

BOARD OF SUPERVISORS BOONE COUNTY, IOWA

ORDINANCE NO. 165

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WHEREAS, BOONE COUNTY DESIRES TO HAVE ORDERLY DEVELOPMENT OF PROPERTIES WITHIN ITS BORDERS, AND

WHEREAS, BOONE COUNTY HAS PROMULGATED AND ENFORCED ZONING REGULATIONS TO PROVIDE FOR THIS ORDERLY DEVELOPMENT THAT PROTECTS THE INTERESTS OF ALL PROPERTY OWNERS WHILE PROVIDING FOR THE USE AND DEVELOPMENT OF PROPERTY WITHIN THESE REGULATIONS, AND

WHEREAS, THE BOONE COUNTY ZONING COMMISSION HAS UNDERTAKEN A STUDY OF THESE REGULATIONS AS REQUESTED BY THE BOARD OF SUPERVISORS, AND

WHEREAS, THE ZONING COMMISSION HAS MADE CERTAIN RECOMMENDATIONS TO THE BOARD OF SUPERVISORS, AND

WHEREAS, THE BOARD OF SUPERVISORS HAS DIRECTED THE DIRECTOR OF PLANNING AND DEVELOPMENT TO PREPARE CHANGES TO THE APPLICABLE SECTIONS OF THE ORDINANCE TO ACCOMPLISH GOALS CONSISTENT WITH THEIR POLICIES AND DEVELOPMENT GOALS:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BOONE COUNTY, IOWA AS FOLLOWS:

SECTION ONE:

THE PURPOSE OF THIS ORDINANCE IS TO PROTECT THE PUBLIC HEALTH, SAFETY WELFARE AND ENVIRONMENT IN WHICH WE LIVE BY MODIFYING THE REQUIREMENTS OF THE BOONE COUNTY ZONING ORDINANCE # 88, FILED JULY 21, 2008 DOCUMENT # 083467 IN THE OFFICE OF THE BOONE COUNTY RECORDER AS THEY RELATE TO DEFINITIONS, GENERAL REQUIREMENTS, USE DISTRICT STANDARDS, USE TABLES, AND SIGNAGE REQUIREMENTS IN THE FOLLOWING ARTICLES: 2,3, 4, AND 7 OF THE ORDINANCE.

SECTION TWO:

THAT BOONE COUNTY SHALL, AND IT DOES HEREBY, ADOPT THE AMENDMENTS TO ARTICLE 2,3,4, AND 7 AS FOLLOWS:

SECTION THREE:

ARTICLE II. DEFINITIONS

Section 2.01 Construction and General Terminology

FOR THE PURPOSE OF CARRYING OUT THE INTENT OF THIS ORDINANCE, WORDS, PHRASES, AND TERMS SHALL BE DEEMED TO HAVE THE MEANING ASCRIBED TO THEM. WHEN NOT INCONSISTENT WITH THE CONTEXT, WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE; WORDS IN THE SINGULAR NUMBER INCLUDE THE PLURAL; THOSE IN THE PLURAL NUMBER INCLUDE THE SINGULAR; AND THE MASCULINE GENDER SHALL INCLUDE THE

FEMININE.

- 2.01.01 The word "Assessor" shall mean the Boone County Assessor.
- 2.01.02 The words "Board" or "Board of Supervisors or County Board" shall mean the Boone County Board of Supervisors.
- 2.01.03 The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
- 2.01.04 The word "Commission" shall mean the Boone County Zoning Commission.
- 2.01.05 The word "County" shall mean Boone County, Iowa.
- 2.01.06 The words "County Recorder" shall mean the Boone County Recorder.
- 2.01.07 The word "County Engineer" or "Engineer" shall mean the Boone County Engineer or the County Engineer's Office or Secondary Roads Department.
- 2.01.08 The word "District" shall refer to any zoning district created for the purpose of regulating specific uses within a defined area.
- 2.01.09 The word "Federal" shall mean the Government of the United States of America.
- 2.01.10 The word "shall" is mandatory; and the word "may" is permissive.
- 2.01.11 The word "State" shall mean the State of Iowa.
- 2.01.12 The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."
- 2.01.13 The words "Zoning Map" shall mean the Official Zoning Map of Boone County.
- 2.01.14 The word "Administrator" shall mean the Boone County Zoning Administrator.
- 2.01.15 The word "Ordinance" shall mean the Boone County Zoning Ordinance.
- 2.01.16 The words "Comprehensive Plan" shall mean the Boone County Comprehensive Development Plan.
- 2.01.17 Abbreviations and Acronyms

FOR PURPOSES OF THIS ORDINANCE THIS SECTION CONTAINS A LISTING OF ABBREVIATIONS AND ACRONYMS USED THROUGHOUT THIS DOCUMENT.

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| IAC | IOWA ADMINISTRATIVE CODE |
| I.C. | IOWA CODE OR CODE OF IOWA |
| IDNR | IOWA DEPART. OF NATURAL RESOURCES OR SUCCESSOR DEPARTMENT FAA |
| | FEDERAL AVIATION ADMINISTRATION |
| FCC | FEDERAL COMMUNICATION COMMISSION |
| FSA | FARM SERVICE AGENCY |
| FEMA | FEDERAL EMERGENCY |

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|-------------------------|---|
| MANAGEMENT AGENCY KV | KILOVOLT |
| KW | KILOWATT |
| NPDES | NATIONAL POLLUTANT DISCHARGE |
| ELIMINATION SYSTEM NRCS | NATURAL RESOURCES |
| CONSERVATION SERVICE | |
| LFO | LIVESTOCK FEEDING OPERATION |
| USDA | UNITED STATES DEPARTMENT OF AGRICULTURE |

Section 2.02 Definition of Terms

- 2.02.01 **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2.02.02 **ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.
- 2.02.03 **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.
- 2.02.04 **ACCESSORY BUILDING** (see Building, Accessory).
- 2.02.05 **ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
- 2.02.06 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
- 2.02.07 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.02.08 **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
- 2.02.09 **ACREAGE** shall mean any tract or parcel of land that does not qualify as a farm or development.
- 2.02.10 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.02.11 **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or

"specified anatomical areas."

- 2.02.12 **ADULT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- 2.02.13 **ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- 2.02.14 **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.15 **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.16 **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- 2.02.17 **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of fifty (50) or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction of description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- 2.02.18 **ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.
- 2.02.19 **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.20 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.
- 2.02.21 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** SHALL MEAN ANY BUILDING OR STRUCTURE WHICH IS NECESSARY OR INCIDENTAL TO THE NORMAL CONDUCT OF A FARM INCLUDING BUT NOT LIMITED TO RESIDENCE OF THE OPERATOR, BARNs, BUILDINGS AND SHEDS FOR HOUSING LIVESTOCK, POULTRY AND FARM MACHINERY, BUILDINGS FOR THE STORAGE OR SHELTER OF GRAIN, HAY AND OTHER CROPS, SILOS, WINDMILLS AND WATER STORAGE TANKS.
- 2.02.22 **AGRICULTURE** shall mean the art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock.
- 2.02.23 **AGRICULTURE - CROP PRODUCTION** shall mean the raising and harvesting of the following, including, but not limited to crops, vegetables, and melons; orchards; deciduous and evergreen tree farms; sod farms and other horticultural specialties such as bedding plants, bulbs and flowers grown under cover or outdoors.
- 2.02.24 **AGRICULTURE- LIVESTOCK PRODUCTION** shall mean livestock production uses, including, but not limited to pasture land or production facilities, either isolated or in conjunction with a farmstead, to the keeping, grazing or feeding of livestock for the sale of livestock or livestock products; animal specialties such as bees, fur- bearing animals and fish.
- 2.02.25 **AGRICULTURAL PROCESSING, VALUE-ADDED** shall mean a facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. The facility also includes the warehousing and packaging as a secondary use. This definition does

not include commercial kitchens, bakeries, wineries or breweries.

- 2.02.26 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
- 2.02.27 **AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. See Federal Aviation Administration, Administrative Code Part 77, and Boone County Airport Zoning Ordinance #24A.
- 2.02.28 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.
- 2.02.29 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.02.30 **ALTERATION, STRUCTURAL** (see Structural Alteration)
- 2.02.31 **AMENDMENT** shall mean a change in the wording, context, or substance of this Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.02.32 **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
- 2.02.33 **ANIMAL HOSPITAL** (see Hospital, Animal)
- 2.02.34 **ANIMALS, DOMESTIC** (see Household Pet)
- 2.02.35 **ANIMALS, FARM** shall mean livestock associated with agricultural operation, commonly kept or raised as a part of a agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
- 2.02.36 **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)
- 2.02.37 **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of

individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)

- 2.02.38 **APARTMENT HOTEL** shall mean a multiple family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.
- 2.02.39 **APARTMENT HOUSE** (see Dwelling, Multiple Family)
- 2.02.40 **APPROVED LOT** (see Lot, Approved)
- 2.02.41 **ARCHITECTURAL CANOPY SIGN** (see Sign, Architectural Canopy)
- 2.02.42 **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 2.02.43 **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- 2.02.44 **AUTOMOTIVE** shall mean any motorized means of transporting one or more individuals including but not limited to cars, trucks and motorcycles. **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
- 2.02.45 **BASE FLOOD** shall mean a flood having a one percent chance of being equaled or exceeded in any given year.
- 2.02.46 **BASEMENT** shall mean a building space partly underground, and having at least one-half of its height, measuring from its floor to its ceiling, below the average adjoining finished ground grade line.
- 2.02.47 **BED AND BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.02.48 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- 2.02.49 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not necessarily the interest of an individual or group of specific people.
- 2.02.50 **BILLBOARD** shall mean the same as "Advertising Structure".
- 2.02.51 **BLOCK** shall mean a parcel of land platted into lots and bounded by

public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.

- 2.02.52 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
- 2.02.53 **BOARD OF ADJUSTMENT** shall mean that board which has been created by the county and which has the authority to hear and determine appeals, interpretations of, and variances, as well as hear requests for Conditional Uses of the Zoning Ordinance.
- 2.02.54 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
- 2.02.55 **BORROW PIT** shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction; except, for County/State/Federal road construction.
- 2.02.56 **BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.
- 2.02.57 **BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)
- 2.02.58 **BUILDING** means any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The building should be constructed from wood, concrete, steel or other materials to withstand wind, snow and uplift. The building does not include any vehicle, trailer (with or without wheels) nor any movable device such as furniture, machinery or equipment.
- 2.02.59 **BUILDING, ACCESSORY** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes garages, carports, and small storage sheds.
- 2.02.60 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 2.02.61 **BUILDING, HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within five feet along a horizontal distance at the

- exterior wall of the building. (Also, see Height.)
- 2.02.62 **BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal.)
- 2.02.63 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this Ordinance between any property line and the closed point of the building line or face of any building or structure related thereto.
- 2.02.64 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.
- 2.02.65 **CARETAKER** shall mean a person residing in the home where a human care facility operates, whose duties include, but are not limited to, direct care, supervision and guidance.
- 2.02.66 **CARETAKER, PROPERTY** shall mean one who is employed to maintain, repair, and protect a facility or property.
- 2.02.67 **CARPORT** shall mean a permanent roofed structure with not more than two enclosed sides intended to be used for automobile shelter and storage.
- 2.02.68 **CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.
- 2.02.69 **CELLAR** shall mean a building space having more than one-half of its height
- BELOW THE AVERAGE ADJOINING GRADE LINES.
- 2.02.70 **CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.
- 2.02.71 **CENTERLINE** shall have the same meaning as "Street Center Line".
- 2.02.72 **CENTRAL SANITARY** see "On-site wastewater treatment and disposal system" within IAC 567 Chapter 69, and other applicable definitions in Chapter 69, Iowa Administrative Code.
- 2.02.73 **CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drain way.
- 2.02.74 **CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
- 2.02.75 **CHURCH** shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable

legal requirements.

- 2.02.76 **CLEAR VIEW ZONE** shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Sight Triangle.)
- 2.02.77 **CLEARING** shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.
- 2.02.78 **CLINIC** shall mean a building designed and used for the examination, diagnosis and treatment of human patients and not including overnight care facilities.
- 2.02.79 **CLUB** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
- 2.02.80 **CLUSTER DEVELOPMENT** shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
- 2.02.81 **COMMISSION** shall mean the Boone County Zoning Commission.
- 2.02.82 **COMMON AREA OR PROPERTY** shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.
- 2.02.83 **COMMUNITY CENTER** shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
- 2.02.84 **COMMUNITY SANITARY SEWER SYSTEM** shall mean an approved central sewer collecting system, meeting IAC 567 Chapter 69 and all county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual sewage treatment systems.
- 2.02.85 **COMMUNITY WATER SUPPLY SYSTEM** shall mean a system

for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year; as per IAC 567 Chapter 49.

- 2.02.86 **COMPATIBLE USES** shall mean a land use that is congruous with, tolerant of, and has minimal or no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
- 2.02.87 **COMPREHENSIVE PLAN** shall mean the Comprehensive Development Plan of Boone County, Iowa as adopted by the County Board of Supervisors, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of Boone County.
- 2.02.88 **CONDITIONAL USE** shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- 2.02.89 **CONDITIONAL USE PERMIT** shall mean a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 5 and any additional conditions or provisions placed upon, or required by said permit.
- 2.02.90 **CONDOMINIUM** shall be a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
- 2.02.91 **CONFINEMENT** shall mean totally roofed buildings, which may be open- sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of

livestock during seasonal adverse weather.

