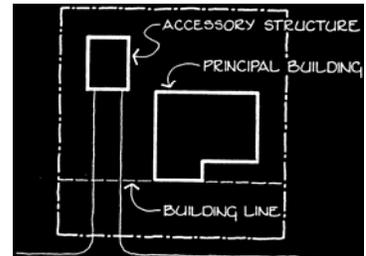
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DIVISION 15: DEFINITIONS

1 Word Usage. For the purpose of these regulations, certain words herein shall be interpreted as follows: words used in the present tense shall include the future, the singular shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine, the term “shall” is mandatory, and the term “may” is permissive.

2 Definitions.

Accessory Use or Structure. A use or structure subordinate to and on the same lot with a principal building or use. *An accessory building shall be considered any permanent structure having at least two walls or sides and covering or containing an area of at least 168 square feet¹*



Agriculture. The use of land for agricultural purposes, including necessary buildings and structures which shall be used for agricultural including, but not limited to, farming, dairying, pasturage, apiculture (beekeeping), aqua-culture, horticulture (fruits, vegetables, plants), floriculture (flowering plants), forestry, viticulture (grapes), and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Agriculture does not include the feeding of collected garbage or offal (by product of milling) to swine or other animals.

Airport. Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Alley. A public thoroughfare which affords only a secondary access to abutting property.

Animal Hospital. A building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Animal Shelter. A facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

Antenna. Any structure or device used to collect or radiate telecommunications signals.

Antenna - Height. The vertical distance measured from the base of the structure to the highest point of the structure.

Automobile Repair Service. General or minor repairs, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop, upholstery, vehicle cleaning.

Basement or Cellar. Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides.

Bed & Breakfast Home . A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time. It may advertise and accept reservations, but does not hold itself out to the public to be a restaurant, hotel or

motel, and does not require reservations and serves food only to overnight guests.

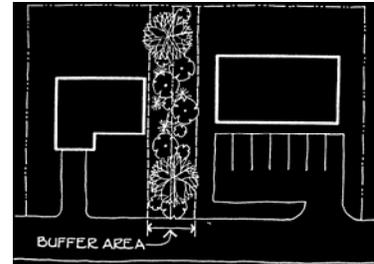
Bed & Breakfast Inn. A hotel which has nine or fewer guest rooms.

Board or Board of Supervisors. Shall refer to the Board of Supervisors of Des Moines County, Iowa.

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

Breach Flood Area. A breach flood analysis is to determine flooding hazards down stream. A flooding hazard is determined at emergency spillway crest elevations. Refer to the Natural Resource Conservation Service (NRCS) Technical Release Manual 60, 66 & 20.

Buffer Area. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.



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

Building Height. The vertical distance measured from the average ground elevation to the highest point on such structure.

Bulk Station. Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable, corrosive or highly volatile liquids, liquefied petroleum products, or other liquefied gases where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

Business / 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.

Campground. Any land or portion thereof which is planned for and used exclusively by occupants of tents, trailers, mobile homes or other mobile living facilities for periods not exceeding four (4) weeks in duration.

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

Clinic. A building or buildings used by physicians and/or dentists, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.

Commercial Breeder. A person, entity, corporation or partnership engaged in the business of breeding domestic, exotic or livestock who sells, exchanges, or leases domestic, exotic or livestock in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or fewer breeding males or females are not a commercial-breeder.

Commercial / Confinement Feedlot Operation. The feeding, farrowing, and raising of cattle, swine, sheep and poultry in a confined area or parcel where grazing is not the principal feed source. To be defined as "commercial/confinement" such operation must be owned or controlled by a partnership or corporation, the owners of which do not live on the site. This definition does not include family farms and family farms which have incorporated for business purposes.

Commission. Shall refer to the Planning and Zoning Commission of Des Moines County, Iowa.

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

Office - A multiple dwelling where Commercial / Professional offices are located with fee title to each unit.

Residential - A multiple dwelling designed and used exclusively for residence purposes with fee title to each dwelling unit.

Day Nursery or Nursery School (Private or Public). Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for six (6) or more unrelated children of pre-school age, for compensation.

Dwelling. Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent or recreational vehicle.

One Household - A detached dwelling designed for or occupied exclusively for residence purposes by one family. (One dwelling unit)

Two Household (Duplex) - A dwelling designed for or occupied exclusively for residence purposes by two (2) families living independently of each other.

Multi - A dwelling or portion thereof designed for or occupied exclusively for residence purposes by three (3) or more families or housekeeping units living independently of each other.

Unit - Any portion of a building having one room or a suite of two or more rooms designed for or used by one family for independent living and sleeping quarters including cooking and bathing facilities.

Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

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

Farm Dwelling - Principal. A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.

Farm Dwelling - Supplementary. A dwelling located on a farm that is under the same ownership as the main farm dwelling and other buildings and lands used in conjunction with the farming operation and occupied by a person or family employed thereon.

Fill. The placing, storing, or dumping of any material such as earth, clay, sand, rubble, concrete, or waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.

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, than all of the property abutting on one side between an intersecting street and the dead end of the street.

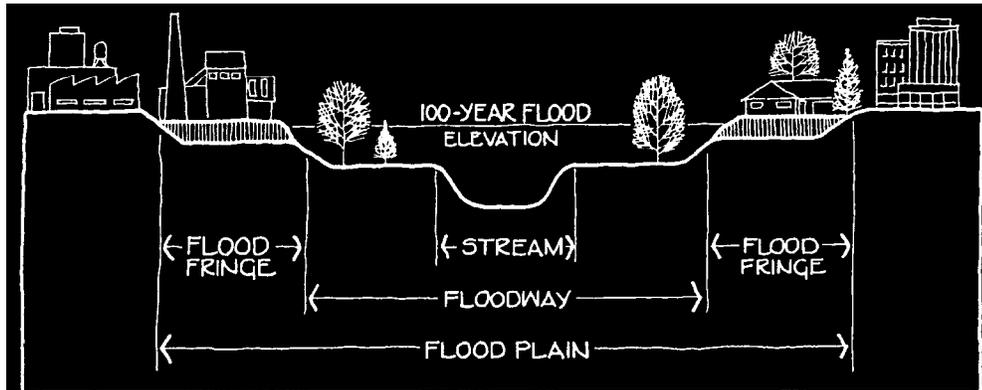
Flood. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

Flood Fringe. The area of the flood plain, outside of the floodway, that on an average is likely to be flooded once every 100 years (i.e.: that has a one percent chance of flood occurrence in any one year).

Flood Plain. Any land area susceptible to being inundated by water as a result of a flood. Areas are identified by the National Flood Insurance Program (NFIP) Maps.

Floodway. The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

Floodway Fringe. Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.



Garage, Private. An enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises.

Garage, Public. Any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

Gas Station. An establishment providing sales of vehicle fuel and such services as lubrication, oil and tire changes, and minor repairs. This does not include paint spraying or body fender repair.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Grain Elevator. A structure or group of related structures whose purpose is limited to the receiving, processing, storage, drying, and transporting of bulk grain.

Highway or Primary Thoroughfare. An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the Transportation Plan as officially adopted and amended from time to time by the Des Moines County Zoning Commission and Des Moines County Board of Supervisors.

Home Occupation or Home Business. A secondary use carried on entirely within the residence or an accessory building or dwelling unit where there is no evidence of such occupation or business being conducted by virtue of large displays, or excessive noise, odors, electrical disturbances, or traffic generation. Allowed only by a three (3) year permit issued by the Des Moines County Planning and Zoning Commission.

Household. One or more persons related by blood, marriage, adoption, or guardianship, or not more than three (3) persons not so related, occupying a dwelling unit and living as a single housekeeping unit. This does not include individuals living together in a structured or protected setting due to physical or mental handicaps.

Industry. Manufacturing, fabricating, assembling, finishing, packaging, processing or research and development.

Junk / Salvage Yard. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including the dismantling or "wrecking" of

automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

Kennel. Any place in or at which a number of dogs or cats are kept for the purpose of sale or in connection with boarding care or breeding, for which any fee is charged.

Lot. A parcel of land, if occupied or intended for occupancy by one main building together with its accessory buildings including all open spaces required by this Ordinance, and having its principal frontage upon a public street or road.

Lot, Area. Total horizontal area within lot lines.

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

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

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

Lot, Frontage. Lot width measured at the street lot line. When a lot has more than one (1) street lot line, lot width shall be measured, and the minimum lot width required by this Ordinance shall be provided, at each such line.

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

Lot, Line. A line bounding a lot which divides one lot from another or from a street.

Lot, Nonconforming. A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

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

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

Lumber Yard. A premises on which primarily new lumber and related building materials are sold.

Manufactured Housing (Factory). A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Mobile Home. Any structure used for living, sleeping, or business having no foundation other than wheels, blocks, jacks, or skirting, or which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall not include travel trailer or camper trailer.

Mobile Home / Manufactured Home Park. Any lot or portion of a lot upon which two or more mobile home / manufactured homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

Mobile Home / Manufactured Home Converted to Real Estate. An unencumbered mobile home / manufactured home which has been attached to a permanent foundation on real estate owned by the mobile home / manufactured home owner, which had the vehicular frame modified or destroyed rendering it immobile and which has been inspected by the assessor, the mobile home / manufactured home title,

registration, and license plates collected from the owner and the property entered on the tax rolls of Des Moines County.

Motel, Hotel, Motor Lodge. A building or group of buildings containing individual rooms or suites of rooms, each having a private bathroom, for the purpose of providing overnight lodging facilities for periods not to exceed thirty (30) days to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services and on-site management.

Nursing Home / Care Facility. 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 and other mental cases, inebriate, or contagious cases.

