WINNEBAGO COUNTY

ZONING ORDINANCE

TABLE OF CONTENTS

Page

GENERAL PROVISIONS AND DEFINITIONS

1.01	Short Title	2
1.02	Jurisdiction	2
1.03	Interpretation	2
1.04	Farms Exempt	2
1.05	Application of District Regulations	2
1.06	Establishment of Districts; Official Zoning Map	3
1.07	Rules for Interpretation of District Boundaries	4
1.08	Definitions	5

NONCONFORMITIES

1.10	Nonconformities	19
1.11	Nonconforming Lots of Record	19
1.12	Nonconforming Uses of Land (or Land with Minor Structures Only)	19
1.13	Nonconforming Structures	20
1.14	Nonconforming Uses of Structures or of Structures and Land in Combination	20
1.15	Repairs and Maintenance	22
1.16	Uses Under Special Exception Provisions Not Nonconforming Uses	22

DISTRICT REGULATIONS

DISTRICT REGULATIONS:

1.20	Districts Established	24
1.22	AG – Agricultural District	25
1.24	AG-D – Agricultural Development District	31
1.26	CN – Conservation District	35
1.28	MH – Manufactured Housing District	39
1.30	C – Commercial District	43
1.32	LI – Light Industrial District	47
1.34	HI – Heavy Industrial District	51

SUPPLEMENTARY DISTRICT REGULATIONS:

1.40	Supplementary District Regulations	57

ADMINISTRATION AND AMENDMENTS

ADMINISTRATION:

1.50	Administration and Enforcement	61
1.51	Zoning Certificates Required	61
1.52	Zoning Commission	61

BOARD OF ADJUSTMENT:

1.60	Board of Adjustment; Establishment and Procedure	63
1.61	Board of Adjustment; Powers and Duties	63
1.62	Appeals from the Board of Adjustment	66

ENFORCEMENT AND AMENDMENTS:

1.70	Enforcement and Interpretation	69
1.71	Amendments	69
1.72	Petition for Change in Ordinance	69
1.73	Violation	70
1.74	Schedule of Fees, Charges, and Expenses	70
1.75	Complaints Regarding Violations	70
1.76	Repeal of Conflicting Ordinances; Effective Date	71
1.77	Severability Clause	71

FORMS AND MISCELLANEOUS

FORMS

28E AGREEMENT

APPENDIX

GENERAL PROVISIONS AND DEFINITIONS

GENERAL PROVISIONS AND DEFINITIONS

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

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

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

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

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

1.05 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

2. No part of a yard, or other open space, or off-road parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-road parking or loading space similarly required for any other building.

3. No yard or lot existing as of the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by these regulations.

4. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

1.06 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

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

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

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

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

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

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

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

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

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

1. Boundaries indicated as approximately following the center lines of roadways, highways, or streets shall be construed to follow such center lines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following city/county limits shall be construed as following such city/county limits;

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines;

6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;

8. Whenever the Board of Supervisors vacates and disposes of a roadway or alley, adjacent districts shall extend to the center line of the vacation;

9. Whenever a variance exists between the Official Zoning Map and the legal description on an amendment to this ordinance, the legal description applies.

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

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

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

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

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

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

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

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

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

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

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

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

7. Agriculture – The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however that the operation of such accessory use shall be secondary to

that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to animals.

8. Alley – A public way, other than a roadway, thirty (30) feet or less in width, affording secondary means of access to abutting property.

9. Animal Feeding Operation – A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five (45) days or more in any twelve (12) month period, and all structures used for the storage of manure from animals in the operation.

10. Basement – A story having part but not more than one-half (½) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.

11. Bed and Breakfast Houses – A house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.

12. Board – The Board of Adjustment.

13. Boarding Houses – A building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.

14. Building – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.

15. Building, Height of – The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

16. Communication Structure/Tower – Any tower or any other structure that supports devices used in the transmission or reception of microwave energy, analog data transfer techniques, radio frequency energy, and other digital data transfer techniques.

17. County Zoning Administrator – The local official responsible for reviewing Zoning Certificates and following a determination by the Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Zoning Certificates are issued by the County Zoning Administrator.

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

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

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

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

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

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

24. Family – One (1) or more persons occupying a single dwelling unit.

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

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

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

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

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

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

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

32. Grade – The average elevation of the finished ground at the exterior walls of the main building.

33. Home Occupation – An occupation conducted in a dwelling unit, provided that:

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

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35) percent of the gross floor area in the dwelling unit shall be used in the conduct of the home occupation. In calculating the gross floor area, neither the attic nor the basement shall be counted in the gross area. Any extension of the home occupation beyond thirty-five (35) percent of the gross floor area of the dwelling unit shall only be approved by special exception of the Board of Adjustment.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, nonilluminated, and mounted flat against the wall of the principal building. Ground signs shall be allowed provided they do not exceed sixteen (16) square feet in area. Larger ground signs may be allowed by special exception of the Board of Adjustment.