- 2.02.92 **CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
- 2.02.93 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also see Housing for the Elderly.
- 2.02.94 **CONSERVATION AREAS** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
- 2.02.95 **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
- 2.02.96 **CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. Also see Self-Service Station.
- 2.02.97 **CONTIGUOUS** shall mean the same as "Abutting" and "Adjacent".
- 2.02.98 **CORN SUITABILITY RATING (CSR)** shall mean an indexing system for rating the ability of soil to produce a certain quantity of corn. Also includes identifying prime farmland.
- 2.02.99 **COUNTRY CLUB** shall mean buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. The affairs and

management of such club are conducted by a board of directors, executive committee, or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to: swimming, tennis, and golf course country clubs.

- 2.02.100 **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.
- 2.02.101 **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
- 2.02.102 **COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
- 2.02.103 **CREMATORIUM** shall mean a location containing properly installed, certified apparatus intended for use in the act of cremation of human or animal.
- 2.02.104 **CRITICAL ROOT ZONE** shall mean a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every one inch of tree, with a minimum of eight feet. For specimen trees, the formula changes to one and one-half feet for every inch of tree DBH (diameter of tree at breast height).
- 2.02.105 **CROWN** shall mean the above ground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. May also be referred to as "canopy".
- 2.02.106 **CUL-DE-SAC** shall mean a short public way which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.
- 2.02.107 **CURB LEVEL** shall mean the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.
- 2.02.108 **CURVE LOT** see "Lot, Curve".
- 2.02.109 **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.
- 2.02.110 **DBH** shall mean the diameter-at-breast-height and is tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.
- 2.02.111 **DENSITY** shall mean the number of dwelling units per gross acre of land.

- 2.02.112 **DENSITY BONUS** shall mean the ability to develop an area to the same density level, on smaller lots; while, providing for some level of Conservation Easement in the development.
- 2.02.113 **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
- 2.02.114 **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
- 2.02.115 **DEVELOPMENT AREA** shall mean an area of land that may or may not have been subdivided.
- 2.02.116 **DEVELOPMENT CONCEPT PLAN** see "Site Plan".
- 2.02.117 **DEVELOPMENT IMPACT FEE** shall mean a fee imposed on developers to pay for the costs associated with necessary improvements to infrastructure and/or services.
- 2.02.118 **DEVELOPMENT REVIEW** shall mean the review, by the county's different departments of subdivision plats, site plans, rezoning requests, or permit review.
- 2.02.119 **DOG KENNEL** see "Kennel, Commercial"; and "Kennel, Private".
- 2.02.120 **DOMESTIC ANIMALS** see "Household Pet".
- 2.02.121 **DORMITORY** shall mean a building used as group living quarters for a student body, religious order, or other group as accessory use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use where group kitchen facilities may be provided to serve all residents.
- 2.02.122 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
- 2.02.123 **DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.
- 2.02.124 **DRIPLINE** shall be a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- 2.02.125 **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
- 2.02.126 **DRIVEWAY** shall mean any vehicular access to an off-street

- parking or loading facility.
- 2.02.127 **DUPLEX** shall mean the same as "Dwelling, Two-Family".
- 2.02.128 **DWELLING** shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30 Code of Iowa, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. All single-family dwellings shall be a minimum of 23 feet in width with a minimum of 700 square feet and placed upon a permanent foundation.
- 2.02.129 **DWELLING, CONDOMINIUM** see "Condominium".
- 2.02.130 **DWELLING, MULTIPLE** shall mean a residence designed for or occupied by three or more families, with separate housekeeping, bathroom, and cooking facilities for each.
- 2.02.131 **DWELLING, ROW** shall mean any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
- 2.02.132 **DWELLING, SEASONAL** shall mean a residence used occasionally, typically on weekends and summers, as a place to reside while recreating.
- 2.02.133 **DWELLING, SINGLE FAMILY** shall mean a detached residence designed for or occupied by one family only. This definition also includes Manufactured Homes.
- 2.02.134 **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
- 2.02.135 **DWELLING, TWO-FAMILY** shall mean a residence designed for or occupied by two families only, with separate housekeeping, bathroom, and cooking facilities for each.
- 2.02.136 **DWELLING UNIT** shall mean a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.
- 2.02.137 **EARTH SHELTERED DWELLING** shall mean a house built partially underground. An earth sheltered home is typically built in the side of a hill or an artificial hill that surrounds the dwelling on three sides and over the roof. The remaining side is typically covered with windows in order to provide passive solar heating and a maximum of natural light from the sun.

- 2.02.138 **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or access or public or private uses.
- 2.02.139 **EDUCATIONAL INSTITUTION** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes, incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.
- 2.02.140 **EFFECTIVE DATE** shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.
- 2.02.141 **ELDER FAMILY HOME** shall mean a private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self-care, which is registered as an elder family home with the state department of elder affairs in accordance with I.C. § 231A.2 as amended.
- 2.02.142 **ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served there from.
- 2.02.143 **ELECTRIC TRANSMISSION SUBSTATION** shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served there from.
- 2.02.144 **ELEEMOSYNARY INSTITUTIONS** shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.
- 2.02.145 **ENCROACHMENT** shall mean advancement or intrusion beyond the lines or limits as designated and established by the Ordinance, and to infringe or trespass into or upon the possession or right of others without permission.
- 2.02.146 **ENGAGED IN AGRICULTURE** For purposes of applying this ordinance, "engaged in agriculture" shall include but not be limited

to any of the following: 1. Inspect agricultural operations periodically and furnish at least half the direct cost of the operations 2. Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation. 3. Perform physical work which significantly contributes to the agricultural operation.

- 2.02.147 **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 2.02.148 **ERECTED** shall mean constructed upon or moved onto a site.
- 2.02.149 **ETHANOL PLANT** shall mean a facility where the conversion of corn, or other cellulous material, into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.
- 2.02.150 **EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.
- 2.02.151 **EXTRACTIVE INDUSTRY** see "Mining, Commercial"
- 2.02.152 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.
- 2.02.153 **FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
- 2.02.154 **FAMILY** shall mean one or more persons occupying a dwelling unit as an individual housekeeping organization.
- 2.02.155 **FAMILY HOME** shall mean a community-based residential home which is licenses as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237 to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed under Chapter 237.
- 2.02.156 **FARM** shall mean a farming enterprise which is recognized in the community as a farm rather than a rural residence.
- 2.02.157 **FARM EXEMPT** No regulation or requirement contained in this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, but only while so used; provided, however, that

such regulations or requirements which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.1. Agricultural areas. Subject to the above, all agricultural areas created pursuant to Section 352.6, Code of Iowa, and the activities conducted thereon, are and shall remain exempt from county zoning and building regulations.

- 2.02.158 **FARM DWELLING** For purposes of applying this ordinance, "farm dwelling" shall include but not be limited to a house located on land operated as a farm which is or will be occupied by a person engaged in agriculture on that same unit, or by a person retired from agriculture that was performed on that unit of which the house is a part. The house and the land comprising the agricultural unit do not necessarily need to be contiguous.
- 2.02.159 **FARM OUTBUILDING** SEE "AGRICULTURAL BUILDING."
- 2.02.160 **FARMLAND** A parcel of land used for agricultural activities. Also defined in the State Code of Iowa, Chapter 352 (County land Preservation and Use Commissions) as those parcels of land suitable for the production of farm products.
- 2.02.161 **FARM STAND** A structure used seasonally from which agricultural products grown by the owner of the site on which the farm stand is located are sold. A limited quantity of products produced off-site is allowed; see Article 6, Section 6.2.
- 2.02.162 **FARMSTEAD** The principal center of farming operations and consists of the farmhouse, associated farm buildings and adjacent service areas of a farm.
- 2.02.163 **FARM WINERY** A facility in which production of wine is less than 50,000 gallons per year and: a) the farm winery must have on-site or contiguous propagated (growth stage) vineyard or orchards of at least two acres, and; (b) the farm winery must produce a majority of wine from ingredients grown or produced within the state of Iowa in accordance with Iowa Native Winery laws.
- 2.02.164 **FEED LOT (CONFINEMENT AREA)** shall mean any tract of land, portion of a tract of land or building on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, poultry or other livestock. A commercial feed lot is a feed lot, as defined, in which the livestock on feed are owned by someone other than the owner or lease operator of the feed lot.
- 2.02.165 **FEED LOT (OPEN LOT)** shall mean any tract, portion of a tract of land or structure on which the principal use is the concentrated feeding within an open air confined area of cattle, hogs, sheep, poultry or other livestock. Open lot feed lots shall include small shed-type

areas or open front buildings, with dirt, or concrete (or other hard surfaced material) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment by windbreaks or small shed-type areas.

- 2.02.166 **FLEA MARKET** shall mean a building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.
- 2.02.167 **FLOOD** shall mean the water of any watercourse or drainage way that is above the banks or outside the channel and banks of such watercourse or drainage-way.
- 2.02.168 **FLOOD PLAIN** shall mean the area adjoining a watercourse which has been or may be covered by flood waters.
- 2.02.169 **FLOODWAY** shall mean the channel of a watercourse or drainage-way and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water of any watercourse or drainage- way.
- 2.02.170 **FLOOR AREA** whenever the term "floor area" is used in this Ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.
- 2.02.171 **FOREST** shall be a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forests include areas that have at least 100 trees per acre with at least 50 percent of those trees having a 12 inch or greater diameter at four and one-half feet above the ground, and forest areas that have been cut but not cleared. An orchard is not a forest.
- 2.02.172 **FOREST STAND** shall be a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a distinguishable, homogeneous unit.
- 2.02.173 **FORESTED SLOPES** shall mean an area meeting the definition of forest, growing on an area with a slope of 25 percent or more, and covering an area of at least 10,000 square feet.
- 2.02.174 **FOUNDATION, PERMANENT** shall mean a permanent foundation consisting of an eight-inch thick concrete foundation wall or concrete blocks extending from not less than eight inches above

finished grade to not less than 42 inches below finished grade, together with tie-down anchors imbedded in concrete at the top of the foundation to permanently affix the structure to the foundation and resist wind and overturning forces. If a slab on grade is utilized in conjunction with the foundations, it shall be placed over six inches of crushed stone and ties to the foundation with reinforcing bars, extending 18 inches into both slab and the foundation. Tie-down anchors shall then be provided with the slab.

- 2.02.175 **FRONTAGE** shall mean that portion of a parcel of property that abuts a dedicated public street, private drive or highway.
- 2.02.176 **FUNERAL HOME** shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.
- 2.02.177 **GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- 2.02.178 **GARAGE, PUBLIC** shall mean any garage other than a private garage.
- 2.02.179 **GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see "Service Station". **GARBAGE** shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from residences.
- 2.02.180 **GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
- 2.02.181 **GRADING, MINOR** shall mean any non-agricultural project involving the movement of 50 cubic yards or more of earth that involves a change in natural or preexisting grades of less than 10 vertical feet, except for excavation of a basement for which a building permit has been issued.
- 2.02.182 **GRADING PLAT** shall mean an official drawing developed by an applicant to show the existing grading contours as well as any new

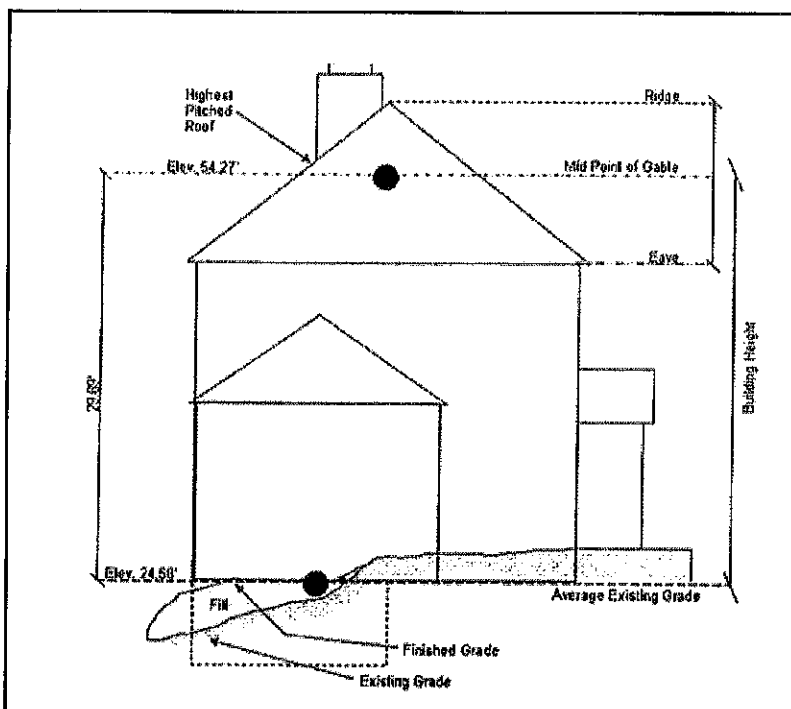
grading contours that will result due to the movement of earth on a project site.

