

ZONING ORDINANCE  
OF  
CEDAR COUNTY, IOWA

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## CHAPTER 1

### PURPOSE AND JURISDICTION

#### 1.1 PURPOSE

The purpose of this Ordinance shall be to provide the legal mechanism to put into effect the land use plans, goals, objectives, preservation and development policies identified in the Cedar County Comprehensive Plan, 1980-2000, and any future amendments thereof. In addition, the purpose of this Ordinance shall be to promote the public health, safety, comfort, and general welfare; to conserve property values throughout the county, to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to avoid undue concentration of population and overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to regulate the density of population, and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, all in accordance with Chapter 335 of the Code of Iowa.

#### 1.2 TITLE

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of Cedar County, Iowa.

#### 1.3 AGRICULTURAL EXEMPTIONS

No regulation or ordinance adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures, or erections which are primarily, by reason of nature and area, for use of agricultural purposes while so used; provided, however that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply equally to agricultural and non-agricultural lands, buildings and uses.

#### 1.4 INTERPRETATION OF STANDARDS

In the 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 or by other rules, regulations, or restrictive covenants, the provisions of this Ordinance shall control.

## CHAPTER 2

### DEFINITIONS

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, 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.

1. 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. Examples of accessory structures include private garages, storage sheds, satellite antennas, play houses and swimming pools.
2. Adult: As used in this Chapter, refers to persons who have attained the age of at least eighteen (18) years.
3. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, tree farming, viticulture, fish farm, and animal and poultry husbandry, and the necessary accessory uses for non commercial packing, treating, or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities. Provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
4. Airport: A place, either on land or on water, where aircraft may land to discharge or receive cargo and passengers, make repairs, or take in fuel.
5. Alley or Lane: A private way not more than thirty (30) feet wide affording generally secondary means of access to abutting property and not intended for general traffic.
6. Apartment House: See Dwelling, Multiple.
7. Automobile Salvage Yard: See Junk Yard.
8. Basement: A story having part, but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations.
9. Bed and Breakfast Home: As established in Chapter 137B and 137C, Code of Iowa, a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may be advertised and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
10. Bed and Breakfast Inn: As established in Chapter 137B and 137C, Code of Iowa, a hotel with nine or fewer guest rooms.
11. Billboard: An advertising sign for a business, commodity or service located or offered elsewhere than upon the premises where such sign or billboard is located.
12. Board: The Zoning Board of Adjustment of Cedar County, Iowa.
13. Boarding or Rooming House: A building other than a hotel, where for compensation, meals and/or lodging are provided for one (1) or more persons.
14. Building: Any structure designed or intended for the support, enclosure, shelter or protection of person, animals or property.

15. Building, Height Of: The vertical distance from the average natural grade to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the maximum height of the highest gable of a pitch or hip roof.
16. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products, agricultural chemicals and fertilizers where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
17. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this ordinance, a carport attached to a principle building shall be considered part of the principle building and subject to all yard requirements herein.
18. Cellar: That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
19. Commission: The Planning and Zoning Commission of Cedar County.
20. Common Sewer System: A central sewer disposal system available to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the County Board of Health and/or the Iowa Department of Natural Resources.
21. Common Water System: A central potable water system available to each platted lot originating at either a public or private source, the construction and location of which is approved by the County Board of Health and/or the Iowa Department of Natural Resources.
22. Corn Suitability Rating (CSR): The corn suitability rating provides an index for ranking the suitability of soil for row-crop production in Iowa. Corn suitability ratings range from five (5) to one hundred (100), with one hundred (100) reserved for those soils; a) located in areas of most favorable weather conditions for Iowa, b) that have high yield potential, and c) that can be continuously row-cropped. The corn suitability rating is based on the Soil Survey of Cedar County, Iowa and the Cedar County Soil Survey Report Supplement which lists the corn Suitability rating for each soil type listed in the Soil Survey.
23. County: The unincorporated portions of Cedar County, Iowa.
24. Court: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
25. District: A section or sections of the County within which certain uniform zoning regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are uniform.
26. Dwelling, Single Family: A detached residence designed for or used exclusively and occupied by one family only.
27. Dwelling, Two Family: A residence designed for or used exclusively and occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
28. Dwelling, Multiple: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
29. Dwelling, Condominium: As established in Chapter 499B, Code of Iowa, a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium may be for other than residential use.
30. Dwelling Unit: Any building or portion thereof having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation, but not including tents, recreational vehicles and trailers, and dwelling units of less than the minimum floor area requirement. The dwelling unit shall be constructed in compliance with the U.S. Department of Housing and Urban Development

Code under authority of 42 U.S.C., Sec. 5403, Federal Manufactured Home Construction and Safety Standards.

A dwelling unit shall have a floor area of at least 640 square feet and at least 75% of its narrow dimension shall have a minimum width of fourteen (14) feet. The dwelling shall be placed on permanent foundation, have a perimeter foundation of appropriate fire resistant material (load or non-load) and be taxed as real property.

31. Easement: A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.
32. Factory-Built Home: Applicable only within designated flood plain districts, it includes any structure designed for residential use, which is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of flood plain regulations, factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed and ready for highway use.
33. Factory-Built Park and Subdivision: Applicable only within designated flood plain districts, a parcel (or contiguous parcels) of land divided into three or more factory-built home lots for rent, lease or sale.
34. Family: Any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption, plus not more than three (3) additional people not so related. Foster children, as provided in Chapter 237 of the Code of Iowa, shall be considered for the purposes of this definition as being formally adopted if all licensing and other provisions of Chapter 237 are complied with.
35. Farm: An area comprising thirty-five (35) or more contiguous acres which is used for agricultural purposes and the growing and production of all farm products, poultry or livestock thereon. The area used for agricultural purposes may be less than 35 acres, excluding dwelling site, if the owner's/tenant's primary use of the property is for agriculture.
36. Farmstead: The buildings and adjacent service areas of a farm.
37. Farm Dwelling, Principal: A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.
38. Farm Dwelling, Secondary: A dwelling on a farm that is under the same ownership as the principal farm dwelling and other buildings and land used in conjunction with the farming operation and occupied by the owner or spouse, a full-time employee of the farm operation, or the mother, father, or children of the owner or spouse as long as so used.
39. Feedlot, Commercial (Including Confinement Operation): The feeding, farrowing and raising of feeder and dairy cattle, swine, sheep, poultry or other animals in a confined area where grazing is not possible, and where at least half of the livestock and poultry feed is not grown on the premises. To be defined as "commercial", such operation must be owned or controlled by a party or corporation not living on the site. This definition is not meant to include family farms which have incorporated for business purposes.
40. Fill: The placing, storing, or dumping of any material such as earth, clay, sand, rubble, concrete, or waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.
41. Flood Plain: The area adjoining the river or stream, which has been or may be hereafter covered by flood water.
42. Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream as defined by the Iowa Department of Natural Resources.
43. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.

44. Foreslope: The portion of the roadbed beginning at the shoulder hinge point (outside edge of shoulder) and sloping to the ditch bottom (toe of foreslope). The function of the foreslope is to ensure the stability of the roadway and provide a reasonable opportunity for the recovery of an out of control vehicle.
45. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersection street and the dead-end of the street.
46. Garage, Commercial: Any building or premises used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles except those used as private or storage garages.
47. Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle.
48. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building. Also, a general term used to define and describe the vertical and horizontal alignment of a road.
49. Home Industry: Any occupation or profession conducted entirely within an enclosed accessory building(s) which is clearly incidental and secondary to the residential occupancy of a dwelling unit and does not change the character thereof.
50. Home Occupation: An occupation carried on entirely within a dwelling by a member of the family residing therein, where the use for occupational purposes is clearly incidental to the use for agricultural and residential purposes.
51. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.
52. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
53. Junk or Salvage Yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including but not limited to the dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment. Areas where such uses are conducted entirely within a completely enclosed building and where such uses are customary and incidental to the principal uses permitted in the District(s) in which the areas are located are not included within this definition. Pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment are not included within this definition. Storage of used cars, which can be operated under their own power or made operable within a reasonable period of time, not to exceed 30 days, and from which no parts had been removed for reuse, salvage or sale, and which have affixed to them current registration plates or for which the registration plates have been surrendered per Section 321.134 of the Code of Iowa, does not fall within the above definition of junk yard so long as such storage otherwise complies with the other provisions of this ordinance, including but not limited to the off-street parking provisions of this ordinance.
54. Kenel: An establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.
55. Lot: For the purpose of this ordinance, a lot is a parcel of land at least sufficient in size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or private street. The boundaries of a lot shall be determined by its lot lines. (Refer to Diagram 9A)

56. Lot, Area: Total horizontal area within lot lines.
57. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.
58. Lot, Depth Of: The mean horizontal distance between the front and rear lot lines.
59. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
60. Lot, Interior: A lot other than a corner lot.
61. Lot Lines: The lines bounding a lot. When bordering road right-of-ways, the lot line as defined for setbacks is also the right-of-way line, not the centerline of the road.

62. Lot Line, Front: The line separating the lot from the street on which it fronts. Also defined as the right-of-way line when the lot borders a public road easement. All front yard setbacks are measured from this line.
63. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
64. Lot of Record: A lot or parcel of land the deed of which has been recorded in the office of the Recorder for Cedar County, Iowa, prior to the adoption of this ordinance or amendment hereto.
65. Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear.
66. Lot Line, Side: Any lot line other than a front or rear lot line.
67. Lot, Width: The width of a lot measured at the building line and at right angles to its depth.
68. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
69. Manufactured Home: A factory built structure built under authority of 42 U.S.C. 5403, and was constructed on or after June 15, 1976, is required by federal law to display a seal from the United States Department of Housing and Urban Development. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.
70. 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 built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.
71. Mobile Home Park: Any site, lot, field or tract of land under common ownership upon which three (3) or more occupied mobile homes, manufactured homes, modular homes or a combination of the homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.
72. 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. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22, Code of Iowa. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.
73. Motel, Motor Lodge: A building or group of attached or detached buildings containing individual sleeping or living units for overnight lodging, with parking facilities conveniently located to each such unit, and may include such accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
74. Non-conforming Use: The lawful use of any building or land that was established prior to or at the time of passage of this ordinance or amendments thereto which does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.
75. Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, insane and other mental cases, inebriate, or contagious cases.
76. Obstruction: An obstacle, impediment or hindrance.

77. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
78. Parking Space, Off-Street: An area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle outside the public right-of-way. Space for maneuvering, incidental to parking, shall not encroach upon any public right-of-way. For handicapped parking, such space shall not be less than required by the State of Iowa Administrative Rules. See Chapter 14, of the Cedar County Zoning Ordinance.
79. Permanent Foundation: A site-built or site-assembled system of stabilizing devices when running gear assembly is removed. It must be capable of transferring design dead loads and live loads required by Federal regulations, and other design loads unique to local home sites, wind, seismic, soil, and water site conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two (42) inches below grade and constructed of materials approved by Sections 25, 26 or 29 of the Uniform Building Code Standards dated 1991. A permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures.
80. Porch, Unenclosed: A roof projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.
81. Premises: The land together with any buildings or structures located thereon.
82. Principal Use: The main use of land or structures as distinguished from an accessory use.
83. Public Hunting Area: An area designated by County, State or Federal Governmental Agency, upon which hunting, trapping and fishing is permitted.
84. Recreational Vehicle: Any vehicle designed to be self-propelled or permanently towable by a light duty truck built on a single chassis, with an area of four hundred (400) square feet or less when measured at the largest horizontal projection. A recreational vehicle is not primarily designed for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.
85. Right-of-Way or Public Road Right-of-Way: The area of land, the right of possession of which is secured by a governmental subdivision or intended to be dedicated to the public for roadway purposes. Said right of possession may be by permanent easement for road purposes or deed. The minimum road right-of-way for secondary (county) roads and streets is 66 feet.
86. Road or Street: The entire width between right-of-way or property lines through private property, or designated width through public property of every way or place of whatever nature when any part of such way or place is open to the use of the road, for the purpose of vehicular or traffic. Roads and streets may be public or private.
87. Roadbed: The area of a road right-of-way between the bottoms of the foreslopes.
88. Right-of-Way Line: A dividing line between a lot, tract or parcel of land and a contiguous road.
89. Roadside: The area within the right-of-way and outside the shoulder lines of a roadbed.
90. Roadside Stand: A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.
91. Sanitary Landfill: A premises used for dumping organic and inorganic materials such as garbage in an excavation and covered daily with dirt in accordance with Iowa Department of Natural Resources.
92. Sexual Activity Establishment (Adult Relaxation Center): An establishment used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas. Provided that the provisions of this section shall not

apply to a theatre, concert hall, art center, museum, or similar establishment, which is primarily devoted to the arts or theatrical performances, and which is not primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.

93. Shoulder: That portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
94. Sign, On-site: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
95. Sign, Off-site: A sign other than an on-site sign.
96. Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such a sign is located. An exterior sign is a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.
97. 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.
98. Specified Anatomical Areas: As used in this Chapter, defined as: (a) less than completely and opaquely covered (1) human genitals, pubic region; (2) buttocks; and (3) female breasts below a point immediately above the top of the areola; and (b) human male genitals in a discernible turgid state, even if completely and opaquely covered.
99. Specified Sexual Activities: As used in this Chapter, defined as: (a) human genitals in a state of sexual stimulation or arousal; (b) acts of human masturbation, sexual intercourse or sodomy; (c) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.
100. Stable, Public and Riding Academy/Club: A building or structure used or intended to be used for the housing only of horses by a group of persons for noncommercial purposes.
101. Storage Facility: An enclosed structure or fenced yard containing separate storage spaces of varying sizes leased or rented on an individual basis.
102. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
103. Story, Half: A space under a sloping roof which has the line of intersecting roof decking and wall face not more than four (4) feet above the top floor level.
104. Street or Road, Private: Any private way not dedicated as a public way but used as an access way for a subdivided lot or lots. Width and geometrics of the road/street and right-of-way shall be as approved by the Board of Supervisors following a recommendation by the County Engineer and the County Zoning Commission. Private road dedication to include recorded comments and private road maintenance agreements as a part of plat submittals and/or rezoning requests.
105. Street or Road, Public: Any thoroughfare or public right-of-way not less than sixty six (66) feet in width, which has been dedicated to the public by easement or deeded to the County for road or street purposes.
106. Structural Alterations: 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.
107. 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, structure includes buildings, mobile homes, billboards, poster panels, towers and windmills.

