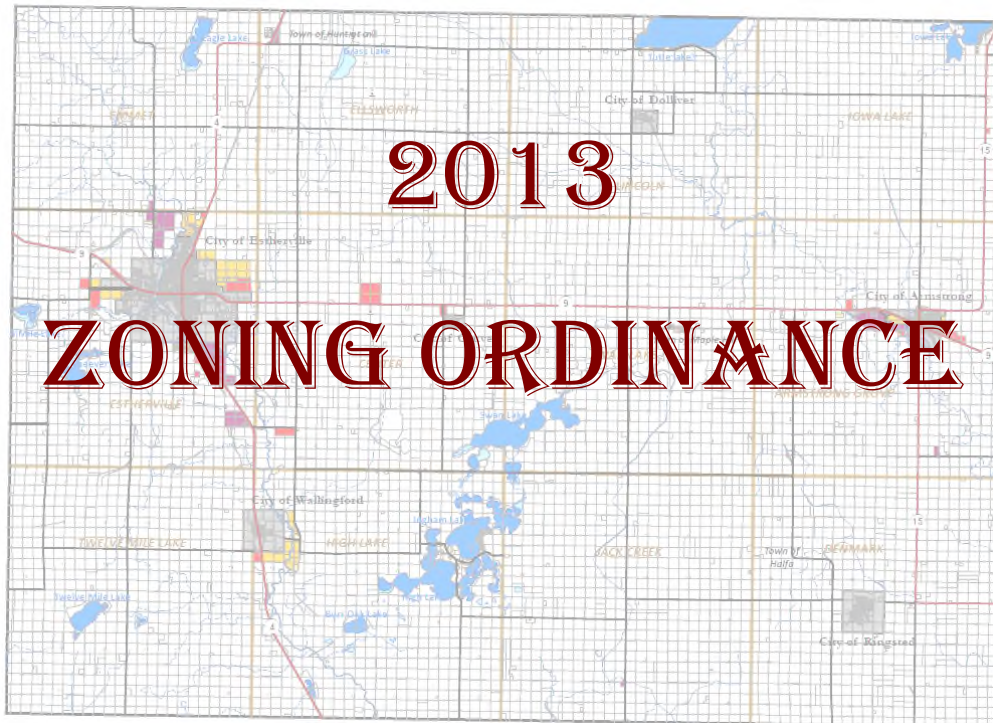




# EMMET COUNTY IOWA



*Prepared with Planning Assistance from  
Northwest Iowa Planning &  
Development Commission  
Spencer, Iowa*



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# EMMET COUNTY IOWA

2013

# ZONING ORDINANCE

*Prepared with Planning & Technical Assistance By:*

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REPLACES 2005 EMMET COUNTY ZONING ORDINANCE  
AND AMENDMENTS THERETO

**ZONING ORDINANCE OF  
EMMET COUNTY, IOWA**

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

WHEREAS, the Board of Supervisors of Emmet County, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public improvements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the county, all in accordance with the Emmet County Comprehensive Land Use Plan, adopted October 2002.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF EMMET COUNTY, IOWA:

## ARTICLE I Basic Provisions

### Article 1: Basic Provisions

- Section 1.1. Title
- Section 1.2. Jurisdiction
- Section 1.3. Interpretation
- Section 1.4. Validity and Severability Clause
- Section 1.5. Repeal of Conflicting Ordinances
- Section 1.6. Purpose
- Section 1.7. Right of the Planning and Zoning Commission
- Section 1.8. Disclaimer regarding “Approval” of County Representatives
- Section 1.9. Comprehensive Development Plan Relationship

#### **Section 1.1. TITLE.**

This ordinance shall be known as the “Zoning Ordinance of Emmet County, Iowa”.

#### **Section 1.2. JURISDICTION.**

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

#### **Section 1.3. INTERPRETATION.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, sustainability or general welfare. This ordinance is not intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where any provision of this ordinance is more restrictive or imposes a greater restriction than imposed or required by other resolutions, ordinances, rules, easements, covenants or other agreements, the provision of this ordinance shall govern.

#### **Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.**

Should any section, paragraph, subdivision, clause, phrase, or provision of this ordinance be adjudged by a court of competent jurisdiction to be invalid or held unconstitutional, such ruling shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than that part so decided invalid or unconstitutional. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of such provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

#### **Section 1.5. REPEAL OF CONFLICTING ORDINANCES.**

The zoning ordinance for Emmet County adopted by the Board of Supervisors on May 3, 2005, as well as all amendments enacted under that ordinance shall be repealed in its entirety upon the passage and publication of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof.

**Section 1.6. PURPOSE.**

The intent of this ordinance, in accordance with Section 335.5 Code of Iowa, is to create various zoning districts for the purposes of:

1. The zoning ordinance and districts herein established have been made in accordance with a comprehensive plan and policies to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future residents of Emmet County, Iowa.
2. The ordinance shall provide for, amongst other things; sustainability, the lessening of congestion in roads, promotion for the prudent use of resources, to provide adequate access, to ensure the public safety, prevent excessive concentration of population, and excessive scattering of development.
3. The promotion of population distribution and the classification of land uses and the distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flow and drainage, water supply, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, preserving the availability of agricultural land, considering the protection of soil from wind and water erosion, encouraging efficient urban development patterns, promoting conservation of energy resources and reasonable access to solar and wind energy, fostering the state's agricultural and other industries, and the protection of both urban and non-urban development by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use.
4. Preserve natural resources, scenic areas, and historically significant areas of Emmet County;
5. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
6. Prevent and minimize the effect of nuisance producing activities;
7. Define the powers and duties of the Board of Supervisors, Board of Adjustment and the zoning administrator.

They have been made with reasonable consideration, among other things, for the existing use and character of property, to the character of the particular district involved, and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate uses within the unincorporated lands of Emmet County, Iowa.

**Section 1.7. RIGHT OF THE PLANNING AND ZONING COMMISSION.**

Pursuant to Section 335.8, Code of Iowa, it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the Board of Supervisors shall not hold its public hearings or take action until it has received the final report of the commission.

**Section 1.8. DISCLAIMER REGARDING “APPROVAL” OF COUNTY REPRESENTATIVES.**

This ordinance shall not be construed in any way as giving any person, organization, or entity the status of a third party beneficiary. Whenever the words “approve”, “approved”, “approval” or similar words are used in describing actions taken by the zoning administrator, county engineer, Planning Commission, Board of Adjustment or the Board of Supervisors, such words shall be construed as ministerial acts that only entail review for compliance with the ordinance. Emmet County makes no warranties, either expressed or implied, that any plans, plats, subdivision, rezoning, variance, or any other actions that constitute “approval” by Emmet County are merchantable, fit for any particular purpose, or free from design or construction defects.

**Section 1.9. COMPREHENSIVE DEVELOPMENT PLAN RELATIONSHIP.**

These regulations are designed to implement various elements of the comprehensive plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive plan adopted by the Emmet County Board of Supervisors.

## ARTICLE II Agricultural Exemption

### Article 2: Agricultural Exemption

Section 2.1. Farms Exempt

Section 2.2. Determination of Farm Exemption

#### **Section 2.1. FARMS EXEMPT.**

In accordance with the provisions of Section 335.2, Code of Iowa, except to the extent required to implement Section 335.27, Code of Iowa, no regulation or restriction adopted under the provisions of this ordinance applies to land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used. However, the regulations of this ordinance may apply to any structure, building, dam, obstruction, deposit or excavation in or on the floodplains of any river or stream.

Referred to in § 335.3, 368.26, 414.23

Any farm dwelling, building or structure intended for permanent human habitation shall comply with the same floodplain zoning regulations as nonfarm single family dwellings. Buildings or structures located within a floodplain are not exempt from the regulations of this ordinance.

#### **Section 2.2. DETERMINATION OF FARM EXEMPTION.**

To enable Emmet County to determine whether zoning compliance is farm exempt, the county shall require all persons or owners constructing, erecting, placing or moving dwellings, buildings and structures in the unincorporated area to submit an application for farm exemption. This application will only require minimal project information indicating location, valuation, size and proposed use of the intended activity. Based upon this preliminary review, the Emmet County Zoning Administrator will make a determination of farm exemption based upon the intended use of the proposed building or improvements. This application for determination of farm exemption is required for the construction, alterations, remodeling, or expansion of buildings that changes the footprint or square footage of the principal or accessory buildings and uses customarily associated with the pursuit of agricultural enterprises in Emmet County including farm buildings, accessory farm buildings or structures, and similar buildings, structures and uses. Emmet County is not intending to, nor use any application review to restrict or regulate agricultural uses, but to provide the county statistical data on the number, valuation, size and location of agricultural buildings constructed or remodeled, which may be used for county assessment purposes. Permit fees will not apply for uses found to be farm exempt. However, failure to submit an application for farm exemption shall be prosecuted and penalized in accordance with Article XXII of this ordinance.

## ARTICLE III Definition of Terms

### Article 3: Definition of Terms

Section 3.1. General Zoning Definitions

Section 3.2. Specific Land Use Definitions

#### **Section 3.1. GENERAL ZONING DEFINITIONS.**

For purposes of interpreting this ordinance certain words, terms and expressions are hereby defined.

- Words used in the present tense shall include the future;
- Singular shall include the plural and the plural includes the singular;
- The word “may” is discretionary and the word “shall” is always mandatory;
- 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;
- The word “includes” means including but not limited to

1. **ABANDONEMENT.** To cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
2. **ABUTTING.** To border on, being contiguous with or have property or district lines in common, including property separated by an alley.
3. **ACCESS OR ACCESS WAY.** The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.
4. **ACCESSORY BUILDING.** Any detached subordinate building on the same zoning lot that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes, but not limited to, garages, carports, and small storage sheds.
5. **ACCESSORY LIVING QUARTERS.** Living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
6. **ACCESSORY STRUCTURE.** A detached subordinate structure located on the same zoning lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
7. **ACCESSORY USE.** A use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
8. **ABANDONED FARMSTEAD.** A tract of land, which has at one time constituted a farm dwelling, farmstead and/or related farm or agricultural outbuildings. To be considered an abandoned farmstead for the purposes of these regulations the tract of land must not have been reclaimed for intensive agricultural (row crop) production. A property may be considered an

- abandoned farmstead if the property is within the area of an existing grove, windbreak or farmstead boundary established or constructed prior to the adoption of this ordinance; or if minimum evidence exists of a previous farmstead such as a foundation or outbuildings.
9. ACRE. A piece of land containing 43,560 square feet within the property lines of a lot or parcel.
  10. ACREAGE. Any tract or parcel of land that does not qualify as a farm or development.
  11. ADDITION. Any construction that increases the site coverage, height, length, width, or gross floor area of a structure.
  12. ADJACENT. Near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
  13. ADVERTISING STRUCTURE. Any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structure.
  14. AGRICULTURE. Any land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used.
  15. AIRPORT. Any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.
  16. AIRPORT HAZARD ZONE. Consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the Approach and Turning Zones.
  17. ALLEY. A public or private thoroughfare that affords only a secondary means of access to abutting property, not intended for general traffic circulation.
  18. ALTERATION (STRUCTURAL). Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders, floor or ceiling joists, roof rafters, foundations, piles, retaining walls or similar components. The enlargement of the size, in square feet, or height of a building shall be construed to be a structural alteration.
  19. AMENDMENT. A change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications on the zoning map.
  20. ANTENNA. Any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves.
  21. APARTMENT. A single room or set of rooms occupied as a dwelling unit which is part of a multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.
  22. ATTACHED. Having one or more walls, roof or other structure joined to a principal building or foundation in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site; or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.