Open Space. Land required to be used for resource protection or recreational purposes.

Parking Lot. A parcel of land devoted to unenclosed parking spaces.

Permanent Foundation. Any foundation system as outlined in the Uniform Building Code or as designed by a licensed structural engineer.

Principal Use. The main use of land or structures, as distinguished from a secondary or accessory use.

Public Service. Any facility or service provided by the local or federal government, or duly authorized by the State of Iowa, to provide services to the general public.

Quarry. An open excavation, or an area for excavation of sand, gravel, stone, peat or other earth product.

Rezoning. A change in designation or boundaries of the zoning map.

Right-of-way. An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

Roadside Stand. A temporary structure and / or use, unenclosed and so designed and constructed that it can be easily moved.

Sanitary Land Fill. The process of disposal of garbage, offal dead animals, refuses and industrial waste of all kinds, by burying in ground without treatment or burning and then covering with soil immediately, to prevent oxidation, undesirable odors, and generally undesirable conditions, and possible contamination of water supplies, both on surface and underground.

Signs. Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any governmental agency.

Special Flood Hazard Area (SFHA). The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

Special Use. A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

Stable, Private. A building, incidental to an existing residential, principal use, that shelters animals for the exclusive use of the occupants of the premises.

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

Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story, containing independent apartments or living quarters, shall be counted as a full story.

Street, Road. A public right-of-way which affords the principal means of access to abutting property.
Summer Cottage / Cabin. A single-household dwelling, intended for seasonal or temporary occupancy only, and not as a family residence during any entire year.

Telecommunications. The transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications 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 telecommunications antennas.

Travel / Camping Trailer. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational camping and travel use and including but not limited to travel trailers, truck campers

Truck Gardening. Production of farm produce for consumption or resale.

Use, Nonconforming. An activity using land, buildings, signs, and/or structures which were legally established prior to the effective date of this ordinance or subsequent amendment to it and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance.

Use, Permitted. Any use allowed in a zoning district without the need of a special permit and subject to the restrictions applicable to that zoning district.

Use, Temporary. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance. Permission to depart from the literal requirements of this Ordinance.

Yard. The space between a lot line and a building line.

Yard, Front. A yard extending the full width of the front of a lot between the front lot line or right-of-way line and the front building line.

Yard, Front Setback. Building set backs are measured from the right-of-way line, not the center of the street.

Yard, Rear. A yard extending the full width of the lot in the area between the rear lot line and the rear building line.

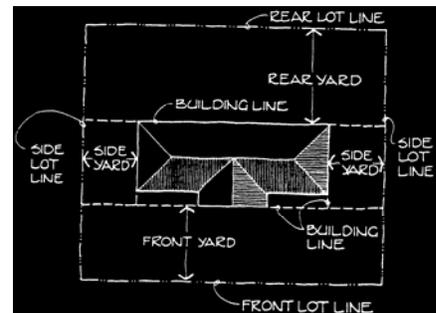
Yard, Side. A yard extending the full length of the lot in the area between a side lot line and a side building line.

Zoning. The regulation of the use of private and public property for the purpose of promoting the orderly development of the community.

Zoning, Spot. Zoning of an area different from the surrounding area.

Zoning Map. The map or maps, which are a part of the zoning ordinance, and delineate the boundaries of zone districts.

Zoning Permit. A written certificate that a structure, use or parcel of land is, or will be, in compliance with the requirements of this ordinance.



ARTICLE II - BASE DISTRICT REGULATIONS

DIVISION 20: "A-1" AGRICULTURAL DISTRICT

- 01 Purpose. The Agricultural District is intended to serve the agricultural community and to encourage efficient urban development patterns. This district is not intended to be used for non-farm residential subdivisions.
- 02 Permitted Principal Uses
- A. Agriculture and agricultural buildings including farm dwellings.
 - B. Livestock feed lots, livestock confinement facilities, poultry farms, and poultry confinement facilities, provided that all feed lots and confinement facilities meet all of the waste treatment requirements of the Iowa Department of Natural Resources according to the Code of Iowa.
 - C. Specialized, non-traditional farm animals, but not including the feeding or disposal of community or collected garbage.
 - D. Stables, private and other structures for housing animals or fowl. Any structure must be located at least fifty (50) feet from any abutting residential dwellings.
 - E. Truck gardening, Roadside Stands, sale of nursery and greenhouse products.
 - F. Forest and forestry.
 - G. Grain elevators and the usual accessory buildings.
 - H. Grain bins and buildings for the seasonal or temporary storage of grain.
 - I. Single household detached dwellings.
 - J. Mobile home / manufactured home or mobile home / manufactured home converted to real estate.
 - K. Summer cottage or cabin, along any lake, river, or slough, in or bordering Des Moines County, provided that the lot size and yards comply with the regulations.
 - L. Church or other place of worship, including parish house and Sunday school building.

- M. Parks, playgrounds, golf courses, both public and private, service organizations and recreational uses including, but not limited to boy and girl scout camps and Bible camps.
- N. Cemeteries, including mausoleums and crematories, provided that any mausoleum and crematory shall be distant at least two hundred (200) feet from adjacent property, street and highway lines, and provided further that any new cemetery shall contain an area of ten (10) acres or more with recommendation by the Commission and approval of the Board of Supervisors.
- O. Transformer stations and booster or pressure regulating stations, without service yard or storage.
- P. *Farmer's Market operations selling agricultural products or other products normally associated with a Farmer's Market.*²

03 Permitted Accessory Uses

- A. Buildings, structures, and uses accessory to agricultural uses including roadside stands, *offering for sale agricultural products or other products normally associated with a Farmer's Market type operation*³, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.
 - 1) Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than 10 square feet in area and set back 10 feet from the right-of-way of a street, highway or road.
- B. Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than 12 square feet, set back 20 feet from any highway, street or road.
- C. Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board, not over 18 square feet in area, set back 20 feet from any highway, street or road, may be erected in connection with any of the permitted principal uses of a nonresidential nature.
- D. Living quarters of persons employed on the premises.
- E. Home occupations.

² Amended October 2004

³ Amended October 2004

04 Special Permitted Uses

- A. Public utility structures and equipment necessary for the operation thereof.
 - 1) Towers shall follow the requirements in Division 100: Telecommunications Towers and Antennas.
- B. Sanitary Landfill, when authorized by the County Board of Supervisors.
- C. Mining and mineral extraction; mining operations shall be regulated by the Code of Iowa.
- D. **Conservation Buffer Zones.** All residential buildings within 50 yards of the boundaries of a conservation area providing a public hunting area.
- E. *Expansion or reconstruction of legally non-conforming commercial or industrial businesses/uses.*⁴

4 Amended August 2004

05 Lot Area, Frontage and Yard Requirements

USE	LOT AREA	LOT WIDTH	YARD REQUIREMENTS		
			FRONT	SIDE	REAR
Dwelling (Farm)			50' ¹	25'	50'
One Household Dwelling & Farm Dwellings, either principal or supplementary, when severed from the farm to be used as non-farm dwellings	2 acres	150'	60'	30'	100'
Other Permitted Structures ²	Recommendation of the County Zoning Commission and approval of the Board of Supervisors.				
Accessory Buildings ³				10'	10'
	10' minimum clearance between house and detached garage				

¹ Front yard requirement for farm dwellings are voluntary only. See Sec. 010-030. This setback allows for future road and utility improvements as needed.

² Sec. 020-020 Item O under Principal Permitted Uses are exempt from minimum lot size; however, such lot size shall be at the discretion of the Board of Adjustment and approval of the Board of Supervisors.

³ Refers to Single Household Accessory Buildings only. Accessory Uses under Sec. 020-030 (A, B & C) are exempt from front yard setbacks.

⁴ Any single family residential uses and structures situated on lots of record of less than two acres and located within the A-1 District, (as of the time of adoption of this zoning ordinance), shall, when continued as residential uses, be governed by the Lot Area, Frontage and Yard Requirements of the R-1 One Household Residential District as specified in Section 025-060 of this Ordinance.⁵

⁵ Any lot located within the A-1 District having a river or slough bordering its boundaries and directly adjacent to a side, rear or front yard shall have no specifically established building setback pertaining to that particular yard. In no event however shall any part of any structure be placed upon or beyond the bank of the adjacent waterway prior to applying for and receiving all requisite permits relating to development within a flood hazard and/or levy area.⁶

⁵ Amended April 2005

⁶ Amended April 2005

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DIVISION 25: "R-1" ONE-HOUSEHOLD RESIDENTIAL DISTRICT

01 Purpose. The intent of the One Household Residential District is to provide for low to moderate density residential development.

02 Permitted Principal Uses

- A. One household dwelling.
- B. Mobile home / manufactured home or mobile home / manufactured home converted to real estate.
- C. Public or parochial schools, elementary and high, and other educational institutions having an established current curriculum, the same as ordinarily given in public schools.
- D. Churches and accessory buildings, upon approval of the Board of Supervisors after recommendation by the Commission.
- E. Public and community parks, parkways and playgrounds.
- F. Private non-commercial recreational areas and facilities, swimming pools, institutional or community recreation centers including country clubs and golf courses.
- G. Truck gardening
- H. *Seasonal cottage or cabin along any lake, river or slough in or bordering Des Moines County, provided that the required yards comply with the applicable district regulations.*⁷
- I. *Attached two household dwellings.*⁸

03 Permitted Accessory Uses

- A. Church bulletin boards.
- B. Home occupations
- C. Private detached garages, tool storage, fences, and other incidental uses.