108. Summer Cottage: A single-family dwelling for seasonal or temporary occupancy only, and not permanently occupied as a family residence during any entire year.

109. Trailer or Mobile Home: See "Mobile Home".

110. Trailer or Mobile Home Park: See "Mobile Home Park".

111. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from ground level of the graded lot upward. 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 nearest permitted 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. (Refer to Diagram 14A)

112. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line or road right-of-way, whichever is closer, and the building or structure. See also definition: Lot Line, Front.

113. Yard, Rear: A yard extending across the full width of lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots, the opposite end of lot from the front yard.
114. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building or structure.
115. Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this ordinance.

## CHAPTER 3

### GENERAL REGULATIONS AND PROVISIONS

#### 3.1 General Regulations And Provisions

Subject to Chapter 1, Section 1.3, the following provisions, regulations, or exceptions shall apply equally to all districts except as hereinafter provided:

##### 1. Disincorporation

Any addition to the unincorporated area of the County resulting from disincorporations by municipalities or otherwise shall be automatically classified as in the "A-1" Rural Agricultural District until otherwise classified by amendment.

##### 2. Conformity With Ordinance

Except as hereinafter provided, no building, structure or premises shall hereafter be used, and no building shall be erected, extended, converted, moved, rebuilt or altered except in conformity with all the district regulations established by this ordinance for the district in which it is located.

##### 3. Vacated Area

Whenever any street, road or other public way is vacated by official action of the Board of Supervisors of Cedar County, the zoning district adjoining each side of such street, road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

##### 4. Building Height, Density and Lot Coverage

No building or other structure shall be erected, reconstructed, relocated or structurally altered so as to have a greater height or density to accommodate or house a greater number of families, a higher percentage of lot coverage or smaller open space about it than is permissible under the limitations set forth herein for the district in which the building or structure is located. Except that parapet walls, chimneys, church steeples, cooling towers, water towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, grain storage bins, grain elevators, and necessary mechanical appurtenances shall be permitted to exceed the maximum height limit so long as the height of the structure does not interfere with airborne traffic as established by Federal, State and Local regulations.

##### 5. Lots of Record, Lot Dimension And Area

When two (2) or more parcels of land, each of which lacks adequate area and dimensions to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use. Any single lot or parcel of land, held in one ownership, which was of record at the effective date hereof, that does not meet with the requirements for minimum lot width and area, may be utilized for a permitted use, provided that yards, courts or usable open space are not less than seventy-five percent (75%) of the minimum required dimensions or areas.

##### 6. Separate Yards, Open Space and Off-Street Parking Required

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

##### 7. Location of Buildings

A. Except as otherwise provided for, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or permanent easement of access to a public street.

B. Near Airports: No structure or tree shall be located closer than one thousand (1,000) lineal feet from the end of any runway within the flight glide angle, as determined by the Federal Aviation Administration.

C. Under no condition shall a residential dwelling, building or structure be erected or moved within two hundred (200) yards of a designated Public Hunting Area.

8. Accessory Buildings

Accessory buildings may only be built in the side and rear yards and must meet the setback requirements of the appropriate district.

A. No accessory building shall be erected in any required front yard, and any accessory building closer than 10 feet to the main building shall be considered part of the main building and shall be provided with the side and rear yards required for the main building.

B. Residential accessory buildings, separate from the main building, shall be subject to size restrictions in the Agricultural and Residential Districts as listed in the Minimum Lot Area requirements table for each district.

C. No accessory building shall be constructed upon a lot until the construction of the principal building or structure has commenced.

D. Mobile homes shall not be used for accessory buildings, nor shall parts of mobile homes or salvaged materials be used in the construction of an accessory building.

E. An accessory building may be built on the adjoining lot or tract, if both parcels are owned by the same individual, family or firm, and the owner signs and records a "Restrictive Covenant and Agreement Not to Sever" in cooperation with the Cedar County Planning and Zoning Department.

F. Accessory structure of 80 square feet or less, not requiring a permanent foundation, will not require a zoning permit in accordance with Chapter 17, Section 17.6.

9. Visual Clearance

In all districts, no fence, hedge, vegetation, wall, sign, earth, or other obstruction, not including official traffic control devices and signs, shall be permitted which obstructs the clear view of approaching vehicles three-and-one-half (3 1/2) feet above the traveled portion of a public or private roadway or street. In subdivisions, the visual clearance shall be determined by the area within a triangle formed by the center of the intersection or the axis point of a road bend in excess of seventy (70) degrees and points one hundred (100) feet from the center of the intersection where measured along the centerlines of the road. The triangle for County roads, intersections, or road bends (arterials, collectors, local), which have adjacent residences, shall be from the center of the intersection or axis point one hundred fifty (150) feet along the centerlines of the intersecting roads, except those areas which have been obtained by the Secondary Roads Department for a clear vision area. (Refer to Diagram 18A)

10. Obstructions Within the Right-of-Way

No driveway headwall, retaining wall, decoration, utility pole, mailbox or other support, trees, bushes and shrubs, or any other object may be erected, planted or placed within the right-of-way which does meet county secondary road requirements for a breakaway support. No object may be placed within the right-of-way without an express written permit from the County Engineer and Board of Supervisors (Section 319.14, Code of Iowa).



11. Hedges and Fences

Fences and hedges in any district shall not exceed four (4) feet in height in any required front yard and fences shall not exceed six (6) feet in height in any required side or rear yard, subject to further restrictions of Chapter 3, Section 9.

12. Permitted Obstruction In Required Yards

The following obstructions, when located in the minimum area required for specified yards, shall be permitted:

A. In All Yards:

1. Chimneys projecting eighteen inches (18") or less into the yard;
2. Flag poles;
3. Ordinary projection of sills, belt courses, cornices and ornamental features projecting not more than eighteen inches (18") into a yard;
4. Ornamental light standards;
5. Steps which are necessary for access to permitted building or for access to lots from streets and required exterior fire escapes.
6. Necessary exterior ramps and accesses required by persons with disabilities as provided by the Americans With Disabilities Act.
7. Trees, bushes and shrubs.

B. In Front Yards:

1. Fuel pumps and air and water outlets in conjunction with automobile service stations, provided they shall be set back at least fifteen feet (15') from the front right-of-way line;
2. One-story bay windows projecting three feet (3') or less into the yard;
3. Open terraces not over four feet (4') above the average level of the adjoining ground and not projecting over ten feet (10') into a yard, but not including permanently roofed-over terraces or porches;
4. Overhanging eaves and gutters, projecting not more than twenty-five percent (25%) of the depth of the yard; and
5. Signs and nameplates as regulated herein.
6. Trees, bushes and shrubs.

C. In Rear Yards:

1. Air conditioning condensers for central air conditioning units;
2. Arbors and trellises;
3. Balconies of not more than five feet (5') into the required rear yard;
4. Breezeways and open porches;
5. Private garages provided that they are not less than ten feet (10') from the lot line or utility easement;
6. One-story bay windows projecting three feet (3') or less into the yard;
7. Overhanging roof eaves and gutters, provided eaves and gutters of detached accessory buildings are not less than eight feet (8') from a lot line or utility easement;
8. Fences;
9. Open terraces not over four feet (4') above the average level of the adjoining ground, not including permanently roofed-over terraces or porches;
10. Open accessory off-street parking spaces;
11. Playground and laundry-drying equipment;
12. Private swimming pools and tennis courts; and
13. Detached sheds or similar buildings customarily accessory to the principal use, provided that they are not less than ten (10') from the lot line or utility easement.
14. Trees, bushes and shrubs.

D. In Side Yards:

1. Open accessory off-street parking spaces;
2. Overhanging eaves and gutters projecting twenty four inches (24") or less into the yard; and
3. Fences
4. Detached accessory structures, provided they are not less than five feet (5') from the lot line or utility easement.
5. Trees, bushes and shrubs.

13. Division of Lots

No lot shall hereafter be divided into two (2) or more lots and no portion of any lot shall be sold, unless all lots resulting from each such division or sale conform with all the bulk regulations of the zoning district in which the property is located.

14. More than One Principal Structure on a Lot

In any multiple residential, commercial or industrial district, more than one (1) principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot. In any other residential district there shall not be more than one (1) dwelling unit on a lot. In the agricultural district on parcels less than thirty five (35) acres, there shall not be more than one (1) dwelling unit.

15. More than One Mobile Home on a Lot

Except as specified elsewhere in this ordinance, there shall not be more than one (1) mobile home on a lot.

16. Buildings Moved onto Property

Prior to transporting a building having a size in excess of 80 square feet onto a lot or tract of land, the property owner or contractor must obtain a building permit in accordance with Chapter 17, Section 17.7 of this Ordinance. After the building arrives on the property, the building permit applicant must place the building on a permanent foundation within thirty (30) days.

17. Buildings on Through Lots

Through lots extending from street to street are double-frontage lots. Buildings will be situated so as to provide the required front yard set back on both streets. Accessory buildings may be located in the side yard or the yard opposite to the direction the house is facing, so long as they are not closer than fifty (50) feet from the right-of-way line.

18. Basement or Cellar as Dwelling

No cellar shall be occupied for dwelling purposes and no basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed.

19. Existing Farm Dwelling Severed From Farm

Nothing in this ordinance shall require any person or persons occupying a farm dwelling, principal or secondary, at the date of passage of this ordinance to vacate the dwelling or involuntarily sever it from the remainder of the farm. When the dwelling or farmstead is voluntarily severed from the farm, such parcel shall be surveyed and meet the Final Plat Requirements, as applicable, or, should this severance of the farm dwelling constitute a third parcel or tract, a subdivision plat shall be required as provided in the Cedar County, Iowa, Subdivision Regulations. The parcel's owners are responsible for all applications and fees as required.

20. Construction In Floodway Areas

No construction (building or structure) is permitted in the floodway or flood plain of any river, stream or tributary unless fully complying with the requirements of the Cedar County Flood Plain Management Ordinance.

21. Flood Plain Regulations

It is the intent of the Flood Plain Management Ordinance, as amended, to limit development on the flood plain in order to minimize the danger to life and property which results from development undertaken without full

realization of such danger. It is further the intent of this regulation to protect the flood plain from encroachments or developments which would obstruct, contain, or divert the passage of flood waters.

A. Interpretation. The flood plain encompasses those areas subject to inundation by flood waters which can be expected to occur at a frequency of once in 100 years. Where flood elevations are not shown or cannot be determined from the Official Flood Insurance Rate Map, the applicant shall be responsible for providing sufficient evidence to the Administrative Officer, either by survey or other suitable means, that the lowest floor elevation of any proposed permanent structures is not lower than one (1) foot above the elevation of a 100 year flood.

B. Application. Existing uses and structures located in the flood plain prior to the adoption of this ordinance which are not in compliance with the flood plain regulations shall be deemed nonconformities.

C. Special Requirements. Any building, structure, or deposit proposed to be placed or converted on the flood plain shall first receive approval of the Zoning Administrator and shall be located in such a manner so as not to obstruct the passage of flood waters. Buildings and structures not intended for human occupancy may be located on the flood plain provided the construction methods and materials are such that the extent of damage will be minimal in the event of flood and comply with the Flood Plain Management Ordinance. Such buildings or structures shall be designed and intended for occupancy or use by uses which would suffer little or no damage in the event flooding should occur.

22. Subdivision Required

Every owner of any lot or tract of land, who shall subdivide the same into three (3) or more parts, shall have the Plat of such subdivision approved by the Board of Supervisors as provided in the Cedar County, Iowa, Subdivision Regulations. All replats of existing lots in subdivisions shall comply with the procedures and standards of the Subdivision Regulations.

23. Water Supply and Sewage Disposal

Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the rules and regulations of the Cedar County Board of Health and the Iowa Department of Natural Resources.

24. Rezoning Petitions

All petitions for a change in zoning district shall comply with the requirements of Chapter 18, Section 18.2, of this ordinance.

25. Zoning Permits and Petitions

Except as provided in Chapter 1, Section 1.3, Zoning Permits shall be required for the erection, enlargement, construction or reconstruction of all structures in accordance with Chapter 17, Section 17.7, of this ordinance. All petitions for special permits, variances, etc., shall comply with the requirements of Chapter 17, Section 17.18, of this ordinance.

26. Proposed Use Not Covered in Ordinance

Any proposed use not covered in this ordinance as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use shall be permitted and the ordinance amended as provided in Chapter 18, Section 18.2, before a permit is issued for such proposed use.

## CHAPTER 4

### DISTRICTS AND BOUNDARIES

#### 4.1 Establishment of Districts

In order to implement the purposes of this Ordinance and to classify, regulate and restrict the locations of businesses, trades, industries, residences and other land uses and the location of buildings designed for specific purposes, to regulate and limit the intensity of the use of lot area and to regulate and determine the areas of yards, courts, and other open area within, adjacent to, and surrounding such building, the unincorporated area of Cedar County is hereby divided into nine (9) districts, each of which the use, height, yard and area regulations are uniform. The Districts shall be designated as follows:

A-1 Agricultural, Rural

AR-1 Agricultural-Recreational

R-1 Suburban, Residential

R-2 Urban, Residential

R-3 Multiple Residential

C-1 Local Commercial

C-2 Highway Commercial

M-1 Light Industrial

M-2 Heavy Industrial

The location and boundaries of these districts are shown on the Official Zoning Map.

