

**Pocahontas County
Zoning Ordinance
for
The Unincorporated Area
of Pocahontas County**

April, 2003

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ORDINANCE NUMBER _____
REPLACING ORDINANCE NUMBER _____ (Ordinance # _____ is hereby repealed and replaced as follows)

ZONING ORDINANCE FOR THE UNINCORPORATED PORTION OF POCAHONTAS COUNTY

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

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

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

ARTICLE 1/SHORT TITLE AND JURISDICTION

Section 1. **SHORT TITLE.** This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Pocahontas County, Iowa," to the same effect as if the full title was stated.

Section 2. **JURISDICTION.** In accordance with the provisions of Chapter 335, of the Code of Iowa and amendatory acts thereto, this Ordinance is adopted by Pocahontas County, Iowa, governing the zoning of all lands within the unincorporated area.

ARTICLE 2/INTERPRETATION OF REGULATIONS

Section 1. **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.

Section 2. **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. To enable Pocahontas County to determine whether a zoning compliance proposal is farm related, zoning compliance permits will 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.

ARTICLE 3/DEFINITIONS

Section 1. For the purpose of this Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words, "used" or

"occupied" include the words intended, designed, or arranged to be used or occupied; and the word "he" includes the word she. The current issue of Webster's Dictionary shall be used where difference in interpretation exist or a definition is absent.

- 1.1. Abandoned Farmstead: A tract of land which is/was at one time the location of a farm dwelling and/or related outbuildings, but which has not been reclaimed for row crop or grazing agriculture.
- 1.2. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure, such as a garage being an accessory use to a residential structure.
- 1.3. Agriculture: The use of land for agricultural purposes including farming, milk production, 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.
- 1.4. Alley: A public or private thoroughfare that affords only a secondary means of access to abutting property.
- 1.5. Apartment: A single room or set of rooms occupied as a dwelling (including independent sleeping, sanitary, and cooking facilities) which is part of multi-family structure.
- 1.6. Awning/Canopy: A roof like cover extending over or before a place as a shelter.
- 1.7. Basement: A story having more than one-half (1/2) of its height below grade. A basement is not counted as a story for the purpose of height regulations.
- 1.8. Billboard: A structure, regardless of the material used, that is erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said sign or billboard is located.
- 1.9. Block: Property abutting on at least one (1) street and lying within two (2) or more intersecting or parallel streets or unsubdivided acreage or railroad right-of-way.
- 1.10. Boarding, Rooming, or Lodging House, (also Bed and Breakfast): A building other than a hotel where for compensation, and by arrangement, lodging is provided.
- 1.11. Buildable Area: The portion of a lot remaining after required yards have been provided.
- 1.12. Building (and/or Structure): A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. The principal building on a lot is that structure in/on which the principal use of the lot occurs.
- 1.13. 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 average height of the highest gable of a pitch or hip roof.
- 1.14. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products and other flammable, such as fertilizer.
- 1.15. Business: The words business, commercial, and manufacturing when used herein refer to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.
- 1.16. Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls. A carport may be attached to another building or be an accessory structure.
- 1.17. Club or Lodge (Private): An association of persons for the promotion of a nonprofit objective, who are members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room

space and kitchen facilities are available and are operated in compliance with state and municipal laws.

- 1.18. Commission: The Pocahontas County Planning and Zoning Commission.
- 1.19. Corn Suitability Rating: A numeric number that is set by the USDA Soil Conservation Service that is designed to identify the approximate worth of a particular soil type for agricultural production. This rating is used in Iowa for property tax assessments.
- 1.20. Cottage: A small single unit structure used for vacation or seasonal occupancy.
- 1.21. Day Nursery or Nursery School: Any private agency, institution, establishment or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for five (5) or more children not related to the owner/operator.
- 1.22. Driveway: A traffic way providing access for vehicles to a building on property abutting a public street. A driveway shall not have an average width of more than twenty-four (24) feet in any "R" District, or thirty-six (36) feet in any District other than "R."
- 1.23. Dwelling: Any habitable building, or portion thereof, including manufactured and modular homes converted to real estate, designed or used exclusively for residential purposes with facilities for living, sleeping, cooking and eating, but not including a tent or recreational vehicle. All dwellings shall have a permanent foundation. A mobile home that has been converted to real estate and has a permanent foundation and is attached to normal utilities is considered a dwelling for purposes of this ordinance.
 - 1.23.1. Dwelling, Multiple: A residence designed for the occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
 - 1.23.2. Dwelling, Single Family: A detached residence designed for or occupied by only one (1) family and contains independent cooking facilities for the family.
 - 1.23.3. Dwelling, Two Family: A residence designed for or occupied by two (2) families, with separate entrances, housekeeping, and cooking facilities for each.
- 1.24. 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.
- 1.25. Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, nursing or convalescent home, hotel or motel, as herein defined.
- 1.26. Feedlot/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, including all structures used for the storage of manure from animals in the operation.
 - 1.26.1. Confined Animal Feeding Operation: A feedlot or animal feeding operation in which animals are confined to a specific area and are regulated by rules and regulations of the Iowa Department of Natural Resources.
- 1.27. Fence: An erection intended to prevent escape or intrusion or to mark a boundary. A fence is composed of posts, wire, boards, steel, aluminum, manufactured plastic, or similar materials. This definition does not pertain to the fencing requirements for junk and salvage yards as may be described elsewhere in this Ordinance.
- 1.28. Foundation, Permanent: A permanent foundation shall be of concrete, concrete block or treated wood and shall extend into the ground at least forty-eight (48) inches. The foundation shall extend the full perimeter of the structure.
- 1.29. Garage, Service: A building or portion thereof, designed, intended, or used for the equipping, servicing, selling, hiring, storing, care, or repair of motor vehicles, and which is operated for commercial purposes.

