

HANCOCK COUNTY ORDINANCE NO. 3

TITLE: HANCOCK COUNTY ZONING ORDINANCE, AN ORDINANCE DIVIDING THE UNINCORPORATED AREAS IN HANCOCK COUNTY, IOWA, INTO DISTRICTS AND REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION AND USE OF BUILDINGS, STRUCTURES AND LAND.

ARTICLE I

GENERAL PROVISIONS

1. AUTHORITY TO REGULATE. Iowa Code Chapter 355 grants the Board of Supervisors authority to regulate and restrict land and structures through zoning regulations.
2. PURPOSE. It is deemed necessary to adopt a comprehensive plan in order to preserve agriculture; to lessen congestion in the streets and highways; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to avoid undue concentration of population; to prevent the overcrowding of land; to facilitate the adequate provisions of water, sewage, transportation, schools, parks and other public requirements; to conserve the values of property and to encourage the most appropriate use of land throughout the unincorporated areas of the County by dividing unincorporated areas in Hancock County, Iowa, into districts and by regulating and restricting the location, construction and use of buildings, structures and land.
3. SHORT TITLE. This ordinance may be known and cited as the "Hancock County Zoning Ordinance."
4. ENFORCEMENT. The Zoning Administrator shall enforce the provisions of this ordinance.
5. VALIDITY. Should any part of this ordinance be declared by a court to be invalid, the same shall not affect the validity of the remainder of this ordinance. Any prior zoning ordinances are repealed.
6. VIOLATION AND PENALTY. Any person, firm or occupation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this ordinance shall be guilty of a simple misdemeanor and shall, upon conviction, be fined not more than one hundred dollars (\$100.00) and/or imprisoned for not more than thirty (30) days for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. In the event any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the Board of Supervisors, in addition to all other remedies permitted by law, may institute an action or proceeding to prevent such unlawful act.
7. NONCONFORMING USES. Within the districts established by this ordinance, there may exist lots, structures, buildings or uses of land which were lawful before this ordinance was adopted, but which are prohibited, regulated or restricted under the terms of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue, but not encourage their survival. It is further the intent that nonconformities undergo substantial improvement or be used as grounds for adding other prohibited structures or uses.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plan, construction or designated use of any building on which construction was lawfully begun prior to the effective date of adoption and upon which substantial improvements have been made.

When a nonconforming use of a structure, building, land or premises is discontinued or abandoned for a period of one (1) year, said use shall not thereafter continue except in conformance with this ordinance.

All nonconforming structures may be repaired for normal maintenance. Nothing in this ordinance shall be deemed to prevent strengthening or restoring to a safe condition any building declared to be unsafe upon the order of any official charged with protecting the public safety. However, said maintenance or restoring shall not constitute a substantial improvement, which is either:

a. Repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the start of construction of the improvement, or (2) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are necessary solely to assure safe conditions for the existing use. The term also does not include any alteration of an historic structure, provided the alteration will not preclude the structure's designation as an historic structure.

b. An addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after May 1, 1995, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five (25) percent.

8. APPLICABILITY TO LAND REGULATED BY ZONING ORDINANCE TITLE 3. All land affected by Zoning Ordinance Title 3 remain zoned as presently used until a rural zoning map is adopted.

ARTICLE II

DEFINITIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this ordinance. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "used" shall include arranged, designed, constructed, altered, converted, rented, leased or "intended to be used;" and the word "may" is permissive; and the word "shall" is mandatory and not discretionary.

1. ABANDONED SIGN. A sign, which no longer correctly directs, advertises a person, business or product on the premises where the sign is located.
2. ACCESSORY STRUCTURE. A structure which is incidental and subordinate to the principal use of the primary or main building on a parcel of land. Accessory structure includes, but is not limited to, a structure that is not the principal residence.
3. ACCESSORY. A use naturally and normally incidental, subordinate and auxiliary to the principal use of the premises.
4. ACREAGE. A parcel of land consisting of more than two (2) acres, but less than forty (40) acres.
5. ADMINISTRATOR. The Hancock County Zoning Administrator.
6. AGRICULTURE. The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, fish farming and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing produce; provided however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities and that such uses shall not include the commercial feeding of garbage or offal.
7. ALLEY. A public right-of-way primarily designed to serve as secondary access to the side or rear of properties with principal frontage on another public right-of-way.
8. ANTENNA. Any structure or device used to collect or radiate telecommunications signals.
9. APARTMENT HOUSE. See DWELLING, MULTIPLE FAMILY.
10. BASEMENT. Portion of a structure partly underground, but having at least one-half (1/2) of its height above the roadway level and above the highest level of the adjoining ground. A basement shall be counted as a story if used or intended to be used for dwelling or business purposes. For purposes of the Flood Plain Management provisions, a basement is any enclosed area of a building which has its floor or lowest level below ground level on all sides.
11. *BASE FLOOD. The flood having one (1) percent chance of being equaled or exceeded in any given year (see 100-year flood).

12. *BASE FLOOD ELEVATION. The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
13. BED AND BREAKFAST FACILITY. A private residence which provides lodging and meals for guests, in which the host resides and in which no more than two (2) individuals or families are lodged at the same time. While it may advertise and accept reservations, it does not hold itself out to the public to be a restaurant, hotel or motel. Additionally, it does not require reservations and food is served only to overnight guests.
14. BLOCK. Any combination of land ownership bounded by streets, roads, highways, public parks, cemeteries, railroad right-of-way, streams, lakes or similar man-made or natural barriers.
15. BOARD. The Hancock County Board of Adjustment.
16. BOARDING HOUSE. A building other than a hotel where in exchange for compensation meals, or lodging and meals, are provided for five (5) or more individuals or families.
17. BOND. Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form approved by the governing body.
18. BUILDING. A structure built for the support, shelter or enclosure of persons, animals or property.
19. CELLAR. Portion of a structure having more than one-half (1/2) of its height below the roadway level or highest level of the adjoining ground. A cellar is not a story for purposes of height measurement.
20. COMMISSION. The Hancock County Planning and Zoning Commission.
21. COMPREHENSIVE PLAN. A County's recommendations for future development through compilation of policy statements, goals, strategies and maps for guiding the physical, social and economic development of the County which may include, but is not limited to, statements of policies, goals, standards, land use plan, community facilities plan, transportation plan and recommendations for plan execution.
22. CONDITIONAL USE. A use of land, water or buildings which is allowable only after issuance of a special conditional use permit by the Board of Adjustment.
23. CORNER LOT. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
24. DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

25. DWELLING UNIT. One room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a weekly, monthly or other periodic basis, which is physically separate from any other room or rooms connected together within the same structure and containing independent cooking and sleeping facilities.
26. EASEMENT. A grant for use of land by the public, individuals, groups or corporations for a specific purpose.
27. EXISTING. A building erected prior to the adoption of this code, or one for which a legal building permit has been issued.
28. *EXISTING CONSTRUCTION. Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as “existing structure.”
29. *EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
30. EXOTIC ANIMALS. Animals other than domesticated pets, domesticated livestock native to Iowa or the region, large native animals not customarily kept in captivity and animals other than animals associated with farm, household or domesticated fowl. Exotic animals includes, but is not limited to, large reptiles, predatory birds, exotic or tropical birds, wild cats, wild dogs (including wolf/dog hybrids), carnivores, marsupials, primates and wild hoofed animals.
31. *EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
32. FACTORY-BUILT HOME. See MANUFACTURED HOME.
33. FAMILY. One or more persons occupying a single dwelling unit, provided all members are related by blood or marriage or contain five (5) or less persons. Domestic servants employed on the premises are not part of the family for purposes of this ordinance.
34. FARM. Real property comprised of at least forty (40) contiguous acres or a legally described quarter-quarter section which may contain other contiguous or non-contiguous acreage, which is owned by a single family, family corporation, individual, partnership or corporation, used and primarily adapted by reason of nature and area for the growing and storage of agricultural products such as vegetables, fruits and grains, and raising agricultural animals such as horses, cattle, sheep and swine.
35. FARM DWELLING. A dwelling unit located on a farm, utilized and occupied by the operators.

36. FARM BUILDING. A building located on a farm, not intended for dwelling purposes, but rather for accessory and other uses which are customarily and ordinarily associated with farming.
37. FARMSTEAD. The buildings and adjacent services of a farm.
38. FARMSTEAD OF RECORD. A farmstead that was established or existed prior to the adoption of this ordinance in which buildings, wells, groves or other significant evidence exists from the original farmstead.
39. FLOOD. A general and temporary condition of partial or complete inundation of normally dry land from the overflow of streams or rivers or from unusual, rapid runoff of surface water.
40. FLOOD ELEVATION. The elevation floodwaters would reach at a particular site during the occurrence of a specific flood.
41. FLOOD INSURANCE RATE MAP (FIRM). The official map prepared as part of, but published separately from, the Flood Insurance Study delineating the flood hazard areas and the risk premium zones.
42. *FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
43. FLOOD PLAIN. land area susceptible to being inundated by water as a result of a flood.
44. FLOOD PLAIN MANAGEMENT. Program of corrective and preventative measures for reducing flood damage and promoting the wise use of flood plains, including but not limited to, emergency preparedness plans, flood control works, flood-proofing and flood plain management regulations.
45. FLOOD-PROOFING. Any combination of structural and non-structural additions, changes or adjustments which will reduce or eliminate flood damage.
46. FLOODWAY. The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the 100-year flood by more than one (1) foot.
47. *FLOODWAY FRINGE. Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
48. FOOTING. The portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.
49. FRONTAGE. The side of a lot abutting a street or way and ordinarily regarded as the front of a lot, but not considered as the ordinary side of a corner lot.