- 2.02.183 **GRANNY FLAT** shall mean a secondary dwelling, or mobile home, unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. This unit shall not be rented unless the renter is an immediate family member.
- 2.02.184 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
- 2.02.185 **GREENWAY** shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.
- 2.02.186 **GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. Also see "Landscaping".
- 2.02.187 **GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
- 2.02.188 **GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.
- 2.02.189 **GROUP HOME, ELDER** shall mean a single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the state department of elder affairs as an elder group home in accordance with Iowa Code §231B.2.
- 2.02.190 **GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.
- 2.02.191 **GUEST ROOM** shall mean a room which is designed to be occupied by one or more guest(s) for sleeping purposes, having no kitchen facilities, not including dormitories.
- 2.02.192 **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

- 2.02.193 **HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
- 2.02.194 **HARD SURFACED ROAD** shall mean a graded roadway within an established right-of-way, either public or private, that has been paved with either asphaltic concrete or concrete.
- 2.02.195 **HAZARDOUS SUBSTANCE** shall mean any substance or mixture of a substance that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, or corrosive, or flammable, that is an irritant or that generates pressure through decomposition, heat or other means. "Hazardous Substance" may include any hazardous waste identified or listed by the Administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Act, as amended January 1, 1977, or any hazardous substance material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act (455B code of Iowa as amended).
- 2.02.196 **HEALTH CARE FACILITIES** shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following:
(1) Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) Convalescent or nursing home; (3) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) Public health clinics and facilities; and (5) Ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors or dentists professional offices and private clinics.
- 2.02.197 **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

- 2.02.198 **HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
- 2.02.199 **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
- 2.02.200 **HEIGHT OF BUILDING** shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
- 2.02.201 **HELIPORT** shall mean a designated landing area used for the landing and taking off of helicopters and may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.
- 2.02.202 **HELISTOP** shall mean any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.
- 2.02.203 **HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.
- 2.02.204 **HILLSIDE** shall mean land having an average of 14 percent or greater grade for 200 feet or more.

SECTION 1: FIGURE II-1 HEIGHT OF BUILDING



- 2.02.205 **HIRED HAND** shall mean any person(s) employed, typically for an agricultural operation, for pay to assist with all types of tasks.
- 2.02.206 **HOLDING POND** shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.
- 2.02.207 **HOLDING ZONE** shall mean a zoning district, usually a very low density district, placed on property for the purpose of temporarily holding back the development of land for a more intensive desired use as indicated by the comprehensive development plan until such time as community facilities are economically available and thereby avoiding the "leap frogging" of land uses.
- 2.02.208 **HOME BASE BUSINESS** shall mean any occupation or activity that is clearly incidental and secondary to use of the premises for dwelling and is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.
- 2.02.209 **HOME OCCUPATION** shall mean any occupation or activity that is clearly incidental and secondary to use of the premises for dwelling and is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one (1) person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.
- 2.02.210 **HOMEOWNERS ASSOCIATION** shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
- 2.02.211 **HOSPITAL** shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.

- 2.02.212 **HOSPITAL, ANIMAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.
- 2.02.213 **HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.
- 2.02.214 **HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.
- 2.02.215 **HOUSING FOR THE ELDERLY** shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities. Also see "Congregate Housing".
- 2.02.216 **HOUSING FOR THE PHYSICALLY HANDICAPPED** shall mean a building containing a dwelling or a group of dwellings in which each occupied dwelling unit is occupied by at least one physically handicapped person with a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises.
- 2.02.217 **IMPACT FEE** see "Development Impact Fee".
- 2.02.218 **IMMEDIATE FAMILY** shall mean the smallest unit of family that an individual lives with, typically including, a father, a mother, siblings, and any other relatives who are financially supported.
- 2.02.219 **IMPERVIOUS SURFACE** shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roads, sidewalks, parking lots, and driveways.
- 2.02.220 **INCIDENTAL USE** shall mean a use that is subordinate to the main use of a premise.
- 2.02.221 **INDIVIDUAL SEPTIC SYSTEM** shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.
- 2.02.222 **INDUSTRIAL PARK** shall mean a planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable

- master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, storm water runoff and orientation and open space.
- 2.02.223 **INDUSTRY** shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- 2.02.224 **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which:
- A. Does not have a current registered state license plate; or,
 - B. Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Iowa Code for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
- 2.02.225 **INSTITUTION** shall mean a building occupied by a non-profit corporation or a not for-profit corporation or a non-profit establishment for public use.
- 2.02.226 **INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
- 2.02.227 **INTENT AND PURPOSE** shall mean that the Zoning Commission and Board of Supervisors by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the County will be served by the creation of the Districts and by the regulations prescribed therein.
- 2.02.228 **JUICE BAR** see "Adult Establishment".
- 2.02.229 **JUNK VEHICLE** shall mean a motorized vehicle including automobiles, motorcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which do not have a current Iowa Department of Transportation registration or its equivalent and has either had parts removed for reuse, salvage or sale or the vehicle has been incapable of operating under its own power for more than 30 days.
- 2.02.230 **KENNEL, BOARDING** shall mean a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a fee.
- 2.02.231 **KENNEL, COMMERCIAL** shall mean a kennel which performs

grooming, boarding, or training services for dogs or cats in return for a fee.

2.02.232 **LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Iowa Department of Natural Resources. All lagoons shall have the proper permits approved prior to starting construction.

2.02.233 **LAND ALTERATION, SUBSTANTIAL** shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:

- a. Grading activities designed to occur for more than twenty-four (24) months and less than forty-eight (48) months; or
- b. The removal from a site of more than 10,000 cubic yards of earth material per acre (gross) and less than 20,000 cubic yards of earth material per acre (gross); or
- c. Resulting at any time during or following excavation, in an exposed bedrock slope steeper than 3:1 that is over ten (10) feet and less than twenty-five (25) feet in height; or
- d. A movement of five-hundred (500) cubic yards or more of earth that involves a change in natural or pre-existing grades of ten (10) or more vertical feet for any portion of a parcel; or
- e. Any movement of earth on the entire parcel in excess of 100,000 cubic YARDS.

2.02.234 **LANDFILL** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

2.02.235 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Ordinance and the continued maintenance thereof.

2.02.236 **LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

2.02.237 **LEAPFROG DEVELOPMENT** shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to an existing development resulting in inadequate or lack of support services such as access to a street system designed to carry high volume traffic, utilities, and other commercial facilities or public services such as police, fire, schools, and parks, thus adding to the tax burden of the general public and being an uneconomical growth pattern to the community or county.

- 2.02.238 **LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. Also see "Congregate Housing" and "Housing for the Elderly".
- 2.02.239 **LIMITS OF CLEARING** shall be the boundaries of that area of land to be trees and other vegetation in conjunction with a proposed development or land use, except that the area within these limits for such proposed development or use shall not include the removal of any outstanding or monarch trees unless approved by the Zoning Administrator.
- 2.02.240 **LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.
- 2.02.241 **LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface; provided, however, only liquid manure collected in lagoons may be applied through the use of a center pivot or tow-line irrigation systems. Also see "Lagoon".
- 2.02.242 **LIQUID MANURE STORAGE PITS** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production. In no event shall liquid manure that is stored or collected in a Liquid Manure Storage Pit be applied through the use of a center pivot or tow-line irrigation system. (See definition of Liquid Manure and Lagoon.)
- 2.02.243 **LIVESTOCK** see "Animals, Farm".
- 2.02.244 **LIVESTOCK WASTES** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.
- 2.02.245 **LOADING SPACE** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.
- 2.02.246 **LODGING HOUSE** shall mean a building or place where lodging is provided (or which is equipped regularly to provide lodging by pre-arrangement for definite periods), for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient

guests, in contradistinction to hotels open to transients.

- 2.02.247 **LOT** shall mean a parcel or tract of land which is or may be occupied by any use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub- parceling map as filed in the office of the County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.
- 2.02.248 **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.
- 2.02.249 **LOT, CORNER** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.
- 2.02.250 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.
- 2.02.251 **LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of- way of a curved street, which street has a centerline radius of three-hundred (300) or less.
- 2.02.252 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- 2.02.253 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2.02.254 **LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
- 2.02.255 **LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
- 2.02.256 **LOT, INTERIOR** shall mean a lot other than a corner lot.
- 2.02.257 **LOT LINE** shall mean the property line bounding a lot.
- 2.02.258 **LOT LINE, FRONT** shall mean the property line abutting a street.
- 2.02.259 **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.
- 2.02.260 **LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.
- 2.02.261 **LOT, NONCONFORMING** shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot,

other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Ordinance.

- 2.02.262 **LOT, THROUGH** shall mean a lot having frontage on two dedicated streets, not including a corner lot.
- 2.02.263 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Recorder of Boone County at the time of the passage of an Ordinance or Ordinance establishing the zoning district in which the lot is located. Said Lot of Record shall be part of a subdivision, a plat of survey, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 2.02.264 **LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- 2.02.265 **MANUFACTURED HOME** shall mean a factory built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403. Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. **For purposes of this Ordinance, manufactured home shall be considered the same as any site built single-family detached dwelling.**
- 2.02.266 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
- 2.02.267 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Boone County Board of Supervisors' Zoning Ordinance for Boone County, Iowa.
- 2.02.268 **MASSAGE** shall mean any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.
- 2.02.269 **MASSAGE ESTABLISHMENT** shall mean any establishment having

a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing 1) persons licensed by the State of Iowa under the provisions of Chapters 148,148A, 148B, 150,150A,151,152,157, or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; 2) persons performing massage therapy or massage services under the direction of a person licensed as described in 1) above; 3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; 4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in 1) above; 5) an athletic coach or Trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

2.02.270 **MASSAGE PARLOR** see "Adult Establishment".

2.02.271 **MEDICAL OR DENTAL CLINIC** shall mean any building or portion thereof, other than a hospital, used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry, or optometry.

2.02.272 **MINING, COMMERCIAL** shall mean the extraction of sand, gravel, mineral, stone, rock and soils for resale on the commercial market; commercial mining shall also include the removal of said materials from the extraction site. This shall not include the cut and fill process to level or terrace an agricultural property, pits owned and/or operated by the County and State and a construction site.

2.02.273 **MINI-STORAGE OR MINI-WAREHOUSE** see "Self-Service Storage Facility".

2.02.274 **MOBILE HOME** shall mean any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. In addition, mobile homes shall be defined as follows:

1. A mobile home is factory-built housing built on a chassis.
2. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
3. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or appurtenances of mobility are removed and regardless of the nature of the foundation provided

2.02.275 **MOBILE HOME PARK** shall mean any lot or portion of a lot upon which one or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

2.02.276 **MODEL** shall mean any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

2.02.277 **MODEL STUDIO** shall mean any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

2.02.278 **MODULAR HOME** means a movable or portable dwelling designed and constructed without a carriage or hitch as a stationary house. Modular homes are constructed for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable, but designed to be jointed into one integral unit. For purposes of this Ordinance Modular homes shall be considered as Single-family dwellings.

2.02.279 **MOTEL** see "Hotel".

2.02.280 **MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

- 2.02.281 **NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also see "Bar".
- 2.02.282 **NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.
- 2.02.283 **NONCONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.
- 2.02.284 **NONCONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.
- 2.02.285 **NUDE ENCOUNTER PARLOR** shall mean an establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or actual encounter of any person or persons depicting, describing or relating to "specified sexual activities" as defined herein.
- 2.02.286 **NUDE PHOTOGRAPHIC PARLOR** shall mean an establishment having a fixed place of business, where any person, association, firm or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.
- 2.02.287 **NUISANCE** shall mean that which is defined in Boone County Health and Sanitation Ordinance # 62, Section 6.
- 2.02.288 **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
- 2.02.289 **NURSING HOME** shall mean a facility used or occupied by persons recovering from illness or suffering from infirmities of old age requiring skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.
- 2.02.290 **OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
- 2.02.291 **OFFICE PARK** shall mean a tract of land that has been planned,

developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

2.02.292 **OFFICIAL MAP** see "Map, Official Zoning District".

2.02.293 **OFF-STREET PARKING AREA or VEHICULAR USE** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

2.02.294 **OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

2.02.295 **OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

2.02.296 **OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

2.02.297 **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".

2.02.298 **OUTSTANDING OR MONARCH TREE** shall mean a tree that has been determined by the County Conservation Director and/or County Extension Agents to be of high value because of its species, size, age, form, historical significance, or some professional criteria.

2.02.299 **OVERLAY DISTRICT** shall mean a district in which additional requirements may act in conjunction with the underlying zoning district. The original zoning district designation does not change.

2.02.300 **OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

2.02.301 **PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.