#### 4.2 Adoption of Official Zoning Map

The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be in the office of the County Zoning Administrator and shall be the final authority as to the current zoning status of land, buildings and other structures in the County.

#### 4.3 Changes in Official Zoning Map

No change in the Official Zoning Map shall be made except by amendment to this Ordinance as provided for under Chapter 18, Section 18.2 herein. Such changes shall be promptly made by the County Zoning Administrator and the ordinance number, nature of change and date of change shall be noted on the map, with the signature of the Chairperson of the Board of Supervisors approving such change. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this Ordinance and be punishable as provided in Chapter 19, of this Ordinance.

#### 4.4 Interpreting District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be

construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following city limits;
4. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
5. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Board of Adjustment shall interpret the district boundaries.

CHAPTER 5

A-1 AGRICULTURAL DISTRICT

A. Statement of Intent: The A-1 Agricultural District is intended to preserve areas appropriate for agricultural uses and to protect those areas of the County having the best soils for agricultural purposes from encroachment by non-farm uses.

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B. PERMITTED PRINCIPAL USES & STRUCTURES | REQUIRED PARKING

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1. Agricultural, farms, farming and the usual farm buildings including farm dwellings.	None.
2. Greenhouses, nurseries & horticulture.	As required to avoid interference with public right-of-way.
3. Grain storage bin (non-commercial).	None.
4. Public wildlife preserves, hunting areas, lakes and ponds.	As required to meet demand and avoid Interference with the public right-of-way.
5. Railroads, sewer, water and other utilities and public maintenance garages and equipment and materials, storage yards, but not including administrative or sales office, communication towers or similar equipment.	1 space for each employee on site plus 1 space for each company vehicle.
6. Single family dwellings. For farm dwellings to be severed from a farm, see Chapter 3, Section 3.1(19).	3 spaces per unit.
7. Elementary & Secondary Schools and other Educational Facilities.	2 spaces per classroom or office.
8. Churches.	1 space for every 5 seats in the main auditorium.
9. Cemeteries.	20 spaces off the public right-of-way on drives or parking areas.
10. Public parks, playgrounds campgrounds and recreational areas.	As required to meet demand and avoid Interference with the public right-of-way.
11. Riding stables.	2 spaces plus 1 space for every 100 square feet of floor area.

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C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses and structures of this district, not involving the conduct of business on the site, except home occupations located on the same lot or a contiguous lot under the same ownership.
2. Secondary farm dwellings located on a farm that is under the same ownership as the principal farm dwelling; one secondary farm dwelling shall be permitted without a special use permit which may include two (2) mobile homes where one mobile home is the principal dwelling. More than one secondary dwelling shall be considered as a residential use and require a special use permit from the Board of Adjustment. A secondary farm dwelling or dwellings must serve as living quarters for the owner or spouse, a full-time employee of the farm operation, or the mother, father, or children of the owner or spouse so long as so used. Secondary farm dwellings shall be located within 250 feet of existing farm structures; if a further distance is desired, application must be made to the Board of Adjustment for a variance. Mobile homes cannot be rented for residential use, other than that provided above.
3. Private swimming pools, garages, tennis courts, gardens and greenhouses.
4. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of work.
5. Roadside stands for the sale of produce provided that access to such stands shall be so located as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.
6. Home occupation and home industry as provided in Chapter 15.

D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), and other requirements contained herein, the Board of Adjustment may permit the following:

1. Agricultural service business involving; processing, storage, and sale of grain for seed or feed; alfalfa dehydrating; sale of feed supplements; trenching, terracing or well drilling; the sale or display of farm machinery on an open lot or within a building; provided that the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.
2. Bulk stations for the storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; petroleum products; provided such use maintains a minimum distance of seven hundred-fifty (750) feet to any dwelling or building other than a building of the owner or operator.
3. Commercial feedlots provided that such use is not closer than 1320 feet to any dwelling unit other than that of the owner or operator, or any park, school, church, or place of public assembly; that adequate provision for drainage, sanitation and waste disposal are provided; that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; that 1 parking space for each employee and 1 space for each company vehicle be provided.
4. Agricultural livestock sales.
5. Agricultural livestock and crop research.
6. Mining and extraction of minerals or raw materials, including necessary processing equipment, provided that any such operation shall be located at least 50 feet from the right-of-way line of any public road; that such operation shall not be closer than 500 feet to any dwelling, park or school; that access shall not cause a real or potential traffic hazard; that 1 off-street parking space for each employee plus 1 off-street space for each company vehicle be provided. Any person or firm seeking a special exception for the extraction of minerals or other raw materials shall meet all requirements of Chapters 101A and 208 of the Code of Iowa and all appropriate licenses and permits shall be obtained before a Special Exception and Zoning Permit shall be

validated.

7. Sanitary landfill, when authorized by the Cedar County Board of Supervisors, after receiving recommendations from the Planning and Zoning Commission and Solid Waste Commission, provided that refuse be covered with dirt daily if it contains raw garbage; that a nuisance due to smoke, odor or blowing of trash and debris shall not be created; that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the landfill operation. A dust free access road shall be provided and no landfill shall be located closer than 1000 feet to any dwelling, park or school.
8. Concrete or asphalt mixing or batching plants for temporary use during the construction, repair or maintenance of public roads, highways, or other public facilities, provided that the area be restored to a suitable condition free of refuse and debris.
9. Privately operated campgrounds, exposition grounds and fairgrounds, summer camps, ski slopes, gun clubs and hunting areas (provided such use is not closer than seven hundred-fifty (750) feet to any dwelling or building), lakes and ponds, marinas, boat docks, and recreation vehicle riding areas, race courses and similar outdoor recreation activities, provided, however that the applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environment.
10. Temporary carnivals, festivals or circuses operating not more than ten (10) days per calendar year.
11. Dog kennel and veterinary establishments, including animal hospitals, provided such uses are not nearer than seven hundred-fifty (750) feet to any zoned residential district or residence other than the residence of the owner or operator.
12. Communications stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to one-half their height, that they will not interfere with the operation of any airport or landing strip, and 1 off-street parking space per employee and 1 off-street space for each company vehicle is provided.
13. Airports and landing fields approved by the Federal Aviation Administration.
14. Bed and breakfast home as established in Chapters 137B and 137C, Code of Iowa and as provided in Chapter 2, Number 8, of this Ordinance. One parking space per bedroom shall be provided, plus two (2) additional spaces.
15. More than one secondary farm dwelling on a farm (as specified in Chapter 3, Section 3.1(19), of this Ordinance.)
16. Storage facility as provided in Chapter 2, Number 97. Adequate parking and driveway areas shall be provided around the building's perimeter, see Chapter 14. Should fences be installed, see Chapter 3, Section 3.1(11).

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E. MINIMUM LOT AREA & WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT

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1. See the Special Requirements Section of this District.

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| <p>2. Farm dwelling, either principal or secondary, when severed from the farm to be used as non-farm dwellings.</p> <p>Area.....1 Acre<br/>Width....150 Feet</p> | <p>Front.....50 feet<br/>Rear.....50 feet<br/>Side.....30 feet<br/>Corner Lot...40 feet</p>    | <p>2 1/2 stories or 35 feet.</p> <p>Height shall not interfere with airborne traffic as established by Federal, State &amp; Local Regulations.</p> |
| <p>3. Farms.</p> <p>Area.....35 Acres<br/>Width....330 Feet</p>   |  |  |
| <p>4. Truck gardens and nurseries.</p> <p>Area.....5 Acres<br/>Width....150 Feet</p>  |  |  |
| <p>5. Other uses.</p> <p>Area.....1 Acre<br/>Width....150 Feet</p>  |  |  |
| <p>6. Accessory structures. For non-agricultural uses, such structures shall not occupy more than thirty (30) percent of either the rear yard or a side yard.</p> | <p>Front.....50 feet<br/>Rear.....10 feet<br/>Side.....5 feet<br/>Corner Lot...37 1/2 feet</p> |  |

F. Permitted Signs:

1. Identification signs not to exceed 2 square feet in area.
2. Church or public bulletin boards not to exceed 32 square feet.
3. Home occupation and home industry signs not to exceed 8 square feet in area and agricultural, industrial and recreational business signs, identifying the business or service on or off the premises, not to exceed 32 square feet in area.
4. Temporary signs advertising the sale or lease of the premises not to exceed 32 square feet for one (1) sign or more than two (2) signs totaling 32 square feet.
5. No use shall have more than 1 of each type of sign permitted for that use on each street or road frontage, except as provided in 4 above; however, each sign may be a double-faced or back to back sign.
6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.

7. All signs shall be maintained in a neat, safe and presentable condition, and in the event their use shall cease, they shall be promptly removed.

G. Special Requirements:

1. The establishment of feed lots, sanitary landfills or other uses potentially hazardous to the environment shall where applicable, comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Chapter 455B of the Code of Iowa.
2. Lot size shall be determined by the completion of a percolation test by a licensed engineer or County Health Department with their recommendation as to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than one (1) acre in area.
3. Structures for housing animals or fowl shall be located at least one hundred (100) feet from all boundary lines of the property on which such structures are located.
4. When a farm dwelling or farmstead is to be divided off a tract of land and is to be contracted or deeded to another person, such parcel shall be surveyed and meet the Final Plat Requirements, as applicable, or, should the severance of the farm dwelling constitute a third parcel or tract, a subdivision plat shall be required as provided in the Cedar County, Iowa, Subdivision Regulations. The parcel's owners are responsible for all applications and fees as required.
5. If a dwelling is existing on a parcel under thirty-five (35) acres, prior to the effective date of this Ordinance, the person owning this parcel would not be required to rezone the parcel in accordance with Chapter 18, Section 18.2(1), when that person desires to replace or expand the present dwelling, as long as they comply with all the regulations of the appropriate district, obtain a zoning permit in accordance with Chapter 17, Section 17.7, and the water supply and sewage disposal system complies with Chapter 3, Section 3.1(23), of this Ordinance. For the purpose of this section, "existing" shall mean the dwelling has an assessed value and is listed in the files of the Cedar County Assessor.
6. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or the Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in the district.
7. Non-agricultural principal uses and structures. There shall be a rebuttable presumption that areas with more than 25% of the soils having CSR\* ratings of 75 or more, excluding sites with heavy tree vegetation, steep slope or other condition rendering the use unsuitable for agriculture by reason of nature, should be used for agricultural uses. In any proceeding to rezone such an area or to allow special exception to permit non-agricultural use, the applicant shall bear the burden of showing that the need to preserve the area for agricultural uses is outweighed by other factors.

\*Corn Suitability Rating: The corn suitability rating provides an index for ranking the corn suitability of soil for row-crop production in Iowa. Corn Suitability ratings range from five (5) to one hundred (100), with one hundred (100) reserved for those soils: a) located in areas of most favorable weather conditions for Iowa, b) that have high yield potential, and 3) that can be continuously row-cropped. The corn suitability rating is based on the Soil Survey of Cedar County, Iowa and the Cedar County Soil Survey Report Supplement which lists the corn suitability rating for each soil type listed in the Soil Survey.

8. Non-farm dwellings shall not be located closer than 1320 feet to an established feed lot or livestock confinement operation of 500 head or more.
9. See General District Regulations (Chapter 3).

CHAPTER 6

AR-1 AGRICULTURAL - RECREATIONAL DISTRICT

A. Statement of Intent: The AR-1 Agricultural-Recreational District is intended to accommodate various recreational, residential and agricultural uses in areas appropriately suited for such uses and located on adequately constructed roads.

B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. Agriculture, farms, farming and the usual farm buildings, including farm dwellings.	None.
2. Nurseries, greenhouses, horticulture.	As required to avoid interference with public right-of-way.
3. Grain storage bins (non-commercial).	None.
4. Single family dwellings. For farm dwellings to be severed from a farm, see Chapter 3, Section 3.1(19).	3 spaces per unit.
5. Seasonal dwellings.	2 spaces per unit.
6. Elementary & Secondary Schools and other Educational Facilities.	2 spaces per classroom or office.
7. Churches.	1 space for every 5 seats in the main auditorium.
8. Cemeteries.	20 spaces off the public right-of-way on drives or parking areas.
9. Public and private parks, playgrounds, campgrounds, amusement and recreation areas, wildlife preserves, lakes and ponds.	As required to meet demand and avoid interference with the public right-of-way.
10. Golf courses and clubhouses but not including miniature courses operated for a profit.	3 spaces per green or 1 space for every 100 feet of clubhouse floor area, whichever is greater.
11. Riding stables.	2 spaces plus 1 space for every 100 square feet or floor area.

C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses and structures of this district, not involving the conduct of business on the site, except home occupations located on the same lot or a contiguous lot under the same ownership.
2. Secondary farm dwellings located on a farm that is under the same ownership as the principal farm dwelling; one secondary dwelling shall be permitted without a special use permit which may include two (2) mobile homes

where one mobile home is the principal dwelling. More than one secondary dwelling shall be considered as a residential use and require a special use permit from the Board of Adjustment. A secondary farm dwelling or dwellings must serve as living quarters for the owner or spouse, a full-time employee of a farm operation or the mother, father or the children of the owner or spouse so long as so used. Secondary farm dwellings shall be located within 250 feet of existing farm structures; if a further distance is desired, application must be made to the Board of Adjustment for a variance. Mobile homes cannot be rented for residential use, other than provided above.