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

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

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

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

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

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

A. Three (3) or more motor vehicles which are currently in an unlicensed and inoperable condition;

B. Five (5) or more appliances or machines or parts thereof in an inoperable condition;

C. Building materials and other inoperable machinery.

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

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

38. Kennel (Commercial) – An establishment in which dogs or domestic animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold as a commercial business.

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

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

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;

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

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

42. Lot Measurements –

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

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

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

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

provided in Section 435.26 of the Code of Iowa, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

45. Mining – The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Minerals shall include rock, sand, gravel, clay, oil, gas, or similar non-renewable substances occurring in their natural state on or below the surface of the earth, the utilization of which requires some form of excavation.

46. Mobile Home – Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

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

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

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

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

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

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

53. Permitted Use – A use by right which is specifically authorized in a particular zoning district.

54. Preschool/Child Care Center – An establishment providing for the care, supervision and protection of children for a fee.

55. Principal Use – The main use of land or structures as distinguished from an accessory use.

56. Projections (into yards) – Parts of buildings such as architectural features that extend beyond the building's exterior wall.

57. Public Hunting Area – An area specifically designated by an agency of the federal, state, or county government as open to members of the public for hunting of game birds and animals.

58. Roadway – All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

59. Roadway Line – The right-of-way line of a roadway.

60. Service Station (Gas Station) – A building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

61. Setback – The required distance between every structure and lot line or roadway where applicable.

62. Signs – Any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.

63. Signs, Ground – Any sign that is mounted on a free-standing pole that is attached to the ground directly or in which any portion of the sign is in contact with or is close to the ground and is independent of any other structure.

64. Signs, On-Premises – An advertising device concerning the sale or lease of the property upon which they are located and advertising

devices concerning activities conducted or products sold on the property upon which they are located.

65. Signs, Off-Premises – An advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: on-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).

66. Statement of Intent – A statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

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

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

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

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

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

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

73. Wind Energy Conversion Systems – A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill). The WECS includes all parts of the system including the tower and the transmission equipment.

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

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

76. Yard, Rear – A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)

77. Yard, Side – A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. (See chart on following page)

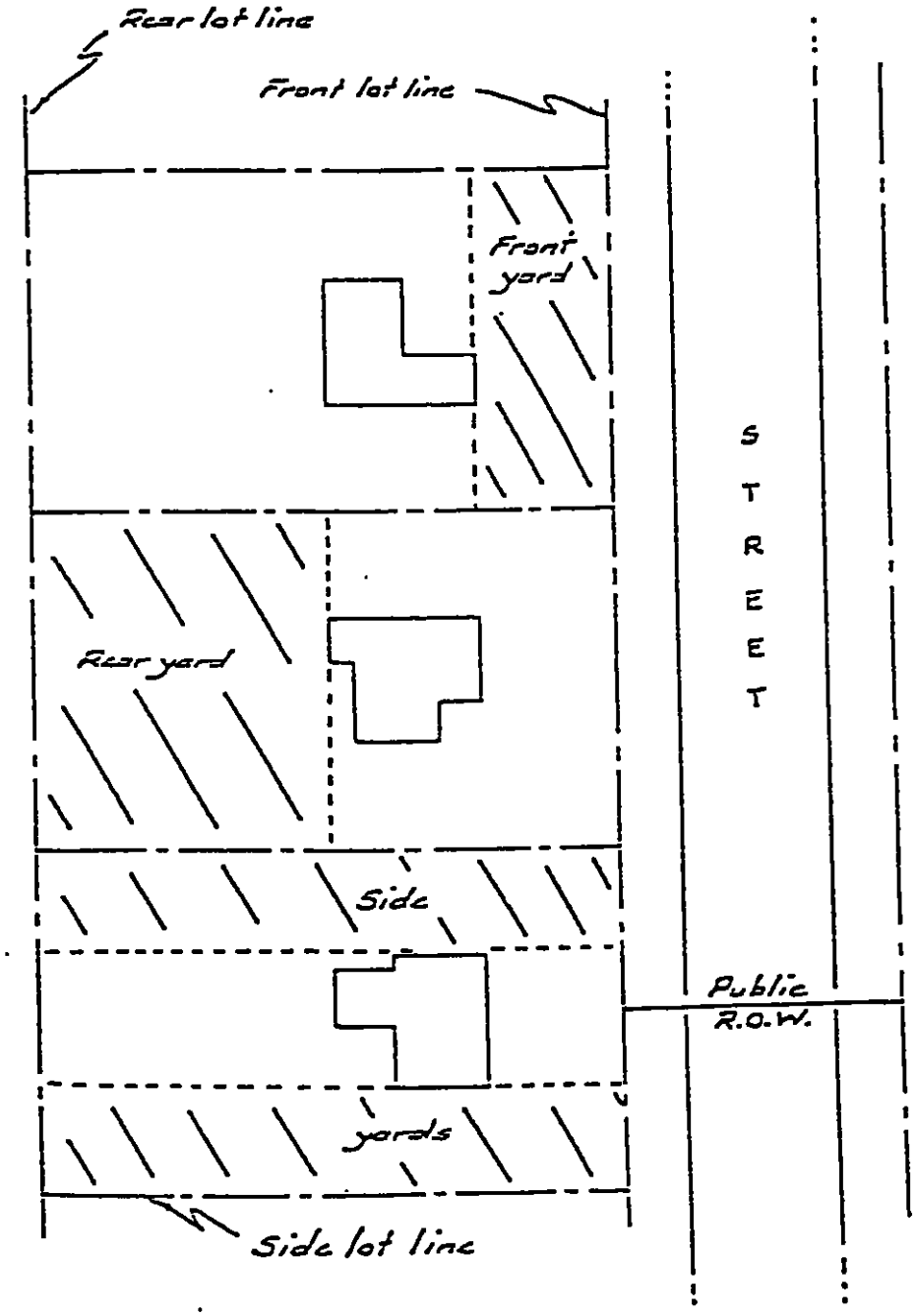
78. Zoning Commission – A Commission appointed by the Board of Supervisors to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this ordinance. The Commission may be referred to as the Planning and Zoning Commission.