2.02.302 **PARK** shall mean any public or private land available for

- recreational, educational, cultural, or aesthetic use.
- 2.02.303 **PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.
- 2.02.304 **PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
- 2.02.305 **PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile.
- 2.02.306 **PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
- 2.02.307 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development. Also, see "Maintenance Guarantee".
- 2.02.308 **PERMANENT TREE PROTECTION DEVICES** shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.
- 2.02.312 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.02.313 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.02.314 **PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Boone County, Iowa.
- 2.02.315 **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.
- 2.02.316 **PLAT OF SURVEY** shall mean the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
- 2.02.317 **POLICY** shall mean a statement or document of the county, such as the comprehensive development plan, that forms the basis for enacting legislation or making decisions.
- 2.02.318 **POULTRY, COMMERCIAL FEEDING** shall mean a poultry

- commercial feed lot, whether the confined feeding operations are enclosed or outdoors.
- 2.02.319 **PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or parcel of land located within a prescribed area.
- 2.02.320 **PRIME AGRICULTURAL LAND** shall mean a parcel of land having a corn suitability rating (CSR) of 61 or above.
- 2.02.321 **PRIVATE WELL** shall mean a well that does not supply a public water supply system as per Chapter 49, Iowa Administrative Code.
- 2.02.322 **PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
- 2.02.323 **PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.
- 2.02.324 **PROTECTED ZONE** shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Ordinance.
- 2.02.325 **PUBLIC USE AREA** shall mean any area owned and/or operated by any governmental entity for purposes of recreation, hunting, and/or conservation. This includes functions on land and water.
- 2.02.326 **PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
- 2.02.327 **PUBLIC WATER AND SEWER SYSTEMS** shall mean a water or sewer system owned and operated by a private individual or a corporation or government approved by the governing body and properly chartered and certified by the appropriate state agency, and subject to special ordinances as herein set forth.
- 2.02.328 **QUARRY** shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:

1. Activities principally designed to mine, extract, or remove bedrock materials for commercial purposes; or
2. Resulting at any time during or following excavation, in an exposed bedrock slope steeper than 3:1 that is over twenty-five (25) feet in height; or
3. The temporary or permanent exposure of rock face, made as part of or following excavation, in excess of twenty-five (25) feet in height. The measurement of height of the exposed rock face shall be the vertical measurement from the lowest elevation of the excavation to the top of the exposed face. Multiple faces shall be added together to determine height; or
4. Removal from a site of more than 20,000 cubic yards of earth material per acre of land being excavated or 100,000 cubic yards of earth for the entire site; except landfill operations or
5. An excavation activity utilizing a crusher; or
6. A substantial land alteration (see above) meeting any of the above characteristics.

2.02.329 **RAILROAD** shall mean the land use including the right-of-way (R. O. W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

2.02.330 **RECREATIONAL FACILITY** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

2.02.331 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, excluding sliding rooms, or twelve (12) feet in overall height, primarily designed as a temporary living quarter for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

2.02.332 **RECREATIONAL VEHICLE (RV) PARK** shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

2.02.333 **RECYCLING CENTER** shall mean a facility other than a salvage

yard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others for reuse.

2.02.334 **RECYCLING COLLECTION POINT** shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans, and plastics, and where no processing of such items takes place.

2.02.335 **RECYCLING PLANT** shall mean a facility other than a salvage yard where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.

2.02.336 **RESEARCH LABORATORY OR CENTER** shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.

2.02.337 **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

2.02.338 **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building. The use shall also include the selling of beverages, including alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the income.

2.02.339 **RESTAURANT, DRIVE-IN** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

2.02.340 **RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry-out, or drive-in; and where foods are/or beverages are usually served in paper, plastic, or other disposable containers.

2.02.341 **RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

- 2.02.342 **REVEGETATION** shall mean the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the Zoning Ordinance.
- 2.02.343 **REVERSE SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is *not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit*. Reverse spot zoning usually results from down zoning a tract of land to a less intensive use classification than that imposed on nearby properties.
- 2.02.344 **REZONING** shall mean an amendment to or change in the Zoning Ordinance either to the text or map or both.
- 2.02.345 **RIDGELINE** shall mean the long, narrow crest or horizontal line of hills usually at the highest elevation.
- 2.02.346 **RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.
- 2.02.347 **ROAD** shall mean the same as "Private-Street".
- 2.02.348 **ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for street or road traffic. Also, see "Right-of-Way" and "Street".
- 2.02.349 **ROADSIDE STAND** shall mean a temporary structure or vehicle used solely for the sale of products.
- 2.02.350 **ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
- 2.02.351 **SALVAGABLE MATERIAL** shall mean old or scrap copper, brass, household appliances, wood, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled, wrecked or junk vehicles or machinery, iron, steel, or other old or scrap ferrous or nonferrous material. Any item that no longer functions or is not usable for the original purpose it was made or its intended use.
- 2.02.352 **SALVAGE YARD** shall mean any site which is used for storing, keeping, sorting, buying or selling junk whether or not for profit. The visible presence of three or more junk vehicles on a parcel of land or the stockpiling of scrap metals, wood, plastic or other materials not attached to a farming operation shall constitute prima facie evidence of a salvage yard and shall be regulated as a salvage yard.
- 2.02.353 **SAND OR GRAVEL EXCAVATION** shall mean an excavation of unconsolidated sediments that meets or exceeds any of the

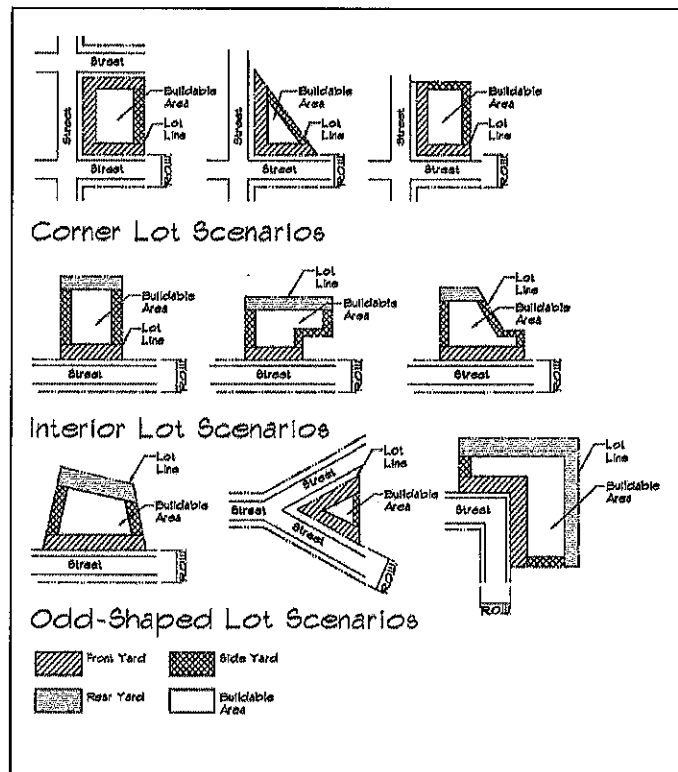
following thresholds AND exceeds the definition of minor grading as defined herein:

1. Activities principally designed to mine, extract, or remove unconsolidated sediments for commercial purposes; or
2. A substantial land alteration designed to occur for more than 48 months.

- 2.02.354 **SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
- 2.02.355 **SCENIC EASEMENT** shall mean an easement for the purpose of limiting land development in order to preserve a view or scenic area.
- 2.02.356 **SCHOOL, DAY** shall mean a preschool or nursery school for children.
- 2.02.357 **SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age,
- 2.02.358 **SCHOOL, ELEMENTARY, JUNIOR HIGH, or HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the Code of Iowa, Title VII.
- 2.02.359 **SCHOOL, PRIVATE** shall mean an institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non- governmental organization in conformance with the Code of Iowa, Title VII.
- 2.02.360 **SCHOOL, TRADE** shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.
- 2.02.361 **SCREENING** shall mean a method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, or other features. Also see Buffer.
- 2.02.362 **SELECTIVE CLEARING** shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
- 2.02.363 **SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.
- 2.02.364 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

- 2.02.365 **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- 2.02.366 **SEPTIC, ON-SITE WASTEWATER**, see Chapter 69, IAC 567, also known and used as septic systems.
- 2.02.367 **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
- 2.02.368 **SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
- 2.02.369 **SETBACK LINE, HIGHWAY** shall mean the same as "Highway Setback Line".
- 2.02.370 **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line by the perpendicular distance prescribed for the yard in the district.
- 2.02.371 **SHOPPING CENTER** shall mean a grouping of retail business and service uses on a single site with common parking facilities.
- 2.02.372 **SIDEWALK CAFE** shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

SECTION 2: FIGURE II-2: SETBACK TABLE



2.02.373 **SIGHT TRIANGLE** shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted, or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within this Ordinance. This definition does not include traffic control signs, permanent or temporary that may be placed by the County or State that provide for public safety as well as the safety of secondary roads maintenance employees.

2.02.374 **SIGN** shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, *except* the following:

1. A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed ten (10) square feet.
2. Sign less than twenty-five (25) square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
3. Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Iowa,

Boone County, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

- 2.02.375 **SIGN AREA** shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.
- 2.02.376 **SIGN, AWNING, CANOPY OR MARQUEE** shall mean a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Ordinance.
- 2.02.377 **SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
- 2.02.378 **SIGN, DESTINATION OR DIRECTIONAL** shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.
- 2.02.379 **SIGN, ELECTRONIC MESSAGE BOARD** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
- 2.02.380 **SIGN, FLASHING** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.
- 2.02.381 **SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.
- 2.02.382 **SIGN, GROUND (LOW PROFILE)** shall mean a sign mounted directly to the ground with a maximum height not to exceed ten (10) feet.
- 2.02.383 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.
- 2.02.384 **SIGN, OBSOLETE** shall mean a sign that advertises a business no

longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

- 2.02.385 **SIGN, ON-PREMISE** shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located.
- 2.02.386 **SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.
- 2.02.387 **SIGN, PROJECTING** shall mean a projecting sign attached to a building.
- 2.02.388 **SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.
- 2.02.389 **SIGN, SUBDIVISION** shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.
- 2.02.390 **SIGN, SURFACE** shall mean the entire area of a sign.
- 2.02.391 **SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.
- 2.02.392 **SIGN, WALL** shall mean a sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than 18 inches from the face of the building wall.
- 2.02.393 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
- 2.02.394 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, erosion control and other principal site development improvements for a specific parcel of land.
- 2.02.395 **SITE PLAN, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

- 2.02.396 **SKETCH PLAN** shall mean a concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
- 2.02.397 **SLOPE, STEEP** shall mean any slanting surface in the landscape that has a grade of 14 percent to 30 percent.
- 2.02.398 **SLOPE, VERY STEEP** shall mean any slanting surface in the landscape that has a grade of 30 percent or more.
- 2.02.399 **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
- 2.02.400 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
- 2.02.401 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 2.02.402 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:
1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
 2. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 3. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
 4. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
 5. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 6. Human excretion, urination, menstruation, vaginal, or anal irrigation.
- 2.02.403 **SPOT ZONING** shall mean an arbitrary zoning or rezoning of a

small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

2.02.404 **STABLE, PRIVATE** shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

2.02.405 **STABLE, RIDING** shall mean a structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.

2.02.406 **STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

2.02.407 **STATE** shall mean the State of Iowa.

2.02.408 **STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

2.02.409 **STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

2.02.410 **STORY, ONE-HALF** shall mean the same as "Half-Story".

2.02.411 **STREAM BUFFER** shall mean all lands lying within 50 feet, measured from the top of each normal bank of any perennial or intermittent stream, creek, or river.

2.02.412 **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Ordinance.

2.02.413 **STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

2.02.414 **STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

2.02.415 **STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

2.02.416 **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties, and is maintained by the home owners association.

- 2.02.417 **STREET, SIDE** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
- 2.02.418 **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
- 2.02.419 **STREET LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.
- 2.02.420 **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, fences, tennis courts, and similar recreation areas.
- 2.02.421 **STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".
- 2.02.422 **STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
- 2.02.423 **SUBDIVISION** see Boone County Subdivision Ordinance.
- 2.02.424 **SUBDIVISION PLAT** see Boone County Subdivision Ordinance.
- 2.02.425 **SURFACE WATER -- PRIMARY CONTACT RECREATION** shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g. eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.
- 2.02.426 **SURFACE WATERS** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
- 2.02.427 **TAVERN** see "Bar".
- 2.02.428 **TEMPORARY TREE PROTECTION DEVICES** shall mean structural measures, such as fencing or berms, installed prior to

construction for the purpose of preventing damage to trees during construction.

2.02.429 **TEMPORARY** shall mean a period of time of up to 180 days, unless otherwise limited by the provisions of this ordinance.

2.02.430 **TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

2.02.431 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)

2.02.432 **TOWNHOUSE** see "Dwelling, Single-Family (Attached)

2.02.433 **TRADING AREA** shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.

2.02.434 **TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

2.02.435 **TRANSIENT** shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.

2.02.436 **TRANSITIONAL USE** shall mean a permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.

2.02.437 **TRANSPORTABLE HOUSE** shall mean a trailer house, mobile home, double wide trailer house, transportable factory built house constructed to travel on wheels and to be used for temporary human habitation. (e.g. construction area housing)

2.02.438 **TREE** shall mean:

1. Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.
2. Any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of four inches or more.

2.02.439 **TREE COVER** shall mean an area directly beneath the crown and within the dripline of the tree.