3. Private swimming pools, garages, tennis courts, gardens and greenhouses.
  4. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.
  5. Roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that no less than 4 parking spaces be provided.
  6. Home occupation and home industry as provided in Chapter 15.
- D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), and the other requirements contained herein, the Board of Adjustment may permit the following:
1. Railroads, sewer, water and other utilities but not including storage or maintenance yards and buildings or administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that 2 parking spaces per substation or 1 per employee at the site be provided.
  2. Mining and extraction of minerals or raw materials, including necessary processing equipment, provided that any such operation shall be located at least 50 feet from the right-of-way line of any public road; that such operation shall not be closer than 500 feet to any dwelling, park or school; that access shall not cause a real or potential traffic hazard; that 1 off-street parking space for each employee, plus 1 off-street space for each company vehicle be provided. Any person or firm seeking a special exception for the extraction of minerals or other raw materials shall meet all requirements of Chapters 101A and 208 of the Code of Iowa and all appropriate licenses and permits shall be obtained before a Special Exception and Zoning Permit shall be validated.
  3. Concrete or asphalt mixing or batching plants for temporary use during the construction, repair or maintenance of public roads, highways or other public facilities, provided that the area be restored to a suitable condition free of refuse and debris.
  4. Private operated exposition grounds and fairgrounds, gun clubs and hunting areas (provided such use is not closer than seven hundred-fifty (750) feet to any dwelling or building), lakes and ponds, marinas, boat docks, and recreation vehicle riding areas, race courses and similar outdoor recreation activities, provided, however that the applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environment.
  5. Temporary carnivals, festivals or circuses operating not more than ten (10) days per calendar year.
  6. Communications stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to one-half their height, that they will not interfere with the operation of any airport or landing strip, and that 1 off-street parking space per employee and 1 off-street space for company vehicle be provided.
  7. Bed and breakfast home, as established in Chapters 137B and 137C, Code of Iowa, and as provided in Chapter 2, Number 8, of this Ordinance. One parking space per bedroom shall be provided plus two (2) additional spaces.

8. More than one secondary farm dwelling on a farm (as specified in Chapter 3, Section 3.1(19), of this Ordinance).
9. Storage facility, as provided in Chapter 2, Number 97. Adequate parking and driveway areas shall be provided around the building's perimeter, see Chapter 14. Should fences be installed, see Chapter 3, Section 3.1(11).

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**E. MINIMUM LOT AREA & WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT**

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<p>1. Farm dwellings, either principal or secondary, when severed from the farm to be used as non-farm dwellings.</p> <p>Area.....1 Acre Width.....150 Feet</p>	<p>Front.....50 feet Rear.....50 feet Side.....15 feet Street Side, Corner Lot..37 1/2 feet</p>	<p>2 1/2 stories or 35 feet.</p> <p>Height shall not interfere with airborne traffic as established by Federal, State &amp; Local Regulations.</p>
<p>2. Farms.</p> <p>Area.....35 Acres Width.....330 Feet</p>		
<p>3. Other uses.</p> <p>Area.....1 Acre Width.....150 Feet</p>		
<p>4. Accessory Structures. For non-agricultural uses, such structures shall not occupy more than thirty (30) percent of either the rear yard or a side yard.</p>	<p>Front.....50 feet Rear.....10 feet Side..... 5 feet Street Side, Corner.....37 1/2 feet</p>	

**F. Permitted Signs:**

1. Identification signs not to exceed 2 square feet in area.
2. Church or public bulletin boards not to exceed 32 square feet in area.
3. Home occupation and home industry signs not to exceed 8 square feet in area and industrial and recreational business signs identifying the business or service, on or off the premises, not to exceed 32 square feet in area.
4. Temporary signs advertising the sale or lease of the premises not to exceed 32 square feet for one (1) sign or more than two (2) signs totaling 32 square feet.
5. No use shall have more than 1 of each type of sign permitted for that use on each street or road frontage, except as provided in 4 above; however, each sign may be a double-faced or back to back sign.

6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
7. All signs shall be maintained in a neat, safe and presentable condition, and in the event their use shall cease, they shall be promptly removed.

G. Special Requirements:

1. The establishment of feed lots, sanitary landfills or other uses potentially hazardous to the environment shall where applicable, comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Chapter 455B of the Code of Iowa.
2. Lot size shall be determined by the completion of a percolation test by a licensed engineer or County Health Department with their recommendation as to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than one (1) acre in area.
3. Structures for housing animals or fowl shall be located at least one hundred (100) feet from all boundary lines of the property on which such structures are located.
4. When a farm dwelling or farmstead is to be divided off a tract of land and is to be contracted or deeded to another person, as herein defined, such parcel shall be surveyed and meet the Final Plat Requirements, as applicable, or, should this severance of the farm dwelling constitute a third parcel or tract, a subdivision plat shall be required as provided in the Cedar County, Iowa, Subdivision Regulations.
5. If a dwelling is existing on a parcel under thirty-five (35) acres, prior to the effective date of this Ordinance, the person owning this parcel would not be required to rezone the parcel in accordance with Chapter 18, Section 18.2(1), when that person desires to replace or expand the present dwelling, as long as they comply with all the regulations of the appropriate district, obtain a zoning permit in accordance with Chapter 17, Section 17.7, and the water supply and sewage disposal system complies with Chapter 3, Section 3.1(23), of this Ordinance. For the purpose of this section, "existing" shall mean the dwelling has an assessed value and is listed in the files of the Cedar County Assessor.
6. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or the Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in the district.
7. Non-agricultural principal uses and structures. There shall be a rebuttable presumption that areas with more than 25% of the soils having CSR\* ratings of 75 or more, excluding sites with heavy tree vegetation, steep slope or other condition rendering the use unsuitable for agriculture by reason of nature, should be used for agricultural uses. In any proceeding to rezone such an area or to allow special exception to permit non-agricultural use, the applicant shall bear the burden of showing that the need to preserve the area for agricultural uses is outweighed by other factors.  
  
\*Corn Suitability Rating: The corn suitability rating provides an index for ranking the corn suitability of soil for row-crop production in Iowa. Corn suitability ratings range from five (5) to one hundred (100), with one hundred (100) reserved for those soils: a) located in areas of most favorable weather conditions for Iowa, b) that have high yield potential, and 3) that can be continuously row-cropped, The corn suitability rating is based on the Soil Survey of Cedar County, Iowa and the Cedar County Soil Survey Report Supplement which lists the corn suitability rating for each type listed in the Soil Survey.
8. Non-farm dwellings shall not be located closer than 1320 feet to an established feed lot or livestock confinement operation of 500 head or more.
9. See General District Regulations (Chapter 3).

CHAPTER 7

R-1 SUBURBAN RESIDENTIAL DISTRICT

A. Statement of Intent: The R-1 Suburban Residential District is intended to accommodate low density single family residential development. When development is on a sufficiently large scale, the installation of community water and sewer systems may be required.

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B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. Single family dwellings.	3 spaces per unit.
2. Public parks, playgrounds and recreational areas.	5 spaces for each acre developed for active usage.
3. Elementary & Secondary Schools and other Educational Facilities.	2 spaces per classroom or office.
4. Churches.	1 space for every 5 seats in the main auditorium.

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C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership.
2. Private swimming pools, garages, tennis courts, gardens and greenhouses.
3. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
4. Home occupation and home industry as provided in Chapter 15.

D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads, sewer, water and other utilities, but not including equipment storage or maintenance yards and buildings or administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that 2 parking spaces per substation or 1 per employee at the site be provided.
2. Bed and breakfast home as established in Chapters 137B and 137C, Code of Iowa and as provided in Chapter 2, Number 8, of this Ordinance. One parking space per bedroom shall be provided plus two (2) additional spaces.
3. Stables for private non-agricultural use, provided such structures are located at least one hundred (100) feet from all boundary lines of the property on which such structures are located.
4. Dog kennels for private, commercial or semi-commercial use, provided such structures are located at least seven hundred-fifty (750) feet from any residence other than the residence of the owner. This section does not apply to pets or security dogs that reside at the site.

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E. MINIMUM LOT AREA & WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT

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1. See the Special Requirements Section of this district.

2. Dwellings and Institutional uses except as provided elsewhere in this ordinance.

Area.....1 Acre  
Width.....150 Feet

Front.....50 feet  
Rear.....50 feet  
Side.....15 feet  
Street Side,  
Corner Lot...40 feet

2 1/2 stories or 35 feet.

Height shall not interfere with airborne traffic as Federal, State and Local Regulations.

3. Where served by community or municipal water supply & sewage disposal systems, the minimum lot area and width for dwellings shall not be less than:

Area.....15,000 Sq. Ft.  
Width.....100 Feet

4. Other uses.

Area.....1 Acre  
Width.....150 Feet

5. Accessory Structures. For residential uses, such structures shall not occupy more than thirty (30) percent of either the rear yard or a side yard.

Front.....50 Feet  
Rear.....10 Feet  
Side..... 5 Feet  
Street Side,  
Corner Lot.40 Feet

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F. Permitted Signs:

1. Identification signs not to exceed 2 square feet in area.
2. Church or public bulletin boards not to exceed 32 square feet in area.
3. Home occupation and home industry signs not to exceed 8 square feet in area.
4. Temporary signs advertising the sale or lease of the premises not to exceed 32 square feet for one (1) sign or more than two (2) signs with a total of 32 square feet.
5. No use shall have more than 1 of each type of sign permitted for that use on each street or road frontage, except as provided in 4 above; however, each sign may be a double-faced or back to back sign.

6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
7. All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.

G. Special Requirements:

1. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or the Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in the district.
2. See General District Regulations (Chapter 3).

CHAPTER 8

R-2 URBAN RESIDENTIAL DISTRICT

A. Statement of Intent: The R-2 Urban Residential District is intended to accommodate both low and medium density single-family residential development located primarily in existing unincorporated communities. When development is on a sufficiently large scale, the installation of community sewer and water systems may be required. Land rezoned to R-2 will only be permitted on major roads presently adequate to provide for the traffic generated and where fire protection is readily available or where plans for improvements are proposed by the developer or Board of Supervisors.

B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. Single family dwellings.	3 spaces per unit.
2. Public parks, playgrounds and recreational areas.	5 spaces for each acre developed for active usage.
3. Elementary & secondary schools and other Educational Facilities.	2 spaces per classroom or office.
4. Churches.	1 space for every 5 seats in the main auditorium.

C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership.
2. Private swimming pools, garages, tennis courts, gardens and greenhouses.
3. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
4. Home occupation and home industry as provided in Chapter 15.

D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads, sewer, water and other utilities, but not including equipment storage or maintenance yards and buildings or administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that 2 parking spaces per substation or 1 employee at the site be provided.
2. Bed and Breakfast home as established in Chapters 137B and 137C, Code of Iowa, and as provided in Chapter 2, Number 8, of this Ordinance. One parking space per bedroom shall be provided plus two (2) additional spaces.

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E. MINIMUM LOT AREA & WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT

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1. See the Special Requirements Section of this District.

<p>2. Dwellings &amp; Institutional uses except as provided elsewhere in this ordinance.</p> <p>Area....15,000 Sq. Ft. Width.....100 Feet</p>	<p>Front.....25 Feet Rear.....30 Feet Side.....10 Feet Street Side, Corner Lot..15 Feet</p>	<p>2 1/2 stories or 35 feet.</p> <p>Height shall not interfere with airborne traffic as established by Federal, State and Local Regulations.</p>
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3. Where served by community or municipal water supply & sewage disposal systems, the minimum lot area and width for dwellings shall not be less than:

Area.....7,700 Sq. Ft.  
Width.....70 Feet

4. Other uses.

Area.....15,000 Sq. Ft.  
Width.....100 Feet

5. Accessory structures. For residential uses, such structures shall not occupy more than thirty (30) percent of either the rear yard or a side yard.

Front.....25 Feet  
Rear.....10 Feet  
Side..... 5 Feet  
Street Side,  
Corner Lot..15 Feet

F. Permitted Signs:

1. Identification signs not to exceed 2 square feet in area.
2. Church or public bulletin boards not to exceed 32 square feet in area.
3. Home occupation and home industry signs not to exceed 8 square feet in area.
4. Temporary signs advertising the sale or lease of the premises not to exceed 32 square feet for one (1) sign or more than two (2) signs with a total of 32 square feet.
5. No use shall have more than 1 of each type of sign permitted for that use on each street or road frontage, except as provided in 4 above; however, each sign may be a double-faced or back to back sign.
6. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.

7. All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.

G. Special Requirements:

1. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or the Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in the district.
2. See General District Regulations (Chapter 3).

CHAPTER 9

R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

A. Statement of Intent: The R-3 Multi-Family Residential District is intended and designed to provide areas for mixed higher density residential developments, including single-family, two-family, and multi-family dwellings, condominiums and mobile home parks. All such proposed developments will require site plan review similar to proposed subdivisions. It is intended that this District will be permitted only where common water supply and sewage collection and disposal systems are available such as in incorporated communities. Multiple family dwellings, condominiums and mobile home parks will only be permitted on major roads presently adequate to provide for the traffic generated and where fire protection is readily available, or where plans for improvement are proposed by the developer or Board of Supervisors. Condominiums shall be established as provided in Chapter 499B, Code of Iowa.

B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. Single-family dwellings. (Minimum lot area of 15,000 sq. ft.)	3 spaces per unit.
2. Two-family dwellings. (Minimum lot area of 20,000 sq. ft.)	3 spaces per unit.
3. Multiple-family dwellings and residential condominiums. (Minimum lot area of 1 acre) Maximum average density shall not exceed 8 dwelling units per acre.	2 spaces for each dwelling unit.
4. Health Care Facility. (Minimum lot area of 1 acre). lot area of 1 acre).	Minimum of 1 space for every 3 bedrooms.
5. All other permitted principal uses and structures as allowed in the R-2 District.	As required in the R-2 District.