- 1.39. Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as herein required. Such lot shall have frontage on a public street 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; of complete lots of record and portions of lots of record; or of portions of lots of record; and (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.
- 1.39.1. Lot Area: The area of a horizontal plane bounded by the front, side and rear lot lines.
- 1.39.2. Lot, Corner: A lot fronting on two (2)-intersecting streets.
- 1.39.3. Lot Depth: The mean horizontal distance between the front and rear lot lines.
- 1.39.4. Lot, Interior: A lot other than a corner lot.
- 1.39.5. Lot Lines: The lines bounding a lot.
- 1.39.6. Lot Line, Front: In the case of an interior lot, abutting on only one (1) street, the front line is the street line of such lot. In the case of any other lot, the front lot line shall be considered as the line adjacent to the street upon which the lot has its least dimension.
- 1.39.7. Lot Line, Front Bordering a Lake: If a lot has one or more of its sides bordering a lake the lake shore side of the lot may become the front lot line.
- 1.39.8. Lot Line, Rear: That boundary line which is opposite and most distant from the front line.
- 1.39.9. Lot Line, Side: Any boundary lines not a front lot line or a rear lot line.
- 1.39.10. Lot of Record: A lot which is a part of a subdivision recorded in the office of the county recorder of Pocahontas County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 1.39.11. Lot, Through: An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.
- 1.39.12. Lot Width: The width of a lot as measured at the required front yard setback line.
- 1.40. Manufactured Home: A factory-built structure built under authority of 42 U.S.C §5403, is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976. A manufactured home must have a permanent foundation and be attached to normal utilities to be considered a dwelling for purposes of this ordinance.
- 1.41. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not build to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. A mobile home that has been converted to real estate and has a permanent foundation and is attached to normal utilities may be considered a dwelling for purposes of this ordinance.
- 1.41.1. Mobile/Manufactured/Modular Home Converted to Real Estate: A Mobile/Manufactured/Modular Home which has been attached to a permanent foundation on real estate, attached to utilities, and the property entered on the tax rolls of the county.
- 1.41.2. Mobile Home Park or Trailer Park: Any lot, site, field, or tract of land under common ownership upon which one (1) or more mobile homes, or manufactured or modular homes that have not been converted to real estate are harbored, either free of charge or for revenue purposes, and shall include any building, or structure used or intended for use as part of the equipment of the mobile home park.
- 1.42. Modular Home: A factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. A modular home that has been converted to real estate and has a permanent

foundation and is attached to normal utilities may be considered a dwelling for purposes of this ordinance.

- 1.43. Motel, Motor Court, Motor Lodge or Tourist Court: Any building or group of buildings containing guest rooms primarily for temporary occupancy, and laid out to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include quarters for the use of the operating personnel.
- 1.44. Nonfarm Dwelling: A residential dwelling in the unincorporated areas of the County occupied by parties not involved in agricultural production.
- 1.45. Nursing Home (Including Convalescent and Group Homes): A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, but not including penal or disciplinary cases.
- 1.46. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
- 1.47. Parking Space: A surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering shall not encroach upon any public right-of-way.
- 1.48. Porch, Unenclosed: A roofed projection, which is partially enclosed by a building or siding material other than, meshed screens.
- 1.49. Principal Use: The main use of land or structures as distinguished from an accessory use.
- 1.50. Professional Office: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.
- 1.51. Roadside Stand: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.
- 1.52. Sanitary Sewer System: A public or private sewerage collection system with treatment and disposal facilities operated in accordance with Department of Natural Resources standards.
- 1.53. Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- 1.54. Sign, Exterior: A sign, which directs attention to a business, profession, service, product or activity, sold or offered upon the premises where such sign is located. An exterior sign may be attached flat against a building or structure, painted on the building or structure, projecting out from a building or structure, or erected upon the roof of a building or structure.
- 1.55. Sign, Free Standing or Post: Any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
- 1.56. Split-Level: A story having not more than one-half (1/2) of its height below grade. A split-level story is counted as a story for purposes of height regulations.
- 1.57. Stable: A non-farm related accessory structure including, but not limited to a corral or paddock for the keeping of hooved animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale, or lease.
- 1.58. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
- 1.59. 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.
- 1.60. Street Line: The right-of-way line of a street, road or highway.
- 1.61. Street, Public: A public thoroughfare more than twenty feet in width.

- 1.62. Structural Alteration: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs, and maintenance.
- 1.63. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, decks, poster panels, and carports.
- 1.64. Trailer Camp or Tourist Ground: Any area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.
- 1.65. Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance may be authorized only for height of structures and area and size of lots, yards, open spaces, and instances where numbers are involved. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformity in the zoning district or uses in adjoining zoning districts.
- 1.66. Yard: An open space on the same lot with a building or structure. 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. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.
 - 1.66.1. 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 and eaves.
 - 1.66.1.1. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension, unless the structure can be placed on the lot and meet all required yard requirements, in which case either street side may be the front yard.
 - 1.66.1.2. If a lot has one or more of its sides bordering a lake, the lake shore side of the lot may become the front yard.
 - 1.66.2. Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
 - 1.66.3. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.
- 1.67. Zoning Administrative Officer: The individual appointed by the Board of Supervisors of Pocahontas County, Iowa to administer and enforce the provisions of this Ordinance.
- 1.68. Zoning Compliance Permit: A permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.

ARTICLE 4/DISTRICTS

Section 1. For the purpose and intent of this Ordinance Pocahontas County, Iowa is hereby divided into zoning district classifications as follows:

- A-1 - Agricultural District
- R-1 - Agricultural Residential District
- R-2 - Residential District
- R-3 - Planned Unit Development District
- C-1 - Commercial District
- I-1 - Industrial District

Section 2. BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Pocahontas County, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Maps shall be identified by the Chairperson of the Board of Supervisors and attested by the County Auditor under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article 4 of the Pocahontas County Zoning Ordinance, dated this _____ th Day of _____, 2003.

