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APPENDIX

LAND SUBDIVISION REGULATIONS ORDINANCE

FLOOD PLAIN REGULATIONS

***SHORT TITLE AND
JURISDICTION***

QVAF-ELIYYTAC-12
WALX-10021001

Mitchell County, Iowa

ORDINANCE NO. 17

Effective August 5, 1998

ZONING ORDINANCE FOR THE UNINCORPORATED PORTION OF MITCHELL COUNTY, IOWA

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards, courts and other open spaces, to establish minimum lot areas; to regulate the size of yards, courts and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-road parking; to regulate the location, size and number of signs; to divide the County into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 335, Code of Iowa; and to be known, and cited as "The Zoning Ordinance of Mitchell County, Iowa."

WHEREAS, the Board of Supervisors of Mitchell County, Iowa, deem it necessary to prevent and to lessen congestion in the roadways and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the County; all in accordance with a Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA THAT:

SHORT TITLE AND JURISDICTION

1.01 SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Mitchell County, Iowa," to the same effect as if full title was stated.

1.02 JURISDICTION. In accordance with the provisions of Chapter 335, of the Code of Iowa, and amendatory acts thereto, this Ordinance is adopted by Mitchell County, Iowa, governing the zoning of all lands within the unincorporated area.

***INTERPRETATION OF
REGULATIONS***

TO WHOM IT MAY CONCERN
27 OCT. 1971

INTERPRETATION OF REGULATIONS

1.03 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this Ordinance shall govern. In case of conflicting language within this Ordinance, the more restrictive requirements shall apply.

1.04 FARMS EXEMPT. In compliance with Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provision of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings, or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or restrictions which relate to any structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of any river to stream shall apply thereto.

No Zoning Certificate shall be required for the construction, reconstruction, alterations, remodeling, or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farmstead dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used. However, all construction, reconstruction, or expansions of said buildings shall require notification of such changes to the County Zoning Administrator prior to initiation of said changes.

The following non-agricultural uses and buildings, though customarily found in the unincorporated areas of the County, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a Zoning Certificate in accordance with the provisions of this Ordinance.

Private golf courses; private lakes or ponds for recreational use by the general public; private club, lodge, or association; stables or kennels operated as a business, club, or association; saw mills; gravel, sand, or rock quarries or pits; tourist campgrounds; private parks, private or commercial hunting preserves; farmstead home occupations; and private dumps or waste disposal areas.

Any farm dwelling, building, or structure intended for permanent human habitation, while not requiring a Zoning Certificate, shall not be located within a one hundred (100) year flood zone as identified by the Federal Emergency Management Agency (FEMA).

***GENERAL
PROVISIONS***

11-24-73
11-24-73

GENERAL PROVISIONS

1.05 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:

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, or other open space, or off-road 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-road parking or loading space similarly required for any other building.
3. No yard or lot existing as of the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by these regulations.
4. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

1.06 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. Official Zoning Map. The County shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Chairperson, Board of Supervisors, attested by the Board Secretary, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1.06 of Ordinance No. 17 of Mitchell County, Iowa," together with the date of adoption.

If, in accordance with the provisions of this Ordinance and Chapter 335, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors, with an entry on the Official Zoning Map as follows: "By official action of the Board of Supervisors, the following changes were made to the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of these regulations which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Disincorporation. All territory which may hereafter become part of the unincorporated area of Mitchell County, that is regulated by this Ordinance, by the disincorporation of any city or town, or any part thereof, shall automatically be classified as lying and being within the (AG-D) Agricultural Development District until such classification shall have been changed by amendment to this Ordinance.

3. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Chairperson of the Board of Supervisors, attested by the Board Secretary, and bearing the Seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. 17 of Mitchell County, Iowa.

"Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

1.07 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of roadways, highways, or streets shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city/County limits shall be construed as following such city/County limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;
8. Whenever the Board of Supervisors vacates and disposes of a roadway or alley, adjacent districts shall extend to the center line of the vacation;
9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this Ordinance, the legal description applies.