2.02.440 **TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

- 2.02.441 **TRUCK TERMINAL** shall mean a building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.
- 2.02.442 **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
- 2.02.443 **URBAN SERVICES AREA** shall mean a defined region, not always coincidental with a municipalities corporate boundary, that defines the geographical limit of governmental-supplied public facilities and services.
- 2.02.444 **USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such uses represent the best use of public facilities, and promotes health, safety and general welfare.
- 2.02.445 **USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.
- 2.02.446 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. Also see "Building, Principal".
- 2.02.447 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Salvage Yards" or "Automobile Wrecking Yards".
- 2.02.448 **UTILITY EASEMENT** shall mean the same as "Easement".
- 2.02.449 **UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.
- 2.02.450 **UTILITIES, OVERHEAD OR UNDERGROUND**

"TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE",
OR OTHER APPLICABLE DESIGNATION SHALL MEAN THE MAIN SUPPLY OR FEEDER LINE SERVING A LOCAL DISTRIBUTION SYSTEM OF UTILITIES, AND SHALL INCLUDE BUT IS NOT LIMITED TO PUMPING STATIONS, SUBSTATIONS, REGULATING STATIONS, GENERATOR FACILITIES, RESERVOIRS, TANK FARMS, PROCESSING FACILITIES, TERMINAL FACILITIES, TOWERS, AND RELAY STATIONS, AND TREATMENT PLANTS.

- 2.02.451 **VARIANCE** shall mean a relief from or variation of the provisions of this ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.
- 2.02.452 **VEGETATION** shall mean all plant life; however, for purposes of this Zoning Ordinance it shall be restricted to mean trees, shrubs, and vines.
- 2.02.453 **VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
- 2.02.454 **VEHICLE, MOTOR** see "Motor Vehicle".
- 2.02.455 **VINE** shall mean a woody plant whose stem climbs by tendrils or twining or creeps along the ground.
- 2.02.456 **VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.
- 2.02.457 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.
- 2.02.458 **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- 2.02.459 **WASTEWATER LAGOON** see "Lagoon".
- 2.02.460 **WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

- 2.02.461 **WETLAND** shall mean an area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.
- 2.02.462 **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on- premises sales of goods primarily to customers engaged in the business of reselling the goods.
- 2.02.463 **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.
- 2.02.464 **WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean any device such as wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy.
- 2.02.465 **YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Ordinance.
- 2.02.466 **YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
- 2.02.467 **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
- 2.02.468 **YARD, SIDE** shall mean a space extending from the front yard, or

from the front lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

- 2.02.469 **ZONING ADMINISTRATIVE OFFICER** shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.
- 2.02.470 **ZONING COMMISSION** shall mean the Zoning Commission of Boone County, Iowa.
- 2.02.471 **ZONING DISTRICT** shall mean the same as "District".
- 2.02.472 **ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the County.
- 2.02.473 **ZONING PERMIT** a lawful permit issued by the Zoning Administrator of Boone County, Iowa, for the erection, reconstruction or alteration of a building or structure or use of land.

ARTICLE III. GENERAL REGULATIONS

SECTION 3.01 COMPREHENSIVE DEVELOPMENT PLAN RELATIONSHIP

THESE REGULATIONS ARE DESIGNED TO IMPLEMENT VARIOUS ELEMENTS OF THE COMPREHENSIVE DEVELOPMENT PLAN AS REQUIRED BY IOWA CODE. ANY AMENDMENT TO THE DISTRICT REGULATIONS OR MAP SHALL CONFORM TO THE COMPREHENSIVE DEVELOPMENT PLAN ADOPTED BY BOONE COUNTY

SECTION 3.02 GENERAL

THE REGULATIONS SET FORTH BY THIS ORDINANCE WITHIN EACH DISTRICT SHALL BE MINIMUM STANDARDS APPLICABLE UNIFORMLY TO EACH CLASS OR KIND OF BUILDING, STRUCTURE, OR LAND, EXCEPT AS PROVIDED HEREINAFTER.

SECTION 3.03 SCOPE OF ORDINANCE

NO BUILDING, STRUCTURE, OR LAND IN THE UNINCORPORATED AREAS SHALL HEREAFTER BE USED OR OCCUPIED; AND NO BUILDING OR STRUCTURE OR PART THEREOF SHALL HEREAFTER BE ERECTED, CONSTRUCTED, RECONSTRUCTED, MOVED, OR STRUCTURALLY ALTERED, EXCEPT IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE HEREIN SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED AND EXCEPT AFTER RECEIVING A ZONING PERMIT FROM THE BOONE COUNTY ZONING ADMINISTRATOR AND:

SECTION 3.04 ZONING VARIANCE STANDARDS

A VARIANCE IS REQUIRED IF ANY OF THE FOLLOWING ITEMS ARE REQUESTED:

1. To reduce any required yard setbacks.

2. To exceed the height or bulk.
3. To occupy a greater percentage of lot area.
4. To accommodate or house a greater number of families.

SECTION 3.05 ZONING COMMISSION RECOMMENDATIONS

PURSUANT TO IOWA CODE ANN. §335.8, IT SHALL BE THE PURPOSE OF THE PLANNING AND ZONING COMMISSION TO RECOMMEND THE BOUNDARIES OF THE VARIOUS ORIGINAL DISTRICTS AND APPROPRIATE REGULATIONS TO BE ENFORCED THEREIN. THE ZONING COMMISSION SHALL MAKE A PRELIMINARY REPORT AND HOLD PUBLIC HEARINGS THEREON BEFORE SUBMITTING ITS FINAL REPORT.

SECTION 3.06 DISTRICT REGULATIONS, RESTRICTIONS, BOUNDARY CREATION

NO SUCH REGULATION, RESTRICTION, OR BOUNDARY SHALL BECOME EFFECTIVE UNTIL AFTER A PUBLIC HEARING IN RELATION THERETO, AT WHICH PARTIES IN INTEREST AND CITIZENS SHALL HAVE AN OPPORTUNITY TO BE HEARD. NOTICE OF THE TIME AND PLACE OF SUCH HEARINGS, AS WELL AS, THE LOCATION OF THE AFFECTED DISTRICT(S) BY NAMING TOWNSHIP(S) AND SECTION(S) AND, IF POSSIBLE, BY DESCRIBING THE ROADS AND STREETS THAT FORM THE BOUNDARIES OF THE AFFECTED AREA SHALL BE GIVEN BY PUBLICATION THEREOF IN A PAPER OF GENERAL CIRCULATION IN THE COUNTY AT LEAST ONE (1) TIME, NOT LESS THAN FOUR (4) DAYS OR MORE THAN TWENTY (20) DAYS PRIOR TO SUCH HEARING.

SECTION 3.07 COURTESY NOTICE

1. Notification for public hearings shall be published per State law 331.305
2. As a courtesy, notification will be sent to surrounding property owners up to five- hundred (500) feet from the petitioning parcel according to the most current addresses within the county database.

SECTION 3.08 FINES AND PENALTIES

1. In the case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land used in violation of this ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.
2. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$500.00 dollars per offense or be imprisoned not more than thirty (30) days, or both, and each and every day such violation shall continue shall be deemed a separate offense.
3. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance, shall be placed, or shall exist, any architect, builder, contractor, agent, person or corporation employed in

connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as herein provided.

4. The violation of any of the provisions of this ordinance shall also constitute a *civil infraction*. 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, upon judgment shall be subject to the following fine schedule:

- First Violation – \$500.00
- Second violation – \$750.00

★ EACH DAY THAT A VIOLATION OCCURS OR IS PERMITTED TO EXIST
CONSTITUTES A SEPARATE VIOLATION.

5. In addition to the above fines, the County may seek alternative relief to halt or abate the violation. The imposition of civil penalties in this section does not prevent the County from seeking criminal penalties in the same action.

SECTION 3.09 FEES

ALL FEES FOR ANY ZONING ACTION SHALL BE ADOPTED BY THE COUNTY BOARD OF SUPERVISORS BY RESOLUTION.

Section 3.10 Nonconformity, General Intent

IT IS THE INTENT OF THIS ORDINANCE *TO PERMIT LAWFUL NONCONFORMING USES TO CONTINUE UNTIL* THEY ARE REMOVED, BUT NOT ENCOURAGE THEIR SURVIVAL. SUCH USES ARE DECLARED BY THIS ORDINANCE TO BE INCOMPATIBLE WITH PERMITTED USES IN THE DISTRICTS INVOLVED. IT IS FURTHER THE INTENT OF THIS ORDINANCE THAT ANY NONCONFORMITY SHALL NOT BE ENLARGED UPON, EXPANDED OR EXTENDED NOR BE USED AS GROUNDS FOR ADDING OTHER STRUCTURES OR USES PROHIBITED ELSEWHERE IN THE SAME DISTRICT EXCEPT AS MAY BE AUTHORIZED IN THIS TITLE.

SECTION 3.11 NONCONFORMING LOTS OF RECORD

IN ANY DISTRICT IN WHICH SINGLE-FAMILY DWELLINGS ARE PERMITTED, NOTWITHSTANDING LIMITATIONS IMPOSED BY OTHER PROVISIONS OF THIS ORDINANCE, A SINGLE-FAMILY DWELLING AND CUSTOMARY ACCESSORY BUILDINGS *MAY BE ERECTED ON ANY SINGLE LOT OF RECORD* AT THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS ORDINANCE.

SECTION 3.12 NONCONFORMING STRUCTURES

- 3.12.01 ***Authority to continue:*** Any structure that is devoted to a use, permitted in the zoning district, in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

- 3.12.02 ***Enlargement, Repair, Alterations:*** Any such structure described in

Section

3.12.01 MAY BE ENLARGED, MAINTAINED, REPAIRED OR REMODELED, PROVIDED, HOWEVER, THAT NO SUCH ENLARGEMENT, MAINTENANCE, REPAIR OR REMODELING SHALL EITHER CREATE ANY ADDITIONAL NONCONFORMITY OR INCREASE THE DEGREE OF EXISTING NONCONFORMITY OF ALL OR ANY PART OF SUCH STRUCTURE..

- 3.12.03 ***Damage or Destruction:*** In the event that any structure described in **Section 3.12.01** is damaged or destroyed, by any means, to the extent of more than 60 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in **Section 3.11**, shall not have a side yard of less than five feet. When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- 3.12.04 ***Moving:*** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

SECTION 3.13 USE OF LAND AND STRUCTURES

- 3.13.01 ***Nonconforming Uses of Land:*** Where at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 3.13.02 ***Nonconforming Uses of Structures:*** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. No existing structure devoted to a use not permitted by this

Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building;
3. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
4. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination shall not

1) THEREAFTER BE USED EXCEPT IN CONFORMANCE WITH THE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED;

5. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

3.13.03

Change of Use of Commercial Land and Structures

1. A building or land changing from one use classification in table 4.16.01 to another as defined in Article 2 Section 2.02.74 Definitions, the owner or agent representing the owner of such property or building shall apply for a Certificate of Zoning Compliance prior to establishing the proposed change of use.
2. The application shall be completed through the Boone County Electronic Permitting system and a fee shall be paid as set by resolution of the Boone County Board of Supervisors. The application shall be reviewed by the Zoning Administrator or his designee for compliance with the Boone County Zoning Ordinance. The following information shall be attached to and provided for the review:
 - a. Site plan indicating the current number of parking spaces provided on the site.
 - b. Any signage details indicating the size and location of existing signage that will remain on the site.
 - c. Any other details describing the proposed use necessary in order to

determine compliance with the Zoning Ordinance.

3. The Application shall be referred to the Boone County Sanitarian for compliance with the Boone County Health and Sanitation Ordinance. Information to ascertain compliance with the Boone County Health and Sanitation Ordinance shall be provided.
 - a. In the event the existing septic system does not comply with the provisions of the Boone County Health and Sanitation Ordinance, an application for a Septic System Permit shall be made and repairs or installation of a compliant system shall be completed prior to establishing the proposed change of use.
 - b. In the event weather or other temporary conditions prevent the installation or repair of a compliant septic system. The owner or his designee shall enter into a repair agreement with the Boone County Board of Health in the same fashion as required for a Time of Transfer Repair Agreement.
 - c. Upon determination of compliance with the Health and Sanitation Ordinance, the County Sanitarian shall advise the Zoning Administrator of his determination.
4. Upon the receipt of notification of the County Sanitarian and a determination of compliance with the Boone County Zoning Ordinance, the Zoning Administrator shall issue a Certificate of Zoning Compliance which shall be valid for the life of the proposed use.
 - a. Should the proposed use not comply with the current provisions of the Zoning Ordinance, regarding parking, signage, or access, the site shall be modified to bring the proposed use into compliance with the Zoning Ordinance as determined by the Zoning Administrator, within 6 months of Occupancy.
 - b. Should the work not be completed as determined by the Zoning Administrator, he shall pursue enforcement of the non-compliance as a violation of the Zoning Ordinance.
5. Any work required to comply with the Boone County Zoning Ordinance shall be subject to the provisions of the Storm Water regulations found in Section 8.13 of the Zoning Ordinance.

SECTION 3.14 LOT

EVERY BUILDING HEREAFTER ERECTED, RECONSTRUCTED, CONVERTED, MOVED OR STRUCTURALLY ALTERED SHALL BE LOCATED ON A LOT OR LOT OF RECORD AND IN NO CASE SHALL THERE BE MORE THAN ONE PRINCIPAL BUILDING ON A LOT UNLESS OTHERWISE PROVIDED.

SECTION 3.15 REDUCTIONS IN LOT AREA PROHIBITED

NO LOT, EVEN THOUGH IT MAY CONSIST OF ONE OR MORE ADJACENT LOTS OF RECORD, SHALL

BE REDUCED IN AREA SO THAT YARDS, LOT AREA PER FAMILY, LOT WIDTH, BUILDING AREA, OR OTHER REQUIREMENTS OF THIS ORDINANCE ARE NOT MAINTAINED. THIS SECTION SHALL NOT APPLY WHEN A PORTION OF A LOT IS ACQUIRED FOR A PUBLIC PURPOSE.