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending this Ordinance. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. The County Auditor shall after adoption and publication, record said ordinance. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending ordinances, shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the County.

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 resolution, adopt a new Official Zoning Map that 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 corrections shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof.

Section 3. INTERPRETATION OF DISTRICT BOUNDARIES. The scale of the Official Zoning Map and the inability to indicate precise measurements may make interpretation difficult. Therefore, where uncertainty exists as to boundaries of districts the following rules shall apply:

- 3.1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public rights-of-way shall be construed to follow such center lines;
- 3.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3.3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- 3.4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 3.5. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
- 3.6. Boundaries indicated as following railroad lines shall be construed to be the main track;
- 3.7. Boundaries not capable of being determined by the previous paragraphs shall be as measured to the best ability from the Official Zoning Map.

Section 4. ROAD OR PUBLIC WAY VACATION. Whenever any road, street, or other public way is vacated by the official action of the Board of Supervisors, the Zoning District(s) adjoining each side of such road or public way shall automatically extend to the center of such vacation and all areas included in such vacation shall then and there forth be subject to all appropriate regulations of the extended districts.

Section 5. DISINCORPORATION. All territory which may hereafter become part of the unincorporated area of Pocahontas County by the disincorporation of any city or town, or any part thereof, shall automatically be classified as lying and being within the (R-1) Agricultural Residential District until such classification shall have been changed by amendment to this Ordinance.

Section 6. GENERAL REGULATIONS.

- 6.1 No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, nor shall any use of the land be changed, which does not comply with all of the district regulations for the district in which the building or land is located.
- 6.2 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required. No part of a yard or other open space, or off street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions

of this Ordinance shall be included as part of a yard, open space, or off street parking or loading space required under this Ordinance for another building, structure, or use.

- 6.3 Every building hereafter erected or subject to structural alteration shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

ARTICLE 5/AGRICULTURAL DISTRICT (A-1)

Section 1. **INTENT.** The Agricultural District (A-1) is applied to those areas of the County where it is desirable to reserve for agricultural use areas suitable for the raising of crops and livestock because of high quality soils, existing or potential drainage, or the overall agricultural character of the area. It is envisioned that intensive agriculture will be contained within the A-1 District; therefore, this district discourages the location of non-agricultural uses that would not be compatible with agriculture and its noise, pollution, and smells. Scattered site residential development will be permitted on abandoned farmsteads, but as a condition for location the County will distribute to applicants a brochure highlighting the smell, dust, and noise hazards of living within this zone.

Section 2. **PRINCIPAL USES PERMITTED.** Only the following uses and structures shall be permitted in the Agricultural District (A-1).

- 2.1. Agriculture including the raising of crops and/or animals;
- 2.2. Bed and Breakfast establishments;
- 2.3. Cemeteries;
- 2.4. Churches, chapels, temples, and similar places of worship;
- 2.5. Confined Animal Feeding Operations as permitted by Department of Natural Resources rules and regulations for manure management plans and site distances to adjacent uses;
- 2.6. Drainage and flood control projects;
- 2.7. Grain storage bins or facilities;
- 2.8. Non farm single family dwellings provided that the site meets all of the following criteria:
 - 2.8.1. Is an existing or abandoned farmstead;
 - 2.8.2. Is not located within a recognized FEMA flood hazard area;
 - 2.8.3. Has direct driveway access to a Class "A" county road or state highway;
- 2.9. Nurseries, greenhouses, and truck gardens;
- 2.10. Publicly owned and operated buildings and facilities;
- 2.11. Railroads.

Section 3. **PERMITTED ACCESSORY USES AND STRUCTURES.** The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Roadside stands for the sale of agricultural produce grown on the premises;
- 3.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. **SPECIAL EXCEPTION USES AND STRUCTURES.** The following uses may be permitted in the Agricultural District (A-1) by the Board of Adjustment as provided for in Articles 15 and 19 of this Ordinance.

- 4.1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; the sale of feed supplements; the sale of dry or slurry mix fertilizers; and the storage, distribution or sale of anhydrous ammonia; the sale of agricultural lime and agricultural chemicals; the storage and sale of fuels; the buying and storage of wool

- or hides; trenching or well drilling; contract farming; farm equipment repair shops; and the sale or display of farm machinery;
- 4.2. Airport or landing field;
- 4.3. Commercial auction yards and buying stations;
- 4.4. Extraction and processing of minerals or raw materials, including limestone, cement, clay, gypsum, and other similar natural materials;
- 4.5. Private utility structures and services, such as wind farms;
- 4.6. Private parks, playgrounds, fairgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, gun clubs, and swimming pools;
- 4.7. Sanitary landfill, transfer station, junk yard, or other type of waste disposal area;
- 4.8. Transmitters, towers, and receiver equipment provided that they are located from public rights-of-way a distance equal to their height;
- 4.9. Wind farms.

Section 5. **BULK REGULATIONS.** The following minimum requirements shall be observed subject to modifications contained in Article 11 of this Ordinance:

- 5.1. Lot Area: The minimum area required by the County Sanitarian for private well and septic tank use, but not less than sixty thousand (60,000) square feet;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall be ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. **OFF-STREET PARKING.** Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 7. **OFF-STREET LOADING.** Off-street loading shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 8. **SIGNS.** Signs are permitted subject to the provisions of Article 14 of this Ordinance.

ARTICLE 6/AGRICULTURAL RESIDENTIAL DISTRICT (R-1)

Section 1. **INTENT.** The Agricultural Residential District (R-1) is applied to those areas of the County where agriculture and nonfarm land uses meet adjacent to current cities, within environmentally sensitive, scenic, and within flood prone areas. Because these areas are often scenic it is envisioned that they will become desirable locations for nonfarm dwellings. Therefore, a scattering of nonfarm dwellings will be permitted provided they mitigate their impact to the scenic nature of the area. Finally, any construction within a recognized FEMA flood hazard area must be in accordance with flood area construction standards.