7 Amended October 2004

8 Amended October 2004

- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- E. One temporary bulletin board or sign not to exceed fifty (50) square feet in area pertaining to construction, lease, hire, or sale of a building or premises and sale of land or lots, which temporary board or sign shall be removed unless authorized by a new permit to be obtained every six (6) months or as soon as the premises are leased, hired, sold or construction completed.
- F. Essential services, except buildings, plants, stations and towers.

04 Special Permitted Uses

- A. Stables, private where there exists an area devoted to such purposes of not more than three (3) animals housed or tethered and provided further that no structure or building for the stabling of animals or tethering area to be closer than fifty (50) feet from the abutting residential properties. The area devoted to such uses shall be kept in a clean and sanitary condition.
- B. Other common farm type animals shall be limited to three (3) animals.
- C. Poultry shall be limited to ten (10) birds per acre.
- D. *Expansion or reconstruction of legally non-conforming commercial or industrial businesses/uses.*⁹
- E. *Attached multi-family dwelling structures of up to four individual units.*¹⁰

05 Height Regulations

- A. No accessory building shall exceed two (2) stories in height.

9 Amended August 2004
10 Amended October 2004
25-2

06 Lot Area, Frontage and Yard Requirements

USE	LOT AREA	LOT WIDTH	YARD REQUIREMENTS		
			FRONT	SIDE	REAR
One Household dwelling ₁	40,000 sq ft	120 ft.	30'	15'	30'
One Household dwelling ₂	30,000 sq ft	100 ft	30'	15'	30'
Other Permitted Uses			35'	15'	35'
Accessory Buildings ₃				5'	5'

¹ Shall have a water system and private sewer system approved by the County Health Department.

² Shall have a public water system and a public sewer system.

³ *Accessory structures can be placed in any yard but must conform to all accessory building setbacks as stated for respective districts within this ordinance. Accessory structures in any front yard must conform with setbacks established for a principal structure in the applicable district.*¹¹

11 Amended August 2004

DIVISION 30: "R-2" MULTI RESIDENTIAL DISTRICT

01 Purpose. The intent of the Multi Residential District is to provide for living areas within the county for development of multiple household dwellings and single household dwellings which are compatible in character and density with the multiple households.

02 Permitted Principal Uses

- A. Any permitted principal use in the "R-1" one household residential district.
- B. Two household dwellings
- C. *Seasonal cottage or cabin along any lake, river or slough in or bordering Des Moines County, provided that the required yards comply with the applicable district regulations.*¹²

03 Permitted Accessory Uses

- A. Home Occupations
- B. Fences and other incidental uses
- C. Temporary buildings for uses incidental to construction work on premises, which buildings shall be removed upon the completion or abandonment of the construction work.
- D. Essential services, except buildings, plants, stations and towers.

04 Special Permitted Uses

- A. Any multi household dwelling for more than two families, shall be connected to a public water system and a state and local approved sanitary system.
- B. Mobile home / Manufactured Home parks consisting of two or more Mobile Home / Manufactured Homes, shall be connected to a public water system and a state and local approved sanitary system.
- C. Planned Unit Development.
- D. Private detached garages and tool storage.

12 Amended October 2004
District 30: Multi Residential District

E. *Expansion or reconstruction of legally non-conforming commercial or industrial businesses/uses.*¹³

F. *Attached multi-family dwelling structures of up to four individual units.*¹⁴

05 Height Regulations

A. No principal structure shall exceed three (3) stories in height. No accessory building shall exceed two (2) stories in height.

B. Additional stories may be added at the rate of two (2) feet in height for each one (1) foot that the building or portion thereof is set back from the required yard lines.

06 Special Provisions

A. A site plan review shall be required to obtain a building permit for Special Permitted Uses in the "R-2" Multi Residential District.

07 Lot Area, Frontage and Yard Requirements

USE	LOT AREA	LOT WIDTH	YARD REQUIREMENTS		
			FRONT	SIDE	REAR
Two Household dwelling ₁	40,000 sq ft per household	150 ft	30'	15'	30'
Multi Household dwelling ₂	40,000 sq ft per household	200 ft.	35'	15'	35'
Other Permitted Uses			35'	15'	35'
Accessory Buildings ₃				5'	5'

¹ Shall have a sewage treatment system approved by State and County Board of Health and a public water system.

² Shall have a public water system and a municipal sewer or lagoon treatment system

¹³ Amended August 2004
¹⁴ Amended October 2004

subject to approval by State and County Board of Health

³ Accessory buildings are permitted in the rear or side yard but must maintain a five (5) foot side yard from the property line.

DIVISION 35: "B-1" BUSINESS / COMMERCIAL DISTRICT

- 01 Purpose. The intent of the Business / Commercial District is to provide for commercial and business uses required to serve the general needs of the residents of the rural areas of the County.
- 02 Permitted Principal Uses
- A. Any permitted principal uses in the R-1 District.
 - B. Any retail business or service establishment, including but not limited to:
 - Air Conditioning and Heating Sales and Service Shops
 - Apparel Shops
 - Auto Accessory Stores
 - Convenience Stores
 - Farm Implement Sales
 - Automobile Motor Repair and Service Shops
 - Bakery Shops
 - Barber or Beauty Shop
 - Business or Professional Office
 - Candy and Ice Cream Shops
 - Electrical Appliance Sales and Repair
 - Filling Stations
 - Florist Shops
 - Furniture Stores
 - Hardware Stores
 - Heating and Roofing Supply shops
 - Lumberyards
 - Plumbing Shops
 - Restaurants
 - Antique Stores and Rummage Shops
 - Wholesale Business
 - C. Meeting and Lodge Halls, Fraternal organizations and clubs
 - D. Parking lots, customer and other accessory parking areas subject to the applicable provisions of Division 90: Parking Requirements.
 - E. Billboards and signboards are subject to the applicable provisions of Division 90: Signs and also subject to the following restrictions:
 - 1. No billboard or signboard shall be located within 500 feet in any direction of an "R-1" District

2. No billboards or signboard shall contain more than 150 square feet of surface area
 3. No billboard or signboard shall be located within 300 feet of an exit or entrance to a controlled access route
 4. Billboards and signboards may have constant illumination. Where a sign is illuminated by light reflected upon it, direct rays of light shall not project upon any part of any federal or state highway, or upon any existing residential building in an "R-1" District
- F. *Enclosed storage of commercial or light industrial vehicles, equipment or non-hazardous materials. Enclosed is defined as being contained within a structure of having at least 3 sides.*¹⁵
 - G. *Structures designed for the inside storage of personal or commercial belongings or materials made available to the public for lease or rent.*¹⁶
 - H. *Any other uses not specifically listed but reasonably deemed to be similar in nature, character and effect to other listed permitted uses by the Land Use Administrator with the concurrence of the Chair of the Zoning Commission and Chairman of the Board of Supervisors.*¹⁷

03 Permitted Accessory Uses

- A. Accessory uses permitted in the "R-1" District.
- B. Other accessory uses and structures customarily accessory and incidental to any permitted principal use, including signs integral with or attached flat against a building. Elevated signs not extending past any lot line. Projecting signs located not more than 10 feet above average grade and not extending more than 5 feet from the building to which they are attached.

04 Special Permitted Uses

- A. Recreational Vehicle Park

05 Height Regulations

15 Amended October 2004

16 Amended October 2004

17 Amended October 2004

- A. No principal structure shall exceed three (3) stories in height, and no accessory structure shall exceed 30 feet in height.

06 Special Provisions

- A. A site plan review shall be required to obtain a building permit in the "B-1" Business / Commercial District.
- B. Shall have a public water system and a municipal sewer or lagoon treatment system subject to approval by State and County Board of Health.

07 Lot Area, Frontage and Yard Requirements

USE	LOT AREA	LOT WIDTH	LOT AREA PER FAMILY	YARD REQUIREMENTS		
				FRONT	SIDE	REAR
Dwellings	Same as specified in "R-1" District					
Other Permitted Structures				50'	25' ¹	50'
Accessory Buildings					5'	5'

¹ No side yard is required except adjoining a "R-1" District.

² All accessory buildings shall not project beyond the front building line of the principal building if said principal building set-back line is increased.

DIVISION 40: "I-1" INDUSTRIAL DISTRICT

01 Purpose. The Industrial District is intended to provide areas of the County for uses of an industrial character. Industries shall be located along constructed paved roads capable of handling the increased traffic load. All Industrial operations shall conform to Federal, State and County regulations.

02 Permitted Principal Uses

- A. Any use or structure permitted and as regulated as in "B-1" District, except as hereafter modified.
- B. Building or contractor's plant or storage yard, building material sales and storage yard including concrete mixing, lumber yard including mill work, open yard for storage and sale of feed, fuel or fertilizer provided any such operations are enclosed by a solid wall or fence not less than eight (8) feet in height, located not less than two hundred (200) feet from an "R-1" District and thirty (30) feet from any "B-1" District.
- C. Automobile salvage and wrecking operations, industrial and waste salvage operations and junkyards provided all operations are conducted within an area enclosed on all sides with a solid wall or fence not less than eight (8) feet in height, located not less than two hundred (200) feet from any "R-1" District and one hundred (100) feet from any "B-1" District and six hundred sixty (660) feet from any state or federal highway. No pile of salvage, scrap, or other material shall be higher than eight (8) feet.
- D. Any use of land or of structures engaged in the production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products not previously allowed, located not less than two hundred (200) feet from any "R-1" District and fifty (50) feet from any "B-1" District.
- E. *Any other uses not specifically listed but reasonably deemed to be similar in nature, character and effect to other listed permitted uses by the Land Use Administrator with the concurrence of the Chair of the Zoning Commission and Chairman of the Board of Supervisors.*¹⁸

03 Permitted Accessory Uses

- A. "B-1" Business District Accessory Uses.
- B. Other accessory uses customarily incidental to a permitted principal use.