SECTION 3.16 YARD REQUIREMENTS

- 3.16.01 Yard requirements shall be set forth in the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 3.16.02 All accessory buildings that are attached to principal buildings (i.e., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 3.16.03 Any yard for a commercial or industrial use which is adjacent to any residential use or district shall be increased to forty (40) feet and shall contain *landscaping and planting suitable to provide effective screening*.

SECTION 3.17 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

THE FOLLOWING SHALL *NOT BE CONSIDERED* TO BE OBSTRUCTIONS WHEN LOCATED IN THE REQUIRED YARDS:

- 3.17.01 All Yards:
1. Steps and accessibility ramps used for wheelchair and other assisting devices which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys; recreational and laundry- drying equipment;
 2. Approved freestanding signs;
 3. Arbors and trellises;
 4. Flag poles;
 5. Window unit air conditioners projecting into the required yard
 6. Fences or walls subject to applicable height restrictions are permitted in all yards.
- 3.17.02 Front Yards:
1. Bay windows projecting into the yard are permitted.
 2. Open or screened porches, platforms, decks, or terraces

- 3.17.03 3. Awnings and canopies
Rear and Side Yards:
1. Open off-street parking spaces,
 2. Balconies or outside elements of central air conditioning systems.
 3. Open or screened porches, platforms, decks, or terraces including a permanently roofed-over terrace or porch.
 4. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, so long as the same are so placed as not to obstruct lights and ventilation.
- 3.17.04 **Double Frontage Lots:** The required front yard shall be provided on each street.
- 3.17.05 **Building Grouping:** For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

SECTION 3.18 ACCESSORY BUILDING AND USES

- 3.18.01 No accessory building shall be constructed upon a lot until the construction of the principal building has commenced unless the property is four acres or more in size. In no event shall such building be used as a dwelling unless it is a facility designed for human habitation.
- 3.18.02 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 3.18.03 Regulation of accessory uses shall be as follows:
1. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from street lines.

SECTION 3.19 PERMITTED MODIFICATIONS OF HEIGHT REGULATIONS

- 3.19.01 The height limitations of this Ordinance shall NOT apply to:

| | |
|--|---|
| BELFRIES | PUBLIC MONUMENTS |
| CHIMNEYS | ORNAMENTAL TOWERS AND SPIRES |
| FLAG POLES | RADIO AND TELEVISION TOWERS LESS THAN 125 |
| FT IN HEIGHT CONVEYORS AIR POLLUTION PREVENTION DEVICES | |
| COOLING TOWERS | GRAIN |
| ELEVATORS | ELEVATOR |
| BULKHEADS | SMOKE |
| STACKS | |
| FIRE TOWERS | STATE TOWERS OR |
| SCENERY LOTS | STORAGE TANKS WATER |
| TOWERS & STANDPIPES | |

- 3.19.02 When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

SECTION 3.20 REPAIRS AND MAINTENANCE

- 3.20.01 On any building, work may be done on *ordinary* repairs or replacement provided that the cubic content of the building as it existed at the time of passage of amendment of this Ordinance shall not be increased.
- 3.20.02 Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 3.22 CORNER LOTS

ON A CORNER LOT IN ANY DISTRICT, NOTHING SHALL BE ERECTED OR PLACED FOR STORAGE IN SUCH A MANNER AS TO MATERIALLY IMPEDE VISION BETWEEN A HEIGHT OF TWO AND ONE-HALF FEET AND EIGHT FEET ABOVE THE GRADES OF THE CENTERLINE OF THE INTERSECTING STREET OR ROAD, FROM THE POINT OF INTERSECTION 120 FEET IN EACH DIRECTION MEASURED ALONG THE CENTERLINE OF THE STREETS OR ROADS.

AGRICULTURAL CROPS ARE SPECIFICALLY EXEMPTED FROM THIS SECTION.

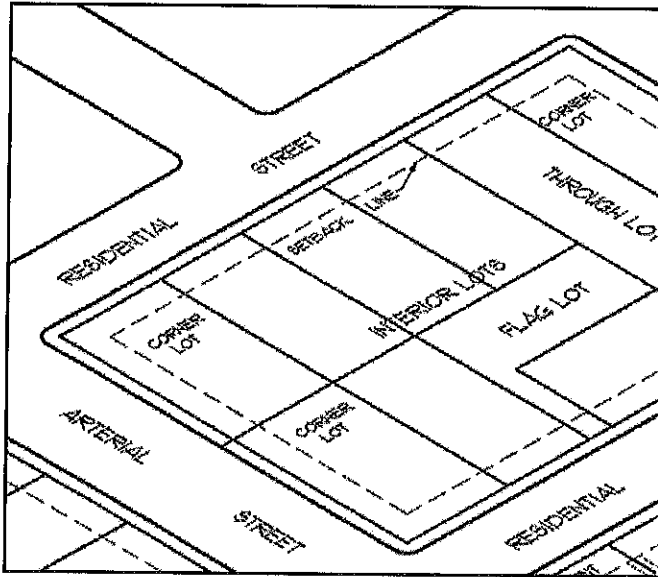
SECTION 3.23 RECREATION EQUIPMENT STORAGE

NO SUCH RECREATIONAL EQUIPMENT SHALL BE UTILIZED AS A DWELLING WHEN PARKED ON A RESIDENTIAL LOT OR IN ANY LOCATION NOT APPROVED FOR SUCH USE.

SECTION 3.24 BUILDING SETBACK

THE BUILDING SETBACK LINES SHALL BE DETERMINED BY MEASURING THE HORIZONTAL DISTANCE FROM THE PROPERTY LINE TO THE VERTICAL FACE OF THE NEAREST WALL OF THE EXISTING OR PROPOSED STRUCTURE TO THE RIGHT-OF-WAY AND/OR PROPERTY LINE.

Figure III-1: Building Setback



SECTION 3.25 TEMPORARY STRUCTURES

Temporary structures incidental to construction work may be erected in all districts and shall be removed upon completion or abandonment of the construction work. *Mobile homes may be utilized as a temporary residence while construction of a residence is ongoing. A zoning permit is required. .*

SECTION 3.26 CARETAKER'S QUARTERS AND GRANNY FLATS

CARETAKER'S QUARTERS ARE PERMITTED IN ALL DISTRICTS, PROVIDING THE USE IS ACCESSORY TO THE PRINCIPAL USE.

SECTION 3.27 EXCEPTION NONCONFORMING SETBACKS

Variances *allowed by staff* are as follows. The setback of a structure can be reduced based on the average setbacks of the current structures within two-hundred (200) feet. If this is not feasible, a variance of up to ten (10) percent of the bulk regulation setback can be issued by staff.

SECTION 3.28 SCREENING

All *extractive industries* shall be screened by means of plant materials, earth mounding, or solid fencing *at least six (6) feet in height* to provide visual and aural separation between such use and adjacent areas.

SECTION 3.29 COOPERATIVES, CONDOMINIUMS

COOPERATIVES, CONDOMINIUMS AND ALL OTHER FORMS OF PROPERTY OWNERSHIP DO NOT AFFECT THE PROVISIONS OF THESE ORDINANCES AND ALL REQUIREMENTS SHALL BE OBSERVED AS THOUGH THE PROPERTIES WERE UNDER SINGLE OWNERSHIP.

SECTION 3.30 SPECIAL REQUIREMENTS

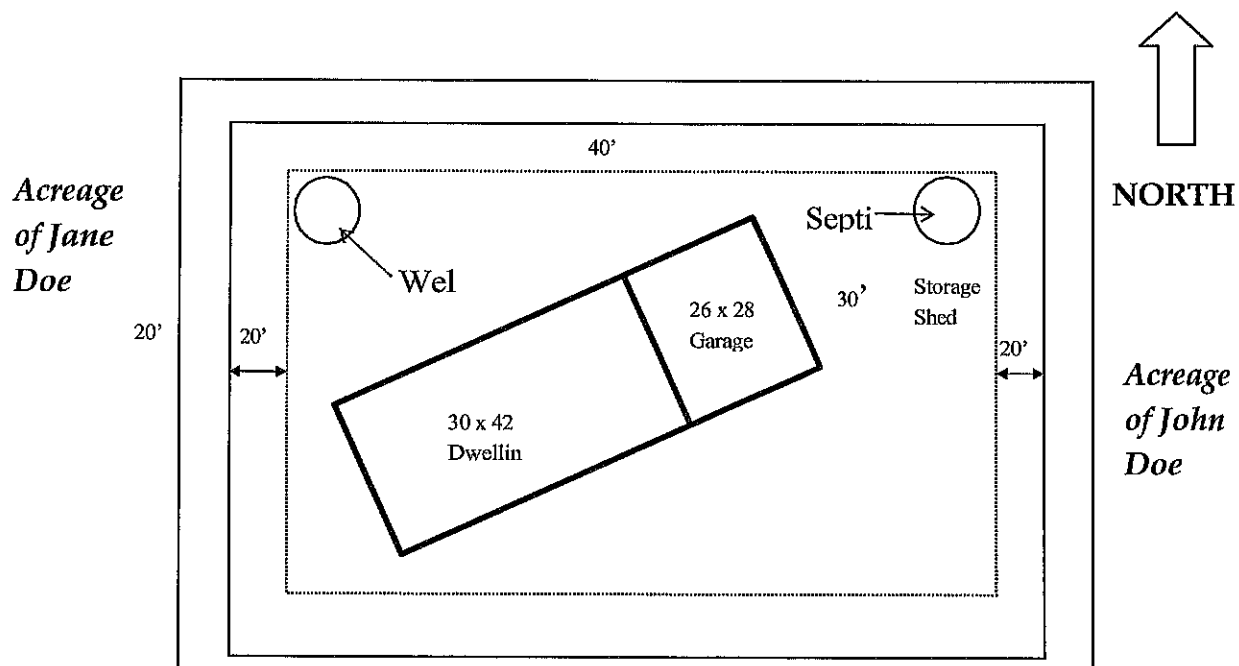
3.30.01 Petitioners requesting a parcel to be rezoned *shall submit a site*

plan, with dimensions of the proposed development as an exhibit accompanying the petition for the change in zoning or applying for a zoning permit. The site plan shall show the following and shall be binding upon the petitioner, his heirs, successors, and assigns for construction of said use.

1. A site plan with dimensions of the proposed building and land.
2. A description and or a drawing and floor plans of the of the building(s) to be constructed and or existing building(s), to include the following:
 - A. Identification of lot lines and lot size.
 - B. Designation of structure(s).
 - C. Designation of roads, ingress, and egress.
 - D. Designation of distance between structures, lot lines, and right-of- way.
 - E. Description of the use.
3. A description of the manner in which solid and liquid waste will be disposed.
4. A showing of compliance of state, federal laws, and regulations relating to the business shall be made prior to the request.
5. Whenever a parcel of land is split from adjoining land, said parcel must be surveyed and a survey thereof filed with the County Recorder, as per the Boone County Subdivision Regulations.
6. The Board of Supervisors reserve the right to require a survey before the final approval.

A. Figure III-2: Septic Design and Location

1. Jack Green's Farmland



1. Section 3.31 Storage of Junk Vehicles 3 or more unlicensed or inoperable vehicles not associated with restoration of classic cars shall not be stored outside of an enclosed building.

SECTION 3.32 FIRE DEPARTMENT AND EMERGENCY SERVICES ACCESS

3.32.01 Access to all properties for fire fighting and emergency purposes shall be provided according to Appendix D of the International Fire Code as adopted by the State of Iowa as follows:

3.32.02 Approval of the Fire Chief of the District protecting such property wherein any structure is located shall be required for the following proposals:

1. Prior to approval of any Non-Agricultural Zoning Permit or Agricultural Permit.
2. Prior to the Public Hearing for any Conditional Use Permit or Variance Application by the Zoning Board of Adjustment.

3.32.03 The Zoning Administrator shall transmit the applications to the Fire Chief in the normal processing of the application in the electronic permitting system.

3.32.04 Should the Fire Chief fail to respond to the Zoning Administrator within 10 days of the transmittal of the application, the application shall be considered as approved.

ARTICLE IV. DISTRICTS, DISTRICT MAP, USES

SECTION 4.01 DISTRICTS

FOR THE PURPOSE OF THIS CHAPTER, THE COUNTY IS HEREBY DIVIDED INTO 10 DISTRICTS, DESIGNATED AS FOLLOWS:

| | | |
|---------|-------------------------------------|---------------------|
| (A-1) | AGRICULTURAL CONSERVATION DISTRICT: | SECTION 4.04 |
| (A-2) | Agricultural Business District: | Section 4.05 |
| (TA-1) | Transitional Agricultural: | Section 4.06 |
| (R-1) | Rural Estates Residential District | Section 4.07 |
| (R-2) | Urban Residential District | Section 4.08 |
| (R-3) | Residential Mobile Home | Section 4.09 |
| (C-1) | General Commercial | Section 4.10 |
| (I-1) | Industrial District | Section 4.11 |
| (I-2) | Heavy Industrial District | Section 4.12 |
| (PUD-1) | Planned Unit Development | Section 4.14 |

SECTION 4.02 DISTRICT MAP

4.02.01 Such land and the district classification thereof shall be as shown on the "Official Zoning District Map of Boone County, Iowa." This Zoning District Map and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this ordinance as if fully described herein and shall be filed as part of this ordinance by the County Auditor of Boone County. The official zoning map shall be the electronic version as contained in the Beacon – Boone County

Iowa program.