DEFINITIONS

- ① Who does it do?
- ② Are we going to enforce it?

DEFINITIONS

1.08 DEFINITIONS. For purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

1. Abandoned Farmstead - A track of land which was at one time a farm dwelling and its related outbuildings, but which has not been reclaimed for row crop or grazing agriculture. To be classified as an abandoned farmstead, some evidence (such as buildings, wells, etc.) must remain of the parcel's past status as a farmstead. Only real estate which constituted the original building site shall qualify as an abandoned or existing farmstead. Surrounding real estate shall not be part of the abandoned or existing farmstead, except that the farmstead may add new land where the parcel is squared or made more uniform and where the addition of the land is incidental to the original parcel. In no case, however shall the parcel be increased by more than two (2) acres in size. Any increase beyond two (2) acres shall be by Special Exception of the Board of Adjustment. In the event that a person purchases an abandoned or existing farmstead and also purchases surrounding agricultural property as a unit, then the abandoned or existing farmstead shall lose its character as an existing or abandoned farmstead and shall not qualify under Section 1.17(2)(C).

Advice to individuals wishing to purchase an abandoned or existing farmstead:

Prior to purchasing said abandoned or existing farmstead you should meet with the administrative office to determine the exact dimensions of the abandoned or existing farmstead. This step does not require formal application or fee. Factors to be considered in determining the legal description of the abandoned or existing farmstead will be existing groves, fence lines, grass areas, prior overhead photos of the property, prior government certificates and prior records of the governmental agencies.

2. Abutting - Having property or district lines in common.

3. Access - A way of approaching or entering a property from a public roadway.

4. Accessory Buildings - A subordinate building located on the same lot with the main building, occupied by or devoted to, an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

5. Accessory Use - A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

6. Agricultural Services - Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.

7. Agriculture - The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however that the operation of such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to animals.
8. Alley - A public way, other than a roadway, thirty (30) feet or less in width, affording secondary means of access to abutting property.
9. Animal Feeding Operation - A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five (45) days or more in any twelve (12) month period, and all structures used for the storage of manure from animals in the operation.
10. Animal Weight Capacity - The product of multiplying the maximum number of animals which the owner or operator confines in the animal feeding operation, or confinement feeding operation, at any one (1) time by the average weight during a production cycle.
11. Basement - A story having part but not more than one-half ($1/2$) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
12. Bed and Breakfast Houses - A house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
13. Board - The Board of Adjustment.
14. Boarding Houses - A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
15. Building - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
16. Building, Height of - The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
17. County Zoning Administrator - The local official responsible for reviewing Zoning Certificates and following a determination by the Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Zoning Certificates are issued by the County Zoning Administrator.

18. District - A section or sections of the County within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

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

20. Dwelling, Multiple - A building or portion thereof designed for or occupied exclusively for residence purposes by two (2) or more families.

21. Dwelling, Single-family - A building designed for or occupied exclusively for residence purposes by one (1) family.

22. Elder Home - Any residential facility which meets the definition of an elder home as defined in Section 231A.1 and referenced sections of the Code of Iowa.

23. Essential Services - The erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission, treatment, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare.

24. Family - One (1) or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include four (4), but not more than four (4), persons not related by blood, marriage or adoption but further provide that domestic employees employed on the premises may be housed on the premises without being counted as a family or families. When facilities for dwelling purposes are rented to other occupants of a building, those occupants shall not be considered part of the same family under this Ordinance.

25. Family Home - A community-based residential home which is licensed as a residential care facility under State Code Chapter 135C or as a child foster care facility under State Code Chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under State Code Chapter 237.

26. Feedlot and/or Confinement - Any parcel where the principal use is the raising and feeding of livestock, fowl, or other animals.

27. Fence - An artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.

28. Frost-Free Foundation - A foundation supporting a structure which is required to be at least forty-two (42) inches below grade.