50. GARAGE. A building or portion in which a motorized vehicle or equipment containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired or kept.
51. GRADE. The slope of a road, street or other public right-of-way, specified in percentage terms.
52. HEIGHT. The vertical distance from the base of the structure to its highest point.
53. *HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
54. *HISTORIC STRUCTURE. Any structure which is:
- a. Listed individually in the National Register of Historic Places maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.
55. HOTEL. Any building or structure equipped, used, advertised as or held out to the public to be an inn, hotel, motel, motor inn or place where sleeping accommodations are furnished for a fee to guests.
56. IDENTIFICATION SIGNS. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. Identification signs do not include signs erected in the conduct of the outdoor advertising business.
57. IMPROVEMENT. Any building, structure, place, work of art, object or improvement constituting a physical betterment. Also see PUBLIC IMPROVEMENTS.
58. LANDSCAPING. Any improvement to the appearance of a parcel of land by utilizing trees, shrubs, vegetation or other plant materials for the purposes of windbreaks, screening for privacy or aesthetic betterment.
59. LIGHT INDUSTRY. An industry engaged in the sale or manufacture of products for retail or wholesale distribution that employs ten or fewer employees.

60. LOADING SPACE. Space logically and conveniently located for pickups and deliveries and scaled to delivery vehicles expected to be used and accessible when required off-street parking spaces are filled. Off-street loading space is not included in computation of off-street parking space.
61. LOT. A land parcel of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide required yards and other open spaces. Lots shall have frontage on an improved public or private street, and may consist of a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or a parcel of land described in metes and bounds. In the event of division or combination of property, no residual lot or parcel shall be created which does not meet the requirements of this ordinance.
62. LOT AREA. The total land area of the parcel, not including public road rights-of-way.
63. LOT DEPTH. Distance between the midpoints of lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
64. LOT FRONTAGE. The portion of the lot bordering the street. For the purpose of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage.
65. LOT OF RECORD. A lot recorded as part of a subdivision or described by metes and bounds.
66. LOT WIDTH. Distance between lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.
67. *LOWEST FLOOR. The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Article XVII - 4.5 (A) of this Ordinance, and
 - b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
 - d. The enclosed area is not a "basement" as defined in this section.
- In cases where the lowest enclosed area satisfies criteria a, b, c, and d Above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
68. MANUFACTURED HOME. Any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site, including homes marketed as mobile, factory-built or modular and

recreational vehicles placed on a site for 180 consecutive days and not licensed or ready for highway use.

69. *MINOR PROJECTS. Small development activities (except for filling, grading and excavating) valued at less than \$500.
70. MOBILE HOME. A manufactured, transportable single-family dwelling unit suitable for permanent occupancy and manufactured according to HUD specifications.
71. MOBILE HOME LOT. A parcel of ground within a mobile home park designed for the accommodation of one (1) mobile home.
72. MOBILE HOME PARK. An approved site, lot, field or tract of land designed, maintained or used for the purposes of supplying location and accommodation for mobile homes including any building, structure, vehicle or enclosure used or intended for use as part of the equipment of such parks.
73. MULTIPLE FAMILY DWELLING. A detached residential building designed for and occupied by three (3) or more families.
74. *NEW CONSTRUCTION. (New buildings, factory-built home parks) – Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
75. *NEW FACTORY-BUILT HOME PARK OR SUBDIVISION. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.
76. NONCONFORMING. That which fails to meet the requirements and intent of this ordinance.
77. NON-FARM DWELLING. A detached residential dwelling designed for occupancy by one (1) family, which is located on an acreage or lot of record in an agricultural district.
78. OFF-PREMISE SIGN. Any sign that advertises goods, products, services or directs persons to a different location from where the sign is located.
79. OFF-STREET PARKING SPACE. A space adequate for parking a motor vehicle with room for opening doors on both sides and so a vehicle may be parked and unparked without having to move other vehicles. The parking space includes properly related access to a public street or alley and maneuvering room, which is designed, maintained and regulated so that no parking or maneuvering is done on any public street, walk or alley.

80. ON-PREMISE SIGN. A sign which advertises uses incidental to the property on which the sign is located, including signs advertising business transacted, services rendered, goods sold or produced on the premises, name of the business, person or firm occupying the premises.
81. ONE HUNDRED (100) YEAR FLOOD. A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.
82. OUTDOOR ADVERTISING BUSINESS. A business which provides outdoor displays or display space on a lease or rental basis only.
83. OWNER. Any person, group, firm, corporation or other legal entity having legal fee title.
84. PARK. Area of public land developed and maintained primarily as pleasurable landscaped areas providing for both active and passive recreational pursuits, including playground facilities, neighborhood parks, recreational sports, play fields and general or special purpose use area.
85. PERMITTED USE. A use of land, water or buildings not allowable in a district until after issuance of a zoning certificate by the Zoning Administrator.
86. PUBLIC IMPROVEMENT. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government has or may assume the responsibility for maintenance and operation.
87. RECREATION VEHICLE. A transportable overnight or short term sleeping or dwelling unit, including but not limited to, travel trailers, pickup campers, fold-down campers and motorized coaches.
88. RECYCLING. Any process by which waste or materials which would otherwise become waste are collected, separated, processed, revised or returned to use in the form of raw materials or products. Recycling includes, but is not limited to, the composting of yard waste which has been previously separated from other waste. Recycling does not include any form of energy recovery.
89. REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. Repair does not apply to any structural or spatial modifications.
90. RESUBDIVISION. A change in a map of an approved or recorded subdivision plat if such change affects any public use street, lot line or any legally recorded map or plan.
91. RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or any special use. The right-of-way is separate and distinct from adjoining lots or parcels and is not included in calculation of lot dimensions or area.

92. ROADSIDE STAND. A temporary or movable structure used for sale of farm products primarily produced on the premises.

93. *ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

94. SEXUAL ACTIVITY ESTABLISHMENT. An establishment used for the display of live presentations distinguished or characterized by an emphasis on matter depicting, describing or involving specified sexual activities or specified anatomical areas. The provisions of this definition do not apply to a theater, concert hall, art center, museum or establishment primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.

95. SIGN. Any identification, description, illustration or device which is visible from any public place or is located on private property and exposed to the public, directing attention to a product, service, place, activity, person, business or other form of solicitation, including any permanently installed merchandise, emblem, painting, banner, pennant or other form of temporary sign designed to advertise, identify or convey information. The following are not signs:

- a. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
- b. Flags with insignia of any government except when displayed in connection with commercial promotion.
- c. Legal notices, identification, information or directional signs erected or required by governmental bodies.
- d. Intricate, decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

- e. Signs directing and guiding traffic and parking on private property bearing no advertising.
96. SINGLE FAMILY DWELLING. A detached residential building other than an immobilized mobile home designed for and occupied by one (1) family.
97. SIGN SURFACE AREA. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area, except where such frames and structural members are used as an integral portion of the graphic, literal or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign.
98. SITE PLAN. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision.
99. SPECIAL FLOOD HAZARD AREA. The land within a community subject to the 100-year flood, identified as Zone A on the FIRM.
100. START OF CONSTRUCTION. The date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement, was within 180 days of the permit date. Actual start of construction means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns or any work beyond the stage of excavation, or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, excavation for a basement, footings, piers or foundations or the erection of temporary forms or accessory structures. In the event of substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
101. *SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
102. *SUBSTANTIAL IMPROVEMENT. Any improvement to a structure which satisfies either of the following criteria:
- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored before the damage occurred.
- The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by

the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

- b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed on or after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

103.SUBDIVISION. Any vacant or improved land divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or interests for the purpose of offer, upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes and bounds description, lease, map, plat or other recorded instrument.

104.STRUCTURE. A building or edifice of any kind built, constructed or erected on a fixed location upon the ground or attached to something having a fixed location on the ground. Structure includes, but is not limited to, buildings, homes, sheds, cabins, storage tanks, walls, fences.

105.TELECOMMUNICATIONS. The transmission of information specified by the user between or among points without change in the form or content of the information.

106.TELECOMMUNICATIONS TOWER. Any guyed, monopole or self-supporting tower to be used for commercial purposes, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more telecommunications antenna.

107.TEMPORARY PERMITTED USE. A use of land, water or buildings limited to a specified period of time that does not necessarily conflict with the original intended use.

108.TWO FAMILY DWELLING. A detached residential building designed for and occupied by two (2) families.

109.VARIANCE. A relaxation of the terms of the zoning ordinance.

110.VIOLATION. Failure to comply with the provisions of this ordinance.

111.WETLAND. An area of two (2) 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.

*Added or amended by Amendment 10 on April 11th, 2018.

ARTICLE III

ADMINISTRATIVE PROCEDURES, GUIDELINES AND STRUCTURE

1. PUBLIC HEARINGS AND MEETINGS. In the event a public hearing is required, a notice of the time, place and purpose of the hearing shall be published in the official newspaper not less than four (4) days and no more than twenty (20) days prior to the day of the hearing. In the event public meeting is required, said meeting shall occur at a regularly scheduled meeting of the body or at a special meeting only after notice published in the official newspaper not less than four (4) days and no more than twenty (20) days prior to the day of the hearing.

2. TEXT AMENDMENTS. The Board of Supervisors may by ordinance amend the text of this ordinance. Such changes may be made only after public hearings before the Planning and Zoning Commission (Commission) and Board of Supervisors. Amendments to this ordinance shall require a majority vote of the Board of Supervisors.

3. DISTRICT CHANGES. The Board of Supervisors may by ordinance change the district boundaries shown on the District Boundary Map. Such changes may be made only after public hearings before the Commission and the Board of Supervisors. District changes to this ordinance shall require a majority vote of the Board of Supervisors.

4. INITIATING CHANGES. Text amendments or district changes may be initiated by either the Board of Supervisors or the Commission. District changes may also be initiated by petition of a property owner within the boundary change area. Property owner petitions shall be submitted to the Zoning Administrator (Administrator) and shall include a legal description of the property to be changed, a description of the existing and proposed use of the property, a map showing existing structures and property lines of the change area and adjacent properties. Petitions shall be submitted with the required filing fee.