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

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

CHART — YARD

(WHERE YARDS OVERLAP, ALL REGULATIONS APPLYING TO EITHER YARD SHALL APPLY TO THAT PORTION WHICH OVERLAPS)



NONCONFORMITIES

NONCONFORMITIES

1.10 NONCONFORMITIES. Within the districts established by this ordinance there exist:

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use,

which were lawful before these regulations were adopted or amended, but which are prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further, nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district; however, it is the intent of this ordinance to allow structures which were nonconforming under the previous ordinance, but which are conforming under this ordinance to be considered legal as of the date of adoption of this ordinance and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this ordinance.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1.11 NONCONFORMING LOTS OF RECORD. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

1.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of adoption of this ordinance lawful use of land exists which would not be permitted by the regulations

imposed by this ordinance, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

1.13 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of these regulations by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity except by special exception of the Board of Adjustment.

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except by special exception of the Board of Adjustment.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1.14 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION. If lawful use involving individual structures with a replacement cost of one thousand dollars ($1,000.00) or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be

allowed in the district under the terms of these regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. An existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged or extended except by special exception of the Board of Adjustment. This prohibition does not apply when changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and land, may as a special exception be changed to another nonconforming use provided that the use is no more intensive than the previous use.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impedes access to the premises) the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the use of the structure and/or land unless the Board of Adjustment allows its continuance by special exception. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

7. If damage is less than fifty (50) percent of the replacement cost, reconstruction of the structure housing the nonconformity shall begin within six (6) months of the time of destruction or the nonconforming

status shall expire. Said construction shall also be completed within eighteen (18) months of the time of destruction or the nonconforming status shall expire. After reconstruction, the amount of space devoted to the said nonconforming use shall not be any greater than the area devoted to said use prior to destruction.

1.15 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of adoption or amendment of this ordinance shall not be increased.

1.16 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use which is permitted as a special exception in a district under the terms of this ordinance (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

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DISTRICT REGULATIONS

DISTRICT REGULATIONS

1.20 DISTRICTS ESTABLISHED. The County is herewith divided into the following districts:

AG	Agricultural District
AG-D	Agricultural Development District
CN	Conservation District
MH	Manufactured Housing District
C	Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this ordinance.

1.22 AG – AGRICULTURAL DISTRICT.

1. Intent. This district is intended primarily for application to those rural areas of the County where it is necessary and desirable to reserve for exclusive agricultural use approximately located areas suitable for the raising of crops or livestock because of high quality of soils, existing or potential drainage, or exclusive agricultural character of the area. It is envisioned that intensive agriculture will be contained within the AG District; therefore, this district discourages the location of non-agricultural uses that would not be compatible with agriculture. In compliance with Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provision of this ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings, or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes while so used.

2. Permitted Uses. The following uses are permitted in the AG District:

A. Agriculture, including a principal dwelling and the usual agricultural buildings and structures.

B. Animal feeding operations and confinement feeding operations as permitted by the Iowa Department of Natural Resources rules and regulations.

C. Non-farm single-family dwellings, provided that the site is an existing or abandoned farmstead at the effective date of this ordinance. No more than one (1) non-farm dwelling shall be allowed per site.

D. Home occupations.

3. Excluded Uses. The following uses are prohibited within the AG District:

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District including but not limited to the following:

A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

B. Private garages, barns and other farm buildings.

C. Roadside stands offering for sale only agricultural products or other products produced on the premises.

D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

E. Essential services.

5. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Cemeteries, crematories or mausoleums.