18 Amended October 2004
Division 40: Industrial District

04 Special Permitted Uses

- A. Mining and mineral extraction; mining operations shall be regulated by the Code of Iowa.

05 Prohibited Uses

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

06 Height Regulations

- A. Any principal structure exceeding one hundred (100') in height shall require a variance from the Board of Adjustment.

07 Special Provisions

- A. A site plan review shall be required to obtain a building permit in the "I-1" Industrial District.
- B. Shall have a public water system and a municipal sewer or lagoon treatment system subject to approval by State and County Board of Health.

08 Yard Requirements

YARD REQUIREMENTS		
FRONT	SIDE	REAR
60'	Equal to building height	Height of building but not less than 20'

DIVISION 45: "C-1" CONSERVATION DISTRICT

01 Purpose. The intent of the Conservation District (C-1) is to identify critical areas best suited as open space and are not suitable for large-scale developments. For further details of each of the Permitted Principal Uses listed below refer to the Executive Summary of the Outdoor, Conservation, Recreation, Open Spaces Comprehensive Plan of the Des Moines County Conservation Board (DMCCB).

02 Permitted Principal Uses

- A. Agriculture
- B. Public Areas:
 - Wildlife Refuges
 - Parks and Recreation Areas
 - Game Management / Natural Resource Areas
 - Preserve / Natural Area
 - Trails
- C. Privately owned Conservation Areas
 - Forest Reserves
- D. Soil and Water Conservation:
 - Pasture and Hayland
 - Woodlands
 - Stream, Creek and River bank protection

03 Permitted Accessory Uses

- A. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- B. Essential services. Any sanitary facilities shall be approved by the County Board of Health.

04 When Authorized by the Commission

- A. *Outdoor firearm ranges constructed and operated in compliance with Chapter 657 of the Iowa Code. The premises shall also be well suited for such use by reason of topography, screening by trees or other features.*¹⁹

05 Incompatible Land Use and Encroachment

- A. Incompatible land uses such as mining, power developments, right-of-

19 Amended October 2004
Division 45: Conservation District

ways, and non-park structures will not be permitted except in the most unusual circumstances. Hunting will be permitted where authorized. The lack of development on any area shall not be justification for allowing encroachment of incompatible use. All areas acquired by the Des Moines County Conservation Board should remain dedicated to that use and protected against exploitation contrary to their purpose.

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ARTICLE III - OVERLAY DISTRICT REGULATIONS

DIVISION 50: "FP" FLOOD PLAIN OVERLAY DISTRICT

- 01 Purpose. The Flood Plain Overlay District shall apply to any zoning district that has a Special Flood Hazard Area (SFHA) identified by the National Flood Insurance Program (NFIP) maps. All structures located within the flood plain shall comply with requirements of Des Moines County Flood Plain Ordinance #25. No use shall adversely affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other drainage facility or system. No structure shall be located within 300' of the centerline of a levee as stipulated in Chapter 468.380 of the Iowa Code. Any such proposed structure shall require an application of approval from the Iowa River - Flint Creek Levee District No. 16 of Louisa and Des Moines Counties, Iowa.
- 02 Permitted Principal Uses
- A. Agriculture, truck gardening, and nurseries, but not including commercial livestock feed lots or poultry farms, etc.
 - B. Private and public recreational uses such as picnic grounds, boat ramps, parks, wildlife and nature preserves, hunting and fishing areas, bicycle, hiking and horseback riding trails.
 - C. Single household dwellings and summer cottages / cabins provided that the lot complies with the regulations stipulated and complies with the Flood Plain Ordinance regulations.
 - D. Any uses existing on the premises prior to adoption of these regulations that is not considered a prohibited use.
- 03 Permitted Accessory Uses
- A. Accessory uses and structures customarily incidental to a permitted principal use in the "FP" District.
 - B. Any other accessory uses that are determined by the Board of Adjustment to be necessary and incidental to any aforesaid permitted principal use and located on the same lot therewith.
- 04 Special Permitted Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon application and approval from the Iowa Department of Natural Resources and the Des Moines County Board of Adjustment.

- A. Marinas, boat rentals, docks and piers
- B. Mining and mineral extraction; mining operations shall be regulated by the Code of Iowa.
- C. River terminals, privately owned and operated, located not less than 500 feet from any dwelling, for the purpose of buying, selling, exporting, importing and storing agricultural commodities of all kinds, but not including, petroleum products, coal and other fuel, fertilizers and other agricultural chemicals, limestone, phosphate, and other materials.
- D. Any other use which, in the opinion of the Board of Adjustment, will not, when located, constructed and operated as proposed, be inconsistent with the purposes intended to be served by the provisions prescribed in this article for the "FP" District. Among others, protecting human life, preventing material losses and reducing the cost to the public of relief or rescue efforts occasioned by the unwise occupancy of areas subject to floods; and which use, at the same time, will not impair the present or potential use of adjacent properties.

05 Prohibited Uses.

- A. Automobile salvage and wrecking yards.
- B. Waste tire storage or processing collection site
- C. Solid waste disposal or processing site
- D. No hazardous materials, as defined by Hazardous Substance 28E Agreement Ordinance #33, storage or dumping, but application for agricultural purposes according to labeled rates is permitted.

06 Height Regulations

- A. No principal structure shall exceed two (2) stories in height, and no accessory structure shall exceed one (1) story in height above the required base flood elevation.

07 Lot Area, Frontage and Yard Requirements

USE	LOT AREA	LOT WIDTH	YARD REQUIREMENTS		
			FRONT	SIDE	REAR
One Household Dwelling	2 acres	150'	30'	15'	30'
Accessory Buildings ¹				10'	10'

¹ In order to have a ten (10) foot side yard accessory building must be in rear yard and at least five (5) feet behind dwelling unit.

ARTICLE IV - REGULATIONS APPLYING TO ALL DISTRICTS

DIVISION 55: NON-CONFORMING USES AND STRUCTURES

- 01 Purpose. Except as hereinafter provided, no building, structure, or premises shall hereafter be used, and no building shall be erected, extended, converted, moved, rebuilt, or altered except in conformity with all the district regulations established by this ordinance for the district in which it is located.
- 02 Agricultural Uses Exempt. The provisions of this ordinance shall not prohibit or regulate the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural and conservation purposes of the land on which such buildings or structures are located and no Zoning Certificates shall be required for any such use, building or structure. However, a building permit may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the Special Flood Hazard Areas (SFHA) of any river or stream.
- 03 Non-Conforming Uses.
- A. Use of Land. The use of land which does not conform to the provisions of this title at the time of its effective date may be continued until such time as a structure is erected thereon, and thereafter the use of the land and the building must conform with the provisions of this code.
- B. Use of Building. The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same classification, to a more restricted classification or to a conforming use but such shall not thereafter be changed to a less restricted use.
- C. Conformance required. In the event that a non-conforming use of land, a building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the use regulations of the district.
- D. Reconstruction or Alteration. No nonconforming use, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district.
- E. Damaged Building. When a building, the use of which does not conform to the provisions of this ordinance, is damaged by fire, explosion, natural

disaster, or the public enemy, to the extent of more than seventy percent of its market value, it shall not be restored except in conformity with the regulations of the district in which it is located or as provided in this code.

When damaged less than seventy percent of its market value, a nonconforming building may be repaired or reconstructed and used as before the time of damage provided such repairs or reconstruction is completed within one (1) year of the date of such damage.

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DIVISION 60: ADDITIONAL USE REGULATIONS

01 Street Frontage - Minimum Requirement. No lot created after the adoption of these regulations shall contain any building used as a dwelling unless it abuts at least 80 feet on a street or has a permanent exclusive non-obstructed easement of access not less than 40 feet wide to a street.

02 Lot Area Requirements.

A. Substandard Lots.

1. Existing Lots of Record - Individual Owners. In any district, a one-household detached dwelling and its accessory structures may be erected on any legal lot or parcel, the owner of which does not own any adjoining property, which was recorded in the County Recorder's Office before the effective date or amendment of this Ordinance. However, no lot of any size may be built upon unless the County Health Department approves the method of sewage disposal and source of water for any structure on such lot.

2. Existing Lots of Record - Abutting Lots owned by same Owner. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the yard requirements of this district shall be complied with. However, no lot of any size may be built upon unless the County Health Department approved the method of sewage disposal and source of water for any structure on such lot.

B. Existing Lots with Restrictive Covenants of Record. A one household detached dwelling may be constructed on any lot of official record at the time of enactment of these regulations, the Owners of which has on file Restrictive Covenants recorded, prior to the enactment of these regulations, in the office of the County Recorder of Des Moines County, Iowa. However, no lot of any size may be built upon unless the County Health Department approves the method of sewage disposal and source of water supply.

03 Number of Uses on One Lot. No lot shall contain more than one principal use. Every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one main building on one lot unless otherwise provided by this ordinance.

04 Accessory Buildings in Residential Districts.

- A. *Accessory buildings in any yard shall be at least five (5) feet from any lot line or alley lines and five (5) feet from any other building or structure on the same lot. When placed in a front yard, accessory structures shall comply with the setback requirements established for principal structures in the applicable district.*²⁰
- B. Where the natural grade of a lot at the front wall of the principal building is more than 8 feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within 10 feet of any street line, provided that at least one-half of the height of such private garage shall be below the level of the yard or court.

05 Required Yard Cannot Be Reduced or Used by Another Building.

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

06 Farmsteads. A farmstead in existence at the time of adoption of this ordinance may be severed from the farm. A minimum of two (2) acres per dwelling unit of the farmstead are required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.