Section 2. **PRINCIPAL USES PERMITTED.** Only the following uses and structures shall be permitted in the Agricultural Residential District (R-1).

- 2.1. Agriculture including the raising of crops and/or animals;
- 2.2. Bed and breakfast businesses;
- 2.3. Cemeteries;
- 2.4. Churches, chapels, temples, and similar places of worship;
- 2.5. Confined Animal Feeding Operations as permitted by Department of Natural Resources rules and regulations. But, these uses are discouraged because of the severe danger for conflict with nonfarm land uses and the County will issue negative comments within the Confined animal Feeding Operations location matrix submitted to the Department of Natural Resources. Therefore, the developer is encouraged to meet with the County to determine an alternative location not within this District;

- 2.6. Drainage and flood control projects;
- 2.7. Grain storage;
- 2.8. Kennels or stables, provided that they be located at least three hundred (300) feet from any residential dwelling other than that of the owner;
- 2.9. Nature and wild life preserves;
- 2.10. Nurseries, greenhouses, and truck gardens;
- 2.11. Publicly owned and operated buildings and facilities;
- 2.12. Railroads;
- 2.13. Single family non-farm dwellings provided that the site:
 - 2.13.1. Is not located within a recognized FEMA flood hazard area;
 - 2.13.2. Has direct driveway access to a Class "A" county road or state highway.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Roadside stands for the sale of agricultural produce grown on the premises;
- 3.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in the Agricultural Residential District (R-1) by the Board of Adjustment as provided for in Articles 15 and 19 of this Ordinance.

- 4.1. Extraction and processing of minerals or raw materials, including limestone, cement, clay, gypsum, and other similar natural materials;
- 4.2. Private parks, playgrounds, fairgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, gun clubs, and swimming pools;
- 4.3. Transmitters, towers, and receiver equipment provided that they are located from public rights-of-way a distance equal to their height.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 11 of this Ordinance:

- 5.1. Lot Area: The minimum required by the County Sanitarian for private well and septic tank use, but not less than sixty thousand (60,000) square feet;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall be ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 14 of this Ordinance.

ARTICLE 7/RESIDENTIAL DISTRICT (R-2)

Section 1. INTENT. The intent of the (R-2) Residential District is to provide for low to medium density residential development located within platted subdivisions and with a limited number of institutional and recreational facilities permitted. This district is expected to be located adjacent to cities, within scenic areas, and around lakes where one would expect nonfarm dwellings to concentrate.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-2) Residential District.

- 2.1. Agriculture including the raising of crops and/or animals;
- 2.2. Cemeteries;
- 2.3. Churches, chapels, temples, and similar places of worship;
- 2.4. Confined Animal Feeding Operations as permitted by Department of Natural Resources rules and regulations. But, these uses are discouraged because of the severe danger for conflict with nonfarm land uses and the County will issue negative comments within the Confined animal Feeding Operations location matrix submitted to the Department of Natural Resources. Therefore, the developer is encouraged to meet with the County to determine an alternative location not within this District;
- 2.5. One (1) and two (2) family dwellings;
- 2.6. Private garage used only for interior storage.
- 2.7. Private recreation facilities;
- 2.8. Publicly owned and operated buildings, parks, playgrounds, golf courses, and recreation areas;
- 2.9. Schools and colleges having curriculums approved by the State of Iowa.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-2) Residential District subject to provisions of Articles 15 and 19 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1. Boarding, lodging, and Bed and Breakfast establishments;
- 4.2. Day nursery or nursery school;
- 4.3. Multiple family residential structures containing three (3) or more units;
- 4.4. Private clubs or fraternities.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 11 of this Ordinance:

- 5.1. Lot Area: When the use is connected to public water and sewer the minimum lot area shall be ten thousand (10,000) square feet. For uses not connected to both a public water or sewer system the minimum lot area shall be sixty thousand (60,000) square feet;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be fifty (50) feet (on lake front lots the front yard shall be the side facing the lake and the minimum may be reduced to twenty-five (25) feet);
- 5.4. Side Yard: The minimum side yard shall be ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be fifty (50) feet (for lake front lots the rear yard shall be the side facing the street);

- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 14 of this Ordinance.

ARTICLE 8/PLANNED UNIT DEVELOPMENT DISTRICT (R-3)

Section 1. INTENT. The intent of the (R-3) Planned Unit Development District is to provide regulation flexibility to site a mixed-use complex within an existing (parent) Residential Zoning District. The Planned Unit Development District is “carved out” of the Parent District through a change in zoning process and development parameter negotiations between the County Zoning Administrative Process and the Developer. A Planned Unit Development is located upon a specific tract of land, is planned and designed as a unit for one or more land use types under the regulations and procedures contained within this Ordinance, and contains design concepts that are approved by the County Board of Supervisors and are made subject to administrative enforcement.

When a property owner or developer intends to develop a tract of land that is to involve more than one establishment or a mix of several land use types he/she/they may approach the Board of Supervisors to have a parcel rezoned to Planned Unit Development District (R-3). The application shall first be provided to the Planning and Zoning Commission for review and comment. The Planning and Zoning commission shall provide a rezoning opinion to the Board of Supervisors and may also comment on the overall feasibility of the project and any special design qualifications they feel the County should establish as enforceable regulations to the approval process. This recommendation is reviewed by the Board of Supervisors and a decision is rendered.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-3) Planned Unit Development District.