B. Sanitary landfills.

C. Private recreational camps, golf courses and recreational facilities.

D. Public or private utility substations, relay stations, etc.

E. Publicly owned and operated buildings and facilities.

F. Agricultural services.

G. Commercial bulk grain storage, both publicly or privately owned or managed.

H. Mining and extraction of minerals or raw materials.

I. Airports or landing fields.

J. Communication structures/towers.

K. Wind energy conversion systems.

6. Performance Standards. The following performance standards shall apply to the AG District:

A. Mineral Extraction.

(1) Application for Permit. Any persons desiring to engage in the commercial extraction of minerals must first have proper zoning on the tract for the intended activity and then shall file application for approval of site location with the Board of Adjustment. Applications shall be in writing and signed by the applicant and shall contain the name and address of the applicant, the location and legal description of the site, and a site plan and reclamation plan.

After consideration of the application by the Board of Adjustment, said Board shall submit its recommendations

to the Zoning Commission. Then, after consideration of the application by the Zoning Commission, said Commission shall submit its recommendations to the Board of Supervisors, and said Board shall then grant or deny the application.

After approval of the site has been obtained, a permit for the mineral extraction shall not be issued until the applicant files with the County Zoning Administrator the appropriate proof of compliance with all required conditions set forth herein.

(2) Required Conditions:

(a) Any hazard created by the extraction of minerals or any other activity on the premises shall be appropriately contained by use of fencing, walls, berms or other effective means to limit such hazard.

(b) A written statement from Iowa Department of Natural Resources stating whether all or any part of the proposed project is located within the flood plain, is required.

(c) The best practical means available for the disposal of refuse matter or water-carried wastes and the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisances shall be employed.

(d) The developer shall post a bond with the Board of Supervisors which bond will ensure to the County that the reclamation for reuse as stated in the reclamation plan will be completed by the developer within one (1) year from the date of discontinuance of extraction activities. The amount of the bond shall not be less than the estimated cost of the restoration, and the amount of the estimate shall be approved by the County Engineer. If the restoration is not completed within the specified time, the County may use the bond or any portion thereof to complete the restoration. Bond requirements may be waived if applicant has complied with State Code Chapter 208, Mines.

B. Residential Dwellings. A dwelling, other than a dwelling on a farm, shall not be erected, constructed, or moved within two hundred (200) yards of a public hunting area.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
5 acres*	150	25	15	20	2½ stories or 35 feet

*Except that non-farm dwellings are allowed on abandoned farmsteads.
*Special exceptions in this district shall be exempt from the minimum lot area requirements.

8. Off-road Parking. The following off-road parking requirements shall apply in the AG District:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.

B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

D. Roadside stands: one (1) parking space for each fifty (50) square feet of enclosed floor area.

E. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.

9. Off-road Loading. The following off-road loading requirements shall apply in the AG District:

A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

10. Signs. The following sign regulations shall apply to the AG District:

A. Off-premises signs, except political and real estate signs, are not permitted.

B. On-premises signs are permitted.

C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

E. Signs shall not encroach or extend over public right-of-way.

F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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1.24 AG-D – AGRICULTURAL DEVELOPMENT DISTRICT.

1. Intent. This district is intended primarily for application to those rural areas of the County where farm uses begin to border/mingle with certain non-farm uses. Therefore, the attempt is to separate the more intensive agricultural uses from the adjacent urban areas. This district is a buffer around existing corporate limits, areas programmed for intensive non-farm uses, or along and around major public use areas. In compliance with Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provision of this ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings, or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes while so used.

2. Permitted Uses. The following uses are permitted in the AG-D District:

A. Agriculture, including the usual agricultural buildings and structures.

B. Single-family, non-farm dwellings provided that one of the following criteria exists:

(1) The site is an existing or abandoned farmstead at the effective date of this ordinance. No more than one (1) non-farm dwelling shall be allowed per site.

(2) The total acreage of the site shall average a Corn Suitability Rating (as defined by the Soil Conservation Service) of less than sixty-five (65).

C. Home occupations.

3. Excluded Uses. The following uses are prohibited within the AG District:

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG-D District including but not limited to the following:

A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

B. Private garages, barns and other farm buildings.

C. Roadside stands offering for sale only agricultural products or other products produced on the premises.

D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

E. Satellite dishes less than two (2) meters in diameter.

F. Essential services.

5. Special Exceptions. Certain uses may be permitted in the AG-D District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. All single and multi-family residential uses not listed as a permitted use.

B. Cemeteries, crematories or mausoleums.

C. Greenhouses and nurseries.

D. Private recreational camps, golf courses and recreational facilities.

E. Public or private utility substations, relay stations, etc.

F. Churches or accessory facilities.

G. Publicly owned and operated buildings and facilities.

H. Communication structures/towers.

I. Wind energy conversion systems.

6. Performance Standards. The following performance standards shall apply to the AG-D District:

A. Residential Dwellings. A dwelling, other than a dwelling on a farm, shall not be erected, constructed, or moved within two hundred (200) yards of a public hunting area.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG-D District:

	Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
Agriculture	35 acres*	200	25	15	20	2½ stories or 35 feet
Non-Farm Dwellings	1 acre	100	25	15	20	2½ stories or 35 feet

*Except that non-farm dwellings are allowed on abandoned farmsteads.
*Special exceptions in this district shall be exempt from the minimum lot area requirements.