23. AUTOMOTIVE. Any motorized means of transporting one or more individuals, including but not limited to cars, trucks and motorcycles
24. BASEMENT. That portion of a building that is either partly or completely below grade. (*Building Officials and Code Administrators (BOCA) Basic/National Building Code*).
25. BEDROOM. A room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
26. BLOCK. A parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, city-county boundaries, or adjoining property lines.
27. BLOCK FRONTAGE. That section of a block fronting on a street between two intersecting streets or other block boundary.
28. BOARD OF ADJUSTMENT. An officially constituted body whose principal duties are to hear appeals on decisions of the zoning administrator, interpret the zoning ordinance and zoning map, and where appropriate grant conditional uses and variances from the strict application of the zoning ordinance.
29. BUFFER (or SCREENING). A strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road.
30. BUILDABLE AREA. The portion of a zoning lot or parcel remaining for allowable buildings after required yard setbacks have been provided.
31. BUILDING. Any structure having a roof supported by columns or walls which is permanently affixed to a lot or lots, and is intended for the support, shelter, enclosure or protection of persons, animals, or property of any kind. The building does not include any vehicle, trailer (with or without wheels) or any movable device such as furniture, machinery or equipment. When any portion of a building is completely separated from any other portion by a division wall without opening or by a fire wall, then each such portion shall be deemed to be a separate building.
32. BUILDING AREA. The sum in square feet of the ground areas occupied by all buildings and structures on a lot.
33. BUILDING HEIGHT. The vertical distance from the average natural grade at the building line to the highest point of the roof. Where a dwelling is situated on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation.
34. BUILDING, PRINCIPAL. A building within which the main or primary use of the lot or premises is located.
35. BUILDING LINE (OR SETBACK LINE). The required setback distance from the front property line, rear lot line, and side lot lines.
36. BUSINESS. The engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices.
37. CARPORT. A permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building. Freestanding carports are an accessory building.



38. CLEAR VIEW ZONE. The area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic.
39. CLEARING. Any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die.
40. CLUSTER DEVELOPMENT. Development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
41. COMMERCIAL USE. Any activity involving the sale of goods or services for profit.
42. COMMISSION (OR PLANNING COMMISSION): Emmet County Planning & Zoning Commission.
43. COMMON AREA OR PROPERTY. A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.
44. COMPATIBLE USES. A land use that is congruous with, tolerant of; and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
45. COMPREHENSIVE PLAN. A policy document of Emmet County, Iowa as adopted by the Board of Supervisors, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of Emmet County.
46. CONDITIONAL USE. A use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
47. CONDITIONAL USE PERMIT. A permit issued by the Board of Adjustment authorizing the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon, or required by said permit.
48. CONFLICTING LAND USE. The use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
49. CONSERVATION EASEMENT. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition, or maintaining existing land uses.
50. CONTIGUOUS. The same as “Abutting” and “Adjacent”.
51. COUNTY. Emmet County, Iowa.
52. DECK. An unenclosed, roofless structure adjoined to or freestanding adjacent to the principal building. Decks higher than twelve (12) inches above the average grade of the ground adjoining such deck shall be subject to required yard setbacks.
53. DENSITY. The number of dwelling units per gross acre of land.

54. DENSITY BONUS. The ability to develop an area to the same density level, on smaller lots; while, providing for some level of Conservation Easement in the development.
55. DETACHED. Fully separated from any other building. Not attached.
56. DEVELOPER. Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
57. DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
58. DEVELOPMENT CONCEPT PLAN. See "Site Plan".
59. DEVELOPMENT REVIEW. The review, by the county's different departments of subdivision plats, site plans, rezoning requests, or permit review.
60. DISTRICT (OR ZONING DISTRICT): Any part or parts of, zone, or geographic area within Emmet County, Iowa, wherein zoning regulations apply.
61. DOWNZONING. A change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
62. DRIVEWAY. A surfaced area providing vehicular access between a street and an off-street parking area or parking structure (i.e. garage or carport).
63. DWELLING. Any building or portion thereof which is designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30, Code of Iowa, but not including a tent, seasonal cabin, trailer, mobile homes, hotels, motels, motor lodges, boarding or lodging houses, tourist courts, tourist homes or factory-built home which is not located within a manufactured home subdivision or mobile home park. A dwelling shall also include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures. However, farm dwellings are exempt from zoning regulations in accordance with Iowa Code.
64. DWELLING, MULTIPLE FAMILY. A residence used by, designed for or occupied by three (3) or more families living independently of each other, with separate housekeeping, bathroom and cooking facilities for each.
65. DWELLING, SINGLE FAMILY. A detached residence that is arranged, designed for or occupied as the primary residence of one (1) single family, having no party wall in common with an adjacent house or houses and is surrounded by open space or yards. This definition also includes manufactured homes.
66. DWELLING, TWO FAMILY. A detached residence that is arranged, designed for or occupied as the residences of two (2) families only; and living independently of each other with separate housekeeping and cooking facilities for each.
67. DWELLING UNIT. A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family for residential purposes and containing independent bathroom and kitchen facilities.
68. EASEMENT. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

69. **EFFECTIVE DATE.** The date that this ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this ordinance as a result of such adoption or amendment.
70. **ENCROACHMENT.** Advancement or intrusion beyond the lines or limits as designated and established by the ordinance, and to infringe or trespass into or upon the possession or right of others without permission.
71. **ENGINEER, COUNTY.** A duly qualified and/or licensed individual or firm designated by the Emmet County Board of Supervisors.
72. **ENLARGEMENT.** The expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
73. **ERECTED.** Constructed upon, moved onto, placed, relocated or built upon a site.
74. **ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, electrical, telecommunications, water or wastewater transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction with and necessary for the furnishing of adequate services by such public or private utilities, governmental agencies and/or for the public health, safety or general welfare, but not including buildings or conditional uses as established by this ordinance.
75. **FAÇADE.** The exterior wall of a building exposed to public view from the building's exterior.
76. **FACTORY.** A structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
77. **FACTORY BUILT-STRUCTURE.** Is any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means "factory-built unit".
78. **FAMILY.** A person living alone, or group of persons related by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; or a group of not more than five (5) unrelated persons living together by joint agreement or occupying a single dwelling unit on a nonprofit cost sharing basis.
79. **FARM.** Any land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used. Farm shall also include all structures including the residence. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses.
80. **FARMSTEAD (EXISTING).** A tract of land with a farm dwelling and/or related agricultural outbuildings, yards, windbreaks, wells or other improvements which are held and operated in conjunction with agricultural purposes. An existing farmstead shall be defined as the combination of farm dwelling, support dwelling and any farm accessory buildings.

81. FLEA MARKET. A building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.
82. FENCE. Any artificially constructed structure, other than a building, which is a barrier of approved fencing material or combination of materials erected to screen areas of land or means of protection or confinement.
83. FLOATING ZONE. An unmapped district where all the zoning requirements are contained in the ordinance and the zone is fixed on the map only when an application for development, meeting the zoning requirements, is approved.
84. FLOOD. The water of any watercourse or drainage way that is above the banks or outside the channel and banks of such watercourse or drainageway.
85. FLOODPLAIN. The channel and relatively flat area adjoining a watercourse that has been or may be covered by flood waters.
86. FLOODWAY. The channel of a watercourse or drainageway and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water of any watercourse or drainageway.
87. FLOOR AREA. The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement that is not finished living space.
88. FRONTAGE. That portion of a parcel of property that abuts a dedicated public street, private drive or highway.
89. GARAGE. A building or a portion thereof in which one or more motor vehicles are housed or stored by the occupants of the premises, or the leasing of space; but in which no business service or industry connected with the motor vehicles is carried on other than leasing of space.
90. GRADE. The lowest horizontal elevation of the finished surface of the ground, paving or sidewalk at a point where the height is to be measured.
91. GREENWAY. A parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.
92. GUEST ROOM. A room that is designed to be occupied by one or more guest(s) for sleeping purposes, having no kitchen facilities, not including dormitories.
93. HAZARDOUS WASTE. Waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
94. HEDGE (or SHRUB). A plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
95. HIGHWAY SETBACK LINE. The right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this right-of-way line.
96. HILLSIDE. Land having an average of 14 percent or greater grade for 200 feet or more.

97. **HOLDING POND (or RETENTION BASIN).** An impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid waste or excess storm water.
98. **HOME OCCUPATION.** An accessory business, occupation or profession conducted entirely within a dwelling unit or associated accessory buildings by the inhabitants thereof; and complies with the provisions of Sections 15.2 and 15.3 of this ordinance.
99. **HOMEOWNERS ASSOCIATION.** A private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
100. **HOUSE TRAILER.** See Mobile Home.
101. **HOUSEHOLD.** A family living together in a dwelling unit with common access to all living and eating areas and all facilities within the dwelling unit.
102. **HOUSING UNIT:** See Dwelling Unit.
103. **IMPERVIOUS SURFACE.** A surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roots, sidewalks, parking lots, and driveways.
104. **INCIDENTAL USE.** Subordinate and minor in significance and bearing a reasonable relationship to the primary use.
105. **INDIVIDUAL SEPTIC SYSTEM.** A wastewater treatment system for a dwelling that has a septic tank and absorption system.
106. **INDUSTRIAL PARK.** A planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, storm water runoff and orientation and open space.
107. **INDUSTRY.** Those fields of economic activity including forestry, fishing, hunting, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services, distribution, assembly, packaging and wholesale trade activities.
108. **INSTITUTION.** A building or premises occupied by a non-profit corporation or a non-profit establishment for public use.
109. **INTENSITY.** The degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
110. **INTENT AND PURPOSE.** The Emmet County Planning Commission and Board of Supervisors by adoption of this ordinance have made a finding that the health, safety, and welfare of the county will be served by the creation of the districts and by the regulations prescribed therein.
111. **JUNK (or SALVAGE).** Any old or scrap copper, brass, lead, household appliances, wood, old or discarded rope, rags, batteries, paper, trash, rubber debris, waste or used lumber, or salvaged wood, waste furniture, equipment, building demolition materials or structural steel materials. This definition shall also include junked, dismantled, wrecked or junk vehicles or machinery.

iron, steel, or other old or scrap ferrous or nonferrous material; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Junk shall also mean waste, yard waste not stored in an approved manner as determined by Emmet County, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

112. JUNK VEHICLES (or JUNK MACHINERY). Any vehicle, other machines or portions thereof not in running condition and/or not licensed for the current year as provided by law, or any other non-operating vehicle or machinery situated in a front yard of any lot or property and located in open view to the public for a period of more than ninety (90) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety.
113. JUNK YARD (or SALVAGE YARD). Any site that is used for storing, keeping, sorting, buying or selling junk whether or not for profit. The visible presence of two or more junk vehicles on a parcel of land or the stockpiling of scrap metals, wood, plastic or other materials not attached to a farming operation shall constitute prima facie evidence of a junk yard and shall be regulated as a junk yard. Junkyards will include but not limited to wrecking yards, used lumber yards, and places or yards utilized or intended for storage of salvaged wrecking and structural steel materials and equipment; but not including those areas where such uses are entirely located within a completely enclosed building.
114. LAGOON (SEWER or WASTEWATER LAGOON). A wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. All lagoons shall meet the minimum design criteria established by the Iowa Department of Natural Resources. All lagoons shall have the proper permits approved prior to starting construction.
115. LAND USE. A description of how land is occupied or utilized.
116. LANDSCAPED: An area devoted to or developed predominantly with plant materials or natural features including lawn, gardens, trees, shrubs, and other plant materials; and also including accessory outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, or storage areas), provided that the use of brick, stone or other inorganic materials shall not predominate over the use of natural materials.
117. LIMITS OF GRADING. The outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.
118. LOADING SPACE. An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.
119. LOT. A parcel or tract of land of sufficient size to meet minimum zoning requirements for use, coverage and area; and which may be occupied by any use permitted, together with yards, and other open spaces herein required. Such lot shall front a public road or street and may consist of:
  - 1) A single lot of record;
  - 2) A portion of a lot of record;
  - 3) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record;
  - 4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