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

²⁰ Amended August 2004

- 08 Minimum Dwelling Size.
- A. A one-story dwelling shall contain not less than 1,000²¹ square feet of usable ground floor area, exclusive of open porches, garages or steps.
 - B. A 1-1/2 or two-story dwelling shall contain not less than 600 square feet of ground floor area, exclusive of open porches, garages or steps.
 - C. Summer Cottages / Cabins intended for temporary living shall contain not less than 600 square feet of usable ground floor area, exclusive of open porches, garages or steps.
 - D. No basement shall be occupied for dwelling purposes, unless at least one (1) story of the house above the basement has been enclosed and roofed.
 - E. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during that period that work is under way, but such temporary buildings shall be removed upon the completion of construction work as determined by the Land Use Administrator.
- 09 Traffic Visibility Across Corner Lots. In any "R" District on any corner lot, no fence structure or planting shall be erected or maintained within 20 feet of the "corner" so as to interfere with traffic visibility across the corner.
- 10 Essential Services. Essential services shall be permitted as authorized and regulated by law and other regulations of the county, it being the intention hereof to exempt such essential services from application of these regulations.
- 11 Home Occupation or Home Business Standards. Home occupation or home business shall be allowed only after the issuance of a permit. The permit must be signed by the Land Use Administrator in order to be valid. The following standards and criteria shall apply to home occupations or business occupations.
- A. Such use shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
 - B. Such use must be conducted entirely within an existing dwelling or accessory building located upon the property.

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- C. Such use must be conducted by a member(s) of the household residing within the dwelling unit located on the property and no more than two non-residential employees.
 - D. Customer parking shall be provided and be inconspicuous as possible on the premises.
 - E. Water, sewer and waste disposal systems shall meet all current state and local codes and requirements.
 - F. Only one identification sign may be displayed upon the lot, subject to the following requirements:
 - 1. Contains only the name of the occupant and the nature of the occupation.
 - 2. Shall not contain more than 16 square feet and shall be no more than 4 feet high or no more than 4 feet in width.
 - 3. Shall not be placed on County or State road right of way.
 - 4. Shall not be illuminated.
- 12 Breach Flood Areas Below Any Public Dam or Water Supply Area. Prior to construction, a developer shall obtain location determination to a breach flood area from the Land Use Administrator.

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DIVISION 65: MOBILE HOME / MANUFACTURED HOME

01 Mobile Home / Manufactured Home located other than in Mobile Home / Manufactured Home Parks:

- A. Single-household mobile home / manufactured home dwellings, whether single or multiple width, and of either standard or expandable type construction, are subject to the following requirements:
 - 1. All Mobile Home / Manufactured Home must have a minimum 1,000²² square foot floor area.
 - 2. All Mobile Home / Manufactured Home shall be placed on a full, permanent foundation, either of poured concrete construction, mortared masonry construction or treated wood pilings. The mobile home / manufactured home shall be anchored down to prevent overturning. Full skirting shall be used to hide all anchoring, plumbing, piping or undercarriage.
 - 3. All Mobile Home / Manufactured Home shall comply with the minimum lot, frontage and yard requirements of the district for which it is located.
 - 4. All Mobile Home / Manufactured Home shall be converted to real property as outlined in Section 435.26 of the Iowa Code.
 - 5. Water and sanitary systems shall be approved by the County Health Department and shall be provided to the mobile home / manufactured home. Each mobile home / manufactured home so located shall comply with all state and local health regulations.
- B. A mobile home / manufactured home may be placed on a farm as the principal dwelling unit. Also, one (1) mobile home / manufactured home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home / manufactured home is either a member of the immediate family of the property owner or is actively engaged in the conduct of agricultural operation of said farm.
- C. A special use permit for mobile home / manufactured home used as temporary living quarters during construction of a principal dwelling may be issued by the Land Use Administrator after approval by the Board of Adjustment. The Board of Adjustment shall determine the expiration date of the permit.

- D. Zoning Permit - A zoning permit shall be required for each mobile home / manufactured home before the mobile home / manufactured home is placed on a lot.
- E. Mobile Home / Manufactured Home may be used as a summer cottage / cabin but when so used will be subject to all mobile home / manufactured home regulations.

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DIVISION 70: MOBILE HOME / MANUFACTURED HOME PARKS

- 01 Purpose. Mobile Home / Manufactured Home to be used for dwelling purposes shall be placed only in mobile home / manufactured home parks except as may be herewith set forth. A mobile home / manufactured home park may be established only in designated districts, providing a permit is secured as set forth herein.
- 02 Permit: It shall be unlawful for any person to maintain or operate a mobile home / manufactured home park within the unincorporated areas of Des Moines County unless such person shall have first obtained a special use permit as set forth in the ordinance.
- 03 Application for permit: Any person desiring to develop and operate a mobile home / manufactured home park shall first file application for approval of site location with the Commission. Applications shall be in writing, signed by the applicant, and shall contain the name and address of the applicant, the location and legal description of the site, and a site plan as defined by Division 105: Site Plan Review Requirements. The applicant shall notify all property owners, by certified mail, within one thousand (1000) feet of any part of the premises to be occupied for such use, exclusive of any public street or highway right-of-way. The applicant shall state in the notification, their intention to establish a Mobile Home / Manufactured Home Park at that location. The notices shall be mailed when the application is filed with the Board of Adjustment.
- 04 Consideration of application: After consideration of the permit, the Board of Adjustment shall submit its recommendation to the Board of Supervisors and said Board shall then grant or deny the application.
- 05 Mobile Home / Manufactured Home Park requirements:
- A. The mobile home / manufactured home park shall be located on a parcel of ground having a minimum of five (5) acres and a maximum of ten (10) acres of gross development area. The parcel shall contain a fifty (50') foot wide buffer area along the entire inside perimeter of the mobile home / manufactured home park. The buffer area shall be free of any man-made structures, including leach or lagoon fields.
 - B. Leach or lagoon fields shall be one thousand (1000) feet from adjoining property lines.
 - C. The park shall be located on a well-drained site, graded to insure proper drainage and freedom from stagnant pools of water. Storm sewers and water retention ponds may be required.

- D. Each mobile home / manufactured home space shall be connected to a public water system and a state and local approved sanitary system.
- E. All mobile home / manufactured homes shall be anchored down to prevent overturning. Full skirting shall be used to conceal all anchoring, plumbing, piping or undercarriage.
- F. Each park shall comply with all state and local health regulations.
- G. An all-weather street or road of not less than twenty two (22') feet in width surfaced with asphalt or concrete shall be provided in the mobile home / manufactured home park.
- H. Each mobile home / manufactured home space shall abut upon a hard-surfaced driveway of not less than twenty (20') feet in width which shall have unobstructed access to a public street.
- I. A minimum of two (2) off-street car spaces directly accessible to the private street for each mobile home / manufactured home lot shall be provided
- J. All walkways in the park shall be hard-surfaced and lighted at night with electrical lamps. The lamps shall be spaced at intervals of not more than one-hundred (100) feet.

06 Minimum Lot Area, Frontage and Yard Requirements for Mobile Home / Manufactured Home Park Spaces

USE	LOT AREA	LOT WIDTH	YARD REQUIREMENTS		
			FRONT	SIDE	REAR
Mobile Home / Manufactured Home Spaces	5,000 sq ft	50'	15'	10'	10'
Accessory Buildings				5'	5'

DIVISION 75: RECREATIONAL VEHICLE PARK

01 Campground Requirements:

- A. The campground park shall be located on a parcel of ground five acres or more in size. The parcel shall contain a fifty (50') foot wide buffer zone along the entire inside perimeter of the park. The buffer area shall consist of a planting screen not less than ten (10) feet in width. The buffer area shall be free of any man-made structures.
- B. The park shall be located on a well-drained site, graded to insure proper drainage and freedom from stagnant pools of water.
- C. Each park shall provide service buildings to house toilet, bathing and other sanitary facilities, and such laundry facilities as may be necessary.
- D. Water and sanitary systems shall be approved by the County Health Department and shall be provided for each camp site.
- E. An electrical outlet supplying at least 110 volt shall be provided for each camp site.
- F. A site plan as defined by Division 105: Site Plan Review Requirements shall be required for review and consideration of a "Special Use" permit.
- G. Each park shall comply with all state and local health regulations.
- H. The minimum distance between any two recreational vehicles shall be not less than ten (10) feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered to be part of the recreational vehicle.
- I. Registration of Occupants: Every owner or operator of recreational parks shall maintain a register containing a record of all vehicles and occupants. Such register shall be available to any authorized person inspecting the recreational park and shall be preserved for a period of one calendar year after the year's log is completed. Such register shall contain:
 - 1. The names and permanent addresses of all vehicle occupants
 - 2. The make, model and license number of the trailer and tow vehicle
 - 3. The dates of arrival and departure of a vehicle or its occupants.