5. ZONING PERMITS. No land, building, structure or mobile structure or part thereof shall be erected, altered, constructed, reconstructed, maintained, used, moved in or occupied without obtaining an appropriate zoning permit. Any application for transfer of a permit shall be treated in the same manner as an original application for a permit. Application procedures for particular permits are listed below. The approval of an application will be followed by the Administrator issuing a Permit to Begin Construction. No construction shall commence prior to the applicant's receipt of the Permit to Begin Construction. After all improvements are completed, the applicant shall contact the Administrator to arrange for inspection of the improvements. If the inspection reveals that the improvements are conformance with the application and with all zoning requirements, the Administrator will issue a Permit to Occupy. No use or occupation of the improvement shall commence prior to the applicant's receipt of the Permit to Occupy.

5.1 PERMITTED USE ZONING PERMIT. A landowner or designated representative may file an application for uses permitted within the district. Application shall be made to the Administrator and shall be accompanied by the filing fee, a description of the proposed use and a site plan. The Administrator may approve or disapprove such an application on the basis of compliance with this ordinance and general acceptance of the site plan.

5.2 CONDITIONAL USE ZONING PERMIT. A landowner or designated representative may file an application to use property for one or more uses conditionally permitted within the district.

A. Application shall be made to the Board of Adjustment (Board) and shall be accompanied by the filing fee, a description of the proposed use and a site plan showing compliance with the intent of this ordinance. The site plan shall set forth:

- the location of existing and proposed structures;
- the location of existing and proposed parking and drive areas;
- the location of existing and planned landscaping;
- the location of property lines;
- the location of adjacent properties and structures;
- a list of property owners within one thousand three hundred twenty (1320) feet of the proposed use; and
- other information as requested by the Administrator, Commission or Board.

B. No Conditional Use Permit shall be issued unless all of the following are true:

(1) The establishment, maintenance and operation of the conditional use shall not be detrimental to or endanger public health, safety and general welfare or in any way disrupt or lessen the overall quality of life.

* (2) The conditional use will not be dangerous or harmful to the use and enjoyment of surrounding properties, nor substantially diminish property values within the area. Projects involving the storage, transmission or movement of hazardous materials as defined in Iowa Code Section 455B.381(5), shall have notified all property owners and/or occupied residences within ½ (one-half) mile of the proposed project in writing by certified mail.

(3) The establishment of the conditional use will not impede the normal and orderly development of surrounding properties for uses permitted in the district.

(4) Adequate utilities, access to public roads, drainage and other infrastructure will be provided.

(5) Measures will be taken to provide the property flow of traffic and to minimize the traffic congestion on public streets and other accesses.

C. The Board may (1) approve the permit, (2) approve the permit with restrictions and conditions upon the property, structure, construction or future maintenance in order to preserve the integrity and quality of life within the district, or (3) deny the permit having found it inconsistent with the intent of the district.

D. The Board may require the permit to be subject to periodic review by the Administrator or the Board to determine if continuation of the permit continues to be in the best interest of the community.

E. If an application for a Conditional Use Permit is denied, re-application cannot be made for one (1) year after denial.

5.3 TEMPORARY PERMITTED USE ZONING PERMIT. A landowner or designated representative may file an application for temporary use of the land that does not conflict with the intent of this ordinance. Application shall be made to the Administrator and shall be accompanied by the filing fee, a description of the proposed use and a site plan. The Administrator may call a public hearing if the proposed use or intent is not entirely clear.

*Amended by Amendment No. 8 on May 11th, 2009.

5.4 **ADVERTISING DEVICE PERMITS.** A permit must be issued prior to placing an advertising device within the county. An advertising device shall be considered to be a single display surface or displaying device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Application shall be made to the Administrator and shall be accompanied by the filing fee, a description of the proposed advertising device and the written authorization of the land owner consenting to placement.

6. **VARIANCES.** A landowner or designated representative may file an application for variance from strict adherence to the provisions of this ordinance. Application shall be made to the Board, and shall be accompanied by the filing fee, a description of the proposed variance, a site plan and a statement regarding the reason the variance is believed to be necessary. The Board shall conduct a public hearing and thereafter determine if the variance should be granted. A variance may be granted only if all of the following are true:

6.1 Exceptional or extraordinary circumstances or conditions exist with respect to the property or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.

6.2 The alleged difficulty or hardship has not resulted from the actions of the applicant.

6.3 A variance is necessary for the preservation and enjoyment of the property and of property rights possessed by the owners of other properties in the area.

6.4 A variance will not be of substantial detriment to adjacent property and will be in keeping with the spirit and intent of this ordinance and public interest.

6.5 The condition, situation or intended use of the property is not so general or recurrent in nature as to make it practicable to formulate a general regulation to cover such cases.

6.6 Strict enforcement of this ordinance would result in undue hardship, not mere inconvenience.

6.7 The variance would allow a use permitted within the district.

7. **FILING FEES.** Filing fees shall be set by the Board by resolution.

8. **TIME LIMITS.** All actions requested or reviews required shall be performed within forty-five (45) days of the public hearing/meeting, unless otherwise provided herein.

9. **BOARD OF ADJUSTMENT.**

9.1 **MEMBERSHIP.** The Board shall by resolution be established with five (5) members to be appointed by the Board of Supervisors. Members shall serve for a five (5) year term, except in instances where members are fulfilling the unexpired term of another or where shorter terms are necessary under State law.

A. Members of the Board serve at the pleasure of the Board of Supervisors.

B. If the Board of Supervisors finds it necessary to remove a member of the Board, the member shall be advised by written notice. Said notice shall be sent via certified mail and shall state the reasons for removal. If the member wishes to appeal the removal, the member must file with the Auditor a written request for hearing within ten (10) days of the date of the notice. The Board of Supervisors will then set a date and time for such a hearing within thirty (30) days.

9.2 ORGANIZATION. The Board shall choose a chairperson from among its membership at the first meeting after January 1 of each year, and determine its rules of proceedings, a copy of which shall be filed with the Board of Supervisors. The Board shall decide upon a regular meeting place and time. Three (3) members shall constitute a quorum. Minutes shall be kept of all proceedings, indicating the vote of each member upon each motion, and also recording absent members.

9.3 DUTIES. The Board of Adjustment shall carry out the following duties:

A. Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator, Planning and Zoning Commission or Board of Supervisors in enforcement of this ordinance.

B. Hear and decide appeals regarding the reconstruction and rehabilitation of existing nonconforming buildings and structures which have been partially destroyed to the extent of not more than sixty (60) percent of its assessed value prior to construction.

C. Hear and decide appeals regarding the erection and use of buildings and structures to be utilized for public service purposes by a public service corporation for which purposes the Board of Adjustment deems necessary for public convenience.

D. Conduct hearings and thereafter deny or approve requests for variances.

E. Conduct hearings and thereafter deny or approve applications for issuance of conditional use permits.

9.4 APPEALS. Appeals taken by a person aggrieved by a decision of the Administrator or Commission shall be heard by the Board. Appeal may be taken only upon written notification filed with the Administrator within forty-five (45) days of the decision wished to be appealed. Filing a written notice of appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board the reasons a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed except by order of the Board or by a court of competent jurisdiction.

A public hearing shall be scheduled by the Board, with notice of the hearing mailed to the involved parties at least ten (10) days before the date of such hearing. At the hearing any party may appear in person or by designated representative.

Following the hearing, the Board shall make a ruling on the appeal, setting forth in writing specific findings of fact upon which its decision is based. A certified copy of the Board's decision shall be transmitted to the parties and to the Administrator. Such decision shall take effect immediately and shall be binding upon the Administrator and be incorporated in any permit issued pursuant to the Board's decision.

Any person aggrieved by a decision of the Board may appeal to the district court within thirty (30) days of the Board's decision.

10. PLANNING AND ZONING COMMISSION

10.1 MEMBERSHIP. The Commission shall by resolution be established with seven (7) members to be appointed by the Board of Supervisors. Members shall serve for a five (5) year term, except in instances where members are fulfilling the unexpired term of another or where shorter terms are necessary under State law.

A. Members of the Commission serve at the pleasure of the Board of Supervisors.

B. If the Board of Supervisors finds it necessary to remove a member of the Commission, the member shall be advised by written notice. Said notice shall be sent via certified mail and shall state the reasons for removal. If the member wishes to appeal the removal, the member must file with the Auditor a written request for hearing within ten (10) days of the date of the notice. The Board of Supervisors will then set a date and time for such a hearing within thirty (30) days.

10.2 ORGANIZATION. The Commission shall choose a chairperson from among its membership at the first meeting after January 1 of each year, and determine its rules of proceedings, a copy of which shall be filed with the Board of Supervisors. The Commission shall decide upon a regular meeting place and time whereas all meetings are open to the public. Four (4) members shall constitute a quorum. Minutes shall be kept of all proceedings, indicating the vote of each member upon each motion, and also recording absent members.

10.3 DUTIES. In its advisory capacity, the Commission shall carry out the following duties:

A. Prepare, maintain and revise the comprehensive land use plan.

B. Prepare zoning ordinances to be submitted for adoption by the governing body. Once adopted, the Commission may review and make recommendations on all amendments or changes to be made on the official zoning map or the specific regulations of the ordinance or Comprehensive Land Use Plan.

C. Maintain subdivision regulations for adoption by the governing body. The Commission shall participate in the review and make recommendations on all preliminary and final subdivision plat proposals, street layouts and other developments involving expansion.

D. Review and make recommendations to the governing body on issues related to the physical development of its jurisdiction.

E. Participate in the preparation of a capital improvement plan that is consistent with the comprehensive land use plan.

F. Conduct studies and maintain awareness of the status, changes and trends in zoning, land use and population to enhance the benefits of zoning.