- 2.1. Uses and structures permitted under the provisions of the regulations of the Parent District(s) of which this district is made a part of. I.e. a Planned Unit Development District “carved out” of a Residential District may contain land uses permitted within the Parent Residential District and other uses (such as commercial or light industrial) as permitted through Board of Supervisor design standard approval.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-3) Planned Unit Development District subject to provisions of Articles 15 and 19 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1. None.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 11 of this Ordinance:

- 5.1. Lot Area: The minimum lot area shall be five (5) acres for a residential PUD, two (2) acres for a commercial PUD, and ten (10) acres for an industrial PUD;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;

- 5.3. Front Yard: The minimum front yard shall be fifty (50) feet (on lake front lots the front yard shall be the side facing the lake and the minimum may be reduced to twenty-five (25) feet);
- 5.4. Side Yard: The minimum side yard shall be ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be fifty (50) feet (for lake front lots the rear yard shall be the side facing the street);
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 14 of this Ordinance.

ARTICLE 9/COMMERCIAL DISTRICT (C-1)

Section 1. INTENT. The intent of the (C-1) Commercial District is to provide for a limited number of establishments in size and scope which cater to agricultural needs of the rural agricultural area. Also included are uses located at major highway intersections that cater to a passing traffic.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (C-1) Commercial District:

- 2.1. Automobile sales and service;
- 2.2. Commercial or private camp ground;
- 2.3. Car/truck wash;
- 2.4. Commercial recreation or amusement;
- 2.5. Construction/contracting offices with incidental fabrication;
- 2.6. Craft stores;
- 2.7. Day nursery or nursery school;
- 2.8. Eating and drinking establishments, but not including "juice bars;"
- 2.9. Farm service sales and service, including implements;
- 2.10. Garden supplies stores;
- 2.11. Hay, grain, feed, seed, retail;
- 2.12. Livestock buying station;
- 2.13. Lumber and building materials;
- 2.14. Mobile home sales and service;
- 2.15. Motels, and motor lodges;
- 2.16. Open-air sales of autos, implements, trucks;
- 2.17. Private and public museums;
- 2.18. Private clubs;
- 2.19. Private parking lots;
- 2.20. Professional office;
- 2.21. Publicly owned and operated buildings and facilities;
- 2.22. Railroads;
- 2.23. Retail pet shop and veterinarian;
- 2.24. Similar uses to those listed in this section, as allowed by the Pocahontas County Zoning Administrator;
- 2.25. Trucking firms;
- 2.26. Vehicle service station and body shop, including incidental fabrication;

2.27. Warehousing or storage.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The Board of Adjustment according to Articles 15 and 19 of this Ordinance may permit the following uses and structures in the (C-1) Commercial District.

- 4.1. Transmitters, towers, and receiver equipment provided that they are located from public rights-of-way a distance equal to their height.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 11 of this Ordinance:

- 5.1. Lot Area: The minimum lot area shall be sixty thousand (60,000) square feet or the minimum required by the County Sanitarian for private well and septic tank use;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 14 of this Ordinance.

ARTICLE 10/INDUSTRIAL DISTRICT (I-1)

Section 1. INTENT. The intent of the (I-1) Industrial District is to provide space for industrial uses and structures that are able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (I-1) Industrial District, except those uses which by reason of the emission of odor, excessive congestion, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community;

- 2.1. Assembly or fabrication of metal, rubber, cloth, plastic, stone, leather, wood, or similar raw materials;
- 2.2. Auto service, assembly, and repair;
- 2.3. Beverage bottling or processing;
- 2.4. Blacksmith;
- 2.5. Cement warehousing and mixing;
- 2.6. Feed mixing;
- 2.7. Fertilizer manufacture, mixing, and storage;
- 2.8. Food processing, but not including packing or rendering plants;
- 2.9. Grain storage elevators;

- 2.10. Hatchery;
- 2.11. Lumber yard;
- 2.12. Moving company;
- 2.13. Private parking lots;
- 2.14. Produce warehouse;
- 2.15. Publicly owned and operated buildings and facilities;
- 2.16. Railroads;
- 2.17. Similar uses to those listed in this section, as allowed by the Pocahontas County Zoning Administrative Officer;
- 2.18. Transfer company;
- 2.19. Warehouse or storage.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (I-1) District subject to provisions of Articles 15 and 19 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1. Dairy products manufacture;
- 4.2. Day nursery or nursery schools provided by an employer for the benefit of employees working on the premises;
- 4.3. Explosive manufacturer;
- 4.4. Gas or ethanol manufacture;
- 4.5. Manufacture or smelting of metal, rubber, plastic, stone, leather, or wood products from basic raw materials;
- 4.6. Meat packing plants;
- 4.7. Salvage or junk yard, or landfill;
- 4.8. Sanitary landfill operated by a governmental entity;
- 4.9. Stockyard;
- 4.10. Transmitters, towers, and receiver equipment provided that they are located from public rights-of-way a distance equal to their height.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 11 of this Ordinance:

- 5.1. Lot Area: The minimum lot area shall be sixty thousand (60,000) square feet or the minimum required by the County Sanitarian for private well and septic tank use;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 7. **OFF-STREET LOADING.** Off-street loading shall be provided in accordance with the provisions of Article 13 of this Ordinance.

Section 8. **SIGNS.** Signs are permitted subject to the provisions of Article 14 of this Ordinance.

ARTICLE 11/ADDITIONAL AREA AND HEIGHT REGULATIONS

Section 1. **INTENT.** The regulations set forth in this Article qualify, supplement or modify the area and height regulations set forth elsewhere in this Ordinance.