120. **LOT AREA.** The net horizontal area, bounded by front, side and rear lot lines excluding any public right-of-way.
121. **LOT, CORNER.** A lot fronting on two (2) or more intersecting streets.
122. **LOT (or BUILDING) COVERAGE.** The portion of a lot or building site which is covered by any building, roofed areas or structure, excluding incidental projecting eaves and gutters, balconies, and similar features; and also excluding ground level paving and walkways or decks below twelve inches in height, landscaping, and open recreational facilities.
123. **LOT, CURVE.** A lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 or less.
124. **LOT DEPTH.** The horizontal distance between the front and rear lot lines. In the case of a lot of irregular shape, the mean depth shall apply.
125. **LOT, FLAG.** A lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
126. **LOT, FRONTAGE.** The side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
127. **LOT, INTERIOR.** A lot other than a corner lot.
128. **LOT LINE.** The property line bounding a lot.
- 1) **Front Lot Line** The property line abutting a street, roadway or other public access or public right-of-way.
  - 2) **Rear Lot Line** A lot line not abutting a street that is opposite and most distant from the front lot line.
  - 3) **Side Lot Line** Any lot line not considered a front lot line or rear lot line.
129. **LOT, THROUGH.** A lot having frontage on two (2) parallel or approximately parallel streets, not including a corner lot. Also known as a double frontage lot.
130. **LOT OF RECORD.** A lot or parcel of land held in separate ownership as shown on the records of the County Recorder of Emmet County at the time of the passage of an ordinance or ordinance establishing the zoning district in which the lot is located. Said Lot of Record shall be part of a subdivision, a plat of survey, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
131. **LOT WIDTH.** The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
132. **MANUFACTURED HOME.** A factory built single family structure which is manufactured or built under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and

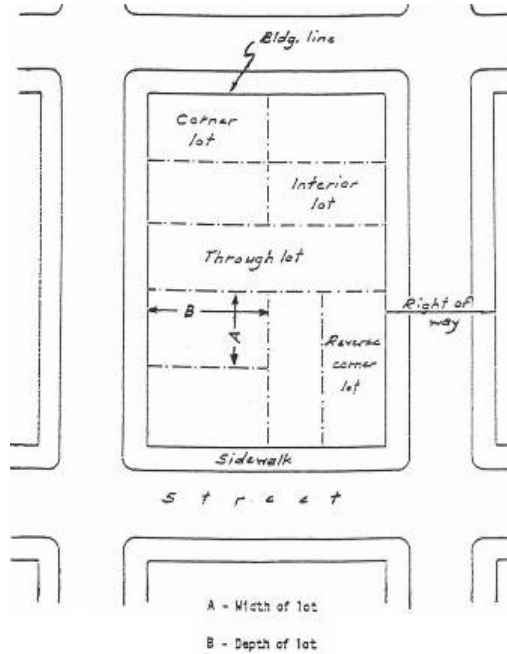


Image Source: *The New Illustrated Book of Development Definitions*, Harvey S. Moskowitz & Carl G. Lindbloom, 1993

Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (Code of Iowa, Sec. 435.1) A mobile home is not a manufactured home. For purposes of this Ordinance, manufactured home shall be considered the same as any site built single-family detached dwelling.

133. MANUFACTURED HOUSING COMMUNITY (OR SUBDIVISION): Means the same as land-leased community defined in Sections 335.30A and 414.28A *Code of Iowa*. Any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community. (Code of Iowa, Sec. 435.1) A manufactured home community or mobile home park shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or a mobile home park must be classified as to whether it is a “residential” or “recreational” manufactured home community or mobile home park or both. The manufactured home community or mobile home parks residential landlord and tenant Act, Chapter 562B, Code of Iowa, only applies to “residential” manufactured home community or mobile home park. (*Code of Iowa, Sec. 435.1*)
134. MOBILE OR MANUFACTURED HOUSING CONVERTED TO REAL ESTATE: A mobile or manufactured home which is located outside a mobile home park or manufactured home subdivisions shall be converted to real estate by being placed on a permanent foundation; and shall be assessed for real estate taxes except in the following cases: (*Code of Iowa, Sec. 435.26 & 435.35*)
- 1) Retailer’s Stock: Mobile homes or manufactured housing on private property as part of a retailer or manufacturer’s stock not used as a place of human habitation.
  - 2) Existing Homes: A taxable mobile home or manufactured housing which is located outside of a manufactured housing community or mobile home park prior to the effective date of this ordinance shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.
135. MOBILE HOME. Any vehicle without motive power used or so manufactured or constructed as to permit it 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, dwelling or sleeping places by one or more persons; but also includes 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 built before June 15, 1976. (*Code of Iowa, Sec. 435.1*). All mobile homes shall be located within a mobile home park.
136. MOBILE HOME PARK. Any site, lot, portion of a lot, field or tract of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are parked and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available. (*Code of Iowa, Sec. 435.1*)
137. MODULAR HOME. A factory-built structure which is manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 Code of Iowa, and must display the seal issued by the state building code commissioner. If a modular home is



- placed in a manufactured housing community or 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 manufactured housing community or mobile home park, the home shall be considered real property, and assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)
138. MODULAR HOME NON-FARM RESIDENCE. A residential dwelling in unincorporated areas of Emmet County located upon land that is not primarily used for agricultural purposes.
  139. MOTOR VEHICLE. Every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.
  140. NONCOMMUNITY WATER SUPPLY SYSTEM. Any public water supply system that is not a community water supply system.
  141. NONCONFORMING BUILDING (or STRUCTURE). A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning districts or zoning ordinance.
  142. NONCONFORMING LOT. A lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this ordinance.
  143. NONCONFORMING USE. A lawful use of any land, building or structure, other than a sign, when established but which does not conform to existing zoning districts or zoning ordinance.
  144. NUISANCE. Anything that unreasonably interferes with the comfortable use or enjoyment of property, endangers or is injurious to personal health or safety, or is unreasonably offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.
  145. OCCUPANCY (or OCCUPIED). The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
  146. OFF-STREET PARKING AREA. All off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
  147. OPEN SPACE. A parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
  148. OVERLAY DISTRICT. A district in which additional requirements may act in conjunction with the underlying zoning district. The original zoning district designation does not change.
  149. OWNER. One or more persons, including corporations, who have title to the property, building or structure in question.
  150. PARCEL. A lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.
  151. PARK. Any public or private land available for recreational, educational, cultural, or aesthetic use.
  152. PARKING LOT. An off-street unenclosed area intended for temporary parking of motor vehicles.
  153. PARKING SPACE. A surfaced area, enclosed or unenclosed, having an area of not less than one hundred eighty (180) square feet (typically a 9' by 20' parking area) plus necessary maneuvering

- space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering, incidental to parking shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces.
154. PERMANENT FOUNDATION. A mobile or manufactured home located outside of a manufactured home subdivision or mobile home park shall be placed on a permanent frost-free foundation that meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. (*Code of Iowa, Sec. 414.28*)
155. PERMANENTLY ATTACHED. Connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
156. PERSON. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, special district or other group or combination acting as an entity, except that it shall not include Emmet County, Iowa.
157. PLANNED UNIT DEVELOPMENT. A development to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan designed as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
158. PLAT OF SURVEY. The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.
159. POLICY. A statement or document of the county, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.
160. PORCH, OPEN. A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
161. PREMISES. A tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or parcel of land located within a prescribed area.
162. PRIVATE WELL. A well that provides water supply to less than 15 service connections and regularly serves less than 25 individuals, as per Chapter 49, Iowa Administrative Code.
163. PROHIBITED USE. Any use, other than nonconforming, not permitted by right or by conditional use within a zoning district.
164. PROPERTY. A lot, parcel, or tract of land together with buildings and structures located thereon.
165. PROTECTED ZONE. All lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the zoning ordinance.
166. PUBLIC NOTICE. The publication of the time and place of any public hearing for zoning purposes being not less than four (4) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the county.
167. PUBLIC USE AREA. Any area owned and/or operated by any governmental entity for purposes of recreation, hunting, and/or conservation. This includes functions on land and water.

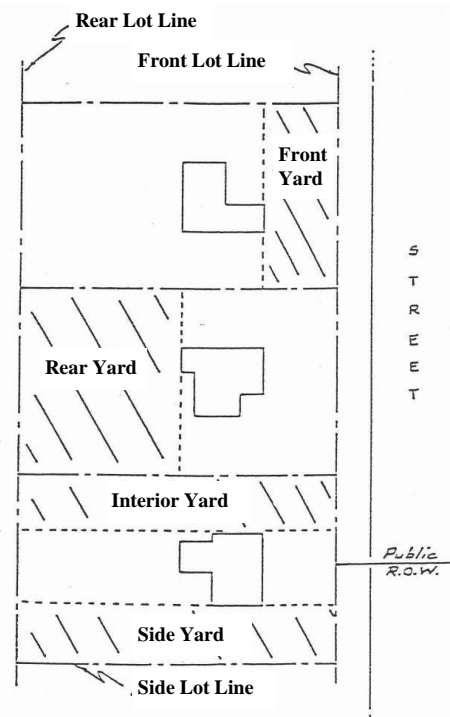
168. PUBLIC WATER AND SEWER SYSTEMS. A water or sewer system owned and operated by a private individual, corporation or government; approved by Emmet County and properly chartered and certified by the appropriate state agency and subject to special ordinances as herein set forth.
169. RECREATIONAL VEHICLE (RV). A vehicle or structure so designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or for sporting or recreational purposes. A recreational vehicle is so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. Such a vehicle shall be customarily or ordinarily used for, but not limited to, vacationing, recreational purposes, pick-up campers, camping, motor coaches, trucks or buses.
170. RECREATIONAL VEHICLE PARK (RV PARK). A tract of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles for revenue purposes as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
171. RESIDENTIAL PURPOSES. The intent to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons on a permanent or semi-permanent bases of an intended tenure of one month or more.
172. REZONING. An amendment to or change in the zoning ordinance; either to the text or map or both.
173. RIGHT-OF-WAY. An area or strip of land, public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.
174. ROAD. Means the same as "STREET".
175. ROAD, PRIVATE. A way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see "Right-of-Way" and "Street".
176. ROAD, PUBLIC. All public right-of-way reserved or dedicated for street or road traffic. Also, see "Right-of-Way" and "Street".
177. ROAD LINE OR STREET LINE. The dividing line between a lot, tract, or parcel of land and the right-of-way line of a contiguous road, street, or alley.
178. ROADSIDE STAND. A temporary structure or vehicle used solely for the sale of products.
179. ROOM. An un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
180. SALVAGE YARD: See "Junkyard".
181. SCREENING. A method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, or other features. See "Buffer".
182. SEPARATE OWNERSHIP. Ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
183. SEPTIC, ON-SITE WASTEWATER. See Chapter 69, Iowa Administrative Code.
184. SETBACK. The minimum required distance between any lot line and the supporting walls or structures of any building or deck more than 12" above grade. When two or more lots under single

- ownership are used for purposes of one zoning lot, the exterior property lines so grouped shall be used in determining setbacks.
185. **SETBACK LINE.** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
  186. **SIGHT TRIANGLE.** An area at a street or road intersection in which nothing shall be erected, placed, painted, or allowed to grow between the height of two feet (2') and ten feet (10') in such a manner as to impede vision of traffic at an intersection as established within this ordinance. This definition does not include traffic control signs, permanent or temporary, that may be placed by the county or state for public safety as well as the safety of secondary roads maintenance employees.
  187. **SIMILAR USE.** The use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
  188. **SITE DEVELOPMENT REGULATIONS.** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
  189. **SITE PLAN.** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of the site and location of all buildings, structures, uses, drives, parking, drainage, landscape features, erosion control and other principal site development improvements for a specific parcel of land.
  190. **SKETCH PLAN.** A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
  191. **SLUDGE.** Are solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
  192. **SOLID WASTE.** Waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
  193. **SPOT ZONING.** An arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare.
  194. **STATE.** The State of Iowa.
  195. **STORAGE.** The keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.
  196. **STORY.** That portion of a building between the surface of any floor and the floor above it; or if there is not floor above it, then the space between such floor and ceiling or roof above it.
  197. **STORY, HALF.** Spaces under a sloping roof, which has the line of intersection of roof decking and wall, face not more than four (4) feet above the top floor level.
  198. **STREET.** A public or private thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property.