G. Hold public hearings as necessary to receive comments concerning proposed changes to the comprehensive land use plan, this ordinance or other regulations.

11. ZONING ADMINISTRATOR.

11.1 MEMBERSHIP. The Administrator shall be appointed by the Board of Supervisors.

A. The Administrator serves at the pleasure of the Board of Supervisors.

B. If the Board of Supervisors finds removal necessary, the Administrator shall be advised by written notice. Said notice shall be sent via certified mail and shall state the reasons for removal. If the former Administrator wishes to appeal the removal, he/she must file with the Auditor a written request for hearing within ten (10) days of the date of the notice. The Board of Supervisors will then set a date and time for such a hearing within thirty (30) days.

11.2 DUTIES. In order to enforce and implement the provisions of this ordinance, the Administrator shall carry out the following duties:

A. Develop necessary information and forms to administer the processing of permits. Continue to review and improve all material, including the Comprehensive Land Use Plan and Zoning Ordinance.

B. Assist and advise the Commission and Board in the performance of their duties. The Administrator shall work closely with the Commission and Board to gather necessary materials and information, which will allow full consideration and proper evaluation, and to develop meeting dates, agenda and material enabling organized and well-conducted meetings. The Administrator may act as a recorder at meetings of the Commission or Board and may also initiate and develop correspondence pertaining to the Commission and Board's actions.

C. Approve applications for Permitted Use Permits.

D. Process Conditional Use Permits. Provide necessary information regarding the permits applied for. Assist in scheduling of public hearings for such permits. Notify members of the Commission and Board of such meetings.

E. Collect necessary filing fees for permits, district changes and appeals or variances. Fees will be deposited in the proper county accounts.

F. Develop a yearly operating budget for submission to the Auditor detailing the expenses incurred in the operation of the office and of the Commission and Board.

G. Stay informed of current zoning directions and educational forums or schools. The Administrator may take advantage of such education and training, and may suggest attendance of both Commission and Board members.

H. Upon issuance of a Permitted Use permit, the project shall be inspected at its beginning and again at its completion. If the inspected site meets the application site plan, a Permit to Occupy shall be issued.

I. Upon issuance of a Conditional Use permit, the project shall be inspected at its beginning to ensure that any conditions imposed are being adhered to. Upon completion of the project, the site shall again be inspected to determine whether all conditions were complied with and the inspected site meets the application site plan. If these conditions are all met a Permit to Occupy will be issued. No certificate shall be issued until all conditions are met. Any prior occupancy shall be considered a violation of this ordinance.

J. Process and approve Temporary Permitted Use permits. The Board may be called upon in situations when the proposed use or intent is not entirely clear.

K. Review flood plain development permit applications to assure zoning compliance and to verify that all necessary federal, state, DNR or local permits have been obtained.

*L. Maintain a record of the elevation (in relation to North American Vertical Datum) to which all new or substantially improved structures have been flood-proofed and the elevation of the lowest floor, including basement, of all new or substantially improved structures in the Flood Plain (Overlay) District.

M. Notify adjacent communities/counties and the DNR prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency (FEMA).

N. Maintain a record of applications, permits, appeals, transactions and correspondence.

*Amended by Amendment 10 on April 11th, 2018.

ARTICLE IV

DISTRICT REGULATIONS

1. DISTRICTS. In order to classify, regulate and restrict the location, construction and use of buildings, structures and land, the following districts are hereby established:

- Agricultural District (A)
- Agricultural Preservation District (AP)
- Residential District (R)
- Commercial District (C)
- Industrial District (I)
- Protected Wetland District (PW)
- Natural Environmental Recreation District (NR)
- Landfill District (LF)

2. DISTRICT MAP. The location of districts are shown upon the Zoning District Map accompanying and made a part of this ordinance. Said map and all notations, references and other information shown thereon, are incorporated by this reference as if set forth herein. The following rules shall apply in determining district boundaries of the map:

2.1 Where district boundary lines obviously are following road, street, water, lot lines, property lines or section lines such line or the centerline of the physical feature shall be the boundary.

2.2 In unsubdivided property or where a district boundary divides a lot or parcel of property, dimensions shown on the zoning district map shall be used to locate district boundaries, and in the absence of dimensions the scale appearing on the map shall be applied to locate boundaries.

2.3 The Commission shall determine the location of boundaries where uncertainty or dispute exists after applying the rules.

3. CONFORMANCE REQUIRED. No land, structure, building or dwelling shall be used, located, erected, constructed, moved, reconstructed or altered except in conformity with this ordinance.

4. ACCESSORY STRUCTURES. Accessory structures shall not be constructed in any required yard except in rear yards as follows:

4.1 Detached structures shall be no closer than five (5) feet from a rear or side yard lot line.

4.2 On a corner lot, structures shall comply with yard requirements of a principal structure.

4.3 An accessory structure may be attached or connected to the principal structure on the lot by method of a breezeway, addition or other similar method provided the accessory structure complies with the setbacks for the principal structure. Any detached accessory structure located closer than six (6) feet to the principal structure shall be considered attached to the principal structure and shall comply with all of the yard requirements for the principal structure.

4.4 Detached structures shall not occupy more than thirty (30) percent of the rear yard.

4.5 No accessory structure shall be constructed or erected on a lot until the construction of the principal structure has begun nor used unless the primary structure is also being utilized.

4.6 No accessory structure shall be inhabited by other than immediate family of the property owner or a hired person necessary for farm operations. Accessory structures shall not be offered as rental property.

5. HOME OCCUPATION. Occupations may not be conducted in a dwelling unit unless in compliance with the following conditions:

5.1 No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation, except that barber shops and beauty salons may have up to two (2) chairs.

5.2 The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

5.3 There shall be no change in the exterior appearance of the premises nor other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign, not exceeding two (2) square feet in area and mounted flat against the wall of the principal building.

5.4 No home occupation shall be conducted in an accessory structure.

5.5 No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be provided off-street and not in a front yard.

5.6 No home occupation shall be permitted when more than fifty percent (50%) of property owners within three hundred fifty (350) feet oppose said use.

ARTICLE V

AGRICULTURAL DISTRICT (A)

1. PURPOSE AND INTENT. It is the purpose and intent of the Agricultural District (A) to retain land for agricultural purposes to the maximum extent possible. Priority shall be given to the protection of farming activities and allowing for their ongoing change and growth.

2. PERMITTED USES. Within the Agricultural District (A) the following are permitted uses:

2.1 Farming and agricultural uses.

2.2 Farm and accessory uses.

2.3 Churches and other places of worship.

2.4 Farm dwellings and accessory uses.

2.5 Non-farm dwellings located on a farmstead of record of at least two (2) acres.

3. CONDITONAL USES. Within the Agricultural District (A) the following are conditional uses:

3.1 Non-farm dwellings on a lot of record.

3.2 Non-farm dwellings on an acreage at least two (2) acres, located on soils classified as Class 3 or less (Soil Survey of Hancock County, Iowa, September 1989) and with a CSR of 79 or less if:

A. The parcel has approved and adequate water supply and waste disposal facilities.

B. The parcel has exceptional narrowness, shallowness or unusual shape due to exceptional topographic conditions such as degree of slope, natural boundaries or current property lines, making use as a farmable parcel inconvenient.

C. There is no objection from a property owner or resident located within one thousand three hundred and twenty (1320) feet of the proposed parcel of land.

3.3 Public utility facilities as defined in Iowa Code §§390.1, 476.1 and 479.2, overhead transmission lines and pipelines.

3.4 Stables and riding academies.

3.5 Mining, quarrying and excavating of sand and gravel.

3.6 Cemeteries.

3.7 Airports, landing fields, hangars and other facilities for the operation of aircraft.

3.8 Commercial telecommunications towers and antennas.

3.9 Waste water treatment facilities.

3.10 Temporary roadside stands for the sale of produce grown in Hancock County.

3.11 Public or private recreational facilities and campgrounds.

3.12 Bulk stations used for the storage and distribution of flammable liquids or liquefied petroleum products with more than a twelve thousand (12,000) gallon aggregate storage tank capacity.

3.13 Outdoor advertising devices. [see Article XV]

3.14 Farm service occupations conducted in a farm dwelling or accessory structure by the farm resident providing agricultural materials, equipment or services to the farming community.

3.15 Agriculture-related industry that is best removed from concentrations of population for health and safety reasons.

3.16 Bed and breakfast facilities.

3.17 Industry which:

A. The site is located on soils classified as class three (3) or less (Soil Survey, Hancock County, Iowa, September 1989) and with a CSR of 79 or less provided that:

(1) The parcel has approved and adequate water supply and waste disposal facilities and the number of employees are more than 10 and less than 25.

(2) The parcel has exceptional narrowness, shallowness or unusual shape due to exceptional topographic conditions such as degree of slope, natural boundaries or current property lines, making use as a farmable parcel inconvenient.

(3) There is no objection to the light industry from a property owner or resident located within one thousand three hundred and twenty (1320) feet of the proposed industry site.

(4) The parcel is of adequate size as to ensure that all traffic loading or unloading will be completely off the traveled portion of roadways and would not obstruct an entrance to the industry's buildings.

(5) A parcel located on unimproved roads will not require undue maintenance or improvements due to traffic incurred by the light industry.

B. Employs more than ten (10) full time employees, but less than twenty-five (25) full time employees.

C. No contaminants are emitted into the environment, including noise, dust, effluent, etc.

D. The industry is located in an existing building with a maximum of 20,000 square feet.

E. Operational approval has been granted for all state and federal permits/licenses.

3.18 Exotic animals grown or fed for personal or commercial uses.

ARTICLE VI

AGRICULTURE PRESERVATION DISTRICT (AP)

1. PURPOSE AND INTENT. It is the purpose and intent of the Agriculture Preservation District (AP) to establish a method by which landowners may request their land be protected for agricultural purposes pursuant to Iowa Code Chapter 17B.