8. Off-road Parking. The following off-road parking requirements shall apply in the AG-D District:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.

B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

D. Roadside stands: one (1) parking space for each fifty (50) square feet of enclosed floor area.

E. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.

9. Off-road Loading. The following off-road loading requirements shall apply in the AG-D District:

A. All activities or uses allowed in the AG-D District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

10. Signs. The following sign regulations shall apply to the AG-D District:

A. Off-premises signs, except political and real estate signs, are not permitted.

B. On-premises signs are permitted.

C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

E. Signs shall not encroach or extend over public right-of-way.

F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

1.26 CN – CONSERVATION DISTRICT.

1. Intent. This district is intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. This district is also intended to provide for, but not be limited to, water conservation measures, erosion control, the protection of wildlife habitat and natural drainage ways, and to generally provide for ecologically sound land use of environmentally sensitive areas, as well as areas not otherwise suitable for development.

2. Permitted Uses. The following uses are permitted in the CN District:

A. Undeveloped and unused land in its natural condition.

B. Public parks and recreation open space.

3. Excluded Uses. The following uses are prohibited within the CN District:

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the CN District including but not limited to the following:

A. Agriculture, exclusive of dwelling units.

B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.

C. Flood control structures.

D. Roadside stands offering for sale only agricultural products or other products produced on the premises.

E. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.

F. Essential services.

5. Special Exceptions. Certain uses may be permitted in the CN District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Cemeteries, crematories or mausoleums.

B. Commercial stables.

C. Greenhouses and nurseries.

D. Private recreational uses.

E. Public or private utility substations, relay stations, etc.

F. Publicly owned buildings and facilities.

6. Performance Standards. The following performance standards shall apply to the CN District:

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the CN District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
None	None	None	None	None	2½ stories or 35 feet, excluding farm buildings

8. Off-road Parking. The following off-road parking requirements shall apply in the CN District:

A. Roadside stands: one (1) parking space for each fifty (50) square feet of floor area.

B. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

9. Off-road Loading. The following off-road loading requirements shall apply in the CN District:

A. All activities or uses allowed in the CN District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

10. Signs. The following sign regulations shall apply to the CN District:

A. Off-premises signs are not permitted.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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1.28 MH – MANUFACTURED HOUSING DISTRICT.

1. Intent. This district is intended to provide for certain medium density residential areas in the County now developed as manufactured/mobile home parks which by reason of their design and location are compatible with surrounding areas and areas of the County where similar development seems likely to occur.

2. Permitted Uses. The following uses are permitted in the MH District:

A. Manufactured/mobile homes located in an approved manufactured/mobile home park.

B. Home occupations.

3. Excluded Uses. The following uses are prohibited within the MH District:

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the MH District including but not limited to the following:

A. Private recreational facilities.

B. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.

C. Essential services.

5. Special Exceptions. Certain uses may be permitted in the MH District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Public or private utility substation, relay stations, etc.

B. Preschools/day care center.

C. Churches or accessory facilities (on or off site).

D. Home occupations.

6. Performance Standards. The following performance standards shall apply to the MH District:

A. Manufactured/mobile homes must have four (4) corner pillars set below the frost line (42").

B. Hitch mechanism, wheels and axles must be removed on manufactured/mobile homes.

C. Skirtings of a permanent type material shall be installed within sixty (60) days of installation of the manufactured/mobile home in order to enclose the open space between the bottom of the manufactured/mobile home and the ground.

D. There shall be no additions other than porches or entryways attached to the manufactured/mobile home.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the MH District:

A. Each manufactured/mobile home park shall have a minimum of ten (10) lots.

B. No manufactured/mobile home shall be located within fifteen (15) feet of any other, within five (5) feet of any driveway or parking space, within forty (40) feet of the right-of-way line of a public roadway.

C. Each manufactured/mobile home site shall be provided with a stand consisting of a solid, 6-inch thick, poured Portland cement concrete apron not less than eight (8) feet wide and forty-five (45) feet long and a paved outdoor patio of at least one hundred eighty (180) square feet located at the main entrance to the manufactured/mobile home.

D. A greenbelt, at least thirty (30) feet in width, shall be located along all boundaries of each manufactured/mobile home park, except where it is crossed by driveways.

E. Each manufactured/mobile home shall be located on a lot having an area of at least three thousand (3,000) square feet and a minimum width of forty-five (45) feet.

F. Each manufactured/mobile home park shall be graded and drained so that rain water will not stand in pools or puddles.

G. Each roadway and parking area in any manufactured/ mobile home park shall be bounded by a sidewalk at least four (4) feet wide.