02 Requirements for Recreational Vehicle Spaces.

USE	LOT AREA	LOT WIDTH	YARD REQUIREMENTS		
			FRONT	SIDE	REAR
Recreational Vehicle Space	1,200 sq ft	20'	15'	5'	5'
Accessory Buildings				5'	5'

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DIVISION 80: PLANNED UNIT DEVELOPMENT

- 01 Purpose - The purpose of the Planned Unit Development is to permit the establishment of multi and integrated use residential developments and to provide for the orderly planned growth of residential developments in larger tracts of land. It is intended that such Planned Unit Developments be designed and developed in substantial conformity with the standards of the Comprehensive Plan and with recognized principals of civic design, land use planning, and landscape architecture. It is further intended that Residential districts be designed and developed to promote public health, safety, and general welfare; to reasonably prevent and minimize undue injury to adjoining areas; and to encourage appropriate land use.
- 02 Standards and Requirements
- A. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set forth below which shall prevail over conflicting requirements of this ordinance or any other ordinance.
 - B. There shall be no minimum yard or height requirements in a Planned Unit Development except that minimum yards, as specified in the "R-1" Residence District, shall be provided around the boundaries of the Planned Unit Development, and provided that no structure for human occupancy is closer than twelve (12) feet to a similar structure.
 - C. Uses along the project boundary lines that are less restrictive than "R-1" shall not be in conflict with those allowed in adjoining or opposite property. To this end, the Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.
 - D. After final approval and zoning by the Board of Supervisors, a plan of the Planned Unit Development showing building lines, building locations, common land, streets, easements, utilities, and other applicable items shall be filed with the Land Use Administrator and maintained as a permanent part of the records of the County.
 - E. In their review of the plan, the Board of Adjustment and the Board of Supervisors may consider any deed restrictions or covenants entered into or contracted for by the developer concerning the use of common land or permanent open space. Common land as herein contained shall refer to land dedicated to the public use and to land retained in private ownership but intended for the use of the residents of the development unit or the general public.

- F. No permit for any commercial structure or building shall be issued until at least twenty-five (25) percent of the Planned Unit Development in question is developed for residential uses.
- G. A Planned Unit Development shall contain both an approved public water system and common sewer system.

03 Land Use and Density Requirements

- A. No more than ten (10) percent of the total area of the Planned Unit Development may be used for commercial uses.
- B. The lot area per family in any one, two and multi-family areas in the Planned Unit Development shall be the same as in the "R-1" Residence District.
- C. All density requirements shall be computed on a total area basis using private streets and drives, common open space, park areas, recreation areas, off-street parking areas, as well as building site areas.

04 Changes and Modifications. No change or modification of the plan of any such Planned Unit Development as to land use, density, and street location or size shall be permitted except by the procedure providing for amendments to this ordinance in Division 125: District Changes and Amendments. Other changes or modifications, such as location of buildings, parking lots, common areas except streets, etc., may be made upon application to and approval of the Board of Adjustment.

DIVISION 85: EROSION, SEDIMENT AND STORM WATER CONTROL

01 Purpose. Soil erosion from construction sites contribute to the impairment of drainage ways, increased road and ditch maintenance costs, destruction and obstruction to traveled roadways creating a potential hazard for vehicular traffic, degradation of land surfaces and streams, flooding and dusty conditions.

A. *Homeowners and Contractors shall establish a written plan for erosion, sediment and storm water runoff before, during and after construction whenever the development site meets any of the criteria listed in Section 085-030 (B) below or as deemed necessary and appropriate by the Land Use Administrator.*²³ No land shall be disturbed unless necessary precautions are taken to prevent erosion, sediment and storm water runoff, or except as exempted.

02 Exemptions.

- A. Agricultural use of land
- B. Gardening activities
- C. Cemetery graves
- D. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- E. Mining and mineral extraction; mining operations shall be regulated by the Code of Iowa.

03 Erosion, Sediment and Storm Water Runoff Control Procedures.

A. *The Land Use Administrator may require specific control measures if the site includes the following.*²⁴

- 1. Is within 300 feet of a stream or wetland.
- 2. Is within 1000 feet of a lake or pond.
- 3. Is steep (slopes of 10% or more).
- 4. Receives runoff from 10,000 sq ft or more of adjacent land.
- 5. If the total amount of land disturbed exceeds one acre.
- 6. Has sinkholes.
- 7. Is located within a designated 100-year flood plain.
- 8. Drainage ways with tributary watersheds of ten (10) acres or more.

B. If two or more of the herein mentioned characteristics are present on the site, an erosion and sediment control plan shall be certified by the Natural Resources Conservation Service (NRCS) or a design

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professional registered in the State of Iowa.

- C. Land disturbing activities of five (5) acres or more, in an area consisting of a population of 50,000 plus, shall be required to file a "Storm Water Discharge Permit" with the Iowa Department of Natural Resources.
- D. Pursuant to Chapter 161A.64, Code of Iowa, a person engaged in land disturbing activities shall file a signed affidavit with the Natural Resources Conservation Service. The affidavit shall state the project will not exceed the soil loss limits established by that district. The affidavit shall be in a form made available by the district.
- E. *Any slope reasonably subject to erosion as determined by the Land Use Administrator.*²⁵

04 Soil Erosion and Sedimentation Control. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of an application for a Zoning Certificate whenever a development involves any of the conditions or activities as specified in this section.

A. Definitions. For the purposes of this section:

- 1. **Soil Erosion.** Any removal and/or loss of soil by the action of water, ice, gravity, or wind. Erosion includes both the detachment and transport of soil particles.
- 2. **Sedimentation.** The settling out of the soil particles which are transported by water or wind. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of slope is lessened to achieve the same result.
- 3. **Erodible Slope.** All slopes with inclines in excess of ten (10) percent.
- 4. **Large Exposed Area.** An area which consists of more than five thousand (5,000) square feet of exposed soil.

05 Movement of Land - Plan Required. A soil erosion and sedimentation control plan is required whenever a development involves disturbing land by the movement of earth. Any one of the following descriptions shall be considered

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movement of land:

- A. Excavation, fill, or any combination thereof exceeding five hundred (500) cubic yards.
 - B. Filling activities exceeding three (3) feet in vertical depth at the deepest point as measured from the natural ground surface.
 - C. Excavation exceeding four (4) feet in vertical depth at the deepest point as measured from the natural ground surface.
 - D. Excavation, fill, or any combination thereof exceeding an area of five thousand (5,000) square feet.
 - E. Any large exposed area of more than five thousand (5,000) square feet of exposed soil created by land clearing activities.
- 06 Streams and Water Bodies - Plan Required. Whenever any land located in a stream, stream channel, stream bank, lake shoreline, or body of water is disturbed, a soil erosion and sedimentation control plan shall be required.
- 07 Exemptions. Specifically exempted from the requirement for a soil erosion and sedimentation control plan are farming or other agricultural uses which the County is not empowered to regulate. It is desirable to leave a sixty six (66) foot buffer along streams, lake shores, rivers and bodies of water.
- 08 Objectives of Soil Erosion and Sedimentation Control Plan. Soil erosion and sedimentation control plan shall contain specific control measures for each condition or activity described in Sec. 085-050 and Sec. 080-060. Control measures shall be provided for all disturbed areas from storm water runoff, and retain sedimentation within the development site as early as possible following disturbances. A soil erosion and sedimentation control plan should include the following control measures:
- A. Movement of Land: Control measures for excavation, fill borrow and stockpile areas of combinations thereof; divert water runoff from erodible slopes which are exposed in the excavation, stockpiling or filling process; provide stable channels to convey runoff water to a stable outlet; excavation, fill and borrow areas and stockpiles shall be left in a stable condition to prevent detachment and transportation of soil particles.
 - B. Streams, streambeds, streambanks, bodies of water and lake shorelines: Prevent detachment and transportation of soil particles, and siltation or pollution of water.

- C. Drainage ways and land adjacent to streams, wetlands and bodies of water: Prevent detachment and transportation of soil particles and provide for deposition or sedimentation control to prevent sedimentation in these areas, or pollution of adjacent or receiving waters.
- D. Enclosed Drainage Structure: Prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within a system or beyond it.
- E. Impervious Surfaces: Prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).
- F. Adjacent Properties: Prevent erosion and /or sedimentation on adjacent properties.

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DIVISION 90: PARKING REQUIREMENTS

01 Purpose. At the time of construction, alteration, moving in, enlargement of a structure or building, or change in the use of the land, off street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

USE	PARKING SPACES REQUIRED
Residential or Multi Household	Two (2) spaces per dwelling unit
Mobile Home / Manufactured Home Park	Two (2) spaces per dwelling unit
Nursing Home / Care Facility or similar use	One (1) space for every four (4) patient beds
Places of public assembly such as auditoriums, theaters, stadiums, churches, community hall, public building, etc.	One (1) space for every four (4) seats or one (1) space per five hundred (500) square feet of gross floor area.
Retail sales and services such as stores, restaurants, taverns, banks, professional offices, etc.	One (1) space per two hundred (200) square feet of gross floor area
Schools - Elementary and Junior High	One (1) space per classroom and one (1) space for every six (6) seats in the auditorium
High School and college	Two (2) spaces per classroom and one (1) space for every four (4) seats in the largest facility for public assembly
Manufacturing, wholesale warehouse and similar uses	One (1) space for every two (2) employees on the largest work shift

02 Parking Space Measurements. Each parking space rectangular in shape shall not be less than 8-1/2 feet wide and 20 feet long exclusive of access drives or aisles.

03 Loading Space. Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.

04 Commercial Parking Lot. 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:

- A. No part of any parking space shall be closer than ten (10) feet to any established highway, road, street, or alley right-of-way line. In case the parking lot adjoins an "R" District, it shall be set back at least ten (10) feet from the "R" District boundary. Provided further that front or side yards shall be used for fences, walks, or landscaping only, with no vehicular parking in said yard area.
- B. An off-street parking lot in any "R" District shall provide a permanent fence or shrubbery screen on all side yards of the abutting "R" District. Such a screen is to be located in the provided side yard.
- C. 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.
- D. All required off-street parking areas, including any commercial parking lot, for more than five (5) vehicles shall be surfaced with an asphalt or concrete pavement or such other surfaces so as to provide a durable and dustless surface. It 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 or unloading and parking and storage of self-propelled vehicles.
- E. 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.