2. PERMITTED USES. Within the Agricultural Preservation District (AP) the following are permitted uses:

2.1 Farms.

2.2 Farm dwellings.

2.3 Public utilities as defined in Iowa Code §§390.1, 476.1 and 479.2.

3. CONDITIONAL USES. Within the Agricultural Preservation District (AP) the following are conditional uses:

3.1 Outdoor advertising devices. [see Article XV]

4. WITHDRAWAL. At any time after three (3) years from the date of creation of an agricultural preservation area, an owner may withdraw by filing with the Board of Supervisors a written request for withdrawal containing a legal description of the land to be withdrawn and a statement of the reasons for the withdrawal. The Board of Supervisors shall, within sixty (60) days of receipt of the request for withdrawal, approve or deny said request.

At any time after six (6) years from the date of creation of the agricultural preservation area, an owner may withdraw by filing with the Board of Supervisors a notice of withdrawal containing a legal description of the land to be withdrawn.

Approval of withdrawal shall be recorded by the Board of Supervisors with the Auditor and the Recorder who shall modify their records to reflect the withdrawal. Withdrawal shall be effective on the date of recording. The remainder of the agricultural preservation district from which the land is withdrawn shall continue in existence regardless of size.

ARTICLE VII

RESIDENTIAL DISTRICT (R)

1. PURPOSE AND INTENT. It is the purpose and intent of the Residential District (R) to make provisions for all designated forms of residential development.

2. PERMITTED USES. Within the Residential District (R) the following are permitted uses:

2.1 One and two family dwellings.

2.2 Residential dwellings located on a farmstead of record or a lot of record.

2.3 Churches and other places of worship.

2.4 Parks and playgrounds.

2.5 Public utilities as defined in Iowa Code §§390.1, 476.1 and 479.2.

3. CONDITIONAL USES. Within the Residential District (R) the following are conditional uses:

3.1 Mobile home park subdivisions.

3.2 Supervised living facilities, excluding the care or treatment of the insane, alcoholic, drug treatment patients and penal institutions.

3.3 Nursing homes and similar facilities.

3.4 Outdoor advertising devices. [see Article XV]

3.5 Multifamily dwellings.

3.6 Bed and breakfast facilities.

ARTICLE VIII

COMMERCIAL DISTRICT (C)

1. PURPOSE AND INTENT. It is the purpose and intent of the Commercial District (C) to establish areas suitable for commercial growth and expansion in locations that will not interfere with the agricultural character of the county and protect the public health, safety and welfare.

2. PERMITTED USES. Within the Commercial District (C) the following are permitted uses:

2.1 Agricultural-related sales.

2.2 Service stations and commercial garages.

2.3 Automobile, truck, boat and farm implement sales and service establishment.

2.4 Hotels and motels.

2.5 Personal service shops, such as barber and beauty shops, laundry and dry cleaning establishments and shoe repair shops.

2.6 Food services, including grocery stores, meat markets, restaurants, fruit markets and similar establishments.

2.7 Retail services such as drug stores, hardware stores, clothing stores and gift shops.

2.8 Professional services such as doctors, dentists and engineers.

2.9 Medical and animal clinics.

2.10 Commercial businesses.

2.11 Offices.

2.12 Public utilities as defined in Iowa Code §§390.1, 476.1 and 479.2.

3. CONDITIONAL USES. Within the Commercial District (C) the following are conditional uses:

3.1 Drive-in movie theaters.

3.2 One, two and multi-family dwellings.

3.3 Warehouses and other storage facilities.

3.4 Outdoor advertising devices. [see Article XV]

3.5 Sexual activity establishments and businesses with a sexual orientation.

3.6 Other commercial uses determined by the Board of Adjustment to be of the same general character as uses permitted in this district.

ARTICLE IX

INDUSTRIAL DISTRICT (I)

1. PURPOSE AND INTENT. It is the purpose and intent of the Industrial District (I) to establish areas suitable for industrial development and to protect the character of adjoining uses and the public health, safety and welfare.

2. PERMITTED USES. Within the Industrial District (I) the following are permitted uses:

2.1 Grain elevators and storage areas.

2.2 Agricultural-related sales.

2.3 Warehousing.

2.4 Auto repair and body shops.

2.5 Light manufacturing, provided no contaminants are emitted, including noise, dust or effluent.

2.6 Public utilities as defined in Iowa Code §§390.1, 476.1 and 479.2.

3. CONDITIONAL USES. Within the Industrial District (I) the following are conditional uses:

3.1 Flammable material storage.

3.2 Fertilizer plants and storage.

3.3 Outdoor advertising devices. [see Article XV]

3.4 Other manufacturing, processing, storage or commercial uses determined by the Board of Adjustment to be of the same general character as the uses permitted in this district and found not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare, heat, fire, explosive hazards or any other objectionable influence beyond the property boundaries.

ARTICLE X

PROTECTED WETLANDS (PW)

1. PURPOSE AND INTENT. It is the purpose and intent of the Protected Wetlands District (PW) to preserve land designated by the Iowa Department of Natural Resources and the County Conservation Board as being wetlands pursuant to United States Department of the Interior Circular 39, 1971, Wetlands of the United States, types 3,4, and 5 and Iowa Code Chapter 108.
2. PERMITTED USES. Within the Protected Wetlands District (PW) the following are permitted uses:
 - 2.1 Protected wetlands designated by the Iowa Department of Natural Resources and on file with the Recorder and the Conservation Board.
 - 2.2 Wetlands designated by the Iowa Department of Natural Resources being challenged by any person by petition or mediation under Iowa Code §§108.12 and 654A.16, but not yet acted upon.
3. CONDITIONAL USES. Within the Protected Wetlands District (PW) the following are conditional uses:
 - 3.1 Easements on and around wetlands resulting from the closure or change in use of agricultural drainage wells upon implementation of the programs specified in Iowa Code §159.29 to eliminate groundwater contamination caused by the use of agricultural drainage wells.
4. PROTECTION OF WETLANDS. Wetlands shall be protected under Iowa Code §108.13.
5. CIVIL PENALTY. In addition to other sanctions provided under this ordinance, a person who violates the permit requirement of Iowa Code §108.13 is subject to the civil penalty under §108.14.

ARTICLE XI

NATURAL ENVIRONMENT RECREATION DISTRICT (NR)

1. PURPOSE AND INTENT. It is the purpose and intent of the Natural Environment Recreation District (NR) to establish and identify those natural environment areas intended for the recreational use and enjoyment of residents and visitors.

2. PERMITTED USES. Within the Natural Environmental Recreation District (NR) the following are permitted uses:

2.1 Parks and recreation facilities.

2.2 Park shelters, play equipment and restroom facilities.

2.3 Natural or wildlife conservatories.

2.4 Educational facilities for the purpose of studying the environment and natural habitats.

3. CONDITIONAL USES. Within the Natural Environmental Recreation District (NR) the following are conditional uses:

3.1 Athletic facilities including sports fields, clubs, arenas and outdoor courts.

3.2 Residential dwellings on a farmstead of record or lot of record over two (2) acres.

3.3 Farm dwellings on a farmstead of record or lot of record over two (2) acres.

3.4 Farmsteads and customary accessory structures.

3.5 Churches and other places of worship.

ARTICLE XII

LANDFILL DISTRICT (LF)

1. PURPOSE AND INTENT. It is the purpose and intent of the Landfill District (LF) to establish areas environmentally sound for the placement of landfills or other waste disposal or recycling uses.
2. PERMITTED USES. Within the Landfill District (LF) the following are permitted uses:
 - 2.1 Farming and agricultural uses.
 - 2.2 Farms and accessory uses.
 - 2.3 Public utilities as defined in Iowa Code §§390.1, 476.1 and 479.2.
3. CONDITIONAL USES. Within the Landfill District (LF) the following are conditional uses.
 - 3.1 Waste water treatment facilities.
 - 3.2 Landfills.
 - 3.3 Recycling facilities pursuant to Iowa Code Chapter 455D.
 - 3.4 Outdoor advertising devices. [see Article XV]
 - 3.5 Other uses determined by the Board of Adjustment to be of the same general character as uses permitted in this district.

ARTICLE XIII

SETBACK, LOT AND PARKING REQUIREMENTS

1. PURPOSE AND INTENT. It is the purpose and intent of the setback, lot and parking requirements to promote the intent of this ordinance.
2. SETBACK. All principal and accessory structures shall comply with the minimum setbacks, unless they meet a setback exception contained within this ordinance.
3. FRONT YARD SETBACK. A front yard extends between side lot lines across the front of a lot adjoining a public street. The following shall apply:

Double Frontage Lots: Unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. If a yard that would normally be required on a double frontage lot is not in keeping with the prevailing yard pattern, the Planning and Zoning Commission may waive the requirement at the time of platting, allowing a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Corner Lots (no reversed frontage): A yard shall be provided in accordance with the prevailing yard pattern and a second front yard of a half depth required for front yards shall be provided on the other frontage.

Corner Lots (more than two frontages): At least one front yard shall be provided having full depth and no other front yard on such lot shall have less than half the full depth required.

Depth of the required front yards shall be measured at right angles to a straight line joining the foremost points to the side lot lines. In the case of a rounded property corner at street intersections, the foremost point of the side lot line shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

The following front yard setbacks shall be required minimums:

A	50 ft.
AP	50 ft.
R	25 ft.
C	25 ft.
I	25 ft.
PW	none
NR	100 ft.
LF	300 ft.

4. SIDEYARD SETBACK. A side yard extends from the rear line of the front yard to the rear lot line, or in absence of any clearly defined rear lot line to the point of the lot farthest from the intersection of the lot line with the public street. In the case of double frontage lots, side yards shall extend from the rear lines of front yards. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards.