H. Each manufactured/mobile home must be anchored in accordance with the State Building Code.

I. All minimum roadway widths in manufactured/mobile home parks shall be approved as private roadways and further comply with the following:

(1)	No parking on roadway	1 way	14 feet
		2 way	24 feet
(2)	Parallel parking one side	1 way	20 feet
		2 way	30 feet
(3)	Parallel parking both sides	1 way	26 feet
		2 way	36 feet

8. Signs. The following sign regulations shall apply to the MH District:

A. Off-premises signs are not permitted except for political signs.

B. On-premises signs are permitted.

C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

E. Signs shall not encroach or extend over public right-of-way.

F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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1.30 C – COMMERCIAL DISTRICT.

1. Intent. This district is intended to provide for certain areas of the County for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. The district is further characterized by a typical need for larger lot sizes, off-road parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

2. Permitted Uses. The following uses are permitted in the C District:

A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.

B. Offices and clinics.

C. Churches and publicly owned and operated buildings and facilities.

D. Hotels and motels.

E. Any other retail or service sales business, including food preparation for sale off-premises.

F. Publicly owned and operated buildings and facilities.

3. Excluded Uses. The following uses are prohibited within the C District:

4. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the C District including but not limited to the following:

A. Private recreational facilities.

B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

C. Private garages.

D. Parking lots.

E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

F. Essential services.

5. Special Exceptions. Certain uses may be permitted in the C District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Public or private utility substations, relay stations, etc.

B. Hotels and motels in which individual overnight rooms are equipped with cooking facilities.

C. Communication structures/towers.

D. Wind energy conversion systems.

6. Performance Standards. The following performance standards shall apply to the C District:

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the C District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
1 acre	100	30	10	35	3 stories or 45 feet

8. Off-road Parking. The following off-road parking requirements shall apply in the C District:

A. Sales and service buildings: one (1) parking space per three hundred (300) square feet of gross floor area.

B. Offices/clinics: one (1) parking space per three hundred (300) square feet of gross floor area.

C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.

D. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.

9. Off-road Loading. The following off-road loading requirements shall apply in the C District:

A. All activities or uses allowed in the C District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

10. Signs. The following sign regulations shall apply to the C District:

A. Off-premises and on-premises signs are permitted.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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1.32 LI – LIGHT INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors.

2. Permitted Uses. The following uses are permitted in the LI District:

A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.

B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.

C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.

D. Assembly of appliances and equipment, including manufacture of small parts.

E. Wholesale distribution of all standard types of prepared or packaged merchandise.

F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six (6) feet high and said fence being within required building lines.

G. Contractors' offices and storage of equipment.

H. Public or private utility substations, relay stations, etc.

3. Excluded Uses. The following uses are prohibited within the LI District:

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District including but not limited to the following:

A. Accessory buildings and uses customarily incidental to a permitted use.

B. Living quarters for watchmen or custodians of industrial properties.

5. Special Exceptions. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Communication structures/towers.

B. Wind energy conversion systems.

6. Performance Standards. The following performance standards shall apply to the LI District:

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
1 acre	100	30	10	35	3 stories or 45 feet

8. Off-road Parking. The following off-road parking requirements shall apply in the LI District:

A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.

B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.

9. Off-road Loading. The following off-road loading requirements shall apply in the LI District:

A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

10. Signs. The following sign regulations shall apply to the LI District:

A. Off-premises and on-premises signs are permitted.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. Signs shall not encroach or extend over public right-of-way.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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1.34 HI – HEAVY INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the County, certain uses in the HI District shall be subject to final Board of Supervisors approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses are permitted.

2. Permitted and Conditional Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate Board of Supervisors approval before a Zoning Certificate is issued:

A. Acid manufacture.

B. Cement, lime, gypsum, or plaster of paris manufacture.

C. Distillation of bones.

D. Explosive manufacture or storage.

E. Fat rendering.

F. Fertilizer manufacture.

G. Gas manufacture.

H. Garbage, offal, or dead animals, reduction or dumping.

I. Glue manufacture.

J. Petroleum, or its products, refining of.

K. Smelting of tin, copper, zinc, or iron ores.

L. Stockyards or slaughter of animals.

M. Junk/salvage yards. All junk/salvage yards must be surrounded by a solid fence at least six (6) feet high located within building lines and the junk piled not higher than the fence. Living fences no less than eighty (80) percent solid may be utilized, however, only upon approval of the Planning and Zoning Commission. All junk/salvage yards existing at the time of enactment of this ordinance shall be screened on all sides by a solid fence at least six (6) feet in height within three (3) years of the effective date of these regulations. After three (3) years, junk/salvage yards existing at the time of enactment shall lose any present existing nonconforming status relative to said fencing requirements.

Before granting such separate approval, the Board of Supervisors shall refer applications to the Commission for study, investigation and report. If no report is received in thirty (30) days, the Board of Supervisors may proceed to take action.