C. Permitted Accessory Uses and Structures:

1. All accessory uses as permitted in the R-2 District.
2. Home occupations and home industry as provided in Chapter 15.

D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), , and other requirements contained herein, the Board of Adjustment may permit the following:

1. Boarding and rooming houses, but not including motels and hotels. The minimum lot area shall be 1 acre. One (1) parking space per bedroom shall be provided plus two (2) additional spaces.
2. All special exception uses and structures as allowed in the R-2 District.
3. Mobile home parks.

Mobile home parks are subject to the following minimum requirements:

- a. Mobile home parks shall have a maximum density of eight (8) mobile homes per acre.
- b. All mobile home spaces shall abut on a hard-surfaced roadway of not less than twenty-four (24) feet in width which shall be adequately lighted and drained and which shall have unobstructed access to a public street or highway.

- c. No mobile home or structure shall be closer than twenty-five (25) feet to any property line of the mobile home park nor closer than twenty (20) feet to another mobile home or any building in the park except where mobile homes are parked end to end, the end clearance shall be at least fifteen (15) feet.
- d. No additions shall be built onto any mobile home other than a porch or entry-way which shall be not less than fifteen (15) feet from the nearest mobile home and its additions.
- e. All buildings and mobile homes within the park shall be served with community or municipal water supply and sewage disposal systems approved by the County and State Health Departments.
- f. Two (2) off-street parking spaces shall be provided for each mobile home site and one (1) space for every fifty (50) square feet of floor area in administration and service buildings.
- g. All mobile homes shall be skirted and anchored in a manner approved by the Zoning Administrator.
- h. In evaluating the proposed development, the Board of Adjustment shall include, in addition to other considerations, the following:
  - 1) The effect of the proposed mobile home park on adjacent property values.
  - 2) The consistence and compliance of the proposed mobile home park with the provisions of applicable County and State regulations.
  - 3) The suitability of the site for the proposed use with special attention to topography, subsurface conditions and the availability of necessary utility service.
  - 4) The relation of the population density resulting from the proposed mobile home park to the public interest.
  - 5) The use of sound planning and engineering practices.
  - 6) The availability of access from existing highways and the nature of the altered traffic pattern resulting from the mobile home park.
  - 7) The availability of schools, police protection, fire protection and other public services.
- i. In the event of approval, the Board of Adjustment shall specify appropriate conditions and safeguards to protect the character of existing and future development of adjoining properties as well as the mobile home park.
- j. The procedure for considering special exception for mobile home parks shall be the same as set forth in Chapter 17, Section 17.18(2), of this Ordinance except the following additional provisions shall apply:
  - 1) The application shall be accompanied by a site plan review fee, as established by the Board of Supervisors, and shall contain six (6) copies of a site plan of the proposed development showing all buildings, mobile home spaces, automobile parking spaces, vehicular and pedestrian traffic circulation, points of ingress and egress from public streets, proposed sign locations and sizes, yards, proposed landscape treatment and other pertinent features.
  - 2) The site plan shall also show existing and proposed contours at intervals not to exceed five (5) feet, referred to U.S.G.S. Datum, proposed utilities including storm sewers, electrical service, sanitary sewers and water including the proposed method of sewage disposal and source of water supply.
  - 3) Upon receipt of the application by the Zoning Administrator, one (1) copy of the application shall be forwarded immediately to the County Engineer and one (1) copy to the County Health Department for review. The Zoning Administrator shall request that their comments be submitted

to the Board of Adjustment within fifteen (15) days thereof.

- 4) The Board of Adjustment shall hold a public hearing as required by this ordinance and duly consider the proposal.

E. MINIMUM LOT AREA & WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
1. Area shall be as specified in the Permitted Principal Uses & Structures or the Special Requirements of this District.	Front.....50 feet Rear.....50 feet Side....Building Eave's Height Street Side, Corner Lot.....25 feet	3 1/2 stories or 35 feet.  Height shall not interfere with airborne traffic as established by Federal, State & Local Regulations.
2. Accessory Structures. For residential uses, such structures shall not occupy more than thirty (30) percent of either the rear yard or a side yard.	Front.....50 feet Rear.....10 feet Side..... 5 feet Street Side, Corner Lot.....25 feet	

F. Permitted Signs:

1. All signs as permitted in the R-2 District.

G. Special Requirements:

1. Lot size for all uses except single and two family dwellings shall be determined by the completion of a percolation test by a licensed engineer with their recommendation as to lot size to adequately serve sanitary sewer and water systems. At no time shall the lot size be less than one (1) acre in area unless the development is connected to a common water supply, sewage collection and disposal systems. The percolation test for single and two family dwellings may be completed by the Cedar County Board of Health.
2. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or the Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in the district.
3. All proposed development in the R-3 District will require a site plan review. Such site plan shall substantially conform to the Preliminary Plat and Grading Plan, Design Standards and Improvements Sections of the Cedar County Subdivision Ordinance as applicable. Mobile home parks shall follow site plan requirements of the R-3 Special Exception Uses and Structures, Chapter 9, Section D. A site plan review fee shall be collected.
4. All dwellings located in the R-3 district shall be provided with a basement, cellar or storm shelter capable of providing shelter to all occupants of the dwelling or dwellings.
5. Multiple family dwellings and condominiums will only be permitted on major roads adequate to provide for the traffic generated and where fire protection is readily available. Condominiums shall be established as provided in Chapter 499B, Code of Iowa.
6. See General District Regulations (Chapter 3).

CHAPTER 10

C-1 LOCAL COMMERCIAL DISTRICT

A. Statement of Intent: The C-1 Local Commercial District is intended to accommodate various commercial uses and services not necessarily dependent upon a highway location or serving the traveling public. It is further the intent of this district to accommodate clusters or groups of commercial uses, or individual uses which are extensions of existing commercial districts as contrasted with individual uses located separately. Land rezoned to C-1 shall be located on adequately constructed roads capable of handling the increased traffic load.

B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. All uses and structures may be required to have a loading space.	1 space for each 10,000 feet of floor or fraction thereof. See Chapter 14.
2. Sale of goods at retail, including hardware, food, apparel, antiques, home furnishings, books, home furnishings, books, jewelry, and other merchandise of a similar nature.	1 space for every 150 square feet of floor area.
3. Animal hospital or veterinary clinic but not including outdoor runways, pens or kennels.	Same as 2.
4. Bait shops.	1 space for every 100 square feet of floor area.
5. Banks and financial institutions.	Same as 2.
6. Business and professional offices and schools.	Same as 2.
7. Bakeries.	Same as 2.
8. Beauty and barber shops.	Same as 2.
9. Laundry, dry cleaners, tailoring, shoe repair.	Same as 2.
10. Medical, dental and chiropractor clinics.	Same as 2.
11. Printing, publishing and engraving.	Same as 2.
12. Religious and charitable institutions other than churches.	Same as 2.
13. Studios and photo galleries.	Same as 2.
14. Automotive, truck, farm implement or mobile home display sales, service or repair.	1 space for every 300 square feet of sales, services and office floor space.
15. Clubs, lodges and similar uses.	Same as 14.
16. Motorcycle, boat and recreation vehicle display sales, service or repair.	Same as 14.
17. Theaters and auditoriums.	1 space for every 5 seats.

18. Funeral Homes.	1 space for every 5 seats.
19. Hotels and motels.	1 space per rental unit plus two (2) additional spaces.
20. Bus terminals.	1 space for every 100 square feet of floor space.
21. Recreational and amusement activities such as skating rinks and dance halls.	Same as 20.
22. Restaurants, taverns and nightclubs.	Same as 20.
23. Bowling Alleys	5 spaces for each lane.
24. Miniature golf courses.	3 spaces per green.
25. Plant nurseries, greenhouses, florist shop.	1 space for every 300 square feet of floor area.
26. Railroads, sewer, water and other utilities, but not including unenclosed storage or maintenance yards.	1 space for each employee plus 1 space for each vehicle used by the facility.
27. Office condominium.	3 spaces per unit.
28. Storage facility as provided in Chapter 2, Number 97.	Adequate parking and driveway areas shall be provided around the building's perimeter, see Chapter 3.

C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
4. Residential apartments, condominiums, and dwelling units in a commercial structure provided that an open yard of at least 2,400 square feet is reserved and maintained for each dwelling unit and that 2 off-street parking spaces per unit be provided.
5. Home occupation and home industry in existing dwellings as provided in Chapter 15.

D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), and the requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads and public utilities but not including equipment storage or maintenance yards, provided that any substation or building shall meet the front and rear yard requirements for this district and shall provide side yards of not less than 25 feet, and that 2 off-street parking spaces per substation or 1 per employee at the site be provided.
2. Communications stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to one-half their height, they will not interfere with the operation of any airport or landing strip, and that 1 off-street parking space per employee and 1 off-street parking space for each company vehicle be provided.

E. MINIMUM LOT AREA & WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
1. See Special Requirements.	Front.....25 feet Side.....20 feet Rear.....25 feet Street Side, Corner Lot...25 feet	2 1/2 stories or 35 feet.  Height shall not interfere with airborne traffic as established by Federal, State & Local Regulations.

F. Permitted Signs:

1. Temporary signs advertising the sale or lease of the premises not to exceed 24 square feet in area.
2. Trade, business or industry identification signs for businesses located on the site provided that:
  - a. One free standing sign per business not to exceed 100 square feet in area or 25 feet in height.
  - b. Advertising signs pertaining to goods or services available on the premises.
  - c. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the building face on which they are located or 200 square feet, whichever is smaller.
  - d. The total combined area of all signs shall not exceed 200 square feet per business or more than 2 square feet of sign area for every lineal foot of lot frontage, whichever is smaller.
3. Billboards and advertising signs provided that:
  - a. They are not within 300 feet of a residence, school, park, cemetery or public or semi-public building.
  - b. They are not within 300 feet of another billboard or advertising sign facing the same direction.
  - c. No billboard or advertising sign shall exceed 250 square feet in area or 25 feet in height.
4. No sign or billboard shall be located in, overhang or project into a required yard.
5. All signs shall be maintained in a neat, safe, presentable condition, and in the event their use shall cease, they shall be promptly removed.

G. Special Requirements:

1. No required parking space, driveway, other than direct connection to public street, nor any merchandise display or exterior storage shall be provided in any required front yard or in the first five (5) feet inside the property line of any required side or rear yard.
2. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property.
3. Lot size shall be determined by the completion of a percolation test by a licensed engineer or County Health Department with their recommendation as to lot size to adequately serve sanitary sewer and water systems, but at

no time shall the lot size be less than one (1) acre in area.

4. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or the Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in this district.
5. See General District Regulations (Chapter 3).

CHAPTER 11

C-2 HIGHWAY COMMERCIAL DISTRICT

A. Statement of Intent: The C-2 Highway Commercial District is intended to accommodate commercial development which primarily serves the traveling public. This district is also intended to accommodate certain other commercial uses which ordinarily requires access to a major street or highway. Land rezoned to C-2 shall be located on adequately constructed County/State roads capable of handling the increased traffic load.

B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. All uses and structures may be required to have a loading space.	1 space for each 10,000 feet of floor or fraction thereof. See Chapter 14.
2. Automotive, truck, farm implement or mobile home display sales, service or repair.	1 space for every 300 square feet of sales, office floor space.
3. Motorcycle, boat and recreation vehicle display sales, service or repair.	Same as 2.
4. Animal hospitals, kennels and veterinarians' office.	Same as 2.
5. Drive-in banks.	3 spaces plus storage for 3 vehicles outside teller lane.
6. Retail/Wholesale shopping malls.	5 spaces per 100 square feet
7. Motels.	1 space per unit plus two (2) additional spaces.
8. Bait shops.	1 space per 100 square feet of floor area.
9. Plant nurseries & garden centers.	Same as 8.
10. Antique shop.	Same as 8.
11. Restaurants, nightclubs & taverns.	Same as 8.
12. Drive-in restaurant and refreshment stands.	5 spaces per 100 square feet of floor area.
13. Recreational & amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls.	Bowling - 5 spaces per lane, Miniature Golf - 3 spaces per green; other - 1 space per 100 square feet of floor area.
14. Contractors' offices only where no fabrication is done on the premises and where all storage of equipment and materials is completely enclosed in a building.	1 space for each employee plus 1 space for each company vehicle.
15. Lumber yards and building material sales and distribution.	5 spaces plus 1 space for each employee on the site plus 1 space for each company vehicle.
16. Office condominium.	3 spaces per unit.

- |   |   |
|---|---|
| 17. Storage facility as provided in Chapter 2, Number 97.                           | Adequate parking & driveway areas shall be provided around the building's perimeter, see Chapter 3. |
| 18. Sexual Activity Establishment, as provided in Section G., Special Requirements. | Same as 8.  |
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C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
4. Home occupation and home industry in existing dwellings as provided in Chapter 15.

D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), and the requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads, sewer, water and other utilities but not including equipment storage or maintenance yards, provided that any substation or building shall meet the front and rear yard requirements for this district and shall provide side yards of not less than 25 feet, and that 2 off-street parking spaces per substation or 1 per employee at the site be provided.
2. Communications stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to one-half their height, that they will not interfere with the operation of any airport or landing strip, and that 1 off-street space for each company vehicle be provided.
3. Commercially operated campgrounds or tourist camps on sites of not less than 5 acres provided that no campsite shall be located within 50 feet of a Residential District and that water and sewer disposal facilities shall be approved by County Health Department and Iowa Department of Natural Resources.