The following side yard setbacks shall be required minimums:

A	25 ft.
---	--------

AP	25 ft.
R	15 ft.
C	10 ft.
I	15 ft.
PW	none
NR	100 ft.
LF	300 ft.

5. REAR YARD SETBACK. A rear yard extends across the rear of the lot between inner side yard lines. Double frontage lots and corner lots do not have a rear yard.

The following rear yard setbacks shall be required minimums:

A	25 ft.
AP	25 ft.
R	25 ft.
C	10 ft.
I	50 ft.
PW	none
NR	100 ft.
LF	300 ft.

6. PROPERTY ADJOINING PUBLIC CONSERVATION AND RECREATION AREAS SETBACK. Notwithstanding any other setback requirements within this or any other ordinance, property adjoining public conservation or recreation areas shall have a minimum 200 yards setback from the boundary line shared with the public conservation or recreation area.

7. SETBACK EXCEPTIONS. Setbacks shall be complied with unless, after application to the Board of Adjustment, a variance is granted.

8. LOT AREA. The following lot areas shall be required minimums:

A	2 acres
AP	10 acres
R	1 acre
C	20,000 sq. ft.
I	20,000 sq. ft.
PW	none
NR	2 acres
LF	160 acres

9. LOT WIDTH. The following lot widths shall be required minimums:

A	200 ft.
AP	200 ft.
R	100 ft.
C	100 ft.
I	100 ft.
PW	none
NR	none
LF	2,640 ft. (1/2 mile)

The width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty (80) percent requirement shall not apply.

10. LOT DEPTH. The following lot depths shall be required minimums:

A	200 ft.
AP	200 ft.
R	100 ft.
C	100 ft.
I	100 ft.
PW	none
NR	none
LF	2,640 ft. (1/2 mile)

11. LOTS EXCEPTIONS. Lot requirements shall be complied with unless, after application to the Board of Adjustment, a variance is granted.

12. NONRESIDENTIAL PARKING. Off-street parking spaces shall be provided in the ratio of one (1) parking stall for:

- A. each sleeping accommodation in any automobile court, motel or tourist home and each camp unit in any automobile camp;
- B. each three (3) sleeping accommodations in any hotel, boarding house, fraternity or sorority house or dormitory;
- C. each three (3) beds in a hospital;
- D. each six (6) beds in any sanitarium, convalescent home or similar establishment;
- E. each doctor in any medical or dental clinic, plus one (1) parking stall for each three (3) employees and one (1) for each twenty-four (24) patients of the total patients in the clinic at any time;
- F. each four (4) seats or other accommodations for maximum number of potential customers or those in attendance in any restaurant, theater, auditorium, stadium, church, entertainment or recreation use, hall for meeting, dancing, social or athletic events, and other places where such accommodations may be used by twelve (12) or more persons at the same time, provided that for any public or private school the number of parking spaces shall be not less than one (1) space for each eight (8) classroom seats, plus those required for employees.
- G. Each 500 square feet of ground floor area in business or commercial use, each 1000 square feet of upper floor area and each 1000 square feet of basement floor area in such use, provided that for such establishment as drive-in patronage, the required ratio shall be four (4) parking stalls for each 250 square feet of total area in business or commercial use within buildings and outside.
- H. Each two (2) persons, including proprietors, of maximum employment on the main shift and those on any immediately preceding or following shift, whichever is greater in any institutional, public, business or industrial use.

13. RESIDENTIAL PARKING. Two (2) parking stalls shall be provided for each dwelling unit, including multi and single-family residential units and manufactured or mobile homes.

14. PARKING STANDARDS. Each parking stall shall not be less than 162 square feet in area, nineteen (19) feet in length and eight (8) feet six (6) inches in width, exclusive of aisles, driveways and walks.

14.1 Access driveways to a single stall or parking lot crossing the front property line from a street or road shall be no less than sixteen (16) feet nor more than twenty-four (24) feet in width, except that driveways for residential uses shall be not less than ten (10) nor more than eighteen (18) feet in width.

14.2 Required parking stalls for dwellings, trailer coaches, mobile homes, motels, auto courts, auto camps and similar uses shall be located on the same premises as the use they serve. For other uses they shall be located on or within 500 feet the premises, provided that stalls for employees may be located within 100 feet of the place of employment.

14.3 The number of parking stalls required for serving several uses is the sum of the separate requirements, provided that upon application to the Board of Adjustment for a conditional use permit showing that the parking demands of different uses occur at different times, the Board of Adjustment may approve a reduction in the number of stalls to the maximum demand.

14.4 Required parking spaces provided on a lot or in a building shall be kept available for parking during the times of parking demand.

14.5 Parking stalls, truck loading spaces, aisles and access driveways shall be graded and surfaced to be smooth and to be free of dust, dirt and mud.

14.6 Off street truck loading, parking and storage spaces shall be provided as needed in connection with all buildings, uses and delivering and receiving goods, materials and supplies.

ARTICLE XIV

MOBILE HOME PARK REGULATIONS

1. PUPOSE AND INTENT. It is the purpose and intent of these regulations to allow for the professional and orderly establishment of mobile home parks.
2. BUILDING HEIGHT. No building or structure erected or altered in a mobile home park shall exceed twenty-five (25) feet or one and one-half (1½) stories in height.
3. MOBILE HOME PARK DEFINED. Three or more mobile homes under single property ownership within one-quarter (1/4) mile of each other shall constitute a mobile home park. Mobile home parks shall have a minimum development area of five (5) acres.
4. YARD REQUIREMENTS. To maintain adequate yard space, the following minimums shall be required:
 - 4.1 An open area shall be provided on each mobile home lot to insure privacy, adequate natural light and ventilation to the home and to provide sufficient area for outdoor uses essential to the mobile home. Eighty (80) percent of the lots in any one mobile home park shall not be less than four thousand (4000) square feet in area, and the remaining twenty (20) percent of the lots shall not be less than three thousand (3000) square feet in area.
 - 4.2 The sum of the side yards at the entry side and non-entry side of the mobile home site shall not be less than thirty-five (35) feet, provided, however, there shall be a side yard of not less than fifteen (15) feet at the entry side of the mobile home site and a side yard of not less than five (5) feet at the non-entry side of the mobile home site. There shall be a rear yard of not less than five (5) feet at the rear end of the mobile site and a front yard of not less than ten (10) feet at the front end of the mobile home site.
 - 4.3 For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums are maintained at all points on the side yards.
 - 4.4 No mobile home shall be located closer than fifty (50) feet to the right-of-way line of a public highway or twenty (20) feet to a mobile home park property line.
5. SITE REQUIREMENTS. In order that a mobile home park may be harmonious within itself and also with its surrounding area, the following improvements shall be required:
 - 5.1 Off-street parking spaces shall be provided to meet the needs of occupants and their guests without interfering with normal movement of traffic. Such facilities shall be provided at the rate of two (2) spaces for each mobile home lot.
 - 5.2 Each mobile home lot shall be provided with an area twelve (12) feet wide by forty (40) feet long and filled with at least two (2) inches of crushed rock, slag or aggregate. In no case shall said area be less than two-thirds the exterior dimensions of the mobile home unit occupying the lot.
 - 5.3 Streets shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the mobile home site and facilities on the property. The street system shall provide convenient circulation by means of minor streets and properly located collector and

arterial streets. Dead-end streets shall be provided with a turning circle of not less than forty (40) feet outside radius.

5.4 Adequate sanitary sewer system provided for and approved by the County Sanitarian shall be provided. Criteria set forth in Article VI, Section 3.2 of the Hancock County Subdivision Ordinance will be followed.

5.5 Utilities such as electrical, telephone and/or television cables may be required by the Planning and Zoning Commission to be installed either underground or overhead. Criteria set forth in Article VI, Section 4 of the Hancock County Subdivision Ordinance will be followed. If gas mains are used, these mains shall be laid on the opposite side of the street from the water mains and just outside of the curb or traveled roadway line.

5.6 Specifications. Page 21 of the Hancock County Subdivision Ordinance is incorporated by reference as if set forth herein.

5.7 Inspection Costs. Page 21 of the Hancock County Subdivision Ordinance is incorporated by reference as if set forth herein.

5.8 The rights-of-way shall be of adequate width to accommodate the contemplated widths of travel surface, sidewalks and planting strips, but shall not be less than sixty (60) feet of main drives or entrance and exit drives and not less than fifty (50) feet for minor or secondary streets.

5.9 Streets shall be constructed of at least six (6) inches of gravel or aggregate, stabilized to prevent dust, and of adequate width to accommodate intended use. Surface width of main drives, entrance and exit drives and streets for two-way traffic shall be not less than thirty (30) feet with a minimum width of twenty (20) feet for minor, secondary or one-way traffic streets.

5.10 Provisions for the control of surface drainage must be approved by the County Engineer and incorporated on the mobile home park site.

5.11 For recreational purposes, there shall be a minimum area of one hundred (100) square feet for each mobile home in the park or four thousand (4000) square feet, whichever is greater. The area shall be no longer than two (2) times its width. Such areas shall be developed and maintained so as to provide healthful recreation for children residing in the mobile home park.

5.12 A minimum of eight (8) feet of greenbelt shall be located and maintained along all boundary lines not bordering a street.

5.13 The front yard and the side yard adjacent to a street shall be landscaped and the entire mobile home park shall be maintained in a good, clean and presentable condition at all times.

5.14 Enclosed canopies or skirting shall be uniform and in accordance with the décor of the mobile home. Each mobile home shall be parked upon a uniform jack or block supplied by the mobile home park. No mobile home shall be placed on posts, walls or any other temporary or permanent foundations, and there shall be no other attached building or structure other than one (1) utility cabinet of a cabana and/or carport approved by the Zoning Administrator. Attached buildings or structures shall not be construed to include the use of an aluminum, canvas or fiberglass awning over a space enclosed with mesh screen.