Section 2. **LOT WIDTH.** Any lot of record at the time of passage of this Ordinance having less width than herein required may be used as provided in this Ordinance with its side yards reduced to ten percent of the lot width, to the eve drop:

Section 3. **YARDS.**

- 3.1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district or that required by the Pocahontas County Board of Health for septic tank and private well use;
- 3.2. Buildings on through lots shall provide the required front yard on both streets;
- 3.3. The required side yard on the street side of a corner lot shall be not less than fifty (50) percent of the front yard required on the lots to the rear of the corner lot, and no accessory building shall project beyond the required front yard on either street;
- 3.4. On a corner lot in any district no fence, wall, hedge, tree, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the ground shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines;
- 3.5. The Zoning Administrative Officer may vary the front yard setback in instances where a portion of the block has been previously developed and the setbacks used do not conform to those set for the District. In these instances the Zoning Administrative Officer will measure two hundred (200) feet in each direction of the proposed use and require for the proposed use a setback that is the average of those existing within the four hundred (400) foot distance.
- 3.6. The Zoning Administrative Officer may vary the side yard setback in instances where an existing lot of record is less than one hundred (100) feet. The following table shall be used in determining lot side yards on existing lots of record:

Lot Width	Side Yard Requirement
100 feet or Greater	10 feet
75 to 99 feet	7 feet
50 to 74 feet	5 feet
35 to 49 feet	5 feet between eaves of both buildings (See also Article 10, Section 6.4)
Less than 34 feet	Variance Request to Board of Adjustment

Section 4. **USE OF PUBLIC RIGHT-OF-WAY.** No portion of the public road, street or alley right-of-way shall be used for display purposes or to provide any parking or loading space required by this Ordinance.

Section 5. **TEMPORARY BUILDING.** Temporary building(s) with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.

Section 6. **ACCESSORY BUILDINGS.** Accessory buildings and uses customarily incidental to that of the main building may be erected or established is permitted, provided they comply with the following:

- 6.1. No accessory building shall be located within ten (10) feet of any side or rear lot line;

- 6.2. No accessory building is permitted within the limits of the front yard;
- 6.3. No accessory building shall be used for dwelling purposes;
- 6.4. Any open unenclosed uncovered steps, ground level patios, eaves not more than two (2) feet in width, or concrete slab driveways may project into a required yard;
- 6.5. Accessory buildings attached to, or connected to the principal building by a breezeway shall be considered to be a part of the principal building and must meet the yard requirements of the principal building.

Section 7. **BUILDING HEIGHT.** Certain items are exempt from the maximum building height. They are:

- 7.1. Television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

Section 8. **BUILDINGS TO HAVE ACCESS.** Every principal use building hereafter erected shall be on a lot or parcel having frontage upon a public street or road, or have an exclusive unobstructed private easement or access of right-of-way at least twenty (20) feet wide to a street; and there shall be only one (1) principal use for each easement, unless permitted through a Planned Unit Development design standard agreement or a special consideration provided by the Pocahontas County Subdivision Ordinance.

ARTICLE 12/OFF STREET PARKING

Section 1. **INTENT.** After the effective date of this Ordinance there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein:

Section 2. **GENERAL PROVISIONS:**

- 2.1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this Ordinance shall provide accessory parking as required under this section;
- 2.2. All off-street parking spaces required by this Ordinance shall be located on the same lot of the use it serves or on some land adjacent to, or within three hundred (300) feet of the principal use lot;
- 2.3. All yard area except the required front yard for residential districts may be used for off-street parking. The portion of a driveway crossing through the front yard may be used to satisfy the off-street parking requirements of this Ordinance;
- 2.4. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a zoning compliance permit.

Section 3. **OFF-STREET PARKING REQUIREMENTS.** At the time of construction, alteration, moving in, enlargement of a structure or building, or change in the use of the land, off-street parking spaces shall be provided, constructed, and maintained for all uses as follows:

- 3.1. Residential - two (2) spaces per dwelling unit;
- 3.2. Hotel/Motel - One (1) space per lodging unit;
- 3.3. Nursing homes, retirement centers, rest homes, or similar uses - One (1) space for every four (4) patient beds;
- 3.4. Places of public assembly such as auditoriums, theaters, stadiums, funeral homes, churches, community hall, public buildings, etc. - The greater of one (1) space for every four (4) seats or one (1) space per five hundred (500) square feet of gross floor area;
- 3.5. Retail sales and service uses such as stores, restaurants, taverns, banks, professional offices, etc. - One space per three hundred (300) square feet of gross floor area;
- 3.6. Manufacturing, wholesaling, warehousing, and similar uses - One space for every two (2) employees in the largest working shift;
- 3.7. Salvage yards - One (1) space per one thousand (1000) square feet of display or floor area.

ARTICLE 13/OFF-STREET LOADING

Section 1. REQUIREMENTS. At the time of construction, alteration, or enlargement of a structure or building off-street loading areas shall be provided and maintained for all uses as follows:

- 1.1. A one thousand (1000) square foot off-street loading area shall be provided for each use, building, or structure of a size between five thousand (5,000) and twenty thousand (20,000) square feet;
- 1.2. For larger uses, buildings, and structures a one thousand (1000) square foot off-street loading area shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof.
- 1.3. Where the off-street loading space borders a Residential District it shall be set back five (5) feet and shall be effectively screen planted.

ARTICLE 14/SIGNS

Section 1. REQUIREMENTS. Billboards and signs that are located in conjunction with principal permitted uses are allowed subject to the following regulations:

- 1.1. Agricultural District:
 - 1.1.1. Church signs;
 - 1.1.2. Service Organization signs;
 - 1.1.3. Signs used by a farm operation to advertise seed and feed types.
- 1.2. Residential District
 - 1.2.1. Church signs;
 - 1.2.2. Service Organization signs;
 - 1.2.3. Signs for home occupations are permitted.
- 1.3. Commercial and Industrial Districts:
 - 1.3.1. Signs are permitted provided that they are either attached flush to the building, painted on the building, hang from an attached canopy, attached to the roof, are murals, or are attached to the building;
 - 1.3.1.1. Roof signs shall not exceed ten (10) feet in height and shall provide a six (6) foot clearance from the building roof and three (3) foot setback from the building edge;
 - 1.3.1.2. Wall signs shall not exceed six hundred (600) square feet, or twenty (20) percent of the total wall area, which ever is greater;
 - 1.3.2. One (1) free standing or post sign referring to a use or uses conducted on the premises may be erected in any yard abutting a public street; however, such sign shall not obstruct the public view;
 - 1.3.3. Outdoor advertising signs and billboards are permitted, provided that the yard and height requirements for a principal structure are met.
 - 1.3.4. Ground signs shall not exceed three hundred (300) square feet in area and shall not interfere with vehicle operator's vision for two hundred (200) feet.