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E. MINIMUM LOT AREA & WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT

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1. See Special Requirements.	Front.....50 feet Side.....20 feet Rear.....40 feet Street Side, Corner Lot...50 feet  All required front & side yards shall be open lawn or landscaped areas.	2 1/2 stories or 35 feet.          Height shall not interfere with airborne traffic as established by Federal, State and Local Regulations.
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F. Permitted Signs:

1. Temporary signs advertising the sale or lease of the premises not to exceed 24 square feet in area.

2. Trade, business or industry identification signs for the business located on the site provided that:
  - a. One free standing sign per business not to exceed 100 square feet in area or 25 feet in height.
  - b. Advertising signs pertaining to goods or services available on the premises.
  - c. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the building face on which they are located or 200 square feet, whichever is smaller.
  - d. The total combined area of all signs shall not exceed 200 square feet per business or more than 2 square feet of sign area for every lineal foot of lot frontage, whichever is smaller.
3. Billboards and advertising signs provided that:
  - a. They are not within 300 feet of a residence, school, park, cemetery or public or semi-public building.
  - b. They are not within 500 feet of another billboard or advertising sign.
  - c. No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cut out area". The maximum height of the billboard, including extensions, is 45 feet.
  - d. Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.
4. No sign or billboard shall be located in, overhang or project into a required yard.
5. All signs shall be maintained in a neat, safe, presentable condition, and in the event their use shall cease, they shall be promptly removed.

G. Special Requirements:

1. Lot size shall be determined by the completion of a percolation test by a licensed engineer or County Health Department with their recommendation as to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than one (1) acre in area.
2. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in this district.
3. Sexual Activity Establishment
  - a. Location: These uses shall not be located within one thousand (1000) feet of each other; not within one thousand (1000) feet of any public or parochial school, licensed day care facility, church, public park or residential district; not within five hundred (500) feet of an existing dwelling.
  - b. Restrictions: Sexual activity establishments shall not allow touching as defined in specified sexual activities between employees and between employees and patrons. All building openings, entries, windows, etc., for any of the above uses, shall be located, covered, or screened in such a manner to prevent a view into the interior from any public or semi-public areas and such display shall be considered as signs. Any of the above activities which do not conform to the provisions set forth in this subparagraph shall be considered in violation of the Zoning Ordinance.
4. See General District Regulations (Chapter 3).

CHAPTER 12

M-1 LIGHT INDUSTRIAL DISTRICT

A. Statement of Intent: The M-1 Light Industrial District is intended principally for manufacturing, processing, storage, wholesaling, distribution and related uses that are generally contained within a building. It is further the intent of this district to accommodate such uses in appropriate locations which will not adversely affect existing and future land uses in other districts, and be located on adequately constructed roads capable of handling the increased traffic load.

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B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. All uses and structures may be required to have a loading space.	1 space per 10,000 square feet of floor area or fraction thereof. See Chapter 14.
2. Manufacturing & processing uses that are contained within a building and have no exterior storage, create no offensive noise, dust, odor, vibration or electrical interference.	1 space for every 2 employees on the maximum shift plus 1 space for each company vehicle.
3. Animal hospitals or kennels.	1 space for every 300 square feet of sales, service and office floor space.
4. Contractor's construction office, maintenance and fabrication shops or storage yard.	Same as 3.
5. Automotive, mobile home, farm, implement or truck sales, service, repair and reconstruction.	Same as 3.
6. Lumber yards and building material sales and storage.	Same as 3.
7. Wholesaling and warehousing but not including the bulk storage of liquid fertilizer or petroleum products under pressure.	1 space for each employee plus 1 space for each company vehicle.
8. Truck and freight terminals.	Same as 7.
9. Commercial grain storage bins, elevators and feed mills.	Same as 7.
10. Welding, machine, repair and fabrication shops.	Same as 7.
11. Automobile paint and body shops.	Same as 7.
12. Plumbing, heating, air conditioning and sheet metal shops.	Same as 7.
13. Railroads, sewer, water and other utilities including storage and maintenance yards.	Same as 7.
14. Storage facility as provided in Chapter 2, Number 97.	Adequate parking and driveway areas shall be provided around the building's perimeter, see Chapter 4.

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C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

D. Special Exception Uses and Structures: Subject to Chapter 17, Section 17.18(2), and the requirements contained herein, the Board of Adjustment may permit the following:

1. The bulk storage of liquid fertilizer and petroleum products under pressure; provided that such use is located not closer than 750 feet to any existing dwelling other than that of the owner or operator or any park, school, church or place of public assembly; that it is located so that prevailing winds will not cause gases, or odors to create a nuisance or hazard for developed properties in the vicinity; that 1 parking space for each employee and 1 space for each company vehicle be provided and at least 1 loading space be provided for 10,000 square feet of floor space.
2. Communications stations and towers provided that they shall not be closer to a dwelling or place of public assembly than a distance equal to one-half their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that 1 off-street space per employee and 1 off-street space for each company vehicle be provided.

E. MINIMUM LOT AREA & WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
1. See Special Requirements.	Front.....40 feet Rear.....40 feet Side.....20 feet Street Side, Corner Lot..25 feet	4 stories or 50 feet.  Height shall not interfere with airborne traffic as established by Federal, State and Local regulations.

F. Permitted Signs:

1. Temporary signs advertising the sale or lease of the premises not to exceed 32 square feet in area.
2. Trade, business or industry identification signs for the businesses located on the site provided that:
  - a. Free standing signs shall not exceed 100 square feet in area or 35 feet in height.
  - b. Advertising signs pertaining to goods and services available on the premises.
  - c. Signs mounted or painted on the wall of the building shall not cover more than 20 percent of the building face on which they are located or 200 square feet, whichever is smaller.
  - d. The total combined area of all signs shall not exceed 300 square feet per business or more than 2 square feet of sign area for every lineal foot of lot frontage, whichever is smaller.
3. Billboards and advertising signs provided that:

- a. They are not within 300 feet of a residence, school, park, cemetery or public or semi-public building.
- b. They are not within 500 feet of another billboard or advertising sign.
- c. No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet "cut out area". The maximum height of the billboard, including extensions, is 45 feet.
- d. Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.

4. No sign or billboard shall be located in, overhang or project into a required yard.

5. All signs shall be maintained in a neat, safe, presentable condition, and in the event their use shall cease, they shall be promptly removed.

G. Special Requirements:

1. Lot size shall be determined by the completion of a percolation test by a licensed engineer or County Health Department with their recommendation as to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than one (1) acre in area.
2. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or the Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in this district.
3. Where applicable, proposed uses shall comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Section 455B of the Code of Iowa.
4. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other debris or waste product be permitted to accumulate on the site. Open storage yards, shipping and receiving yards shall be located at least thirty (30) feet from any street right-of-way and at least twenty (20) feet from any lot line, with the exception that any livestock feed, grain, coal and similar materials shall be stored at least three hundred (300) feet from any Residential District. Storage yards containing combustibles shall be so located as to permit easy access for the fighting of a fire in such an area.
5. See General District Regulations (Chapter 3).

CHAPTER 13

M-2 HEAVY INDUSTRIAL DISTRICT

A. Statement of Intent: The M-2 Heavy Industrial District is intended to accommodate general manufacturing and closely related uses while providing protection from harmful effects to existing and future uses in other districts and is to be located on adequately constructed roads capable of handling the increased traffic load.

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B. PERMITTED PRINCIPAL USES & STRUCTURES	REQUIRED PARKING
1. All uses and structures may be required to have a loading space.	1 Space per 10,000 square feet of floor area, or fraction thereof. See Chapter 14.
2. Manufacturing and processing, except that certain uses shall be permitted only as Special Exceptions.	1 space for every 2 employees on the maximum shift, plus 1 space for each company vehicle.
3. Contractor's construction office, maintenance and fabrication shops or storage yard.	1 parking space for every 300 square feet of sales, service and office floor space.
4. Automotive, mobile home, farm implement or truck sales, service and repair and reconstruction.	Same as 3.
5. Lumber yards and building materials sales and storage, concrete products ready mix plants.	Same as 3.
6. Wholesaling and warehousing but not including bulk storage of liquid fertilizer, petroleum products under pressure, explosives or highly volatile chemicals or materials.	Space for each employee plus 1 space for each company vehicle.
7. Truck and freight terminals.	Same as 6.
8. Commercial grain storage bins, elevators and feed mills. elevators and feed mills.	Same as 6.
9. Welding, machine and repair and fabrication shops.	Same as 6.
10. Automobile paint and body shops.	Same as 6.
11. Plumbing, heating, air conditioning and sheet metal shops. ing and sheet metal shops.	Same as 6.
12. Railroads, sewer, water and other utilities including storage and maintenance yards.	Same as 6.
13. Storage facility as provided in Chapter 2, Number 97.	Adequate parking and driveway areas shall provided around the building's perimeter, see Chapter 3.

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C. Permitted Accessory Uses and Structures:

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

D. Special Exception Uses and Structures: In granting special exceptions for uses which pose a potential threat to the health, safety and well-being of persons or property in the area, the Board of Adjustment shall take into account the location and proximity of existing and proposed residential areas, schools, place of public assembly and any other pertinent factors and shall require that adequate safeguards be taken to minimize the potential danger. In the event adequate safeguards and precautions can not be met or complied with, the Board of Adjustment shall not grant approval for such use. Subject to Chapter 17, Section 17.18(2), and the requirements contained herein, the Board of Adjustment may permit the following:

1. The following uses, provided that they are not closer than 1,000 feet to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly; that 1 off-street parking space for every 2 employees and 1 off-street space for each company vehicle shall be provided.
  - a. Chemical plants.
  - b. Explosive manufacture or storage.
  - c. Fertilizer manufacture.
  - d. Garbage, offal, or dead animal reduction.
  - e. Refining of petroleum and natural gas and their products.
  - f. Stockyards or slaughter of animals and handling or processing of by-products.
2. Sanitary landfill or waste disposal area, provided that refuse is covered with dirt daily if it contains raw garbage; that a nuisance due to smoke, odor or blowing of trash and debris shall not be created; that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the landfill operation. A dust free access road shall be provided and no landfill shall be located closer than 1,000 feet to any dwelling, park, school or place of public assembly.
3. Auto wrecking and junkyards on sites of 3 acres or more provided that the front yard be maintained as an open space free of weeds and debris; that the site be enclosed with a 6 foot high fence or a suitable landscape planting that must screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas, and residential properties; and that a minimum of 1 off-street parking space for each employee and 1 off-street space for each vehicle used by the facility be provided.
4. The bulk storage of oils, petroleum, flammable liquids and chemicals when stored underground in tanks shall be located no closer to any property line than the greatest depth to the bottom of such tanks or above ground in tanks located at least 150 feet from any property line.
5. Communications stations and towers provided that they are not closer to a dwelling or place of public assembly than a distance equal to one-half their height, that they will not interfere with the operation of any airport or landing strip, and that 1 off-street space for each vehicle used by the facility be provided.
6. Mining and extraction of minerals or raw materials including necessary processing equipment provided that any such operation shall be located at least 50 feet from the right-of-way line of any public road, that such operation

shall not be closer than 500 feet to any dwelling, park, or school; that access shall not cause a real or potential traffic hazard; that 1 off-street parking space for each employee plus 1 off-street parking space for each company vehicle be provided. In addition, any person seeking a special exception for mining or extraction of minerals or other raw materials shall meet all requirements of Chapters 101A and 208 of the Code of Iowa and all appropriate licenses and permits shall be obtained before a Special Exception and Zoning Permit shall be validated.

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E. MINIMUM LOT AREA & WIDTH | MINIMUM YARD REQUIREMENTS | MAXIMUM HEIGHT

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1. See Special Requirements.	Front.....40 feet Rear.....40 feet Side.....20 feet Street Side, Corner Lot..25 feet  Where adjacent to an operating railroad, no yard shall be required along such lot line.	4 stories or 50 feet.  Height shall not interfere with airborne traffic as established by Federal, State & Local regulations.
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F. Permitted Signs:

1. Temporary signs advertising the sale or lease of the premises not to exceed 32 square feet in area.
2. Trade, business or industry identification signs for the businesses located on the site provided that:
  - a. Free standing signs shall not exceed 100 square feet in area or 35 feet in height.
  - b. Advertising signs pertaining to goods or services available on the premises.
  - c. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the building face on which they are located or 200 square feet, whichever is smaller.
  - d. The total combined area of all signs shall not exceed 300 square feet per business or more than 2 square feet of sign area for every lineal foot of lot frontage, whichever is smaller.
3. Billboards and advertising signs provided that:
  - a. They are not within 300 feet of a residence, school, park, cemetery or public or semi-public building.
  - b. They are not within 500 feet of another billboard or advertising sign.
  - c. No billboard or advertising sign shall exceed 672 square feet of total surface area plus extensions of up to a maximum of 153 square feet “cut out area”. The maximum height of the billboard, including extensions, is 45 feet.
  - d. Iowa Department of Transportation (IDOT) Approval: Any proposed sign or billboard along a State or Federal highway must be approved by IDOT, along with compliance with the regulations of the Zoning Ordinance.
4. No sign or billboard shall be located in, overhang or project into a required yard.

5. All signs shall be maintained in a neat, safe, presentable condition, and in the event their use shall cease, they shall promptly be removed.

G. Special Requirements:

1. Lot size shall be determined by the completion of a percolation test by a licensed engineer or the County Health Department with their recommendation as to lot size to adequately serve sanitary sewer and water systems, but at no time shall the lot size be less than one (1) acre in area.
2. All water supply and sewage disposal facilities shall be approved by the County Health Department and/or Iowa Department of Natural Resources; proof of such approval shall be provided to the Zoning Administrator prior to the issuance of a permit for any use in the district.
3. Where applicable, proposed uses shall comply with the requirements of the appropriate division of Iowa Department of Natural Resources as provided for in Section 455B of the Code of Iowa.
4. See General District Regulations (Chapter 3).