199. STREET, CURVILINEAR. Local streets that deviate from straight alignment and change direction without sharp corners or bends.
200. STREET, FRONTAGE. A street parallel and adjacent to a major street, major highway, or major collector road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.
201. STREET, LOOPED. A continuous local street without intersecting streets and having its two (2) outlets connected to the same street.
202. STREET, SIDE. A street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
203. STREET CENTERLINE. The centerline of a street right-of-way as established by official surveys.
204. STREET LINE (or PROPERTY LINE). A dividing line between a lot, tract, or parcel of land and the contiguous street..
205. STRUCTURE. Anything constructed or erected, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground. Among other things, structures include swimming and wading pools and covered patios, buildings, mobile homes, and billboards. Structures do not include such items as fences, utility poles, street light or signs, other public use items or tombstones.
206. SUBDIVISION. The division of a tract of land into three or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, building development or lease. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdividing of land previously subdivided.
207. SUBDIVISION PLAT. The graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located.
208. SUBSTANDARD LOT (OR NONCONFORMING LOT). A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
209. SURFACE WATERS. All waters within the jurisdiction of Emmet County, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
210. TEMPORARY STRUCTURE. A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
211. TEMPORARY USE. A use intended for limited duration to be located in a zoning district not permitting such use.
212. TRAILER, AUTOMOBILE. A vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property.
213. TRANSIENT. A person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.

214. TRANSITIONAL USE. A permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.
215. TRANSPORTABLE HOUSE. A trailer house, mobile home, double wide trailer house, transportable factory built house constructed to travel on wheels and to be used for human habitation.
216. URBAN AREA. A municipality not exercising its zoning powers within the county.
217. USE, BEST. The recommended use or uses of land confined in an adopted comprehensive plan. Such uses represent the best use of public facilities, and promote health, safety and general welfare.
218. USE. The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
- 1) Principal Use: The main use of land or structures as distinguished from an accessory use.
  - 2) Permitted Use: Any use permitted as a matter of right when conducted in accord with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
  - 3) Conditional Use: A use allowable solely on a discretionary and conditional basis subject to a conditional use permit, and to all other regulations established by this ordinance.
  - 4) Accessory Use: A use or activity that is incidental to and customarily associated with a specific principal use on the same site.
219. UTILITY, PUBLIC OR PRIVATE. Any agency that under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, communication, transportation, water, sewer collection or other similar services.
220. VACANCY. Any unoccupied land, structure, or part thereof that is available for occupancy.
221. VALUATION. The estimated cost to replace a building; based on current cost of replacement.
222. VARIANCE. A relief or relaxation from the provisions of this ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning. Such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces.
223. VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
224. VISUAL OBSTRUCTION. Any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways.
225. YARD. Any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used. A yard shall be measured exclusive of public right-of-ways.

- 1) **Front Yard.** An area of yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, exclusive of the usual steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.
- 2) **Interior Yard:** Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.
- 3) **Rear Yard:** An area of yard extending across the full width of a lot and measured between the rear lot line and the building or any other projections other than uncovered steps, unenclosed balconies, or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
- 4) **Side Yard:** An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot lines and the nearest principal building, exclusive of the usual steps and eaves. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.



226. ZONING. The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
227. ZONING ADMINISTRATOR. The person or persons authorized and empowered by the county to administer and enforce the requirements of this ordinance and to issue zoning permits.
228. ZONING DISTRICT. The same as "District".
229. ZONING DISTRICT, CHANGE OF. The legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zoning map.
230. ZONING PERMIT. A permit issued and enforced by the zoning administrator, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance, conditional use or authorized variance.
231. ZONING MAP (OFFICIAL MAP OR ZONING DISTRICTS MAP). A map, adopted by the governing body, delineating the boundaries of identified districts referencing the distinction and separation of zoned land uses which, along with the zoning text, comprises the zoning ordinance.

**Section 3.2. SPECIFIC LAND USE DEFINITIONS.**

The purpose of land use definitions is to provide a consistent set of terms encompassing and defining those land uses permitted by right or conditional use in the zoning districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In event of any question as to the appropriate land use definition of any existing or proposed use or activity, the zoning administrator shall have the authority to determine the definition, subject to the right of appeal pursuant to Section 21.9. In making such determinations, the zoning administrator shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of land use definitions.

**3.2.1. AGRICULTURE LAND USE DEFINITIONS:**

Agricultural land use types may include, but are not limited to, the following:

1. *Agriculture Uses*: See General Zoning Definition No. 14 in Section 3.1
2. *Agricultural Animal Husbandry*: The raising of cattle, swine, poultry, horses, sheep, goats or other similar animals for reproductive stock or for slaughter.
3. *Agricultural Storage Buildings*: Buildings or structures used and intended for the housing, storage and maintenance of machinery, equipment, supplies, agricultural products, and vehicles used for agricultural purposes. This does not include the use of storage buildings or other agricultural buildings for commercial rent or profit, or any commercial purposes for non-agricultural related vehicles including recreational vehicles.
4. *Farm*: See General Zoning Definition No.79 in Section 3.1.
5. *Farmstead, Abandoned*: See General Zoning Definition No.8 in Section 3.1.
6. *Farmstead, Existing*: See General Zoning Definition No.80 in Section 3.1.
7. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding commercial or retail sales.
8. *Stable (Riding)*: A structure in which horses or ponies are used exclusively for pleasure riding or driving, and are housed, boarded, or kept for remuneration, hire, or sale.
9. *Viticulture or Viniculture*: The cultivation of grapes often for the use in production of wine products. Grapes are grown for fresh fruit, dried fruit or for grape juice, which can be used (amongst others) to produce wine. Typical uses include but not limited to vineyards. Note: wine-making or production facilities and associated retail or commercial wineries are not considered an agricultural use.

**3.2.2. CONSERVATION LAND USE DEFINITIONS:**

Conservation and environmental land use types include, but not limited to, the following:

1. *Conservation Areas*: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to wetlands, floodways, floodplains, drainage ways, river or stream banks, and areas of significant biological uniqueness.



2. *Critical Area*: A natural feature in need of preservation from encroaching land uses. Such areas may include, but not limited to sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service (NRCS), areas of excessive slope, natural marshes, woodlands, and floodplains as defined by FEMA, land reserved in CRP, buffer strips, terraces, and land involved in other types of conservation or areas with restricted uses.
3. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
4. *Undeveloped or Unimproved Land*: Land in its natural state before development; including land used for agricultural pasturage and land in agricultural conservation practices.
5. *Water Control Structures, Irrigation or Retention Basins*: Any manufactured structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.
6. *Wetland*: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.
7. *Wildlife Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat; in which human activities are limited and the natural environment is protected.

### **3.2.3. RESIDENTIAL LAND USE DEFINITIONS:**

Residential land use types include the occupancy of living accommodations on primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as prisons.

1. *Condominium*: A multiple dwelling with three (3) or more units whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
2. *Congregate Housing*: A residential facility for four (4) or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.
3. *Cottage*: A small single unit structure used for seasonal purposes, vacations or vacationers occupancy, and not used as a residence for the entire year.
4. *Elder Family Home*: Shall mean a private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self-care, which is registered as an elder family home with the state department of elder affairs in accordance with Iowa Code§ 231A.2.

5. *Family Home (as per Section 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
6. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity/sorority houses, residence halls or dormitories.
7. *Halfway House*: A licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
8. *Housing for the Elderly*: A building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities.
9. *Mobile Home or Manufactured Housing*: See Definitions 143 and 140. The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses include mobile home parks and manufactured housing subdivisions.
10. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units within one or more buildings.
11. *Relocated Residential*: An existing residential structure, intended for occupancy, which has been moved from one location in the county to another location in the county, or where an existing residential structure has been moved into Emmet County from a location outside of Emmet County. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure in Emmet County.
12. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
  - a) *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
  - b) *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwellings, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities are sometimes combined with other housing such as congregate housing, senior housing, or residential care services.
  - c) *Skilled Nursing Home or Convalescent Home*: Any building, institution or facility providing care for a period exceeding 24 hours for residency or medical services, the need for which is certified by a physician to three (3) or more individuals, who by reason of illness, disease, or physical or mental illness require continuous care.

13. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
14. *Townhouse Residential*: The use of a site for three (3) or more dwelling units, constructed with common or adjacent walls with each unit located on separate lots or all units located on the same lot within the total development site.
15. *Two Family Residential (duplex or twin home)*: The use of a site for two (2) dwelling units on a single lot or parcel.

**3.2.4. COMMERCIAL LAND USE DEFINITIONS:**

Commercial land use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

1. *Automobile Wrecking Yard*: Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or motor vehicles, or for storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
2. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for executive, management, or administrative services. Typical uses include but not limited to administrative offices, estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.
3. *Agricultural Businesses and Services*: Establishments or businesses for the commercial and/or retail sale of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores, and tree service firms. This use definition does not include seed sales or farm sales from the farmstead.
4. *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles; including the sale, installation, and servicing of equipment and parts.
5. *Automotive Sales or Rental*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles; including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, vehicle trailer and recreational vehicle dealerships.
6. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to car washes or truck washes. Does not include commercial truck cleanouts or wash outs.
7. *Bar*: Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises (See also “Nightclub” and “Cocktail Lounge”)
8. *Building Maintenance/Support Services*: Establishments primarily engaged in the provision of maintenance and custodial services to other businesses, along with businesses engaged in the sale, rental or repair of equipment and supplies used by professional establishments. Typical uses include but not limited to janitorial, maintenance and cleaning services, office equipment supply, business machine repair, or hotel equipment and supply firms.

9. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
10. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on premises, including taverns, bars, cocktail lounges, and similar uses.
11. *Community Center*: A place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
12. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry or other animals are offered for sale for profit to persons who bid in competition with each other.
13. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include commercial parking lots or parking garages.
14. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
  - a) *Indoor Entertainment and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, ice and roller skating rinks, arcades, motion picture theatres, dance halls.
  - b) *Outdoor Entertainment and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to sporting arena, swimming pools, tennis courts, racquetball courts, racing facilities, go-kart track, amusement park or driving range.
15. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services but exclude those classified as Major Utility Facilities. Typical uses include but not limited to radio, television, cellular and other similar antennas, towers, dish antennas, or other similar structures; and fiber optic lines and transmission facilities.
16. *Condominium or Business Storage Unit*: A building or series of buildings in which storage units or floor area is owned independently; but the property is owned by all of the owners on a proportional basis or single ownership. These storage units are designed for indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.
17. *Construction Sales and Services*: Establishments or places of business engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or contractors.
18. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as

workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-storage or mini-warehousing or self-service storage lockers.

19. *Convenience Store*: Any retail store offering for sale engaged in the retail sale of food and household products, including gasoline. The servicing of vehicles shall be prohibited.
20. *Country Club*: Buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. The affairs and management of such club are conducted by a board of directors, executive committee, or similar body. It is designed to serve food and beverages on such premises to members and guests, provided the serving of food and beverages is secondary to some other principal purpose. Customary country clubs include, but not limited to, swimming pools, tennis courts, restaurants, club house, pro shop and golf course.
21. *Drive-In Facility*: An establishment where customers can enjoy dining, recreation or movies without leaving the confinement of their vehicle.
22. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
23. *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment; including storage, maintenance and servicing. Typical uses include but not limited to heavy truck or construction equipment dealerships.
24. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
25. *Funeral Home Services*: building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
26. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, grocery stores, apparel stores, furniture stores; or establishments providing cleaning products, drugs, cards, stationery, books, tobacco, cosmetics, flowers, plants, hobby materials, toys, apparel, fabrics, cameras, photography, electronics, sporting equipment, kitchen supplies, home furnishings, appliances, art supplies, antiques, paint and wallpaper, carpeting and floor covering, decorating services, office supplies, bicycles or automotive parts.
27. *Golf Course*: Land area and buildings containing golf course, club house, pro shop, restaurant and lounge, swimming pool and tennis courts and other services and buildings typically associated with the operation of a golf course..

28. *Health Club*: Privately owned for-profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.
29. *Health Recreation Facility*: An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
30. *Health Care Facilities (including Hospitals)*: A facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: 1) Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; 2) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; 3) Public health clinics and facilities; and 4) Surgical care center not intended for overnight stay by patients.
31.  *kennel, Commercial*: Any establishment where four (4) or more dogs or cats, or other domesticated non-farm animals and/or pets at least six months of age are groomed, bred, boarded, trained, or sold for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels or animal training centers.
32. *Laundry, Self-Service (Also known as Laundromat)*: An establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.
33. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
34. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.
35. *Medical Clinics /Offices*: A building or use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners licensed for practice by the State of Iowa; of which does not include overnight care facilities. Typical uses include but not limited to the practices of medicine, chiropractic, dentistry, or optometry.
36. *Nightclub*: A commercial establishment dispensing beverages for consumption on the premises and where dancing is permitted or entertainment provided. See also "Bar".
37. *Nursery or Greenhouse*: The use of a premises for the propagation, cultivation, and growth of flowers, floral arrangements, trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof; and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and sold on the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold. This definition does not include the use of "hobby" greenhouses for personal use.
38. *Office*: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering, administrative or other

occupation customarily considered as a profession.