5.15 All mobile homes shall be firmly anchored to the ground at four (4) points and in such a manner as to afford protection from wind damage.

5.16 All mobile home parks shall provide suitable underground storm shelter facilities of sufficient size to accommodate all residents of the park.

5.17 Mobile home parks shall provide sidewalks along main drives. Said walks shall not be less than three (3) feet in width and not less than four (4) inches in thickness. All walks shall be of concrete or asphalt and shall be properly maintained.

6. ENTRANCE AND EXIT APPROVAL. Entrances and exits from county or state highways shall have prior written approval of the authority having jurisdiction over said highways.

7. MOBILE HOME PARK OR FACILITY PERMIT. It shall be unlawful for any person to maintain or operate a mobile home park or facility unless such person shall first procure a permit. Such a permit may be canceled for noncompliance with this ordinance.

8. CONTENT OF PERMIT APPLICATION. Application for a mobile home park shall be filed with the Zoning Administrator for consideration and action by the Planning and Zoning Commission and shall contain the following:

Name and address of the applicant;

Location and legal description of the proposed mobile home park;

A complete plan showing compliance with this ordinance;

Plans and specifications of all buildings and their improvements constructed or to be constructed within the mobile home park; and

Such other information as may be requested by the County to enable it to determine whether the proposed park will comply with all legal requirements.

9. ADDITIONAL PERMITTED ACTS. Unoccupied mobile homes which are parked for the purposes of inspection and sale may be placed in a mobile home park if they are incidental to the operation of said mobile home park.

ARTICLE XV

OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

1. DESIGN OF ADVERTISING DEVICES. Advertising devices shall be maintained in good repair, and shall not be designed to:

1.1 purport to be or be an imitation of or resembles an official traffic control device or railroad sign or signal, or which obstructs or interferes with the effectiveness of an official traffic control device or railroad sign or signal.

1.2 use or incorporate moving, flashing or colored lights or any form of illumination that may be confused with traffic control devices or railroad signs or signals.

1.3 prominently displays the word "stop" or "danger" or presents or implies the need to stop or the existence of danger.

1.4 contain statements, words or pictures of an obscene, indecent or immoral character as will offend public morals or decency.

1.5 be placed on fences, fence posts, rocks, trees, perennial plants or on poles maintained by public utilities.

1.6 be designed to be placed within a specifically scenic area designated by the Board of Supervisors or within two hundred fifty (250) feet of national, state or local parks and historical monuments.

2. PROHIBITIONS. Within any district, no advertising device shall be erected:

a. Which exceeds five hundred (500) square feet of total advertising surface area on any one side or exposure.

b. As off-premise signs within three hundred (300) feet of a residence, church or school.

c. Within three hundred (300) feet of the intersection of highways or the intersection of a highway with a railroad, unless the advertising is affixed or adjacent to a building at such intersections in such a manner as not to cause any greater obstruction of vision than that caused by the building itself.

3. EXCLUSIONS. The following advertising devices are excluded from Section 1 of this Article provided that they are located at least three hundred (300) feet from the point of intersection and are not more than twenty (20) square feet of total advertising surface area or otherwise meet the requirements for outdoor advertising devices.

3.1 Advertising devices located on a farm which relate in whole or in part to farm products, merchandise or services sold, produced, manufactured or furnished on said farm.

3.2 Advertising devices upon real property for the property's lease, hire or sale.

3.3 Church or other public or semi-public sponsored signs of a nonprofit nature which do not singularly exceed twenty (20) square feet in area or when used in a series do not exceed thirty-five (35) feet in the aggregate.

4. ADVERTISING DEVICE SETBACK.

4.1 Within Agricultural Districts, off-premise advertising devices shall be permitted provided that they are set back from a street or highway right-of-way at least fifty (50) feet and that there is a minimum interval of six-hundred sixty (660) feet.

4.2 Within Commercial and Industrial Districts, advertising devices shall be permitted in the following circumstances:

A. On undeveloped properties, no off-premise advertising device shall be permitted closer to the street or highway right-of-way line or property line than the principal building in such district.

B. On undeveloped properties, off-premise advertising devices shall not exceed five-hundred (500) square feet of total advertising surface area.

4.3 On developed properties, on-premise advertising devices shall be permitted as follows:

A. Devices shall be limited to a maximum of one hundred (100) square feet of total advertising surface area on any one (1) side or exposure, and limited to a maximum of two (2) sides or exposure.

B. On any single development property, no more than one (1) device shall be permitted for every one hundred fifty (150) feet of highway, road or frontage road. If the property has more than one hundred fifty (150) feet of highway, road or frontage road, signs must be spaced at no less than one hundred fifty (150) feet intervals. In the case of shopping centers or other groupings of businesses, the permissible number of individually size-limited advertising devices may be grouped at one location on the property.

C. If property fronts upon a frontage road or is within a Commercial District, such device shall not be placed within regular the setback area for that district. If the property does not front upon a frontage road, a twenty-five (25) foot front yard setback shall be required of all advertising devices.

D. Devices in side or rear yards shall have the same setback requirements as structures.

E. No devices shall overhang adjacent property lines or frontage road, road or highway right-of-way lines.

F. The device shall advertise only the product produced, the business conducted or the manufacturing conducted upon the premises.

5. FALSE OR MISLEADING ADVERTISING DEVICES. If the Commission becomes aware that any material information contained in the application was false or misleading, written notice shall be mailed to the permittee. After thirty (30) days from the date of said notice, the Commission shall hold a hearing regarding revocation of the permit. The permittee may correct the false or misleading information prior to the hearing.

ARTICLE XVI

TELECOMMUNICATIONS TOWER AND ANTENNA PLACEMENT

1. PURPOSE AND INTENT. The purpose and intent of these regulations is to establish guidelines for the placement of towers and antennas for commercial wireless telecommunications as provided for in the Federal Telecommunications Act of 1996. There is no intent to regulate satellite dishes and/or private personal communication structures.

*2. PERMITTED USE. A telecommunication tower may be considered a permitted use on if all conditions of this section are met. Upon review of the application and accompanying documentation, the Zoning Administrator may call a public hearing of the Board of Adjustment to rule on the application or set specific conditions.

3. HEIGHT LIMITATIONS. Telecommunications towers must comply with the following:

- 3.1 Residential – Free-standing tower height shall not exceed 100 feet.
- 3.2 Commercial – Free-standing or guyed tower height shall not exceed 180 feet.
- 3.3 Industrial – Free-standing or guyed tower height shall not exceed 360 feet.
- 3.4 Agricultural – Free-standing or guyed tower height shall not exceed 500 feet.

Special exceptions may be granted to exceed the applicable height limitation. Applications for a special exception shall be made to the Zoning Administrator. A special exception shall not allow a tower which exceeds 150 percent of the maximum height limitation. The applicant must demonstrate that the additional height is necessary to provide adequate service to residents.

Telecommunications towers erected in association with a building or other permanent structure shall be allowed in any district, provided the height of the tower does not exceed one-third (1/3) of the height of the existing structure and the existing structure does not exceed 200 feet in height.

4. APPLICATION PROCEDURE FOR CONDITIONAL USE. Application for a conditional use permit for tower or antenna placement shall be made to the Zoning Administrator. The application shall be accompanied by a fee of \$200, and include the following:

- 4.1 A site plan, drawn to scale, identifying the site boundary, tower location, tower height, guy wires and anchors, existing and proposed structures (including accessory structures), photographs or elevation drawings depicting design of proposed structures, parking, fences and landscape plan, and existing uses on abutting parcels. A site plan is not required if the antenna is to be mounted on an approved existing structure.
- 4.2 A map showing locations of applicant's antennas, facilities, existing towers and proposed towers serving any property within the county.
- 4.3 A report from a structural engineer containing the following:

- A. A description of the tower, including the design characteristics and materials.

*Amended by Amendment No. 8 on May 11th, 2009

B. Documentation to establish that the tower has sufficient structural integrity for the proposed use and meets the minimum safety requirements in Electronic Industries Association (EIA) standard 222: "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

C. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

4.4 If the applicant is someone other than the site owner, the application must contain written authorization from the site owner.

4.5 Identification of the owners of all antennas and equipment to be located at the site.

4.6 Evidence that the applicant contacted the owners of all existing or approved towers within one-half (1/2) mile of the proposed site, and that the proposed equipment cannot be technologically or structurally accommodated on an existing or approved tower.

4.7 Evidence that a valid FCC license for the proposed activity has been issued.

4.8 A line of sight analysis of potential visual and aesthetic impact on adjacent properties.

4.9 A written agreement to remove the tower/antennas within 180 days after cessation of use.

4.10 Evidence that the applicable conditions of Section 6 have been met.

4.11 Additional information as requested from the Zoning Administrator, Planning and Zoning Commission or Board of Adjustment.

5. APPLICABLE CONDITIONS. An applicant must demonstrate the following:

5.1 For placement on private property, the applicant must show that existing sites are unsuitable for operation under telecommunications regulations and applicant's technical design requirements. A tower shall not be allowed if technically suitable space is available on an existing telecommunications tower within one-half (1/2) mile of the proposed tower site.

5.2 The applicant must show that the tower is designed to accommodate future demand for additional antennas.

5.3 The applicant must show that all health, nuisance, noise, fire, building and safety code requirements are met.

5.4 All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look like light poles, power poles or trees. All towers not requiring FAA painting or markings shall have a galvanized exterior finish or be painted dull blue, gray or black.

5.5 For telecommunications towers on County property, the applicant must file with the Zoning Administrator a written indemnification of the County and proof of liability insurance or other proof of financial ability to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life. The applicant shall update this information annually.

5.6 The applicant must show land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage and all other general zoning regulations (except setback and height) will be complied with.

5.7 For freestanding or guyed telecommunications towers, setbacks on all sides shall be a distance equal to the height of the tower.