3. Board of Supervisors. As part of the permit process, the Board of Supervisors shall, after holding a public hearing, consider all of the following provisions in its determination upon the particular use at the location requested:

A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;

B. That such use shall not impair an adequate supply of light and air to surrounding property;

C. That such use shall not unduly increase congestion in the roadways, or public danger of fire and safety;

D. That such use shall not diminish or impair established property values in adjoining or surrounding property; and

E. That such use shall be in accord with the intent, purpose and spirit of this ordinance and the Comprehensive Land Use Plan of the County.

4. Excluded Uses. The following uses are prohibited within the HI District:

5. Required Conditions. The following conditions shall apply in the HI District:

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and Federal regulations.

6. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District including but not limited to the following:

A. Accessory buildings and uses customarily incidental to a permitted use.

B. Living quarters for watchmen or custodians of industrial properties.

7. Performance Standards. The following performance standards shall apply to the HI District:

8. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District:

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
1 acre	100	30	10	35	3 stories or 45 feet

9. Off-road Parking. The following off-road parking requirements shall apply in the HI District:

A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.

B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.

10. Off-road Loading. The following off-road loading requirements shall apply in the HI District:

A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

11. Signs. The following sign regulations shall apply to the HI District:

A. Off-premises signs are permitted.

B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.

C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

E. Signs shall not encroach or extend over public right-of-way.

F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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SUPPLEMENTARY DISTRICT REGULATIONS

1.40 SUPPLEMENTARY DISTRICT REGULATIONS.

1. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Zoning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this ordinance, unless specific yard requirements in this ordinance require a greater setback.

2. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public roadway, unless adjacent to private roadways approved prior to the effective date of this ordinance, and consistent with the subdivision rules of Winnebago County.

3. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

4. Accessory Buildings/Structures. No non-agricultural accessory building/structure may be erected in any required front yard and no separate accessory building/structure may be erected within five (5) feet of a main building. No accessory building/structure shall be closer than five (5) feet to the rear or side lot line. Accessory buildings/structures located in the rear yard may not occupy more than thirty (30) percent of the rear yard. No accessory building/structure shall be used without occupancy of the principal building. Agricultural structures and buildings shall be exempt from this section.

5. Height Limits. Agricultural buildings and structures, chimneys, wind generators, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from the height regulations provided in specific district regulations.

6. Terraces/Decks. Terraces/decks which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least two (2) feet from the adjacent side lot line.

7. Service Lines. Nothing in these regulations shall have the effect of prohibiting utility service lines.

8. Storage of Junk. No material classified as junk under the Definitions section of this ordinance shall be allowed on any lot unless stored within an enclosed building or unless within the LI or HI Districts.

All material defined as junk and existing on a lot at the date of adoption of this ordinance shall be removed from the lot within three (3) years of said adoption, at which time it shall lose its pre-existing nonconforming status.

9. Septic System Permits. All building contractors working on projects involving septic systems must acquire a septic system permit from the County Sanitarian. Such permit must be maintained by the contractor so that it can be produced upon request of the County Zoning Administrator. All sanitary sewer facilities serving residential, commercial or industrial uses shall be reviewed by and approved by the County Sanitarian prior to the issuance of a zoning certificate.

10. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards.

A. The minimum width of a dwelling structure or principal building shall be twenty-two (22) feet at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structure.

B. All dwelling units shall provide for a minimum of eight hundred (800) square feet of floor space.

C. All dwelling units shall provide a full frost-free perimeter foundation and no pier footings shall be allowed unless accompanied by an engineer's or architect's certificate demonstrating footing suitability.

D. A dwelling, other than a dwelling on a farm, shall not be erected, constructed, or moved within two hundred (200) yards of a public hunting area.

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ADMINISTRATION

ADMINISTRATION

1.50 ADMINISTRATION AND ENFORCEMENT. A County Zoning Administrator designated by the Board of Supervisors shall administer and enforce these regulations. The Zoning Administrator may be provided with the assistance of such other persons as the Board of Supervisors may direct.

1.51 ZONING CERTIFICATES REQUIRED. No building or other structure or portion thereof (except as exempted by Section 1.04), shall be erected or added to, without a Zoning Certificate therefor issued by the County Zoning Administrator. No Zoning Certificate shall be issued except in conformity with the provisions of this ordinance, except after written order from the Board of Adjustment. Fees for Zoning Certificates shall be as provided by Board of Supervisors' resolution. Zoning Certificates shall be applied for with the County Zoning Administrator and shall expire two (2) years after the date of issuance if work is begun within one hundred eighty (180) days of issuance or after one hundred eighty (180) days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the County Zoning Administrator for good cause.

1.52 ZONING COMMISSION. In order to avail itself of the powers conferred by this ordinance, the Board of Supervisors shall provide for a Zoning Commission. Such Commission shall, with due diligence, prepare reports and hold public hearings on issues under this ordinance and such Board of Supervisors shall not hold or take action until it has received the report or reports of such Commission. If no report is received by the Board of Supervisors within sixty (60) days from when the Commission hears or meets on the issue, request, or change, the Board shall presume the Commission does not object to the said request or change.