39. *Office Park*: A tract of land that has been planned, developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.
40. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
41. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, tailor, shoe repair, laundry, linen supply or apparel cleaning services.
42. *Recycling Center*: A facility other than a junkyard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others for reuse. Typical uses include but not limited to recycling drop off points, collection center, sorting facilities, etc.
43. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on-premise consumption. Typical uses include but not limited to sidewalk café, soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
44. *Restaurant (General)*: A public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building. The use shall also include the selling of beverages, including alcoholic beverages when conducted as a secondary feature of the use, producing less than fifty percent (50%) of the income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments.
45. *Service Station*: Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
46. *Shopping Center*: A grouping of retail business and service uses on a single site with common parking facilities.
47. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards, animal sales or crop or animal auction yards.
48. *Transportation Services*: A facility for the loading and unloading of goods and/or freight, as well as the interchange of passengers and baggage between modes of transportation; including but not limited to bus or train terminals, rail stations, airport terminals, transit facilities, and other shipping/receiving facilities.

49. *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.
50. *Veterinary Services*: A place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. Typical uses include but not limited to pet clinics, animal hospitals, and veterinary hospitals.
51. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
- a) *Campground*: A parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles; of which the primary purpose is recreational and not permanent habitation. Facilities or any area of land designed for and providing spaces for two (2) or more occupants of tents, travel trailers, recreational vehicles, camping trailers, or other mobile living facilities, for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the public. Typical uses include, but not limited to, campgrounds or RV parks.
  - b) *Hotel-Motel*: Shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, cocktail lounge, swimming pool, management offices, meeting or conference rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.
  - c) *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where temporary lodging and meals are provided for up to six (6) sleeping rooms for rent to the public. Individual rental units shall contain no cooking facilities.
  - d) *Boarding or Lodging House*: A building, other than a hotel or motel, containing a single dwelling unit and provisions for three (3) or more guests not defined as a family, where lodging is provided with or without meals for compensation.
  - e) *Resort Enterprise*: Any building or group of buildings containing guest rooms offered for rent primarily for temporary occupancy (less than 31 days or one month). Such buildings may include quarters for the boarding of employees.
  - f) *Timeshare*: The ownership of any structure by three (3) or more unrelated persons in which occupancy by shared owners occurs at varying times throughout the year.
52. *Wind Energy Devices*: Wind Energy Conversion Systems (WECS) or other similar wind machines are those devices including but not limited to wind charger, windmill, wind turbine or wind generators that converts wind energy to a form of usable energy.
53. *Winery*: A facility or building(s) in which wine and associated alcoholic beverages are produced and sold on the premises. A winery also includes, but not limited to, associated food and beverage services, wine tastings, conference or entertainment space, and retail or gift shop sales.



**3.2.5. INDUSTRIAL LAND USE DEFINITIONS:**

Industrial land use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

1. *Borrow Pit*: Any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction; except, for County/State/Federal road construction. (See also “Resource Extraction”).
2. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
3. *Community Sanitary Sewer System*: An approved central sewer collecting system, meeting state and county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.
4. *Community Water Supply System*: A public water supply system that serves at least fifteen service connections used by year round residents or uses, or regularly serves 25 or more year round residents or uses.
5. *Custom Manufacturing*: Establishments engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making, glass blowing or custom jewelry.
6. *Fertilizer or Chemical Storage or Processing*: Uses that promote the commercial sale, storage, transfer or processing of agricultural, industrial or other chemicals. This does not include typical fertilizer or chemical storage for personal use on farms.
7. *Fuel Storage*: The storage of any fuel source in above or below ground tanks for purposes of distribution, storage or for commercial or wholesale resell. Such uses may include, but are not limited to gasoline storage facilities, bulk storage, propane storage or natural gas storage sites. This does not include typical fuel storage for personal use on farms.
8. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or manufacturing which involves hazardous or commonly recognized offensive conditions.
9. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing.
10. *Manufacturing*: Uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer. Typical uses include but not limited to

plants, factories, or mills and characteristically use power driven machines and materials handling equipment.

11. *Railroad*: The land use including the right-of-way (R.O.W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others. Railroad shall also include but not limited to rail yards, equipment servicing facilities, loading and unloading facilities, and rail terminal facilities.
12. *Recycling Plant*: A facility, other than a junkyard, where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.
13. *Renewable Energy/Renewable Resources Industries*: Those industries/businesses engaged in the use of products that are sustainable in the environment or in harnessing renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, ethanol fuels, solar energy, hydro power, and geothermal.
14. *Research Laboratory and Production Services*: A building or group of buildings engaged in scientific research, investigation, testing, or experimentation, including animal or human products testing; and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory. Typical uses include but not limited to animal or human research labs, research and development firms or animal/human pharmaceutical research labs.
15. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel excavation operations, oil and gas extraction, and mining operations. This shall not include the cut and fill process to level or terrace an agricultural property, pits owned and/or operated by the county and state and a construction site.
16. *Sanitary Landfill (or Dump)*: A place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
17. *Scrap and Salvage Services*: Businesses primarily engaged in storage, sale, dismantling or other processing of used or waste materials not intended for reuse. Typical uses include but not limited to scarp or storage yards, junkyards or salvage yards.
18. *Truck Repair*: The repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations. This does not include the normal truck repair for personal use on farms.
19. *Truck Terminal*: A building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.
20. *Used Materials Yard*: Shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include “Junk Yards” or “Automobile Wrecking Yards”.

21. *Warehousing and Distribution*: A use, establishment or place of business engaged in storage, wholesale, and distribution and handling of manufactured products, supplies, and equipment, other than live animals and plants. The following are warehousing use types:
- a) *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
  - b) *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.
  - c) *Wholesale Trade & Distribution*: A use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments include but not limited to: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; assemblers, buyers, and associations engaged in cooperative marketing of farm products. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

**3.2.6. CIVIC & PUBLIC LAND USE DEFINITIONS:**

Civic and public land use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses strongly vested with public or social importance.

1. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for the operation, service, fueling, repair, storage, charter, or rental of aircraft.
2. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
3. *Charitable Institution*: A public or semi-public institutional use of a charitable, philanthropic, benevolent, or religious character, but not including sheltering or caring of animals.
4. *Club or Lodge*: An association of persons (whether or not incorporated), religious or otherwise, for a common purpose, used primarily by members and guests but not including groups which are organized primarily to render a service carried on as a business for profit.
5. *Cultural Services*: A library, museum, art gallery, or other nonprofit use offering display, preservation or exhibition of historical objects or the fine arts and sciences.
6. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as indicated by the State of Iowa. This term may include day care centers for children or adults and similar uses.

7. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
8. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, and county offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
9. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
10. *Major Utility Facilities*: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
11. *Military Installations*: Military facilities of federal or state governments.
12. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, open spaces, and swimming pools.
13. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children.
14. *Education Facilities*: A public, private or parochial school, nonprofit institution or facility which conducts regular academic instruction at elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, nonprofit research institutions and religious institutions.
15. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports or entertainment, including civic or community auditoriums, convention facilities, event centers, fairgrounds, and exhibition facilities.
16. *Religious Assembly (Including Churches)*: A permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements. Such facility must be maintained and controlled by a religious body organized to sustain public worship together with all accessory buildings and uses.
17. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
18. *Trade or Technical School*: An institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.
19. *Treatment Services*: A use providing counseling, guidance, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

## ARTICLE IV Zoning Districts Established

Article 4: Zoning Districts Established

- Section 4.1. Zoning Districts
- Section 4.2. Boundaries and Official Map
- Section 4.3. Interpretations of Districts Boundaries
- Section 4.4. Disincorporation
- Section 4.5. Roadway or Public Right-of-Way Vacation
- Section 4.6. General Regulations

**Section 4.1. ZONING DISTRICTS.**

The Board of Supervisors shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the Board of Supervisors. For the purpose and intent of this ordinance the unincorporated area of Emmet County, Iowa, is hereby divided into eight (8) zoning districts or zones as follows:

Agricultural District	(A-1)
Rural Residential District	(R-1)
Suburban Residential District	(R-2)
Residential Mobile/Manufactured Home Park District	(R-3)
Lakeshore Residential District	(R-4)
General Commercial District	(C-1)
Light Industrial District	(I-1)
Heavy Industrial District	(I-2)

**Section 4.2. DISTRICT BOUNDARIES AND OFFICIAL MAP.**

The county's zoning district classifications shall be shown on the "Official Zoning District Map of Emmet County, Iowa". This zoning district map and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this ordinance as if fully described herein. The zoning map shall be filed as part of this ordinance by the County Auditor of Emmet County. Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by ordinance amending the Emmet County Zoning Ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Such amendatory ordinance, however, shall not repeal said map, but only amend it.

The official zoning map shall be available for public inspection in the office of the zoning administrator of Emmet County, Iowa. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new official zoning map that supersedes the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendments thereof. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the county.

**Section 4.3. INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists as to a district's boundaries as shown on the official zoning map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of roads, streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
2. Boundaries indicated as approximately following lot (or property) lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
5. Boundaries indicated as approximately following railroad lines shall be construed to be at the centerline of a set of tracks.
6. Boundaries indicated as following shorelines shall be construed to follow such shore lines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed as following such centerlines;
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
8. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsection 1-7 above, the Board of Adjustment shall interpret the district boundaries.
9. Where a district boundary line divides a lot in single ownership, the Board of Adjustment may permit the extension of the regulations for either portion of the lot.

**Section 4.4. DISINCORPORATION.**

Any territory, land, parcels or tracts which may hereafter become part of the unincorporated area of Emmet County by the disincorporation of any city or town, or any part thereof, shall automatically be classified as being within the (A-1) Agricultural Preservation district until such time the Planning Commission may recommend and the Board of Supervisors shall determine and establish which zoning district(s) are most appropriate to the disincorporated lands.

**Section 4.5. ROADWAY OR PUBLIC RIGHT-OF-WAY VACATION.**

Whenever any road, street or other public right-of-way is vacated by official action of the Board of Supervisors of Emmet County, the zoning district(s) adjoining each side of such road, street or public right-of-way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

**Section 4.6. GENERAL REGULATIONS.**

All structures, buildings or parts thereof, except for buildings and structures primarily adapted for use for agricultural purposes, shall be constructed and used in conformity with the regulations prescribed herein for the district in which such building or land is situated and a zoning compliance permit is issued by the zoning administrator.

1. The principal building on a lot shall front on a road, street, or other public right-of-way.
2. The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the main building wall of the building or structure under consideration, exclusive of typical ancillary structures such utility boxes or gutters.
3. No building or structure shall be erected, converted, enlarged, re-constructed, or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.
4. No yard or lot shall hereafter be reduced in dimension or area so that any required yard or other open space is below the minimum required by this ordinance for the district in which it is located.
5. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this ordinance for another building, structure, or use.
6. No accessory building to a principal building on the same lot shall be used for residential purposes.
7. Any portion of a building that is covered by a roof shall be considered as a part of the building.
8. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal non-farm residential building on one lot unless otherwise provided in this ordinance.
9. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.
10. Every residence, business, trade or industry hereafter established which requires water supply and sewage disposal facilities shall provide facilities that conform to the requirements and procedures set forth in the Iowa Administrative Code, Environmental Protection Commission [567]; especially Chapter 49 [567] - Nonpublic Water Supply Wells, and Chapter 69 [567] - Private Sewage Disposal Systems.

These regulations shall be required in addition to any applicable county, state or federal health and building regulations.