DIVISION 95: SIGNS

01 Purpose. The purpose of this section is to set forth minimum requirements for the location, size and use of signs within the various districts provided in this Ordinance.

02 General Regulations. No billboard shall be posted and no advertising structure shall be erected as follows:

- A. Outdoor advertising signs and billboards shall comply with all State and Federal regulations along the main traveled way of any interstate, freeway primary, or primary highway right-of-way.
- B. The regulations contained in this section shall apply to all signs in all districts outside of the above mentioned traveled ways. No sign shall be erected which does not comply with this section except that the following shall be exempt from this section:
 - 1. Official traffic, disaster, danger, hazard, railroad, or similar signs which are required by law or regulation.
- C. On or within one hundred (100) feet of the right-of-way of a public road or where it would encroach thereon.
- D. Along a highway within seven hundred fifty (750) feet of the center point of an intersection of such public road at grade with another public road or with a railroad.
- E. Along a public road at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than seven hundred fifty (750) feet.
- F. No billboard within three hundred (300) feet of a house, church or school.
- G. No billboards less than fourteen hundred (1400) feet apart except back to back or end to end, and no more than two (2) billboards facing one direction.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the state or by any county, municipality or other government subdivision or which incorporates or makes use of flashing lights or lights simulating or resembling traffic signals or control signs. Lights shall be aimed such that and be of proper intensity that they do not hinder or unduly distract passing traffic.

- I. No advertisement shall be posted or maintained on rocks, fences, trees or other perennial plants, or on poles maintained by public utilities.
- J. No sign or billboard shall be at an angle of less than sixty (60) degrees to the highway right-of-way.
- K. No sign or billboard shall be more than 20 feet in length, width or height, or 150 square feet in area.

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DIVISION 100: TELECOMMUNICATION TOWERS AND ANTENNAS

01 Purpose. The purpose of this section is to establish guidelines for the siting of towers and antennas for commercial wireless telecommunications as provided for in the federal Telecommunications Act of 1996.

02 Conditional Use. A telecommunications tower may be permitted upon determination that all of the applicable conditions in this ordinance are met.

03 Height Limitations. Telecommunications towers are a permitted conditional use in the following districts with the specified height limitations:

Agricultural (including A-1)

Free-standing or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires a special exception.

A. If a special exception for additional tower height is requested, total tower height will not exceed 150% (750') of the maximum height permitted in the county as a conditional use. Applicant must demonstrate that additional height above that permitted by this ordinance is necessary for service to residents of the county.

B. Telecommunications towers erected on existing structures other than telecommunications towers shall be allowed in any district, provided the height of the tower does not exceed one-third of the height of the existing structure and the total of the existing structure and the tower does not exceed 200 feet.

04 Application Requirements. The applicant for a conditional use permit for construction of a telecommunications tower or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted shall file an application with the county zoning administrator accompanied by the appropriate fee. The application shall include the following documents:

A. A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structures, including accessory structures; photographs or elevation drawings depicting design of proposed structures, driveway and driveway entrance, parking, fences and landscape plan; and existing uses on abutting parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;

B. A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public

records, serving any property within the county;

- C. A report from a structural engineer containing the following:
 - 1. A description of the tower, including a description of the design characteristics and material;
 - 2. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel antenna towers and Antenna Support Structures."
 - 3. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
- D. If applicant is other than the site owner, written authorization form the site owner for the application;
- E. Identification of the owners of all antennas and equipment to be located at the site;
- F. Pursuant to Sec. 100-050(A), evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;
- G. Evidence that a valid FCC license for the proposed activity has been issued;
- H. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
- I. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
- J. Evidence that Sec. 100-050 Applicable Conditions have been met;
- K. Additional information as required to determine that all applicable conditions of this Article have been met;

05 Applicable Conditions. Any applicant must show that all of the following applicable conditions are met:

- A. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A tower is not allowed if technically suitable space can be found on an existing telecommunications tower within one-half mile radius of the proposed new tower site.
 - B. Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.
 - C. Applicant must show that all applicable health, nuisance, noise, fire, building and safety code requirements are met.
 - D. All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black.
 - E. For telecommunications towers on county property, applicants must file with the county zoning administrator a written indemnification of the county and proof of liability insurance or other proof of financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the county attorney. This information shall be updated annually by the applicants.
 - F. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height, shall apply to the telecommunications tower.
 - G. For free-standing or guyed telecommunications towers, setbacks on all sides shall be a distance equal to the height of the tower.
 - H. The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of six feet in height.
- 06 Inspection. At least every 24 months, every telecommunications tower shall be inspected by an expert who is regularly involved in the maintenance,

inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for steel Antenna Towers and Antenna support Structures." A copy of such inspection record shall be provided to the Land Use Administrator.

- 07 Bond. A bond shall be filed with the County Auditor for the useful life of the tower. The bond shall be used for the potential removal of the tower should the owner or lessee fail to demolish the structure and the intended use is discontinued as described in Sec. 100-080 Abandonment.
- 08 Abandonment. In the event the use of any telecommunications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the county zoning administrator. Upon such abandonment, the tower owner shall have an additional 180 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code Chapter 331.384.

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DIVISION 105: SITE PLAN REVIEW REQUIREMENTS

01 Purpose: *The intent of the Site Plan review Standards is to provide a uniform set of requirements for the review of the following types of developments: mobile home/manufactured home parks; recreational vehicle parks; residential structures containing more than two single family units; any development within an I-1 District; planned unit developments; any commercial development including more than one tenant; and any commercial development with a building(s) in excess of 10,000 square feet in external dimension(s).*²⁶

02 Plan Required. Whenever the owner of a tract of land wishes to obtain approval for a building permit within the above-mentioned districts or a Planned Unit Development, the owner shall submit to the County for approval an application and ten (10) copies of the development plan in accordance with the following provisions:

A. Development Plan

1. A location map.
2. A site plan of the development drawn to an appropriate scale (prefer 1" = 50').
 - a. The specific arrangement of proposed buildings and other structures including the location, approximate size and proposed use of the building.
 - b. The location of proposed traffic facilities, including entrances onto the primary or secondary road system, interior streets and pedestrian walkways, including a cross section of each proposed facility.
 - c. The location and type of utilities proposed to serve the development, including gas, electric, telephone, water, sewer and solid waste disposal.
 - d. Fire protection site plan reviewed by fire chief or his designee in fire district where such development will be located.
 - e. The location of proposed parking facilities, including the estimated capacity and type of surfacing.
 - f. The location, size and type of proposed outdoor

advertising, signage and lighting for the development.

- g. The location and method of screening or buffering between the proposed development area and adjoining land uses (walls, fences, planting strips, open spaces, etc.).
- h. The development plan shall also show information of general interest including: the legal description of the tract, the name of the development, the name of the owner, adjoining owners, north arrow, scale and date.

03 General Design Standards. The general design standards set forth in this article shall be held as the minimum standards considered for review and approval of a planned commercial development.

- A. The proposed location, design, construction and operation of a particular use shall adequately safeguard the health, safety and general welfare of persons residing on or working in adjoining or surrounding property.
- B. The design and operation of the proposed use shall not unduly increase congestion of public streets or the public danger of fire.
- C. The proposed development shall provide for or have existing adequate utilities, access roads, drainage and other necessary facilities.
- D. The proposed development shall provide sufficient off-street parking and loading space to serve the development.
- E. A screening or buffer area will be required to limit access and provide visual separation between the proposed development and any adjoining property which is either zoned or used for agricultural, residential, business or industrial purposes. The Board of Supervisors may waive this requirement when existing conditions otherwise limit access and provide visual separation.

04 Performance Standards.

- A. All entrances shall be onto a paved Primary or Secondary Road. The Board of Supervisors may approve a development plan which proposes entrances onto a non-paved surface, provided that a satisfactory agreement between the County and the developer has been entered into for construction of a paved surface or for financial participation with the County for construction of the required paved surfacing.
- B. The best practical means known for the treatment or disposal of sewer

wastewater, refuse and solid waste shall be employed. All means of waste treatment shall be approved by the County Health Department prior to the commencement of an approved use.

- C. A screening or buffer area shall consist of an area no less than five (5) feet wide with a planting screen of Arbor Vitae or other evergreen variety three (3) feet high, spaced four (4) feet on center. Where planting screen is not expected to thrive, a solid fence or earthen berm with low shrubs or other plant materials may be used to provide visual obscurity to a height of six (6) feet. All screening shall be completed prior to the commencement of an approved use.
- D. All parking areas shall be constructed of a permanent dust free surface. All parking areas shall be constructed in accordance with the approved development plan prior to the commencement of an approved use.

05 Procedure.

- A. Filing. The application, accompanied by the required plan and fee shall be submitted to the County and placed on the agenda of the Zoning Commission for review at its next regular meeting. The Site Plan Review shall require the concurrent submittal of an application and fee for a building permit.
- B. Action by the Zoning Commission. The Zoning Commission shall consider the application and such other information presented to assure that the proposal is in conformance with the intent and standards of the Des Moines County Zoning Ordinance. The Commission shall, within 30 days (unless an extension is agreed to by the applicant) transmit its recommendation to approve, disapprove or to grant conditional approval to the Board of Supervisors. A recommendation to grant conditional approval shall specify the particular conditions recommended by the Zoning Commission.
- C. Action by the Board of Supervisors. The Board of Supervisors shall, after action by the Zoning Commission, place the application on the agenda of the next regular meeting. The Board of Supervisors shall act to approve or disapprove the application and development plan within 15 days.
- D. Effect of Action by the Board of Supervisors. Approval of a Development Plan by the Board of Supervisors shall be deemed an authorization for the Zoning Administrator to issue the requested building permit. Disapproval of the Development Plan shall terminate consideration of such application.