Section 2. SIGNS FOR SPECIAL EXCEPTION USES. In all cases where a use is permitted as a special exception, signs will be allowed only through Board of Adjustment approval.

Section 3. INFORMATIONAL SIGNS. Informational and directional signs will be permitted in all districts.

Section 4. REAL ESTATE SIGNS. Real estate signs advertising for sale, rental, or lease only, the premises, lot or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed fifty (50) square feet in area in all Nonresidential Districts and five (5) square feet in area in any Residential District.

Section 5. **INTERMITTENT FLASHING TYPE SIGNS.** No intermittent flashing type signs are permitted. No moving, flashing, rotating, illuminated signs or colored lights that may be confused with traffic lights are permitted.

Section 6. **SIGNS FOR PLANNED UNIT DEVELOPMENTS.** Signs located within Planned Unit Development (R-3) Districts shall be approved as part of the County/Developer Design Standards Agreement.

ARTICLE 15/SPECIAL EXCEPTION USES

Section 1. **PROCEDURES AND REQUIREMENTS.** Allowable special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance. In granting a special exception use permit, the Board of Adjustment may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.

Section 2. **APPLICATION FOR SPECIAL EXCEPTION USE PERMIT.** A property owner or his authorized agent may initiate an application for a special exception use permit by filing an application with the Zoning Administrator upon forms prescribed for the purposes. A site plan and other such plans shall accompany the application and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the Board of Supervisors.

Section 3. **PROCEDURE.** The Board of Adjustment shall not grant a special exception permit unless and until the following procedures have been fulfilled:

- 3.1. The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given to the public hearing as required by State Statute by publication in a newspaper of general circulation in the County. If feasible, notice of the public hearing will be mailed to property owners within two hundred (200) feet of the exception request;
- 3.2. The Board of Adjustment shall determine that it is empowered under this Ordinance to grant the special exception as described in the application, and that granting of the special exception will not adversely affect the public interest;
- 3.3. In granting any special exception, 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 special exception is granted, shall be deemed a violation of this Ordinance and punishable under Article 17 of this Ordinance;
- 3.4. The concurring vote of three (3) members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced;
- 3.5. The Board of Supervisors may, after a decision of the Board of Adjustment is made, vote to delay the implementation of such decision for a period of thirty (30) days. The Board of Supervisors may not overturn a decision of the Board of Adjustment. During the thirty (30) day period the Board of Adjustment may or may not reconsider its decision.

Section 4. **STANDARDS.** The Board of Adjustment shall grant no special exception use permit unless such Board shall find:

- 4.1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;
- 4.2. That the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

- 4.3. That the establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district;
- 4.4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- 4.5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- 4.6. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material;
- 4.7. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled;
- 4.8. The use shall not include vibration which is discernible without instruments on any adjoining lot or property;
- 4.9. The use shall not involve any malodorous gas or matter which is discernible on any adjoining property;
- 4.10. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, irritation, or excessive pollution;
- 4.11. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road or highway;
- 4.12. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are initiated to limit traffic hazards and congestion;
- 4.13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments;
- 4.14. That the use will not be in major conflict with the Comprehensive Land Use Plan.

ARTICLE 16/NONCONFORMING USES

Section 1. INTENT. Within the various districts established by this ordinance or amendments that may later be adopted there exists structures and uses of land and structures which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under the provisions of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

Section 2. NONCONFORMING LOTS OF RECORD IN ANY RESIDENTIAL DISTRICT. A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment.

Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this Ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 3. NONCONFORMING USES OR STRUCTURES IN ANY RESIDENTIAL DISTRICT. Existing structures or premises devoted to a use not permitted by this Ordinance in the district in which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

- 3.1. The use is changed to a use permitted in the district in which such structure or premises is located;

- 3.2. A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made;
- 3.3. If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4. NONCONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN A RESIDENTIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to nonconforming uses in a commercial, industrial, or agricultural district, subject to the following exception:

- 4.1. Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on a lot of record (or a combination of lots of record in the same ownership) prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance;
- 4.2. If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 5. PERMITTED STRUCTURES AND USE OF LAND AND STRUCTURES MADE NONCONFORMING BY THE REQUIREMENTS OF THE BULK REGULATIONS. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

Section 6. REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure damaged by fire, flood, explosion, war, riot, or act of God may be restored, reconstructed, or used as before provided that reconstruction be started within one (1) year of such happening.

Section 7. USES UNDER SPECIAL EXCEPTION PROVISIONS. Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

ARTICLE 17/ADMINISTRATION

Section 1. ADMINISTRATOR. The Board of Supervisors of Pocahontas County, Iowa shall appoint a Zoning Administrative officer, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the County or in another governmental agency.

Section 2. ZONING COMPLIANCE PERMITS. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance.

Nothing in this part shall prevent the continuance of a nonconforming use as here in before authorized, unless discontinuance is necessary for the safety of life or property.

Section 3. APPLICATION FOR COMPLIANCE PERMIT. Compliance permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Permits shall be kept on file in the office of the Zoning Administrative Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Compliance permits shall be issued to applicants within ten (10) days after application is made. Permits will be valid for one hundred-eighty (180) days. If construction is not completed within that time period a new permit must be obtained. Failure to timely complete construction may be grounds for denial of an additional permit.