**ARTICLE V**  
**(A-1) Agricultural District**

Article 5: Agricultural District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Permitted non-Farm Residential Uses
- Section 5.4. Conditional Uses
- Section 5.5. Permitted Accessory Uses
- Section 5.6. Site Development Regulations
- Section 5.7. Off-Street Parking
- Section 5.8. Sign Regulations
- Section 5.9. Zoning Compliance Permits Required

**Section 5.1. INTENT.**

The intent of the Agricultural District is to conserve and otherwise preserve the prevailing rural agricultural farming characteristics, values, and resources of Emmet County. The intent is to encourage and to promote in every practicable manner, the interest of agriculture, the facilitation of farm production, and the encouragement of soil and water conservation practices. It is also the intent to preserve lands suited for agricultural resources from the encroachment of incompatible urban and suburban sprawl land uses.

**Section 5.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

<b>Agriculture Uses</b>	<b>Non-Farm Residential Uses</b>
Farms and Agricultural uses including any other buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations.	Single Family Non-Farm Residential <i>(see Section 5.3 below)</i>
<b>Conservation Uses</b>	<b>Industrial Uses</b>
Conservation Areas Critical Area Floodplain Undeveloped or Unimproved Land Water Control Structures/Irrigation or Retention Basins Wetland Wildlife Refuge and/or Wildlife Preserve	Railroad
	<b>Civic/Public Uses</b>
	Cultural Services <i>(including historical sites and/or monuments)</i> Educational Facilities Essential Services Government/Public Uses Local Utility Services Park and Recreation Services Religious Assembly



**Section 5.3. PERMITTED NON-FARM RESIDENTIAL ACREAGES.**

Non-farm residential dwellings in the agricultural district shall only be permitted on the following types of property and meeting the criteria outlined below.

1. Non-farm residential acreages shall meet the density requirement of one non-farm residence on not less than one (1) acre, approximately rectangular in shape.
2. Non-farm residential acreages shall not exceed an overall density of four (4) nonfarm residences per quarter-section (approximately 160 acres). If the lot is within two-quarter sections, then the owner shall indicate to which quarter section the residence shall attach. This requirement shall not apply to agricultural support housing associated with the principal residential dwelling unit on a parcel or lot.
3. All non-farm residences shall be located along a graveled or hard-surfaced county road, a county highway, or state highway.
4. Access to property shall be located a minimum of 300 feet from any intersection of any state highway, county highway, county roads or another driveway.
5. When two lots are established immediately adjacent to one another, the lots may be required to be served by a single driveway or one access point onto any county road as approved by the county engineer, or along any state and/or federal road as approved by the Iowa Department of Transportation. Access to roads shall be through a common easement of at least fifty feet (50') in width. An exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
6. Soils must be suitable for a private septic system and the proper testing must be completed.
7. No dwelling unit or accessory use shall be constructed in the drainageway on the down stream side of a retention/detention structure as reviewed and/or recommended by the NRCS.
8. Clustering of homes is permitted and will be encouraged in certain situations.
9. Non-farm residences must be located on a lot of record, as defined in Section 14.2 of this ordinance.
10. Single family non-farm residential acreages shall be limited to one (1) principal dwelling per lot, parcel or tract of land.
11. In no case shall a structure or dwelling be constructed in the direct drainage area of a detention or retention structure unless approved by the NRCS.

**Section 5.4. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

Non-Farm Residential Uses	Civic/Public Uses
Cottage Elder Family Home Group Residential Relocated Residential Residential Care Services Family Home	Aviation Facilities Cemetery <i>- provided it is located 1,000 ft. from residential uses</i> Daycare Center Detention Facilities Major Utility Facilities Safety Services
Commercial Uses	Industrial Uses
Agricultural Businesses & Services Bed & Breakfast Establishment Business Home Occupations <i>(See Section 15.3 for additional regulations)</i> Campground Commercial Auction Yards and Barns Commercial Stables Commercial Recreation <i>- including fishing, hunting, gun clubs, rifle range, trap shooting, and similar uses</i> Communication Services Construction Sales and Services Country Club Equipment Repair Services Equipment Sales Golf Course Outdoor Entertainment and Recreation Kennel, Commercial <i>- provided facilities are located 1,500 ft. from neighboring residential uses</i> Small Wind Energy Devices Stockyards Transportation Services Veterinary Services Wind Energy Devices Winery	Fertilizer or Chemical Storage or Processing Fuel Storage Limited Warehousing and Distribution Renewable Energy/Renewable Resource Industries Resource Extraction Sanitary Landfill Scrap and Salvage Services Truck Repair

**Section 5.5. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory buildings and uses are permitted in the (A-1) Agriculture District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Mobile home or residential dwelling as a second residence on a farm but limited to one per farm to be occupied by hired hand or family member.
2. Private recreational facilities used in conjunction with the permitted use.
3. Private garage or carport
4. Essential services, but not including any major utility facility
5. Utility sheds, garden buildings or greenhouses intended for personal or household use
6. Roadside stands for the sale of agricultural produce or products grown on the premises
7. Kennel, private
8. Home occupations (See Section 15.2 for additional regulations)
9. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the Board, either of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 14.18.
10. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses, and in compliance with Section 14.17.

**Section 5.6. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	3 acres minimum for non-residential uses 1 acre minimum for non-farm single family acreages; provided there is adequate space for on-site septic and well separation distances.
Lot Width -	150 feet minimum lot width
Front Yard -	50 feet minimum setback 100 feet minimum setback if adjacent to a state or county highway (from right-of-way line, not the center of the road)
Side Yard -	25 feet minimum required setback for all uses (including non-farm dwellings)
Rear Yard -	50 feet minimum required setback for all uses
Street Side (Corner) Yard -	50 feet minimum required setback for all uses (from right-of-way line, not the center of the road)
Residential Density -	No more than 1 principal non-farm residential dwelling per lot
Height -	35 feet maximum height for residential dwellings and no limitation for agricultural or other buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.

No minimum requirements for local utility facilities and essential services, except buildings or other above ground structures or devices constructed in support of utilities or essential services

must comply with minimum setback requirements. Cemeteries are exempt from bulk regulations, except that no above ground building shall be constructed within the required yard setbacks.

**Section 5.7. OFF-STREET PARKING.**

Off-street parking and loading requirements shall be required for activities in the (A-1) Agriculture District in accordance with the provisions of Article XVIII of this ordinance, except that these provisions shall not apply to farm dwellings or land, buildings and structures used for agricultural purposes.

**Section 5.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (A-1) Agriculture District in accordance with the provisions of Article XIX of the ordinance.

**Section 5.9. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

## ARTICLE VI (R-1) Rural Residential District

Article 6: Rural Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Conditional Uses
- Section 6.4. Permitted Accessory Uses
- Section 6.5. Site Development Regulations
- Section 6.6. Other Applicable Development Regulations
- Section 6.7. Off-Street Parking
- Section 6.8. Sign Regulations
- Section 6.9. Zoning Compliance Permits Required

**Section 6.1. INTENT.**

The intent of the Rural Residential District (R-1) is to provide for low density single family residential developments in a subdivision format with a limited number of activities, which are interrelated with agricultural uses. In some cases, this residential development may be in conjunction with agricultural uses. In addition, this district allows for acreage development using private wells and septic systems. Said acreage developments shall have the developer layout the residential streets. Permitted and conditional uses are intended to serve the residents and are benefited by an open residential environment, with special provisions to also protect the rural residential character of the district. This district is not intended to permit isolated rural dwellings.

**Section 6.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

<b>Agricultural Uses</b>		
Farms and Agricultural uses including any other buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations. Agricultural storage buildings and riding stables are permitted for personal or agricultural use only.		
<b>Non-Farm Residential Uses</b>	<b>Civic/Public Uses</b>	<b>Conservation Uses</b>
Single Family Residential Two Family Residential <i>(only in a residential subdivision)</i> Family Home	Educational Facilities Essential Services Local Utility Services Park and Recreation Services Religious Assembly	Conservation Areas Critical Area Floodplain Undeveloped/Unimproved Land Water Control Structures/Irrigation or Retention Basins Wetland Wildlife Refuge and/or Preserve

**Section 6.3. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

Non-Farm Residential Uses	Civic/Public Uses	Commercial Uses
Relocated Residential <i>(single or two family only)</i> Residential Care Services Assisted Living Facility Skilled Nursing or Convalescent Home	Cemetery Daycare Center Government/Public Services Pre-Kindergarten, Preschool or Nursery School Major Utility Facilities	Business Home Occupations <i>(See Section 15.3 for additional regulations)</i> Communication Services Wind Energy Devices

**Section 6.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory buildings and uses are permitted in the (R-1) Rural Residential District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Private recreational facilities used in conjunction with the permitted use.
2. Private garage or carport
3. Essential services, but not including any major utility facility
4. Utility sheds, garden buildings or greenhouses intended for personal or household use
5. Roadside stands for the sale of agricultural produce or products grown on the premises
6. Kennel, private
7. Home occupations (See Section 15.2 for additional regulations)
8. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
9. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the Board, either of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 14.18.
10. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses, and in compliance with Section 14.17.

**Section 6.5. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

- Lot Area - 1 acre minimum lot area (43,560 sq. ft.)
- Lot Width - 150 feet minimum lot width
- Front Yard - 50 feet minimum required setback *(see Section 6.6 below)*  
(from right-of-way line, not the center of the road)
- Rear Yard - 40 feet minimum required setback

Side Yard -	20 feet minimum required setback
Street Side (Corner) Yard -	50 feet minimum required setback
Height -	35 feet maximum height for all residential uses 45 feet maximum height for non-residential uses (See Section 14.15 for Height Exceptions)

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Section 435.26, Code of Iowa.

**Section 6.6. OTHER APPLICABLE DEVELOPMENT REGULATIONS.**

In addition the previously listed site development regulations in Section 6.5, the following additional development regulations shall apply.

1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the right-of-way line of a state highway or county highway.
2. Where a lot of record has less minimum lot area or lot width on or before the effective date of this ordinance, the existing building on the non-conforming standard lot may be expanded, extended, or structurally altered if a conditional use permit application is granted.
3. Minimum distance of 300 feet from intersection or other driveway.
4. In no case shall a structure be constructed in the direct drainage area of a detention or retention structure unless approved by the NRCS.
5. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any county road as approved by the county engineer, or along any state and/or federal road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet (50') in width. An exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
6. On residential acreages, the lot length shall not exceed the lot width by more than a multiplier of three (length shall not be three times greater than the width).

**Section 6.7. OFF-STREET PARKING.**

Space for off-street parking and loading requirements shall be provided for activities in the (R-1) Rural Residential District in accordance with the provisions of Article XVIII of this ordinance.

**Section 6.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-1) Rural Residential District in accordance with the provisions of Article XIX of this ordinance.

**Section 6.9. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

## ARTICLE VII (R-2) Suburban Residential District

Article 7: Suburban Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Conditional Uses
- Section 7.4. Permitted Accessory Uses
- Section 7.5. Site Development Regulations
- Section 7.6. Other Applicable Development Regulations
- Section 7.7. Off-Street Parking
- Section 7.8. Sign Regulations
- Section 7.9. Zoning Compliance Permits Required

**Section 7.1. INTENT.**

The intent of the Suburban Residential District (R-2) is to provide for clustered residential development with a limited number of institutional, civic and recreational facilities permitted. Permitted or conditional uses are intended to serve the needs of the residents in areas of the county adjacent to or in close proximity to urban concentrations. This district is not intended to permit isolated rural dwellings. The Suburban Residential District is intended to create or preserve land near the urban communities for rural low density residential home sites. Smaller residential lot subdivisions will be approved provided the development is in the form of an approved subdivision with the following considerations:

1. An orderly extension of existing city street and utilities. The developer will install and serve each lot with a street design and pavement meeting the county’s subdivision regulations.
2. The developer will construct and install an adequate central sanitary sewer distribution and disposal system if conditions allow and the county requires, otherwise on-site septic systems may be permitted, and
3. The developer will construct and install an adequate well, storage, or pressured central water distribution system if conditions allow and the county requires, otherwise on-site wells may be permitted, and
4. The developer will construct and install adequate storm water drainage, as per the county’s subdivision regulations.
5. New access points shall meet the county engineer's specifications.