## CHAPTER 14

### OFF-STREET PARKING AND LOADING

Off-street parking shall be provided for use in conjunction with occupancies of building, constructed, converted, or remodeled as hereinafter defined. Off-street parking space for single family, two family or multiple family dwellings shall be provided within the dwelling or on the premises of the dwelling. Off-street parking space for other buildings shall be provided within the building, on the premises, or on a permanently reserved space on another lot, any portion of which is within two hundred (200) feet of said building.

#### 1. General Parking Provisions:

- A. Access: All off-street parking facilities shall be designed with appropriate means of vehicular access to a road or alley in a manner which will least interfere with traffic movements.

Access to a State Highway or County Road shall be subject to the regulations of the Iowa Department of Transportation and/or the Cedar County Secondary Roads Department. The Zoning Administrator shall consider access location and proximity of intersections before granting permits, and shall refer the factors to the Iowa Department of Transportation or Secondary Roads Department for approval if required.

- B. Off-Street Parking: No parking space required by this ordinance shall be provided in any required front yard in a residential district, excluding a surfaced driveway, and no required parking space, driveway, nor any merchandise, display or exterior storage shall be provided in any required front yard or in the first five (5) feet inside the property line of any required side or rear yard in a commercial or industrial district.

- C. The parking spaces for a building or premises shall be located within two hundred (200) feet of such building, and no parking or loading space may be used by two (2) or more owners without having a total number of spaces equal to the sum of the separate requirements for each building it serves.

- D. Maximum Number of Spaces: The total number of accessory parking spaces provided for one family, two (2) family or multiple family dwellings shall not exceed that required herein for such use or for any equivalent new use by more than fifty percent (50%) or five (5) spaces, whichever number is greater.

- E. Use: All motor vehicles, operable or not, parked outside a building, shall be parked in an off-street parking space as defined in Chapter 2 of the Cedar County Zoning Ordinance and subject to the provisions herein.

- F. Number of Vehicles: The number of motor vehicles, operable or not, parked outside a building on a particular premises shall not exceed the number of motor vehicle parking spaces required herein for that premises.

- G. Surface: All required off-street parking spaces shall be surfaced in a manner approved by the County Engineer, so as to provide a durable and dustless surface. All commercial or more intensive land uses will have a paved parking space with material similar to the adjacent County road surface and constructed to meet the expected traffic. They shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. All additional storm water runoff created because of the parking lot will be detained on premises in a manner acceptable to the County Engineer.

## CHAPTER 15

### HOME OCCUPATIONS AND HOME INDUSTRIES

- A. Statement of Intent: If permitted in the Zoning District, Home Occupation and Home Industry businesses are permitted by Special Permit so long as they do not conflict or distract from adjacent landowners' enjoyment of their property, and their use for occupational purposes is clearly incidental and subordinate to the Principal Permitted Use of the district in which they are permitted.
1. The home businessperson must file with the Zoning Administrator an application for a Special Permit to be considered by the Board of Adjustment. This application requires the applicant to explain and justify why this business should be permitted by the Board. If the application complies with the requirements of this section, the Administrator will schedule a Public Hearing at which time the Board shall consider the application for conformity with this Chapter and the Ordinance and subject to any such conditions as are necessary to protect adjoining property. If the business person changes the nature or character of, or wishes to change the location of the home occupation or home industry, they must re-apply for a Special Permit with the Administrator. Special Permits are not transferable and are subject to annual review by the Board.
- B. Limitations on Home Occupation and Home Industry Activities:
1. Is carried on by a member of the immediate family residing on the premises.
  2. No more than one (1) non-resident assistant is allowed.
  3. The activity must be conducted entirely within the dwelling or in a permitted accessory structure, so that there is no evidence of such business being conducted on the premises by virtue of displays, commodities, excessive noise, odors, smoke, vibration, refuse, objectionable emissions, electrical disturbances or considerable vehicular traffic.
  4. The business shall provide customer parking on the premises, not in the public road right-of-way. Traffic to and from the premises may not increase significantly because of the business.
  5. No alteration of a building shall be made which changes the character and appearance thereof as a residence or agricultural building.
  6. For a home occupation, not more than one-half (1/2) of the first floor area of the residence is devoted to the business. For a home industry, no more than 2,400 square feet of an accessory building can be devoted to the home industry.
  7. Not more than one motor vehicle and trailer shall be permitted in conjunction with the activity.
  8. One advertising sign is permitted on the premises with the following requirements:
    - a. Not larger than eight (8) square feet; and
    - b. Placed flat against any one side of the building;
    - c. Posted within two (2) feet and parallel with the building; or
    - d. Posted no closer than fifty (50) feet of the road right-of-way, if the building is located behind the fifty (50) foot building setback line; and
    - e. Is not illuminated.

## CHAPTER 16

### NONCONFORMING STRUCTURES AND USES

16.1 Nonconformities. Within the districts established by this Ordinance or amendments that may later be adopted, there exists lots, structures and uses of land and structures, which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.

Subject to Chapter 3, it is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land or water, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

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

Any use or structure in existence at the time of adoption of this Ordinance which was not an authorized "nonconforming use" under the previous zoning ordinance as determined by the Zoning Administrator, shall not be authorized to continue as a nonconforming use or structure pursuant to this Ordinance, or amendments thereto.

16.2 Nonconforming Lots of Record. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance provide, however, that the sewage disposal system and water supply shall first be approved by the County Health Department. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

16.3 Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the regulations imposed by this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months,

any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

16.4 Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lots, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in any way which increases its nonconformity.
2. A nonconforming mobile home may not be replaced with another mobile home.
3. Should such structure be destroyed by any means to an extent of more than forty percent (40%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

16.5 Nonconforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the term of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises in combination may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific cases, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.
4. Any structure or structure and land in combination, in or which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, the structure thereafter, shall not be used except in conformity with the regulations of the district in which it is located.
6. Where nonconforming use status applies to the use of a structure or to the use of a structure and premises in combination, removal or destruction of the structure to an extent of more than forty percent (40%) of its replacement cost at the time of destruction, shall eliminate the nonconforming status of the land. Any new use of such land shall be in conformity with the provisions of this Ordinance.

16.6 Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe, by any official charged with protecting the public safety, upon order of such official.

16.7 Damage and Destruction. If a nonconforming building or structure, or a building or structure containing a nonconforming use is damaged or destroyed by any means to the extent of forty percent (40%) or more of its replacement costs at the time of destruction, the building or structure may only be rebuilt or used in conformance with the provisions of the district in which it is located. In the event the damage or destruction is less than forty percent (40%) of its replacement costs, the building or structure may then be restored to its original condition and the occupancy or use of such building or structure may be continued only as it existed at the time of such partial destruction.

In either event, restoration or repair of the building or structure shall be started within a period of six (6) months from the date of damage or destruction, and completed within twelve (12) months of the date of such damage.

The Board of Adjustment may permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, Act of God, or the public enemy to the extent of more than forty percent (40%) of its replacement costs at the time of destruction, where the Board of Adjustment finds some compelling public necessity requiring the continuance of the nonconforming use, and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

16.8 Uses Under Exception Provisions Not Nonconforming Uses. Any use permitted as a special exception in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

## CHAPTER 17

### ADMINISTRATION AND PERMITS

17.1 Administration And Enforcement. The Board of Supervisors shall appoint a Zoning Administrator and necessary assistants and it shall be the duty of said Administrator to enforce this Ordinance. It shall also be his/her duty to examine all applications for permits, issue permits for construction and the establishment of uses which are in accordance with the requirements of this Ordinance, record and file all applications and permits with accompanying plans and documents, and make such reports as the Board of Supervisors, the Cedar County Planning and Zoning Commission, or the Board of Adjustment may require. Permits for construction and uses which are a special exception or variance to requirements of this Ordinance shall be issued only upon order by the Board of Adjustment. The Zoning Administrator may be a person holding other public office in the county, or in a city or other governmental subdivision within the County.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify by certified mail the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance, including assistance from the County Attorney's Office, to insure compliance with or to prevent violation of its provisions.

17.2 Appeals From Decision Of Zoning Administrator. Appeals from any decision of the Zoning Administrator may be taken to the Board of Adjustment as provided in Chapter 17, Section 17.18(1).

17.3 Violation And Penalties. Any person, firm or corporation who shall violate or fail to comply with the provisions of this Ordinance shall be guilty of a county infraction and shall be penalized as set forth in Chapter 20 of the County Code of Cedar County, Iowa.

17.4 Separate Offenses May Be Charged. The owners or tenant of any building, structure, land or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense, and upon conviction, suffer the penalties herein provided.

17.5 Injunction, Mandamus. Nothing herein contained shall prevent the County from taking other lawful action as is necessary to prevent or remedy any violation.

17.6 Zoning Permits. Zoning Permits shall be required for the following:

1. Any structure, other than that used for farming purposes, hereafter erected, reconstructed or enlarged.
2. Any change in use other than to a farming use.
3. Any change in occupancy for all uses other than single family dwelling and farming.

17.7 Application For Zoning Permit. All applications for Zoning Permits shall be made prior to beginning construction or use. Applications for Zoning Permits shall be obtained from the Zoning Administrator, fully completed by the applicant and returned to the Zoning Administrator. The Zoning Administrator may return incomplete applications for further information or may request additional information prior to the issuance of a Zoning Permit. Each application for a Zoning Permit shall be accompanied by a plat drawing of the parcel(s) involved, drawn to scale and including the following: (Refer to Diagram 77A)

1. Actual dimensions of lot(s) or tract(s) to be built upon or used.
2. The size, shape and location of the structure(s) to be erected.

3. The location of all property lines, easements and right-of-way lines.

4. Any other information as may be necessary to provide for the enforcement of this ordinance.

17.8 Failure To Obtain Zoning Permit. Failure to obtain an approved Zoning Permit prior to beginning any construction or use shall cause the Zoning Administrator to double the Zoning Permit application fee for that individual application.

- 17.9 Zoning Permit Fee. The Zoning Administrator is directed to issue a Zoning Permit as required by this Ordinance for proposals which comply with all provisions contained herein and to charge a fee as established by the Cedar County Board of Supervisors and payable to the Treasurer of Cedar County, Iowa.
- 17.10 Posting Of Permit. A copy of the Zoning Permit shall be kept on the premises open to public inspection during the progression of the work and until the completion of same.
- 17.11 Revocation. The Zoning Administrator may revoke a Zoning Permit or approval issued under the provisions of these regulations in case there has been any false statement or misrepresentation as to a material fact in the application or plat on which the permit or approval was based.
- 17.12 Pending Applications For Zoning Permits. Nothing herein contained shall require any change in the overall layout, plans, construction size or designated use on any Zoning Permits which have been granted before the enactment of this Ordinance, provided the construction of which conforms with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.
- 17.13 Board Of Adjustment Created. A Board of Adjustment is hereby established. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years, except that when the Board shall first be created, one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member.
- 17.14 Chairman. The Cedar County Board of Supervisors shall name one of the members of the Board of Adjustment as chairman for the first year, and thereafter such chairman shall be elected by the Board of Adjustment. Such chairman shall serve for a term of one (1) year only.
- 17.15 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/her absence, the acting chairman 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 examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Administrator.

The Board of Adjustment shall not be compensated, except for necessary expenses.

- 17.16 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 the governing body of the County affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time, not to exceed ninety (90) days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which action appealed from was taken.

The Board of Adjustment shall take action upon an appeal within 30 days of filing, give public notice thereof, as well as due notice to the parties in interest, including the owners of property which is within five hundred (500) feet of the property on which the appeal has been filed, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

A fee, as established by the Board of Supervisors, shall be paid to the Zoning Administrator at the time the notice of appeal is filed, payable to the Treasurer of Cedar County, Iowa.

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

17.18 The Board Of Adjustment: Powers And Duties. The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. Special Exceptions: Conditions Governing Applications: Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, and to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

In granting any special exceptions, the Board of Adjustment may prescribe appropriate conditions and Safeguards in conformity with this Ordinance. Violations 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 Chapter 19 of this Ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

Should the use of a special exception change, for whatever reason, the new use shall be brought back to the Board of Adjustment for approval. A change in the use of a special exception shall be subject to the same conditions governing applications for special exceptions.

Actions of the Board of Adjustment creating or removing a special exception on a parcel of property shall be recorded with the County Recorder. Recording fees shall be borne by the property owner.

A special exception shall not be granted by the Board of Adjustment unless and until:

- a. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- b. Notice shall be given at least fifteen (15) days in advance of the public hearing by publication in a newspaper of general circulation in the County. Failure to receive notification shall not affect the jurisdiction of the Board to act; jurisdiction is granted by publication.
- c. The public hearing shall be held. Any party may appear in person or by agent or attorney.
- d. In reviewing an application for a special exception, the Board of Adjustment shall consider the most appropriate use of the land; the conservation and stabilization of property values; adequate open spaces for light and air; concentration of population; congestion of public streets; the promotion of the public safety, morals, health, convenience and comfort; and the general welfare of the persons residing or working in the general area.
- e. The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance

described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. In making its finding, the Board of Adjustment shall, where applicable, duly consider the following:

- 1) Ingress and egress to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- 2) Off-street parking, loading and service areas where required;
- 3) Economic, noise, dust, heat, glare, or odor effects of the special exception on surrounding properties;
- 4) Utilities, with reference to locations, availability, adequacy and compatibility;
- 5) Screens and buffers with reference to type, dimension, character and adequacy.
- 6) General compatibility with surrounding properties;
- 7) Required yards and other open spaces.