- 4.02.02 Any additions to the unincorporated area of the County resulting from disconnection by municipalities or otherwise shall be automatically classified by amendment.
- 4.02.03 Whenever any road, street or other public way is vacated by official action of the Board of Supervisors of Boone County, the zoning district adjoining each side of such road, street or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 4.03 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE "OFFICIAL ZONING DISTRICT MAP OF BOONE COUNTY, IOWA," THE FOLLOWING RULES SHALL APPLY:

- 4.03.01 Boundaries that are indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
- 4.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 4.03.03 Boundaries that are indicated as following railroad lines shall be construed to be midway between the main tracks.
- 4.03.04 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 4.03.05 Boundaries that are indicated as parallel to or extensions of features indicated above shall be so construed. The scale used on the "Official Zoning District Map of Boone County, Iowa" shall determine distances not specifically indicated on the map.
- 4.03.06 Where physical or cultural features existing on the ground are at variance with those shown on the "Official Zoning District Map of Boone County, Iowa," or in other circumstances not covered above, the Zoning Administrator shall interpret the district boundaries.
- 4.03.07 Where a district boundary line divides a lot that was in single ownership, at passage of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion of the lot, not to exceed 50 feet beyond the district line.

5 SECTION 4.16 USE TABLE

- 6 4.16.01 **INTENT.** IT IS UNDERSTOOD THAT NOT ALL USES AND SITUATIONS CAN BE NOTED BELOW, HOWEVER, THE PLANNING ADMINISTRATOR HAS THE RIGHT TO MAKE A DECISION ON THOSE USES NOT FOUND IN THE TABLE BELOW. P=PERMITTED USES (REQUIRES A ZONING PERMIT), A=ACCESSORY USES (REQUIRES A ZONING PERMIT), C=CONDITIONAL USES (REQUIRES AN APPROVED CONDITIONAL USE PERMIT AND ZONING PERMIT)

7

| | | Zoning Districts | | | | | | | |
|-------------------|---|------------------|-----|------|--------|-----|-----|----|----|
| Use Category | Use Type | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 | I2 |
| Agricultural Uses | | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 | I2 |
| Agriculture | General agriculture | P | P | P | P | | P | P | P |
| | Agricultural buildings for general agricultural use | P | P | P | P | | P | P | P |

| | | | | | | | | | |
|--|--|-----|-----|------|-----------|-----|-----|----|----|
| | Horses and other non commercial livestock on residential lots | A | P | A | | | | | |
| Residential Uses | | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 | I2 |
| Household Living | Single-family detached dwelling | P | | P | P | P | | | |
| | Two-family dwelling | | | | P-2 | | | | |
| | Single-family attached dwelling | | | | P-2 | | | | |
| | Multiple-family dwelling | | | | P-2 | | | | |
| | Mobile home park | C | | C | C | P | | | |
| | Secondary accessory dwelling | C | | C | C | | | | |
| | Live-work unit | C | C | | | | C | | |
| | Seasonal dwelling or cabins | A | | A | A | | | | |
| | Home occupation | P | P | P | P | P | P | | |
| | Home business | C | C | C | C | | | | |
| Group Living | Group home, congregate living, assisted living, or nursing home - for more than eight persons | | | | | | P | | |
| | Family group home -- for eight persons or fewer | P | | P | P | | | | |
| | Chemical substance abuse treatment facility - residential | | | | P | | P | | |
| Institutional and Civic Uses | | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 | I2 |
| Community Services | Community center or senior center | | | | | | P | | |
| | Library or museum | P | | | | | P | | |
| | Religious assembly not including residential or educational uses, except for one single-family accessory use | P | | P | C | P | P | | |
| | Cemetery | C | | C | C | | | | |
| | Public safety facility | P | P | P | P | C | P | P | P |
| Day Care Educational Institutions | Day care, in-home, or center, preschool or adult | P | P | P | P | P | P | | |
| | College or university, public or private | | | | | | P | P | |
| | Secondary school (K-12), public or private | P | C | P | C | C | | | |
| | Vocational school or trade school | P | | P | | | P | P | |
| Health Care and Social Services | Hospital | C | | | | | C | | |
| | Health clinic, health care office | C | | | | | P | | |
| Public Parks and Open Spaces | Forest preserve, nature | P | P | P | P | P | P | P | P |
| | Park or playground, aquatic center, swimming pool, playing field(s) | P | P | P | P | P | P | P | C |
| | Boat ramp | P | | P | P | | | | |
| | Other public recreational facilities, including public campgrounds | C | | C | C | | C | | |

| | | | | | | | | |
|--|--|------------|------------|-------------|-----------------------|------------|------------|-----------|
| Retail, Service & Commercial Uses | | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 |
| Adult Uses | Adult entertainment | | | | | | | C |
| Animal Care | Animal boarding, animal shelter or kennel | C | P | | | | P | P |
| | Pet grooming | P/A | | | | | P/A | P/A |
| | Pet training | P/A | | | | | P/A | P/A |
| | Veterinary clinics or hospitals | P | | | | | P | P |
| | Pet cemetery | C/A | | | | | | |
| | Pet crematorium | | | | | | | |
| | | | | | | | C | C |
| Use Category | Use Type | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 |
| Agricultural Sales | Agriculture feed mixing and blending, seed sales and grain handling operations | P | P | C | | | P | P |

| | | | | | | | | | |
|-------------------------------------|--|---|---|---|---|---|---|-----|---|
| and Services | Agricultural chemicals, fertilizer, or anhydrous ammonia - storage and distribution | C | P | C | | | | C | |
| | Agricultural implement and vehicle sales and service | C | P | | | | P | P | |
| | Agricultural research facility | P | P | | | | | P | |
| | Agricultural tourism | P | P | | | | | | |
| | Farm winery | P | P | P | | | | | |
| | Grain elevators | C | P | C | | | | P | |
| | Livestock sales | P | P | C | | | P | P | |
| Business and Household Services | Building maintenance or cleaning services | | | | | | P | P | |
| | Contractor's yard or outdoor storage | P | | | | | P | P | |
| | Copying, printing, mailing, and packaging services | | | | | | P | P | |
| | Lawn, garden and yard maintenance services | | | | | | P | P | |
| | Small appliance and household equipment repair | | | | | | P | P | |
| | Well-drilling or septic tank cleaning | C | | | | | C | P | |
| Recreation & Entertainment- Indoor | Conference center | | | | | | C | | |
| | Health club or fitness center | | | | | | P | | |
| | Indoor recreation (billiards, bowling, skating rink, etc.) | | | | | | P | | |
| | Studios for music, dance, crafts, performing or martial arts | | | | | | P | | |
| | Theater - movie or performance | | | | | | P | | |
| Recreation & Entertainment- Outdoor | Amusement park | | | | | | C | | |
| | Campground or travel trailer parks | C | | | | C | C | | |
| | Canoe rental or marina | C | | | | | P | | |
| | Commercial stable or riding academy | P | | P | | | | | |
| | Golf course or golf driving range | C | | C | C | | | | |
| | Gun clubs, rifle or archery ranges | C | | | | | | | |
| | Outdoor amphitheater or stadium | C | | | | | C | | |
| | Race tracks, go-cart tracks or drag strips | C | | | | | C | | |
| Financial Services | Bank, credit union, savings and loan, or brokerage | | | | | | P | | |
| Food Services | Restaurant, standard | | | | | | P | | |
| | Food service, limited - coffee shop, ice cream, snack bar, etc. [less than full kitchen] | | | | | | P | | |
| | Drive-through accessory to food service | | | | | | P | | |
| | Bar or tavern | | | | | | P | | |
| | Catering service, banquet/reception facility, social or fraternal organization | C | | | | | P | | |
| | Entertainment accessory to food service | | | | | | C | | |
| Lodging | Bed and breakfast | P | | P | P | | | | |
| | Extended stay hotel | | | | | | P | | |
| | Hotel, motel, or inn | | | | | | P | | |
| Offices | General, administrative or professional office | | | | | | P | P | |
| Services | Barber and beauty shops | | | | | | P | | |
| | Dry cleaning establishment | | | | | | P | P | P |
| | Funeral home or mortuary | | | | | | P | | |
| | Crematorium (may be accessory to funeral home) | C | | C | C | | A | P/A | P |
| | Interior decorating or upholstery | C | | C | C | | P | | |
| | Laundromat | | | | | | P | P | P |
| | Locksmith | | | | | | P | P | P |
| | Mini warehouse or self service storage | | | | | | C | P | P |
| | Shoe repair, watch and other small goods repair | | | | | | P | | |
| | Tanning salon | | | | | | P | | |
| | Tailoring | | | | | | P | | |
| General Commercial Uses | Antiques and collectables store | | | | | | P | | |
| | Art Gallery | | | | | | P | | |
| | Bicycle sales and repair | | | | | | P | | |
| | Book store, music store | | | | | | P | | |
| | Clothing and accessories | | | | | | P | | |
| | Drugstore, pharmacy | | | | | | P | | |
| | Electronics and appliance sales and repair | | | | | | P | | |

| | | | | | | | | | |
|------------------------------|--|-----|-----|------|-----------|-----|-----|----|----|
| Use Category | Florists | | | | | | P | | |
| | Food store, including bakery, butcher shop, delicatessen, etc., but not full-service Grocery | | | | | | P | | |
| | Use Type | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 | I2 |
| | Equipment sales/ storage/ rental business | | | | | | P | | |
| | Hardware store | | | | | | P | | |
| | Liquor store | | | | | | P | | |
| | News stands, magazine sales | | | | | | P | | |
| | Photographic equipment and supplies | | | | | | P | | |
| | Garden Center | | | | | | P | | |
| | Secondhand store, thrift or consignment store | | | | | | P | | |
| | Sporting goods store | | | | | | P | | |
| | Tobacco store | | | | | | P | | |
| | Video rental or sales | | | | | | P | | |
| | Bait and tackle shop | | | | | | P | P | |
| | Building supplies sales | | | | | | P | P | |
| | Furniture and appliance sales, rental, showrooms | | | | | | | | |
| | Grocery, supermarket | | | | | | P | | |
| | Liquor store | | | | | | P | | |
| | Motor vehicle sales, rental | | | | | | P | P | |
| | Plant nursery, commercial greenhouse | C | | | | | P | P | |
| | Warehouse club sales | | | | | | P | P | P |
| | Wholesale operations | | | | | | P | P | P |
| | Art, crafts or photography studio or gallery | | | | | | P | | |
| Vehicle Services | Automobile service station and/or convenience store | | | | | | P | P | |
| | Car wash, free-standing or accessory | | | | | | P | P | P |
| | Major automotive repair/body work | | | | | | P | P | P |
| | Minor automotive repair | | | | | | P | P | P |
| Accessory Commercial | Surface parking in connection with a permitted use | A | | | | | A | A | |
| | Outdoor storage in connection with a permitted use | A | | | | | A | A | |
| Industrial Uses | | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 | I2 |
| R &D | Research and development facility | C | C | | | | P | P | P |
| Acc. Office | Office accessory to industrial - | | | | | | A | A | A |
| Manufacturing and Production | Apparel and other finished products made from fabrics | | | | | | C | P | P |
| | Boat building and repair | | | | | | C | P | P |
| | Film, video and audio production | | | | | | C | P | P |
| | Musical instruments | | | | | | C | P | P |
| | Precision medical and optical goods | | | | | | C | P | P |
| | Signs, including electric and neon signs | | | | | | C | P | P |
| | Watches and clocks | | | | | | C | P | P |
| | Winery | | | | | | C | P | P |
| | Wood crafting and carving | | | | | | C | P | P |
| | Wood Furniture | | | | | | C | P | P |
| | Computers and accessories, including circuit boards and software | | | | | | C | P | P |
| | Electronic Components and accessories | | | | | | C | P | P |
| | Food and beverage products, not including live slaughter, grain or feed milling, cereal, vegetable oil or vinegar production | | | | | | C | P | P |
| | Furniture and fixtures, not including metal working | | | | | | C | P | P |