**Section 7.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

Non-Farm Residential Uses	Civic/Public Uses	Conservation Uses
Single Family Residential <i>(in a residential subdivision)</i> Two Family Residential <i>(in a residential subdivision)</i> Family Home Mobile or Manufactured Home converted to real estate	Educational Facilities Essential Services Local Utility Services Park and Recreation Services Pre-Kindergarten, Preschool or Nursery School Religious Assembly	Conservation Areas Critical Area Undeveloped/Unimproved Land Water Control Structures & Irrigation or Retention Basins



**Section 7.3. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

Non-Farm Residential Uses	Civic/Public Uses	Commercial Uses
Multiple Family Residential Relocated Residential <i>(single or two family only)</i> Residential Care Services Assisted Living Facility Skilled Nursing or Convalescent Home	Daycare Center Government/Public Services Major Utility Facilities	Bed & Breakfast Establishment Communication Services Country Club Golf Course Health Recreation Facility Wind Energy Devices

**Section 7.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory buildings and uses are permitted in the (R-2) Suburban Residential District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Private recreational facilities used in conjunction with the permitted use.
2. Private garage or carport
3. Essential services, but not including any major utility facility
4. Utility sheds, garden buildings or greenhouses intended for personal or household use
5. Patios, porches, gazebos, and incidental household storage buildings
6. Radio, television, satellite, solar collector and other similar antennas for residential purposes
7. Kennel, private
8. Home occupations (See Section 15.2 for additional regulations)
9. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the Board, either of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 14.18.
10. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses, and in compliance with Section 14.17.

**Section 7.5. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	7,200 sq.ft. minimum lot area for Single Family
	8,000 sq.ft. minimum lot area for Two Family
	+2,500 sq.ft. for each additional dwelling unit in excess of two (2)
	10,000 sq.ft. minimum lot area for all other uses

Lot Width -	75 feet minimum lot width for one and two family residential 100 feet minimum lot width for all other uses + 25 feet for each additional dwelling unit in excess of three (3)
Front Yard -	30 feet minimum required setback ( <i>see Section 7.6 below</i> )
Rear Yard -	30 feet minimum required setback
Side Yard -	10 feet minimum required setback
Street Side (Corner) Yard -	30 feet minimum required setback
Height -	35 feet maximum height for all residential uses 45 feet maximum height for non-residential uses ( <i>See Section 14.15 for Height Exceptions</i> )

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Section 435.26, Code of Iowa.

**Section 7.6. OTHER APPLICABLE DEVELOPMENT REGULATIONS.**

In addition to the previously listed site development regulations in Section 7.5, the following additional development regulations shall apply.

1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the right-of-way line of a state highway or county highway.
2. A lot or parcel of land or record on or before the effective date of this ordinance of at least 7,200 sq.ft. may be built on and used for a permitted principal or conditional use.
3. Where a lot of record has less minimum lot area or lot width on or before the effective date of this ordinance, the existing building on the non-conforming standard lot may be expanded, extended, or structurally altered if a conditional use permit application is granted.
4. An existing building of a non-conforming use, so determined by the passage of this ordinance, may be expanded, extended, or structurally altered, provided an application for a conditional use permit is granted.
5. In no case shall a structure be constructed in the direct drainage area of a detention or retention structure unless approved by the NRCS.
6. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any county road as approved by the county engineer, or along any state and/or federal road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet (50') in width. An exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
7. Side yard requirements for townhouses, condominiums or multiple family units as row housing shall apply only to the end units. Middle units are allowed to have a zero lot line, provided the zero lot line buildings share an adjoining wall with another building.

**Section 7.7. OFF-STREET PARKING.**

Spaces for off-street parking and loading requirements shall be provided for activities in the (R-2) Suburban Residential District in accordance with the provisions of Article XVIII of this ordinance.

**Section 7.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-2) Suburban Residential District in accordance with the provisions of Article XIX of the ordinance.

**Section 7.9. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

**ARTICLE VIII**  
**(R-3) Mobile & Manufactured Home Park District**

**Section 8: Mobile & Manufactured Home Park District**

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Conditional Uses
- Section 8.4. Site Development Regulations
- Section 8.5. Mobile and Manufactured Home Park Design Requirements
- Section 8.6. Off-Street Parking
- Section 8.7. Sign Regulations
- Section 8.8. Zoning Compliance Permits Required

**Section 8.1. INTENT.**

The intent of the R-3 Mobile and Manufactured Home Park District shall be to provide for mobile and manufactured home dwellings on leased or owned property in areas where a mobile home park or manufactured housing subdivision is appropriate, and where such development is recognized as being in the best interests of Emmet County.

**Section 8.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

Non-Farm Residential Uses	Civic/Public Uses
Mobile Home or Manufactured Housing* <i>*This does not include manufacturing or mobile home sales or display yards, but shall not preclude any owner from selling a manufactured or mobile home located on a stand and connected to utilities.</i> Single Family Residential Two Family Residential	Educational Facilities Essential Services Government/Public Uses Local Utility Services Park and Recreation Services Religious Assembly

**Section 8.3. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

Non-Farm Residential Uses	Civic/Public Uses	Commercial Uses
Relocated Residential ( <i>mobile or manufactured homes, excluding delivery from factory</i> )	Daycare Facility Pre-Kindergarten, Preschool or Nursery School Major Utility Facilities	Campground Timeshare

**Section 8.4. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. For uses permitted in the R-1 and R-2 residential districts, the lot size requirements are the same for that district. These requirements do not apply to farms, land, buildings, and structures used primarily for agricultural purposes.

**Mobile or Manufactured Housing Lot Requirements:**

Maximum Density -	Seven (7) units per gross acre. No more than one (1) mobile or manufactured home allowed per identified site.
Lot Area -	5,000 square feet - minimum lot area, with corners of each site visibly marked and numbered by permanent marker.
Lot Width -	50 feet - minimum lot width
Front Yard -	25 feet - minimum required front yard, unless the front yard borders a public street or road in which case no mobile or manufactured home shall be closer than 50 feet from the right-of-way line.
Side Yard -	5 feet - minimum required side yard, unless the side yard borders the park boundary in which case the side yard is not required
Street Side (Corner) Yard -	25 feet – minimum required setback
Rear Yard -	15 feet - minimum required rear yard, unless the rear yard borders the park boundary in which case the rear yard is not required
Maximum Height -	35 feet for single family residential and all other structures except mobile homes. 20 feet for mobile or manufactured homes.

**Mobile or Manufactured Housing Park Requirements:**

Park Area -	Five (5) acres – minimum park area, except that minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park.
Park Width -	200 feet - minimum park width
Park Boundary -	50 feet - minimum required setback for dwellings abutting a public street or road.  50 feet – minimum required setback for any perimeter boundary shall be a minimum of fifty feet (50’) when adjacent to any other residential district and twenty five feet (25’) when adjacent to any other district;

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Furthermore, mobile or manufactured housing lots and parks shall be developed in conformance with the following Mobile and Manufactured Home Park Requirements outlined in the section below.

**Section 8.5. MOBILE & MANUFACTURED HOME PARK DESIGN REQUIREMENTS.**

Each petition for change to the (R-3) zoning district submitted to the Board of Supervisors shall be accompanied by a plan developed in conformance with the regulations listed below.

1. *Development Plan:* The following information shall be shown on the development plan or submitted in writing with it:
  - a. Location of the park and the lot layout giving the subdivision name and lot numbers
  - b. A development plan
  - c. The area and dimensions of the tract of land
  - d. The number, location, and size of all mobile home lots
  - e. The area and dimensions of any park, recreation areas and any other public or open space
  - f. The location and width of roadways and walkways
  - g. The location of service buildings and any other proposed structures
  - h. The location of water and sewer lines and sewage disposal facilities
  - i. Names, addresses and telephone numbers of the developer or representative
  - j. Map showing the relationship of the proposed development and the adjacent tracts
  - k. Present land use and existing zoning of the proposed development and adjacent tracts
  - l. Location, capacity, and design for any tornado safe room or storm shelter, if provided
  - m. If no safe room or shelter is provided, an emergency plan indicating how residents will be notified in the event of an emergency must be submitted with the development plan

The plan shall be considered by the planning commission who may approve or disapprove the plan or may require such changes thereto, as are deemed necessary.

2. *Permitted accessory uses and requirements thereof:*
  - a. Accessory buildings or structures under park management supervision shall be used only for park residents' or owner's use only.
  - b. Accessory buildings and uses must be customarily incidental and subordinate to the permitted principal uses.
  - c. Accessory uses for mobile and manufactured home sites may include, but not limited to, awnings or porches, and one storage building, all of materials and construction acceptable in accordance with sound building practices.
  - d. Accessory uses for mobile and manufactured home parks may include, but not limited to, management headquarters, recreational facilities, community building, toilets, showers, coin-operated laundry facilities and vending machines, and other uses and structures customarily incidental to operation of a mobile home park.
  - e. No accessory building or structure shall exceed a height of fifteen feet (15').
  - f. Accessory buildings or structures shall not be permitted within the front yard and may be no closer than five feet (5') to any side or rear lot line.
  - g. One (1) identification sign approved in conjunction with the final site plan approval. In no case shall such sign be larger than forty (40) square feet in surface area nor have any moving parts or stand higher than ten (10) feet from the ground to the top of the sign.
  - h. No more than one entrance and/or one exit sign at each access drive onto a public right-of-way. In no case shall the sign be larger than 4 sq.ft. in surface area, or have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

3. *Required development standards:*

- a. That the mobile home park shall comply with all sanitary and other requirements prescribed by Emmet County and applicable state codes.
- b. Access drives shall be designed to provide adequate turnaround for emergency vehicles. No mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lit and at least 50 feet in width, paved with asphalt, portland concrete cement, or equally approved hard surface and maintained at least 20 feet in width in accord with applicable county specifications and ordinances. Maintenance of drives shall be on a private basis.
- c. Provisions for adequate drainage facilities are provided.
- d. That the design evidences a reasonable effort to preserve the natural amenities of the site.
- e. Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems.
- f. Adequate area shall be provided in the design for such things as public laundry facilities and storage of recreation equipment and vehicles.
- g. No existing mobile home park shall be enlarged or extended while such park does not meet applicable health or safety requirements; or where such park is in violation of regulations and standards regarding sewage treatment or discharge, pollution or water quality.
- h. Community water and community sewage disposal facilities shall be provided and shall meet all applicable state laws. The water supply shall be sufficient for domestic use and fire protection.
- i. Not less than eight percent (8%) of the total mobile or manufactured development area shall be designated and used for park, playground and recreational purposes.
- j. A written emergency plan submitted to Emmet County and posted on site to advise all of the park residents of safety measures.
- k. Side yard width shall be determined by measurement from the home face (side) to its site boundary from which every point shall not be less than the minimum width herein provided. Open patios shall be not be used in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths. .
- l. Each mobile home site shall be provided with a stand consisting of reinforced concrete runways not less than four (4) inches thick and not less than the length of the mobile home that will use the site. These runways will be so constructed, graded and placed to be durable and adequate for support of the maximum anticipated load during all seasons. Alternative pad and support mechanisms may be approved by the planning commission upon request.
- m. Each mobile or manufactured home shall be made to secure or “tie down” to guard against wind damage within thirty (30) days of placing such dwelling. Each mobile or manufactured home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).
- n. If a pier or post foundation is provided uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. A permanent type material and

construction compatible with the design and color of the mobile home shall be installed to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand, and shall be constructed to provide substantial resistance to heavy winds. Sufficient screened ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the mobile home.

- o. Storage of goods and articles underneath any mobile or manufactured dwelling is prohibited.
- p. A common recreation space of at least 300 sq. ft. per site in the park shall be developed and maintained for use by all residents of the park. Streets, sidewalks, parking areas and accessory buildings are not considered recreation space in computing the necessary area.
- q. In no case shall a structure be constructed in the direct drainage area of a detention or retention structure unless approved by the Natural Resource Conservation Service (NRCS).
- r. All roads, driveways and parking spaces shall be surfaced as to handle anticipated peak loads, and adequately drained for safety and ease of movement of pedestrians and vehicles. Streets within a mobile or manufactured housing park shall be equipped with speed bumps or other traffic slowing devices located at the entrance and exit to such park.
- s. Two off-street parking spaces shall be provided for every mobile and manufactured dwelling unit. One parking space shall be provided within one hundred and fifty feet (150') of each individual site. A second parking space shall be provided in a common parking area for additional storage of all recreational type vehicles and visitor parking.
- t. All parks shall be furnished with lighting units placed at mounting heights that will provide adequate levels of illumination for safe movement of pedestrians and vehicles at night.