3. Variances: Conditions Governing Application, Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to 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:

- a. A written application for a variance is submitted demonstrating:
  - 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;
  - 2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
  - 3) That the special conditions and circumstances do not result from the actions of the applicant;
  - 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- b. Notice of public hearing shall be given as in Chapter 17, Section 17.18(2)(b) above.
- c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- d. The Board of Adjustment shall make findings that the requirements of Chapter 17, Section 17.18(3)(a), have been met by the applicant for a variance.
- e. 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.
- f. 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.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. 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 Chapter 19 of this Ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permitted in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

17.19 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 Administrator from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

17.20 Appeals From The Board Of Adjustment. Any person or persons, or any board, taxpayer, department, board or bureau of the County aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 335, Code of Iowa.

## CHAPTER 18

### ZONING AMENDMENTS AND REZONINGS

18.1 Changes And Amendments. The regulations imposed and the districts created by this ordinance may be amended from time to time by the Board of Supervisors on its own action or on petition from the Cedar County Planning and Zoning Commission or an individual or group, after public notice and hearings as provided by law and after a report by the Cedar County Planning and Zoning Commission. At least seven (7) days notice of the time and place of such hearing held by the Cedar County Board of Supervisors shall be published in a newspaper having general circulation in the County. In case the Commission recommends disapproval of the change or, in case of a protest filed with the Board of Supervisors against a change in district boundaries signed by the owners of twenty (20) percent or more, either of the area of the lots included in such a proposed change, or of those immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of sixty (60) percent of all the members of the Board of Supervisors.

18.2 Change Of Zoning District Boundaries, Application And Procedures. A request for rezoning by anyone other than the Zoning Commission or the Board of Supervisors requires a signed petition by the owner (title holder), or by the owners of the area if more than one property owner, contract buyers and signee's, of all the real estate included within the boundaries of said tract to be rezoned.

1. Such application shall be filed with the Zoning Administrator, accompanied by a one-time fee as established by the Board of Supervisors based on the number of acres to be rezoned. This filing fee will serve to cover the administrative processing of the rezoning application for both the Commission hearing and the Board of Supervisors hearing. Once the filing fee is submitted, no part of the sum may be refunded after the hearing date of the Commission. The application shall contain the following information:

- a. The legal description and local address of the property.
- b. The present zoning classification and the zoning classification requested for the property.
- c. The existing use and proposed use of the property, if the proposed use is known.
- d. The names and addresses of the owners of all property within five hundred (500) feet of the property for which the change is requested.
- e. A soils inventory and evaluation from the Natural Resource Conservation Service which will be prepared by the Zoning Administrator's office.
- f. An informal plat approved by the Zoning Administrator drawn to scale showing the actual locations, dimensions and use of the property proposed for rezoning and all property within five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features which relate to zoning. This informal plat need not be prepared by a land surveyor and need not be recorded in the real estate records of the County Recorder or Auditor. If a formal survey plat of the tract proposed for rezoning has been prepared and recorded in the real estate records, such formal survey plat may be submitted to the Zoning Administrator in lieu of the informal plat, provided that the uses and pertinent physical features of surrounding property within five hundred (500) feet has been shown on the original plat or informally added to such plat.
- g. A statement of reasons why the applicant feels the present zoning classification is no longer desirable.

All fees shall be payable to the Treasurer of Cedar County, Iowa. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

2. Upon receipt of the application by the Zoning Administrator, a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall give notice of a public hearing of the

proposed change to be held before the Commission. At least seven (7) days notice of the time and place of such hearing shall be published in a newspaper having general circulation in the County. All property owners within 500 feet of the property for which the change is requested will be notified by ordinary mail at the last known address as provided by the applicant. Failure by those property owners to receive notification shall not affect the jurisdiction of the Commission to act; jurisdiction is granted by publication.

3. Upon holding the hearing, but prior to making a recommendation, the Commission shall determine the following:
  - a. Whether or not the current district classification of the property to be rezoned is valid.
  - b. Whether there is a need for additional land zoned for the purpose requested.
  - c. Whether the proposed change is consistent with the current land use plan, policies of the Planning and Zoning Commission and Board of Supervisors and the policies as established for taking the Corn Suitability Rating (CSR) into account.
  - d. Whether the proposed change would result in a population density or development which would in turn cause a demand for services or utilities in excess of the capacity planned for the area.
  - e. Whether the proposed change would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity. When the proposed change is expected to result in generating excess traffic beyond the capacity of the existing or planned streets in the vicinity, the Commission may provide the Board of Supervisors with recommendations on upgrading roads and streets.
4. The Commission shall submit its recommendations to the Supervisors within forty-five (45) days from the receipt of the application stating the reasons therefore, except that when no report issues within that time, the application will be deemed approved by the Commission.

The Board of Supervisors shall receive the recommendation and establish a public hearing date, time and place at a regular meeting at least seven (7) days and not more than thirty (30) days from the date of receipt of recommendation. The Zoning Administrator shall give notice of a public hearing to be held by the Supervisors in a newspaper of general circulation in the County at least seven (7) days prior to the public hearing, and shall re-notify all property owners of record within five hundred (500) feet of the property for which the rezoning is requested by ordinary mail at the last known address as provided by the applicant.

Failure to receive notification shall not affect the jurisdiction of the Board of Supervisors to act; jurisdiction is granted by publication. The Supervisors shall consider the matter as provided in Chapter 18, Section 18.1, of this Ordinance.

- a. In making the report on the rezoning application to the Board of Supervisors, the Commission may recommend that less area be rezoned, if part of the area is not similar in nature. No additional public hearing by the Commission need be held where such a recommendation is made. The Commission may also recommend that additional land be added in which case it shall conduct another public hearing after notice as provided above.

## CHAPTER 19

### COUNTY INFRACTION

19.1 Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a county infraction and shall be penalized as set forth in Ordinance #20, of the County Code of Cedar County, Iowa.

19.2 Alternative to immediate legal actions: Within fourteen (14) days of receipt of written notice, the responsible party must either 1) eliminate the zoning violation(s), or 2) apply for a zoning change or variance which will correct the violation.

The Zoning Administrator may delay action against the responsible party (parties) if the violator files a request for an Agreement to Abate within fourteen (14) days of receipt of written notice of the violation. This provision is provided to allow additional, reasonable time to comply with the zoning regulations when costs, weather conditions or other unusual circumstances make compliance within fourteen (14) days extremely difficult or nearly impossible. The Planning and Zoning Commission will consider the request to enter into an Agreement to Abate at their next regular meeting.

19.3 Agreement to Abate Terms: The Planning and Zoning Commission will consider the request for an Agreement to Abate based upon the degree of difficulty faced by the responsible party (parties) in eliminating the zoning violation. The Agreement to Abate is a voluntary binding agreement which stipulates the violation(s), the expiration date of the special extended abatement period, and what must be done to achieve compliance with the zoning regulation(s). In voluntarily signing this agreement, the violator also agrees to waive the right to appeal the County's determination that a zoning violation exists, and consents and agrees that if the abatement is not eliminated in the extended abatement period, the County or its agents may enter the property and abate the violation. The violator agrees to pay all costs of abatement.

## CHAPTER 20

### FLOOD PLAIN MANAGEMENT

#### SECTION 1 - STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE

A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact:

1. The flood hazard areas of Cedar County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the community.
2. These flood losses, hazards, and related adverse effects are caused by: (1) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (2) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

C. Statement of Purpose:

It is the purpose of this chapter to protect and preserve the rights, privileges and property of Cedar County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 1B1 of this chapter with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

#### SECTION 2 - GENERAL PROVISIONS

A. Lands to Which Chapter Apply:

The provisions of this chapter shall apply to all lands within the jurisdiction of the County of Cedar which are located within the boundaries of the Flood Plain District as established in Section 3.

B. Rules for Interpretation of Flood Plain District:

The boundaries of the Flood Plain District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.

C. Compliance:

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

D. Abrogation and Greater Restrictions:

It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other chapters inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

E. Interpretation:

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

F. Warning and Disclaimer of Liability:

The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Flood Plain District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Cedar County, or any officer or employee thereof, for any flood damages that from reliance on this chapter or any administrative decision lawfully made thereunder.

G. Severability:

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

### SECTION 3 - ESTABLISHMENT OF FLOOD PLAIN (OVERLAY) DISTRICT

The areas within the jurisdiction of Cedar County having special flood hazards are hereby designated as a Flood Plain District and shall be subject to the standards of the Flood Plain District. The Flood Plain District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Cedar County.

### SECTION 4 - STANDARDS FOR FLOOD PLAIN (OVERLAY) DISTRICT

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data.

A. All development within the Flood Plain District shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that are resistant to flood damage.
4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Residential Buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at

such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the Cedar County Board of Supervisors, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

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

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

D. All New and Substantially Improved Structures:

1. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Factory-built Homes:

1. All factory-built homes, including those places in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. The following specific requirements (or their equivalent) shall be met:
  - a. Over-the-top ties shall be provided at each of the four corners of the factory-built home, with two (2) additional ties per side at intermediate locations and factory-built homes less than fifty (50) feet long requiring one (1) additional tie per side;
  - b. Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate

points and factory-built homes less than fifty (50) feet long requiring four (4) additional ties per side;

- c. All components of the anchoring system shall be capable of carrying a force of 4800 pounds.
- d. Any additions to factory-built homes shall be similarly anchored.

F. Utility and Sanitary Systems:

- 1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- 2. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
- 3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
- 4. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of Materials and Equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (1) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (2) be readily removable from the area within the time available after flood warning.

H. Flood Control Structural Work such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

I. Watercourse Alterations or Relocation must be designed to maintain the flood within the altered or relocated portion.

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

K. Accessory Structures:

- 1. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:
  - a. The structure shall not be used for human habitation.
  - b. The structure shall be designed to have low flood damage potential.
  - c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

- d. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
  - e. The structure's service facilities, such as electrical and heating equipment, shall be elevated or flood-proofed to at least one foot above the 100-year flood level.
2. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. Recreational Vehicles:

1. Recreational vehicles are exempt from the requirements of Section 4E of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
  - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
  - b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
2. Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements of Section 4E of this chapter regarding anchoring and elevation of factory-built homes.

M. Pipeline River and Stream Crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

## SECTION 5 - ADMINISTRATION

A. Appointment, Duties and Responsibilities of Zoning Administrator:

1. The Zoning Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.
2. Duties of the Administrator shall include, but not necessarily be limited to the following:
  - a. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
  - b. Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
  - c. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the Flood Plain District.
  - d. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been floodproofed.
  - e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
  - f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

B. Flood Plain Development Permit:

1. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.
2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
  - a. Description of the work to be covered by the permit for which application is to be made.
  - b. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
  - c. Indication of the use or occupancy for which the proposed work is intended.
  - d. Elevation of the 100-year flood.
  - e. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
  - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
  - g. Such other information as the Administrator deems necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
3. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Supervisors.
4. Construction and Use to be as Provided in Application and Plans - Flood Plain Development Permits, based on the basis of approved plans and applications, authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

C. Variance:

1. The County Board of Supervisors may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:
  - a. Variances shall only be granted upon: (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
  - b. Variances shall not be issued within any designated floodway if any increase in flood levels during the

100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that:  
(1) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (2) such construction increases risks to life and property.
2. Factors Upon Which the Decision of the Board of Supervisors Shall be Based - In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this chapter and:
- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  - b. The danger that materials may be swept on to other land or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e. The importance of the services provided by the proposed facility to the County.
  - f. The requirements of the facility for a flood plain location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  - l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
  - m. Such other factors which are relevant to the purpose of this chapter.
3. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessary be limited to:
- a. Modification of waste disposal and water supply facilities.
  - b. Limitation of periods of use and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.

- d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
- e. Floodproofing measures.

#### SECTION 6 - NONCONFORMING USES

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
  - 1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
  - 2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, except unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### SECTION 7 - PENALTIES FOR VIOLATION

Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a county infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be guilty of a county infraction and shall be penalized as set forth in Ordinance #20, of the County Code of Cedar County, Iowa. Nothing herein contained prevent the County of Cedar from taking such other lawful action as is necessary to prevent or remedy violation.

#### SECTION 8 - AMENDMENTS

The regulations and standards set forth in the chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

#### SECTION 9 - DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

**BASEMENT** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor".

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**EXISTING CONSTRUCTION** - Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".

**EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the effective date of flood plain management regulations adopted by the community.

**EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FACTORY-BUILT HOME** - Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

**FACTORY-BUILT HOME PARK** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

**FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

**FLOOD ELEVATION** - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

**FLOOD INSURANCE RATE MAP (FIRM)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

**FLOOD PLAIN** - Any land area susceptible to being inundated by water as a result of a flood.

**FLOOD PLAIN MANAGEMENT** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

**FLOODPROOFING** - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

**FLOODWAY** - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

**FLOODWAY FRINGE** - Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

**HISTORIC STRUCTURE** - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or;
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either 1) an approved state program as determined by the Secretary of the Interior or 2) directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR** - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 4D1 of this chapter and;
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and;
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and;
- d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

**NEW CONSTRUCTION** (new buildings, factory-built home parks) – Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

**NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.

**ONE HUNDRED (100) YEAR FLOOD** - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

**RECREATIONAL VEHICLE** - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck and;
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

**SPECIAL FLOOD HAZARD AREA** - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent

construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation, or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any improvement to a structure which satisfies either of the following criteria:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the "start of construction" of the improvement, or (2) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude The structure's designation as an "historic structure".
- b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after August 5, 1985, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

**VARIANCE** - A grant of relief by a community from the terms of the flood plain management regulations.

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

#### SECTION 10 - SEPARABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

#### SECTION 11 - REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, and particularly the Zoning Ordinance of Cedar County and amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

#### SECTION 12 - EFFECTIVE DATE

This ordinance shall become effective immediately upon passage and adoption of the Cedar County Code of Ordinances and publication of the ordinance adopting the Code of Ordinances as provided by law.