Section 4. PLATS. Each application for a compliance permit shall be accompanied by either a dimensioned drawing or plat drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.

Section 5. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMIT. Compliance permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only those use arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article 17.

Section 6. FEES. Before receiving compliance permit, the owner or his agent shall pay to the County the permit fee as provided by resolution of the Board of Supervisors.

Section 7. SPECIAL EXCEPTIONS. A compliance permit for a special exception may be issued by the Zoning Administrative Officer upon the order of the Board of Adjustment.

ARTICLE 18/VIOLATION AND PENALTY

Section 1. VIOLATION AND PENALTY. The violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, shall be subject to a fine of not more than five hundred (500) dollars or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

Section 2. RESTRAINING ORDER. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure of land is used in violation of this Ordinance, the County Attorney, in addition to other remedies may institute any proper action or proceed in the name of Pocahontas County, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 19/BOARD OF ADJUSTMENT

Section 1 CONFIRMATION. The existing Board of Adjustment is hereby confirmed. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years. The Board of Supervisors may remove members of the Board of Adjustment from office for cause upon written charges and after a public hearing. The Board of Supervisors shall fill vacancies, for the unexpired term of the member.

Section 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 chairman and at such other times as the Board may determine. The chairman, or in his absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Administrative Officer. The presence of three (3) members shall constitute a quorum.

Section 3. HEARINGS, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of Pocahontas County affected by a decision of the Zoning Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Zoning Administrative Officer and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeals, give public notices thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent or attorney.

A fee to be determined by resolution of the Board of Supervisors shall be paid to the Zoning Administrative Officer at the time the notice is filed.

Section 4. STAY ON PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his 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 Administrative Officer from whom the appeal is taken and upon due cause shown.

Section 5. POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

- 5.1. Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrative Officer in the enforcement of this Ordinance.
- 5.2. Special Exceptions: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance and as provided for in Article 13.
- 5.3. Variances: 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 the 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:
 - 5.3.1. A written application for a variance is submitted demonstrating:
 - 5.3.1.1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 5.3.1.2. 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;
 - 5.3.1.3. That the special conditions and circumstances do not result from the actions of the applicant;
 - 5.3.1.4. 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 use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - 5.3.2. A public hearing shall be held, with the notice of such hearing being provided according to state statute. If feasible, notice of the public hearing shall be mailed to property owners within two hundred feet of the proposed variance.
 - 5.3.3. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - 5.3.4. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

- 5.3.5. The application for a variance shall be accompanied by a fee to be determined by resolution of the Board of Supervisors.
- 5.3.6. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.
- 5.3.7. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 16 of this Ordinance.

Section 6. DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Zoning Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrative Officer, 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 application of this Ordinance.

Section 7. APPEALS FROM THE BOARD OF ADJUSTMENT. Any person(s), board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by Chapter 335, Code of Iowa. The Board of Supervisors may vote to delay a decision of the Board of Adjustment for a thirty (30) day period, but such vote may not overrule a decision of the Board of Adjustment. During the thirty (30) day delay the Board of Adjustment may, or may not review its previous decision.

ARTICLE 20/CHANGES AND AMENDMENTS

Section 1. This Ordinance and the districts created by said Ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning Commission shall have thirty (30) days in which to submit its report to the Board of Supervisors. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

The Board of Supervisors shall hold a public hearing before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published according to state statute. Such notice shall include the time and place for the public hearing.

In the case of a written protest against a change or repeal which is filed with the County Auditor and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is indicated within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective unless it receives the favorable vote of at least sixty percent (60%) of all the members of the Board of Supervisors.

Section 2. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES. Any person may submit to the Board of Supervisors an application requesting a change in the zoning district boundaries as shown on the official zoning map.

- 2.1. Such application shall be filed with the Zoning Administrative Officer accompanied by a fee as determined by resolution of the Board of Supervisors and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
 - 2.1.1. The legal description and local address of the property;
 - 2.1.2. The present zoning classification and the zoning classification requested for the property;
 - 2.1.3. The existing use and proposed use of the property;
 - 2.1.4. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested;

- 2.1.5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid;
- 2.1.6. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two hundred feet thereof, including streets, alleys, railroads, and other physical features;
- 2.2. Upon receipt of the application by the Zoning Administrative Officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following;
 - 2.2.1. Whether or not the current district classification of the property to be rezoned is valid;
 - 2.2.2. Whether there is a need for additional land zoned for the purpose requested;
 - 2.2.3. Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - 2.2.3.1. Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area;
 - 2.2.3.2. Whether the rezoning would result in traffic in excess of the capacity of existing or planned streets in the vicinity.
 - 2.2.4. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- 2.3. The Commission shall hold a public hearing (the notice of which shall be according to state statute) and report its determinations and recommendations to the Board of Supervisors within thirty (30) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. If feasible, notice of the public hearing will be mailed to all property owners within two hundred (200) feet of the proposal.

ARTICLE 21/SEVERABILITY CLAUSE

Section 1. If any section, provision, or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

ARTICLE 22/REPEAL OF CONFLICTING ORDINANCES

This Ordinance repeals an unnumbered Ordinance adopted on November 27, 1979 and all amendments thereto. All ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE 23/ADOPTION

This ordinance shall be in effect from and after its final passage, approval and publication as required by law. First implementation shall be on the _____ of _____, 2003.

First Reading - _____

Second Reading - _____

Third Reading - _____

Chairperson, Pocahontas County, Iowa,
Board of Supervisors

ATTEST;

County Auditor Margene Bunda

This ordinance was published in the Official County Newspapers on the following dates:

Date	Name of Paper
_____	_____
_____	_____
_____	_____

County Auditor