5.8 The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of six (6) feet in height.

6. INSPECTION. At least every 24 months, the telecommunications tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. This inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of the inspection record shall be provided to the County.

7. ABANDONMENT. In the event the use of any telecommunications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the Zoning Administrator. Following a finding of abandonment, the tower owner shall have an additional 180 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the County may do so and assess the costs against the property for collection in the same manner as property tax, pursuant to Iowa Code §331.384.

ARTICLE XVII

FLOOD PLAIN MANAGEMENT REGULATIONS

1. APPLICABILITY. The provisions of this Article shall apply to all lands in Hancock County located within the boundaries of the Flood Plain (Overlay) District. The boundaries of the Flood Plain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. The Zoning Administrator shall interpret the location of boundaries when necessary. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Zoning Administrator.

2. INTERPRETATION AND LIMITATIONS. This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this Article shall prevail. The provisions of this Article are minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers. The standards required by this Article are considered reasonable for regulatory purposes. This ordinance does not imply that areas outside the designated Flood Plain (Overlay) District areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Hancock County or any officer or employee thereof for any flood damage that results from reliance on this ordinance or any lawful administrative decision.

*3. ESTABLISHMENT OF FLOOD PLAIN (OVERLAY) DISTRICT. The Flood Rate Map (FIRM) for Hancock County and Incorporated Areas, dated April 4, 2018, which were prepared as part of the Hancock County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The Hancock County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering flood plain management regulations.

4. STANDARDS FOR FLOOD PLAIN (OVERLAY) DISTRICT. All uses within the Flood Plain (Overlay) District must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data.

4.1 All uses shall be consistent with the need to minimize flood damage; use construction methods and practices that will minimize flood damage; use construction materials and utility equipment that are resistant to flood damage; and obtain all necessary permits from federal, state and local governmental agencies including approval, when required, from the Iowa Department of Natural Resources.

4.2 All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least eighteen (18) feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed by the Board of Adjustment if existing topography, street grades or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

4.3 All new housing structures shall be provided with a means of passable access by wheeled vehicles during the 100-year flood.

4.4 All new or substantially improved non-residential buildings shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems be flood-proofed to such a level. When flood-proofing is utilized, a professional engineer registered by the State of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood, depths, pressures, velocities, impact and uplift forces and other factors associated with 100-year flood levels and are watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood-proofed shall be provided to the Zoning Administrator.

*4.5 New and substantially improved structures are subject to the following:

A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Design for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of two openings shall be no higher than one foot above grade.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

*4.6 All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, are subject to the following:

A. Elevation on a permanent foundation must assure that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. Anchoring to resist floatation, collapse or lateral movement must meet the following requirements:

- (1) Over-the-top ties shall be provided at each corner of the home, with two (2) additional ties per side at intermediate locations. Homes less than fifty (50) feet in length require only one (1) tie per side at an intermediate location.

(2) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points. Homes less than fifty (50) feet in length require four (4) additional ties per side at intermediate locations.

(3) All components of the anchoring system shall be capable of carrying a force of 4800 pounds.

(4) Any additions to the home shall be similarly anchored.

4.7 Utility and sanitary systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Waste supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

D. Utilities shall be located and constructed to minimize or eliminate flood damage to the system and the risks associated damaged systems.

4.8 Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or not be subject to major flood damage and be anchored to prevent movement due to flood waters or be readily removable from the area within the time available after flood warning.

4.9 Flood control structural works such as levees, floodwalls, etc. shall provide a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

*4.10 Watercourse alterations or relocations must be designed to maintain the flood within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

4.11 Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals, including the installation of public utilities, shall meet applicable performance standards. Subdivision proposals intended for residential use shall provide all lots with a means of passable access by wheeled vehicles during the 100-year flood. Proposals for subdivisions exceeding five (5) acres or fifty (50) lots, whichever is less, shall include 100-year flood elevation data for those areas located within the Flood Plain District.

*4.12 Accessory Structures to Residential Uses

A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

- (1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than 1 foot above the BFE must be constructed of flood-resistant materials.
- (2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
- (6) The structure's walls shall include openings that satisfy the provisions of Article XVII 4.6 of this Ordinance.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

4.13 Recreational vehicles are exempt from the requirements regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

- A. The recreational vehicle is located on the site for less than 180 consecutive days; and
- B. The recreational vehicle is licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements regarding anchoring and elevation of factory-built homes.

4.14 Pipeline river and stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

*Amended by Amendment 10 on April 11th, 2018.

5. SPECIAL FLOODWAY PROVISIONS. In addition to the General Flood Plain Standards, uses within the floodway must meet the additional standards contained in this section. The floodway must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources (DNR) shall be contacted to

provide a floodway delineation. The applicant will be responsible for providing the DNR with sufficient technical information to make such determination.

5.1 No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

5.2 All uses within the floodway shall:

- A. be consistent with the need to minimize flood damage.
- B. use construction methods and practices that will minimize flood damage.
- C. use construction materials and utility equipment that are resistant to flood damage.

5.3 No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

5.4 Structures, buildings and sanitary and utility systems shall meet applicable General Flood Plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

5.5 Buildings shall have a low flood damage potential and shall not be designed nor used for human habitation.

5.6 Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

5.7 Watercourse alterations or relocations must be designed to maintain flood carrying capacity must be approved by the DNR.

5.8 Fill in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

5.9 Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or flood flows.

6. SPECIAL SHALLOW FLOODING AREAS PROVISIONS. In shallow flooding areas designated as an AO or AH Zone on the FIRM, the minimum floodproofing/flood protection elevation shall be equal to the number of feet specified on the FIRM, or if no specification is made on the FIRM, at least two (2) feet above the highest natural grade adjacent to the structure.

7. FLOOD PLAIN DEVELOPMENT PERMITS. A Flood Plain Development Permit is required prior to any flood plain development involving man-made changes to improved or unimproved real estate, including but not limited to, buildings, structures, mining, filling, grading, paving, excavating, drilling or placement of factory-built homes.

7.1 Application for such a permit shall be to the Zoning Administrator and shall include all of the following:

- A. description of the work to be covered by the permit;
- B. legal description and address where the work is to be done;
- C. use or occupancy for which the proposed work is intended;
- D. elevation of the 100-year flood;
- *E. An elevation (in relation to North American Vertical Datum of the lowest floor, including basement, of buildings or the level of which a building is to be flood-proofed;
- F. in the case of buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements; and
- G. information the Zoning Administrator deems reasonably necessary (e.g., drawings or a site plan) to evaluate the merits of the permit.

7.2 The Zoning Administrator shall make a determination within a reasonable time as to whether the proposed flood plain development meets applicable standards and shall approve or deny the application. If denied, the applicant shall be informed in writing of the specific reasons for denial. Permits for variances may be made only following hearing and approval by the Board of Adjustment.

7.3 A Flood Plain Development Permit based on approved plans and applications authorize only the use, arrangement and construction set forth in the plan and application. Any use, arrangement or construction at variance with the permit shall be deemed a violation of this ordinance. Prior to the use or occupancy of any structure, the applicant shall be required to submit certification by a professional engineer or land surveyor registered in the State of Iowa that the finished fill, building floor elevations, flood-proofing or other flood protection measures were accomplished in compliance with the permit and provisions of this Article.

8. VARIANCES. Variances may be authorized by the Board of Adjustment in the manner set forth in Article III, Section 9.5. The following additional requirements, considerations and conditions apply.

8.1 Variances must meet the following requirements:

- A. The Board must find that a variance will not result in increased flood heights, threats to public safety, extraordinary public expense, nuisances, fraud or victimization of the public or conflict with existing local codes or ordinances.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

*Amended by Amendment 10 on April 11th, 2018.

C. The Board must find that the variance is necessary to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than is ordinarily required, the applicant shall be given written notice by the Zoning Administrator that the issuance of a variance will result in increased premium rates for flood insurance and that such construction increases risks to life and property.

E. The Iowa Department of Natural Resources must concur in the variance.

8.2 In deciding whether to approve or deny a variance request, the Board of Adjustment must consider the following:

A. The danger to life and property due to increased flood heights or velocities.

B. The danger that materials may cause injury to others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.

E. The importance to the County of the services provided by the proposed facility.

F. The requirements of the facility for a flood plain location.

G. The availability of alternative locations outside the flood plain.

H. The compatibility of the proposed use with existing and anticipated development.

I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

J. The safety of vehicular access to the property in times of flood.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwater expected at the site.

L. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

M. Other factors relevant to fulfilling the purpose of this Article.

8.3 The Board of Adjustment may attach such conditions to the granting of variances as it deems necessary. Such conditions may include, but not necessarily be limited to:

A. Modification of waste disposal and water supply facilities.

B. Limitation of periods of use and operation.

C. Imposition of operational controls, sureties and deed restrictions.

D. Requirements for construction of channel modifications, dikes, levees and other protective measures, as approved by the Iowa Department of Natural Resources and deemed the only practical alternative for fulfilling the purpose of this Article.

E. Flood-proofing measures.

9. NON-CONFORMING USES. Any use which is not in conformity with these provisions, but was in lawful existence at the time of adoption, may continue subject to the following conditions:

9.1 If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance.

9.2 Uses of adjuncts that are or become nuisances shall not be entitled to continue as nonconforming uses.

9.3 If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

Adopted and passed by the Hancock County Board of Supervisors on this 13th day of January, 2003.

Signed by Jerry Tlach, Chairman
Hancock County Board of Supervisors

ATTEST:

Debra Bellinghausen
Hancock County Auditor

First Reading: January 6, 2003
Second Reading: January 13, 2003
Published: Week of January 20, 2003

**Editor's note: Original Ordinance No. 3 and all amendments to said ordinance were repealed by Ordinance 14 in February, 2000.

*** Editor's note: Amendment No. 9 was amended by Amendment 10 in its entirety.