| | | | | | | | | | |
|--------------|--|-----|-----|------|--------|-----|-----|----|----|
| Use Category | Household appliances and components, not including metal working | | | | | | C | P | P |
| | Measuring, analyzing and controlling instruments | | | | | | C | P | P |
| | Office and commercial equipment | | | | | | C | P | P |
| | Pharmaceuticals, health and beauty products | | | | | | C | P | P |
| | Precision machined products, including jewelry | | | | | | C | P | P |
| | Printing and publishing, including distribution | | | | | | C | P | P |
| | Sporting and athletic goods | | | | | | C | P | P |
| | Telecommunications products | | | | | | C | P | P |
| | Electrical equipment such as motors and generators, lighting, wiring and transmission and distribution equipment including solar related products | | | | | | | P | P |
| | Fabricated metal products such as cans and shipping containers, cutlery, hand tools and general hardware | | | | | | | P | P |
| | Fabricated plastic and rubber products, except tires and inner tubes | | | | | | | P | P |
| | Glass and glass products, ceramics, china and earthenware such as dishes and kitchenware | | | | | | | P | P |
| | Use Type | A-1 | A-2 | TA-1 | RR 1&2 | R-3 | C-1 | I1 | I2 |
| | Grain milling, cereal production, feed milling | | | | | | | P | P |
| | Gypsum, drywall and plaster products | | | | | | | P | P |
| | Latex paints | | | | | | | P | P |
| | Lumber and wood products, including plywood | | | | | | | P | P |
| | Machinery and equipment such as engines and turbines, farm, lawn and garden equipment, heating, cooling and refrigeration equipment, and machine tools | | | | | | | P | P |
| | Metal working such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating | | | | | | | P | P |
| | Textiles and fabrics | | | | | | | P | P |
| | Animals or poultry (slaughter or processing) | | | | | | | P | P |
| | Asphalt, paving and roofing materials | | | | | | | P | P |
| | Battery manufacture and reprocessing | | | | | | | P | P |
| | Chemicals and chemical products, including ammonia, chlorine, household cleaners, detergent, and fertilizer | | | | | | | P | P |
| | Food processing, including vegetable oil or vinegar production | | | | | | | P | P |
| | Oil-based paints, varnishes, lacquers and enamels | | | | | | | P | P |
| | Petroleum and coal products, not including mining or extraction | C | | | | | | P | P |
| | Plastics and synthetic resins and fibers | | | | | | | P | P |
| | Primary metals, including steelworks, rolling and finishing mills, foundries | | | | | | | P | P |

| | | | | | | | | | |
|---------------------------------|---|-----|-----|------|-----------|-----|-----|----|----|
| | Pulp or paper products | | | | | | | P | P |
| | Sand and gravel, not including mining or extraction | | | | | | | P | P |
| | Tanned hides and leather | | | | | | | P | P |
| | Tires and inner tubes | | | | | | | P | P |
| Salvage Yards | Auto salvage yard or scrap yard | C | | | | | | C | P |
| Extractive Uses | Quarries, mining and other extractive uses | C | | | | | | | |
| Waste Disposal | Landfill or solid waste disposal facility (Except in flood hazard area) [Ordinance #94 February 2009] | | | | | | | | C |
| | Recycling facility or solid waste hauling and transfer station | C | | | | | | C | C |
| | Public sewage treatment plant | C | | C | C | P | | P | P |
| | Yard waste site | C | | | | | | | |
| Distribution | Warehouse and distribution facility | | | | | | | P | P |
| Transportation and Utility Uses | | A-1 | A-2 | TA-1 | RR 182 | R-3 | C-1 | I1 | I2 |
| | Airport, heliport or private landing strip | C | | C | | | | C | C |
| | Motor freight terminal | | | | | | | C | C |
| Utilities | Package delivery service | | | | | | | P | P |
| | Communication facility | C | C | C | | | C | C | |
| | Communication tower greater than 35 but less than or equal to 80 ft. | C | A | C | A | A | A | A | A |
| | Communication tower greater than 80 feet | C | C | C | | C | C | C | C |
| | Data / Crypto Mining Facility | | | | | | | C | C |
| | Commercial Battery Storage Facility | C | | | | | | C | C |
| | Utility substation | C | C | C | | C | C | C | C |
| | Utility generating plants and facilities | C | | | | | C | C | C |
| | Wind energy system/ solar systems | A | A | A | A | A | A | A | A |
| | Wind farm | C | | | | | | | |

Article VII. Sign Regulations

1 Section 7.01 Signs - Standard of Measurement

- 7.01.01 The total area of all signs permitted on a lot shall include:
1. The total area of the faces of all permanent exterior signs visible from a public way, plus
 2. The area within the outline enclosing the lettering modeling or insignia of signs integral with the wall and not designed as a panel.
- 7.01.02 Signs, permitted: Signs are permitted as allowed in conformance with this chapter after issuance of a Zoning Permit, unless exempted according to Section 2.02.374 (definition of Sign) of this ordinance or by a variance issued by the Zoning Board of Adjustment

2 Section 7.02 Signs, Type

7.02.01 Real Estate

Not more than two (2) signs per lot may be used as temporary signs and setback a minimum of five (5) feet from the road right of way or road easement boundary. In no case shall these signs obstruct the visibility at any intersection or driveway. No permit is required for a real estate sign.

7.02.02 Business

Small announcement or professional signs, not over six (6) square feet in area, except that an announcement sign or bulletin board not over eighteen (18) square feet in area, set back at least twenty (20) feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

7.02.03 Name Plate

One (1) nameplate that does not exceed two square feet for each dwelling.

7.02.04 **Billboards**

1. Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.

1. Typographical error as corrected in Board of Supervisors Minutes dated July 23, 2008.

- A. Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to at least 1,000 feet;
- B. No billboard shall be constructed within 300 feet of a house, school, or church;
- C. No billboards shall be constructed less than 1,500 feet apart except back to back, or end to end, and no more than two billboards facing a direction;
- D. 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 of Iowa, or by the County, any municipality, or other governmental subdivision, or which incorporates or makes use of lights simulating or resembling traffic controls or signals;
- E. Billboards shall be set back from the proposed right-of-way of any State of Iowa or Federal highway, and from the right-of-way of any other street or road, a minimum distance of 75 feet.
- F. No billboard, signboard, or similar advertising signs shall exceed 700 square feet in area.

7.02.05 **Ground Sign:**

Ground signs at least five (5) feet from any lot line with a maximum height of ten (10) feet.

7.02.06 **Projecting or Pole**

One (1) free standing or projecting sign for each enterprise on the premises of not more than 672 square feet per sign face within any Agricultural, Transitional Agricultural District and 100 square feet when located within any Residential District, at no point closer to the front line or a side line than one-half (1/2) of the required building setback distance, and not exceed the maximum height from the established grade level for said Zoning District. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

7.02.07 **Subdivision**

Not more than two (2) signs per entrance into the subdivision. No sign shall be greater than 32 square feet in size.

7.02.08 Signs hung from canopies and awnings shall be no closer than 80 inches from the bottom edge of the sign to grade below.

7.02.10 Election signs shall be exempt so long as they do not interfere with the safety and well being of the public.

Section 7.03 Sign Schedules

7.03.01.
schedule:

Signs shall be permitted in the various districts according to the following

| Zoning District | A-1 | A-2 | TA-1 | R-1 | R-2 | R-3 | C-1 | I-1 | I-2 | PUD-1 |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|-----|-----|-----|-------|
| Sign Type | | | | | | | | | | |
| Real Estate | + | + | + | + | + | + | + | + | + | + |
| Subdivision Entrance | - ^a | - ^a | C ^a | C | C | C | + | + | + | + |
| Canopy | - ^a | - ^a | - | - | - | - | + | + | + | + |
| Projecting Sign | + ^a | + ^a | + ^a | + ^a | + ^a | + ^a | C | C | C | C |
| Pole Sign | + ^a | + ^a | + ^a | + ^a | + ^a | + ^a | C | C | C | - |
| Name Plate | + | + | + | + | + | + | + | + | + | + |
| Wall | + ^a | + | + ^a | - | - | - | + | + | + | + |
| Billboard | - | - | - | - | - | - | C | C | C | C |
| Ground or Low Profile | C | C | C | C | C | C | C | C | C | C |
| | | | | | | | | | | |

- Not Permitted

+ Permitted

C Conditional Use

^a Typographical error as corrected in Board of Supervisors Minutes dated July 23, 2008

7.03.02

Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule, unless stricter provisions apply:

| <u>Zoning District</u> | <u>A-1</u> | <u>A-2</u> | <u>TA-1</u> | <u>R-1</u> | <u>R-2</u> | <u>R-3</u> | <u>C-1</u> | <u>I-1</u> | <u>I-2</u> | <u>CO</u> | <u>PUD</u> |
|--|------------------|------------------|-------------------|----------------|----------------|----------------|------------------|------------------|------------------|----------------|------------------|
| <u>Sign Type</u> | | | | | | | | | | | |
| <u>Real Estate</u> | | | | | | | | | | | |
| Max. Size (Square Ft.) | 32 | 32 | 32 | 6 | 6 | 6 | 32 | 32 | 32 | 6 | 6 |
| Max. Height (Ft.) | 6 | 6 | - | - | - | - | 6 | 6 | 6 | - | - |
| Number Allowed per lot | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| <u>Subdivision Entrance</u> | | | | | | | | | | | |
| Max. Size (Square Ft.) | - ^a | - ^a | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 |
| Max. Height (Ft.) | - | - | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Number Allowed per lot | - | - | 2 ⁵ | 2 ⁵ | 2 ⁵ | 2 ⁵ | 2 ⁵ | 2 ⁵ | 2 ⁵ | 2 ⁵ | 2 ⁵ |
| <u>Canopy</u> | | | | | | | | | | | |
| Max. Size | - ^a | - ^a | - | - | - | - | 25% ² | 25% ² | 25% ² | - | 25% ² |
| Max. Height (Ft.) | - ^a | - ^a | - | - | - | - | NA | NA | NA | - | NA |
| Number Allowed per building | - | - | - | - | - | - | 1 | 1 | 1 | - | 1 |
| Max. Size | 25% ³ | 25% ³ | 25% ^{3a} | - | - | - | 25% ³ | 25% ³ | 25% ³ | - | 25% ³ |
| Max. Height (Ft.) | NA | NA | NA | - | - | - | NA | NA | NA | - | NA |
| Number Allowed per building/ storefront | 2 | 2 | 2 | - | - | - | 2 | 2 | 2 | - | 2 |
| <u>Projection</u> | | | | | | | | | | | |
| Max. Size (Square Ft.) | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | 12 | - | 12 |
| Max. Height (Ft.) | NA | NA | NA | NA | NA | NA | NA | NA | NA | - | NA |
| Number Allowed per building | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | - | 1 |
| <u>Name Plate</u> | | | | | | | | | | | |
| Max. Size (Square Ft.) | | | | | | | 2 ^a | 2 ^a | 2 ^a | 2 ^a | 2 ^a |
| | | | | | | | | | | 2 | |
| Number Allowed per building | | | | | | | 1 | 1 | 1 | 1 | 1 |

NA Not Applicable

- Not Permitted

4 Maximum Letter Height is equal to 12 inches

5 Percentage of Total Canopy Area

a Typographical error as corrected in Board of Supervisors Minutes dated July 13, 2008

1. The following criteria apply to Wall Signs:

| District | Design Limitations for Wall Signs | | |
|----------|--|---------------------|---|
| | Maximum Size | Maximum Height | Maximum Number |
| A-1 | 1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft | 45 feet above grade | One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area |
| A-2 | 1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft | 45 feet above grade | One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area |
| TA-1 | 1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft | 45 feet above grade | One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area |
| R-1 | | | |
| R-2 | | | |
| R-3 | | | |
| C-1 | 1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft | 45 feet above grade | One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area. |
| I-1 | 1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft | 45 feet above grade | One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area. |

| | | | |
|------------|---|--|--|
| I-2 | 1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft | 45 feet above grade | One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area. |
| PUD | The maximum allowed within the underlying zoning district | The maximum allowed within the underlying zoning district | The maximum allowed within the underlying zoning district |
| | | | |

7.03.04

Ground (low profile)

1. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
2. All ground monument signs shall be located on the same lot as the advertised use.
3. Change panels may include advertised gasoline prices and any other service provided in the principal building / structure.
4. Setbacks for all ground monument signs are 10 feet.
5. The following criteria apply to Ground Monument signs:

| District | Design Limitations for Ground or low profile signs | | |
|-------------|---|---|---|
| | Max. Size | Max. Height | Max. Number |
| A-1 | 50 square feet | 10 feet | One per lot frontage. ¹ |
| TA-1 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| R-1 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| R-2 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| R-3 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| C-1 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| C-2 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| MUC | 32 square feet | 10 feet | One per lot frontage. ¹ |
| I-1 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| I-2 | 32 square feet | 10 feet | One per lot frontage. ¹ |
| CO | 32 square feet | 10 feet | One per lot frontage. ¹ |
| PUD | The maximum allowed within the underlying zoning district | The maximum allowed within the underlying zoning district | The maximum allowed within the underlying zoning district |

¹ On a corner lot the total number of signs may be increased to two (2) with one (1) on each frontage.

Note: All signs shall have a Vertical Clearance of nine (9) feet above any sidewalk, private drive, or parking.

SECTION FOUR:

THAT THIS AMENDMENT SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL IN THE MANNER PROVIDED BY LAW.

ACTION UPON FIRST READING

DATE: 4/23/2025

Moved by: Kretzinger

Seconded by: Longhorn

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Shawn Bryant

☒

Erich Kretzinger

☒

Scott Longhorn

☒

ACTION UPON SECOND READING

DATE: 4/30/2025

Moved by: Longhorn

Seconded by: Kretzinger

Discussion: 3rd Waived

AYES (A), NAYES (N), ABSENT (X):

Shawn Bryant

☒

Erich Kretzinger

☒

Scott Longhorn

☒

DATE: _____

ACTION UPON FINAL READING

Moved by: Waived

Seconded by: _____

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Shawn Bryant

☐

Erich Kretzinger

☐

Scott Longhorn

☐

Shawn Bryant
Shawn Bryant, Chairman
Boone County Board of Supervisors

5/7/25
Date

Diane R. Patrick
ATTEST:

DIANE PATRICK, COUNTY AUDITOR

5/7/25
Date