29. Foundation, Permanent - At a minimum, a permanent foundation must have located at each corner of the structure being supported, a pillar support system that includes cement or a cemented structure that extends below the normal frost line.

30. Garage - A building or portion thereof in which a motor vehicle is stored, repaired or kept.

31. Garage, Private - A building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

32. Garage, Public or Storage - A building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

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

34. Health Care Facility - Any residential care facility, intermediate care facility, or skilled nursing facility.

A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.

35. Home Occupation - An occupation conducted in a dwelling unit, provided that:

A. No more than one (1) person other than members of the family residing on the premises shall be engaged at any one time on the premises in such occupation, except by special exception by the Board of Adjustment.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty (30) percent of the gross floor area in the dwelling unit shall be used in the conduct of the home occupation. Any extension of the home occupation beyond thirty (30) percent of the gross floor area of the dwelling unit shall only be approved by special exception of the Board of Adjustment.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

D. No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-road parking and shall not be in a required front yard.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

36. Hospital - An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

37. Hotel - A building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

38. Junk - Any scrap, reclaimable material, or debris whether or not stored, for sale, or in the process of being dismantled, processed, salvaged, stored, or other use or disposition. "Junk" includes but is not limited to:

- A. Three (3) or more motor vehicles which are currently in an unlicensed and inoperable condition;
- B. Five (5) or more appliances or machines or parts thereof in an inoperable condition;
- C. Building materials and other inoperable machinery.

Farm equipment or other materials used in farming on a working farm shall be excluded from this definition.

39. Junk Yard - Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

40. Kennel (Commercial) - An establishment in which dogs or domestic animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold.

41. Lodging House - A building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

42. Lot - For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public roadway, or on an approved private roadway, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;

D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

43. Lot Frontage - The front of a lot shall be the portion nearest the roadway. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to roadways shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

44. Lot Measurements -

A. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the roadway line or front property line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac where eighty (80) percent requirement shall not apply.

B. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

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

46. Lot Types - The Chart on the following page illustrates terminology used in this Ordinance with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots as follows:

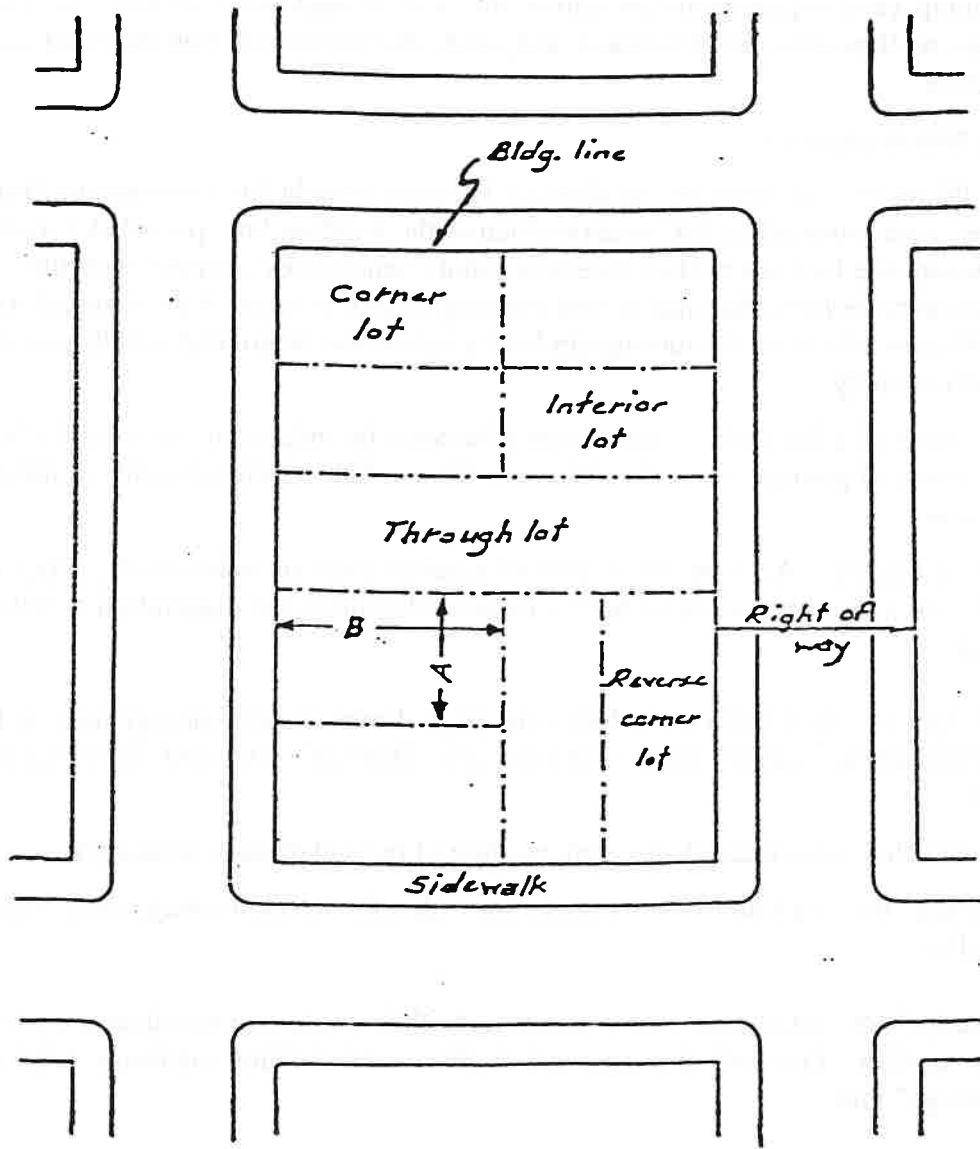
"corner" lot - a lot located at the intersection of two (2) or more roadways.

"interior" lot - a lot other than a corner lot with only one (1) frontage on a roadway other than an alley.

"through" lot - a lot other than a corner lot with frontage on more than one (1) roadway other than an alley. Lots with frontage on two (2) non-intersecting roadways may be referred to as "through" lots.

"reversed corner" lot - a corner lot, the side roadway line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART — LOT



A - Width of lot

B - Depth of lot

47. Manufactured Home - A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

48. Mobile Home - Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and 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.

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

50. Motel (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court) - A building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest's vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

51. Nonconformities - Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of enactment of the ordinance.

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

53. Parking Space - An area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

54. Parking (Off-Road) - Parking spaces solely developed on privately owned properties and not including any public right-of-way areas.

55. Permitted Use - A use by right which is specifically authorized in a particular zoning district.
56. Principal Use - The main use of land or structures as distinguished from an accessory use.
57. Projections (into yards) - Parts of buildings such as architectural features that extend beyond the building's exterior wall.
58. Roadway - All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
59. Roadway Line - The right-of-way line of a roadway.
60. Service Station (Gas Station) - A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.
61. Setback - The required distance between every structure and lot line or roadway where applicable.
62. Signs - Any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.
63. Signs, On-Premises - An advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.
64. Signs, Off-Premises - An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: on-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).
65. Statement of Intent - A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.
66. Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

67. 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.

68. Structural Alteration - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

69. Structure - Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including other structures specifically exempted by County resolution.

70. Swimming Pool - A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

71. Use - The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

72. Variance - A device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.

73. Yard - An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

74. Yard, Front - A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall have two (2) front yards and two (2) side yards.

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

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

77. Zoning Commission - A Commission appointed by the Board of Supervisors to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this Ordinance.

78. Zoning District - A section the County designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

79. Zoning Map - The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

CHART -- YARD

Where yards overlap, all regulations applying to either yard shall apply to that portion which overlaps.