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BOARD OF ADJUSTMENT

BOARD OF ADJUSTMENT

1.60 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. The term of office of the members shall be five (5) years. Terms shall be staggered so that one (1) member is appointed each year. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in that person's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the County Zoning Administrator.

1.61 BOARD OF ADJUSTMENT; POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the County Zoning Administrator in the enforcement of these regulations.

A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of Winnebago County affected by any decision of the administrative

officer. Such appeal shall be taken within ten (10) days by filing with the County Zoning Administrator, and with the Board a notice of appeal specifying the grounds thereof. The County Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than four (4) days nor more than twenty (20) days public notice in a paper of general circulation in the County thereof, and decide the same within thirty (30) days. At said hearing, any party may appear in person, by agent or by attorney. All publication costs relative to said notice shall be paid by the person requesting the appeal.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the County Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than four (4) days nor more

than twenty (20) days public notice in a paper of general circulation in the County thereof, and decide the same within thirty (30) days. All publication costs relative to said notice shall be paid by the person requesting the special exception.

C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

D. The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception, that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring, lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than four (4) days nor more than twenty (20) days public notice in a paper of general circulation in the County thereof, and decide the same within thirty (30) days. All publication costs relative to said notice shall be paid by the person requesting the variance.

C. The Public Hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Adjustment shall make findings that requirements of paragraph 3(A) of this section have been met by the applicant for a variance.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under this ordinance. The variance shall become effective upon receiving in the office of the County Recorder and the copy submitted to the County Zoning Administrator. These recording costs shall be paid for by the applicant.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

E. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the County Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

1.62 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, taxpayer, department, board or bureau of the County, or other areas subject to this ordinance aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 335, Code of Iowa.

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ENFORCEMENT AND AMENDMENTS

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1.70 ENFORCEMENT AND INTERPRETATION. All questions of interpretation and enforcement shall be first presented to the County Zoning Administrator, or that person's assistant. Such questions shall be presented to the Board of Adjustment only on appeal from the decision of the County Zoning Administrator. Recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 335, Code of Iowa.

1.71 AMENDMENTS. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 335.4, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against the change which is filed with the County Zoning Administrator and signed by the owners of twenty (20) percent or more either of the area included in the proposed change, or of the area immediately adjacent to the proposed change and within five hundred (500) feet of the exterior boundaries of the property for which the change is proposed, the amendment shall not become effective except by the favorable vote of at least seventy-five (75) percent of all of the members of the Board of Supervisors. The protest, if filed, must be filed before or at the public hearing.

Proposed amendments not recommended by the Zoning Commission shall become effective only upon a favorable vote of seventy-five (75) percent of the members of the Board of Supervisors.

1.72 PETITION FOR CHANGE IN ORDINANCE. The Board of Supervisors may from time to time by its own action or on petition, after public notice and hearings as provided by law, and after report by the Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

Prior to and in addition to above requirements, whenever any person, firm or corporation desires that any amendment or change be made in this ordinance as to any property in the County, there shall be presented to the Zoning Commission a petition requesting such change or amendment signed by the owners of at least fifty (50) percent of the area of all the real estate for which rezoning is requested, the existing zoning classification and the requested zoning classification. Within thirty (30) days after the filing of such petition, the Zoning Commission, acting as a Commission or acting through its Chairperson, Vice-Chairperson or other authorized agent, shall fix a time, date and place of hearing on said petition which date shall be no more than sixty (60) days after the filing of such petition. The petitioner for such change or amendment shall thereafter cause a notice of hearing to be published once in a newspaper of general circulation published within the County at least seven (7) days before the date fixed for such hearing. Such notice shall be signed by the petitioner or petitioners.

1.73 VIOLATION. Failure to comply with the provisions of this ordinance or with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a violation of this Zoning Ordinance. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the County from taking such other legal action as is necessary to prevent any violation.

1.74 SCHEDULE OF FEES, CHARGES, AND EXPENSES. The Board of Supervisors shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, Zoning Certificates, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended only by the Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

1.75 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the County Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance, the Winnebago County Municipal Code, or State law.

1.76 REPEAL OF CONFLICTING ORDINANCES; EFFECTIVE DATE. All ordinances or parts of ordinances in conflict with this Zoning Ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective upon publication.

1.77 SEVERABILITY CLAUSE. If any section, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

EFFECTIVE DATE:_____

ADOPTED AND APPROVED by the Board of Supervisors of Winnebago County, Iowa, this _____ day of _____, 2002.

(SEAL)

_____
Chairperson, County Board of Supervisors

ATTEST:

_____
Board Secretary

First Reading: _____

Second Reading: _____

Third Reading: _____

Published:_____, _____, 2002.

Published:_____, _____, 2002.

Published:_____, _____, 2002.

EDITOR'S NOTE

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

ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
#24 Rezone	9/2/03		
#25 Subdivision	9/16/03		