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ARTICLE V - ADMINISTRATION

DIVISION 110: LAND USE ADMINISTRATOR

Sec. 110-1)0 Administrative Officer. The Board of Supervisors shall appoint an Administrative Officer and necessary assistants. It shall be the duty of said Officer to enforce the resolutions or ordinance adopted by the Board of Supervisors as provided for in Chapter 335 of the Iowa Code. It shall also be his/her duty to examine all applications for construction and the establishment of uses, which are in accordance with requirements of this Ordinance, record and file all applications for certificates and permits with accompanying plans and documents, and make such reports as the Board of Supervisors or the Board of Adjustment may require. Permits for construction and uses which are a special use or variances to requirements of this Ordinance shall be issued only upon order of the Board of Adjustment.

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DIVISION 115: BUILDING PERMITS

- 01 Purpose. It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure until a Building Permit shall have been issued by the Land Use Administrator. It shall also be unlawful to change the use or occupancy of any building, structure or land from one classification to another or to change a nonconforming use without the issuance of a Building Permit by the Land Use Administrator.
- 02 Building Permit.
- A. Every application for a building permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the regulations. One copy of such plans shall be signed and returned to the applicants when approved by the Land Use Administrator together with such permits as may be granted.
- B. Prior to building construction, lot pins based on an actual survey by a registered land surveyor shall be set and if disturbed by construction or grading shall be set in proper location.
- 03 Issuance of Permit. The Land Use Administrator shall review and issue the permit, within fifteen (15) days of the completed application, a written permit or denial thereof with reasons in writing from the Administrator.
- 04 Expiration of Permit. Building permits issued in accordance with provisions of this section shall be null and void at the end of six (6) months from the date of issuance if the construction, alteration, or change of use has not commenced during the six (6) month period. Proposed construction or alteration must be completed within twelve (12) months. In the event that the magnitude of the project requires, the Land Use Administrator shall have the authority to waive the provisions of this section.
- 05 Fees.
- A. The Land Use Administrator is directed to issue a building permit as required by this ordinance for proposed construction, reconstruction or alteration which complies with all provisions contained herein. The penalty for failure to obtain the required permit or failure to obtain the

required permit prior to construction, reconstruction or alteration will be charged double the permit fee.

- B. There shall be no fee charged to the United States government, the State of Iowa, or any political subdivision thereof.
- C. All fees as are required shall be paid to the Land Use Administrator, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of Des Moines County, Iowa. By resolution, the Board of Supervisors shall establish fees. All fees are non-refundable.

06 Revocation of Permit. The Land Use Administrator may, in writing, suspend or revoke a permit or approval issued under the provisions of these regulations whenever the permit is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

DIVISION 120: BOARD OF ADJUSTMENT

- 01 Creation. A Des Moines County Board of Adjustment is hereby created. Such a Board shall consist of five (5) members, a majority shall come from the area zoned by this Ordinance and the remainder from outside the zoned area, but outside the corporate limits of any city.
- 02 Membership and Terms of Office. All members shall be citizens and residents of Des Moines County, provided that at all times a majority of the members shall reside in the unincorporated portions of the county. Each Board of Adjustment member shall be appointed for a term of five (5) years, excepting that when the board shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. The expiration date for all terms of office shall be the first Monday in November, provided, however, that all members shall hold office until their successors are appointed and approved.
- 03 Removal of Board of Adjustment Members. Board of Adjustment members are appointed by the Board of Supervisors. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- 04 Officers. The Board of Adjustment shall select a chairperson and vice-chairperson from among its members. The chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- 05 Quorum. A majority of the membership of the Board of Adjustment shall constitute a quorum, and a quorum shall be required to conduct the business of the Board of Adjustment.
- 06 Rules. The Board of Adjustment shall organize and adopt rules in accordance with provisions of this Ordinance and the Iowa Statute.
- 07 Meetings. The Board of Adjustment shall meet bimonthly or at such other times as the board may determine. There shall be an annual meeting with the Board of Supervisors to discuss the Board of Adjustment's proceedings and activities. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

- 08 Special Exceptions. The Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations in harmony with its general purpose and intent and in accordance with the general and specific rules therein contained, and provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of such regulations and restrictions may petition the said Board of Adjustment direct to modify regulations and restrictions as applied to such property owner.
- 09 Variances. The Board of Supervisors may provide for its review of variances granted by the Board of Adjustment before the effective date. The Board of Supervisors may remand a decision to grant a variance to the Board of Adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.
- 10 Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- 11 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause an imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
- 12 Powers of the Board. The Board of Adjustment shall have the following powers:
- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance or of any ordinance adopted pursuant thereto.
 - B. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

C. To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

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

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

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

16 Review by Court. Upon the presentation, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall describe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

17 Record Advanced. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions hereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

18 Trial to Court. If upon the hearing which shall be tried de novo it shall

appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the referee's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

- 19 Costs. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
- 20 Precedence. All issues in any proceedings under the foregoing sections shall have preference over all other civil actions and proceedings.

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DIVISION 125: DISTRICT CHANGES AND AMENDMENTS

- 01 Purpose. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may by resolution on its own or by petition after recommendation by the Planning and Zoning Commission after Public Hearing as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof.
- 02 Procedure for Change.
- A. Applications for any change of district boundaries or classifications of property as shown on the Zoning Maps shall be submitted to the Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment. Any proposed changes of Agricultural District boundaries or property classification will require a consideration of the Corn Suitability Rating (CSR).
- B. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Commission shall hold at least one Public Hearing thereon. Notice of hearing shall be given not less than seven (7) days nor more than twenty (20) days by one publication in a newspaper of general circulation in the County. When the Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.²⁸
- C. After receiving the certification of said recommendations on the proposed amendment from the Commission and before adoption of such amendment, the Board of Supervisors shall hold a Public Meeting thereon. Notice of hearing shall be given not less than seven (7) days nor more than twenty (20) days by one by one publication in a newspaper of general circulation in the County.²⁹
- D. Any person or persons may apply for zoning district changes or amendments by petition. The Commission or Board of Supervisors may initiate any changes or amendments by their own action.

28 & 29– Amended May 2006

- E. After receiving certification of the recommendations on the proposed amendment from the Commission and after holding the Public Hearing provided for, the Board of Supervisors shall consider such recommendations and vote upon the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of the members of the Board of Supervisors.
- F. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within *five hundred (500)*²⁷ feet of any part of the property proposed to be changed.
- G. The failure to notify as provided in Subsections B and C above shall not invalidate any recommendation of the Commission, provided such failure was not intentional. The omission of the name, of any owner of property who may, in the opinion of the Commission, be affected by such amendment or change shall not invalidate any recommendation adopted hereunder. It being the intention of this subsection to provide, so far as may be practicable, due notice to the persons substantially interested in the proposed change that an application is pending before the Commission proposing to make in the Zoning Maps of the regulations set forth in the Ordinance.
- H. Each application for an amendment, except those initiated by the Commission, shall be accompanied by a check payable to Des Moines County or a cash payment to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

03 Public Right-of-Way Vacated.

- A. Whenever any street, road, or other public way is vacated by official action of the Board of Supervisors, 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. Whenever any railroad right of way is vacated or sold, the land involved shall revert back to "A-1" zoning.

04 Filing Petitions for Map Amendments, Special Use Permits, Variances, Etc.

²⁷ Amended October 2004

- A. All petitions for map amendments, special permits, variance, etc., must be in writing stating the exact legal description of land involved and said petitions must be received by the Land Use Administrator twenty five (25) days prior to a stated or special meeting of the Planning and Zoning Commission or Board of Adjustment. A preliminary plat plan shall be submitted with a petition for a map amendment for subdivisions.

ARTICLE VI - ENFORCEMENT AND PENALTIES

DIVISION 130: ENFORCEMENT AND PENALTIES

- 01 Enforcement by Land Use Administrator. It shall be the duty of the Land Use Administrator, with the aid of the County Attorney and County Sheriff, to enforce the regulations in accordance with the administrative provisions of a building code and the regulations.
- 02 Denial of Application or Petition. In the event the Zoning Board of Adjustment denies a petition, or if the Board of Supervisors denies an application, that petition or application shall not be filed again, nor shall there be filed with the Zoning Board of Adjustment, Planning and Zoning Commission, or the Board of Supervisors any other similar petition or application within a period of one (1) year from date of denial unless there is evidence of a substantial change of condition or circumstances warranting such filing.
- 03 Restraining Order. If 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 proper authorities of the County, in addition to other remedies under the Iowa Code, is hereby authorized to institute any proper action to enjoin, or any other appropriate action or proceeding in the name of Des Moines County, Iowa, to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
- 04 Violations and Penalties. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall upon conviction, be fined not more than one hundred dollars (\$100.00), or be imprisoned for not more than thirty (30) days for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
- 05 Validity. Should any section or provision of this ordinance be declared by the Courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.
- 06 Effective Date. This Ordinance shall be in full force and effective in Des Moines County, Iowa after its passage, approval and publication as provided by law.

- A. Any Amendments to the Zoning Ordinance of Des Moines County, Iowa shall be in full force and effective in the unincorporated territory of Des Moines County after passage, approval and publication as provided by law.

Adopted and passed by the Board of Supervisors of Des Moines County, Iowa

This _____ day of _____, 1998.

Des Moines County Board of Supervisors

Benjamin D. Diewold, Chair

David A. Miller, Vice-Chair

Timothy E. Hoschek, Member

ATTEST:

J. Victoria Leonard, County Auditor