All mobile and manufactured housing parks shall be developed in conformance with the above standards in addition to all current subdivision and development standards or specifications as enforced by Emmet County.

**Section 8.6. OFF-STREET PARKING.**

Spaces for off-street parking and loading requirements shall be provided for activities in the (R-3) Mobile and Manufactured Home Park District in accordance with the provisions of Article XVIII of this ordinance.

**Section 8.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-3) Mobile and Manufactured Home Park District in accordance with the provisions of Article XIX of the ordinance.

**Section 8.8. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.



## ARTICLE IX (R-4) Lakeside Residential District

**Section 9: Lakeside Residential District**

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Conditional Uses
- Section 9.4. Permitted Accessory Uses
- Section 9.5. Site Development Regulations
- Section 9.6. Off-Street Parking
- Section 9.7. Sign Regulations
- Section 9.8. Zoning Compliance Permits Required

**Section 9.1. INTENT.**

The Lakeside Residential District is to provide for residential uses being located on or near lake frontage. Because of the special nature of this district, in the event of conflict between the requirements of this district and other provisions of this ordinance, the Lakeside Residential district requirements prevail.

**Section 9.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

Non-Farm Residential Uses	Civic/Public Uses	Conservation Uses
Single Family Residential Cottage (or cabin) Two Family Residential	Essential Services Local Utility Services Park and Recreation Services	Conservation Areas Critical Area Floodplain Undeveloped/Unimproved Land Water Control Structures & Irrigation or Retention Basins Wetland Wildlife Refuge and/or Preserve

**Section 9.3. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

Non-Farm Residential Uses	Civic/Public Uses	Commercial Uses
Group Residential Relocated Residential	Government/Public Services Major Utility Facility	Bed and Breakfast Inn Boarding or Lodging House Campground Communication Services Resort Enterprise Timeshare Wind Energy Devices

**Section 9.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory buildings and uses are permitted in the (R-4) Lakeside Residential District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Private recreational facilities used in conjunction with the permitted use.
2. Private garages and boat docks
3. Essential services, but not including any major utility facility
4. Utility sheds, garden buildings or greenhouses intended for personal or household use
5. Patios, porches, gazebos, and incidental household storage buildings
6. Radio, television, satellite, solar collector and other similar antennas for residential purposes
7. Kennel, private
8. Home occupations (See Section 15.2 for additional regulations)
9. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the Board, either of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 14.18.
10. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses, and in compliance with Section 14.17.

**Section 9.5. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	8,400 sq.ft. minimum lot area for Single Family 9,600 sq.ft. minimum lot area for Two Family 10,000 sq.ft. minimum lot area for all other uses
Lot Width -	50 feet minimum lot width for one and two family residential 75 feet minimum lot width for all other uses
Lake Side or Front Yard -	40 feet minimum required setback
Road Side or Rear Yard -	20 feet minimum required setback
Side Yard -	5 feet minimum required setback
Street Side (Corner) Yard -	20 feet minimum required setback
Height -	35 feet maximum height (See Section 14.15 for Height Exceptions)

Boat stations or docks (unattached) shall have no setback required when on common lake property.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Section 435.26, Code of Iowa.

**Section 9.6. OTHER APPLICABLE DEVELOPMENT REGULATIONS.**

In addition the previously listed site development regulations in Section 9.5, the following additional development regulations shall apply.

1. The front property line shall be the line bounding the “ordinary high water line”, or the line on the lakeside of the lot, as established by the Iowa Department of Natural Resources. It shall be the responsibility of the homeowner to establish and mark the ordinary high water line on their property.
2. Lakeside Residential District (R-4) shall contain either a common water system or a common sewage treatment system, if feasible on the property. If in the opinion of the county engineer or Emmet County Board of Health that a common water and/or sewer system is not a feasible alternative, then the lot sizes shall be required to be enlarged to a size adequate to accommodate on-site sewer and water systems, as determined by Emmet County.
3. Where a lot of record has less minimum lot area or lot width on or before the effective date of this ordinance, the existing building on the non-conforming standard lot may be expanded, extended, or structurally altered if a conditional use permit application is granted.
4. In no case shall a structure be constructed in the direct drainage area of a detention or retention structure unless approved by the NRCS.
5. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any county road as approved by the county engineer, or along any state and/or federal road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet (50') in width. An exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.

**Section 9.7. OFF-STREET PARKING.**

Off-street parking and loading requirements shall be provided for activities in the (R-4) Lakeside Residential District in accordance with the provisions of Article XVIII of this ordinance.

**Section 9.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-4) Lakeside Residential District in accordance with the provisions of Article XIX of the ordinance.

**Section 9.9. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

**ARTICLE X  
(C-1) – Highway Commercial District**

Section 10: Highway Commercial District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Conditional Uses
- Section 10.4. Permitted Accessory Uses
- Section 10.5. Site Development Regulations
- Section 10.6. Other Applicable Development Regulations
- Section 10.7. Open-air Sales, Display and Storage
- Section 10.8. Off-Street Parking
- Section 10.9. Sign Regulations
- Section 10.10. Zoning Compliance Permits Required

**Section 10.1. INTENT.**

The intent of this district is to provide for the general commercial and certain light industrial needs, which typically have operating and traffic generation characteristics requiring location along a major trafficway. It is intended that this district be primarily located along state highways, and other transportation routes. Site development regulations and performance standards are intended to ensure adequate access to and from uses.

**Section 10.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

<b>Agricultural Uses</b>		
Farms and Agricultural uses including any other buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations.		
<b>Commercial Uses</b>		
Administrative/Business Offices	Construction Sales and Services	Maintenance/Service Facilities
Agricultural Businesses/Services	Condominium Storage Unit	Medical Clinics/Offices
Automotive Rentals	Convenience Storage	Nursery
Automotive Repair Services	Convenience Store	Office
Automotive Sales & Rental	Country Club	Personal Services
Automotive Washing	Drive-in Facility	Restaurant (Convenience)
Bar	Equipment Sales	Restaurant (General)
Building Maintenance Services	Equipment Repair Services	Service Station
Business or Trade School	Financial Services	Transportation Services
Cocktail Lounge	Funeral Services	Veterinary Services
Community Center	General Retail Sales	Visitor Habitation
Commercial Auction Yards/Barns	Golf Course	- Bed & Breakfast Inn
Commercial Off-Street Parking	Greenhouse (Commercial)	- Boarding or Lodging House
Commercial Recreation	Health Club/Recreation Facility	- Campground
- Indoor Entertainment & Rec.	Health Care Facilities	- Hotel/Motel
- Outdoor Entertainment & Rec.	Laundry, Self Service	- Timeshare
	Liquor Sales	- Resort Enterprise

Civic/Public Uses	Industrial Uses
Charitable Institution Club or Lodge Cultural Services Educational Facilities Essential Services Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Religious Assembly Safety Services	Custom Manufacturing Limited Warehousing and Distribution Railroad

**Section 10.3. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

Commercial Uses	Industrial Uses	Civic/Public Uses
Business or Trade School Communication Services Kennel, Commercial Nightclub Office Park Planned Commercial Developments Shopping Center Vehicle Storage Wind Energy Devices	Community Sanitary Sewer Community Water Supply Recycling Plant Wholesale Trade & Distribution	Aviation Facilities Business or Trade School Cemetery Daycare Center Detention Facilities Major Utility Facilities Military Installations Treatment Services

Other uses and structures similar in nature and use to the principal permitted uses in this district as recommended by the zoning administrator and approved by the Board of Adjustment.

**Section 10.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory buildings and uses are permitted in the (C-1) Highway Commercial District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the Board, either of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 14.18.

2. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses, and in compliance with Section 14.17.
3. Private recreational facilities used in conjunction with the permitted use.
4. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for convenience of employees, clients, or customers of the principal use.
  - b. Storage of merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use;
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.

**Section 10.5. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	7,200 sq.ft. minimum lot area for uses with public water & sewer 3 acres minimum lot area for uses with private on-site water & sewer
Lot Width -	60 feet minimum lot width for uses with public water & sewer 100 feet minimum lot width for uses with private on-site water & sewer
Front Yard -	25 feet minimum required setback ( <i>see Section 10.6 below</i> )
Rear Yard -	25 feet minimum required setback
Side Yard -	20 feet minimum required setback
Street Side (Corner) Yard -	25 feet minimum required setback
Height -	45 feet maximum height, ( <i>See Section 14.15 for Height Exceptions</i> )

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 10.6. OTHER APPLICABLE DEVELOPMENT REGULATIONS.**

In addition the previously listed site development regulations in Section 10.5, the following additional development regulations shall apply.

1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the right-of-way line of a state highway or county highway.
2. When the side or rear yard abuts a residential use or district, it shall be screened with approved landscape plant materials, walls, or fencing.

3. In no case shall a structure be constructed in the direct drainage area of a detention or retention structure unless approved by the NRCS.
4. Where a lot of record has less minimum lot area or lot width on or before the effective date of this ordinance, the existing building on the non-conforming standard lot may be expanded, extended, or structurally altered if a conditional use permit application is granted.
5. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any county road as approved by the county engineer, or along any state and/or federal road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet (50') in width. An exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.

**Section 10.7. OPEN-AIR SALES, DISPLAY AND STORAGE.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements outlined in Section 24.7.

**Section 10.8. OFF-STREET PARKING.**

Off-street parking and loading requirements shall be provided for activities in the (C-1) Highway Commercial District in accordance with the provisions of Article XVIII of this ordinance.

**Section 10.9. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (C-1) Highway Commercial District in accordance with the provisions of Article XIX of the ordinance.

**Section 10.10. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

## ARTICLE XI (I-1) Light Industrial District

**Article 11: Light Industrial District**

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Conditional Uses
- Section 11.4. Permitted Accessory Uses
- Section 11.5. Site Development Regulations
- Section 11.6. Other Applicable Development Regulations
- Section 11.7. District Performance Standards
- Section 11.8. Open-air Sales, Display and Storage
- Section 11.9. Off-Street Parking
- Section 11.10. Sign Regulations
- Section 11.11. Zoning Compliance Permits Required

**Section 11.1. INTENT.**

The intent of the Light Industrial District is to provide for certain commercial and a wide range of industrial land uses and structures able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions. It is not intended that any new residential development be permitted in the I-1 District.

**Section 11.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

<b>Agricultural Uses</b>		
Farms and Agricultural uses including any other buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations.		
<b>Industrial Uses</b>	<b>Civic Uses</b>	<b>Residential Uses</b>
Biotechnology Production and/or Manufacturing Custom Manufacturing Light Industry Research and Production Services Limited Warehousing and Distribution General Warehousing and Distribution Railroad Truck Repair Truck Terminal Wholesale Trade and Distribution	Aviation Facilities Club or Lodge Government/Public Services Essential Services Local Utility Services Park and Recreation Services Safety Services	No residential uses are permitted within the I-1 Light Industrial District



<b>Commercial Uses</b>	
Administrative and Business Offices	Construction Sales and Service
Agricultural Sales and Services	Convenience Storage
Automotive Repair Services	Convenience Store
Automotive Sales or Rentals	General Retail Sales
Automotive Washing	Maintenance and Service Facilities
Building Maintenance Services	Office
Business or Trade School	Office Park
Commercial Auction Yards and Barns	Personal Services
Commercial Off-Street Parking	Recycling Center
Commercial Recreation	Service Station
- Indoor Entertainment and Recreation	Transportation Service
- Outdoor Entertainment and Recreation	Vehicle Storage
Condominium Storage Units	Veterinary Services

**Section 11.3. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

<b>Industrial Uses</b>	<b>Commercial Uses</b>	<b>Civic Uses</b>
Manufacturing	Communications Services	Major Utility Service
Recycling Plant	Equipment Repair Services	Public Assembly
Renewable Energy/Renewable Resources Industries	Equipment Sales	Detention Facilities
Research Laboratory and Production Services	Kennels, Commercial	Military Installations
Resource Extraction	Wind Energy Devices	
Used Materials Yard		

Other uses and structures similar in nature and use to the principal permitted uses in this district as recommended by the zoning administrator and approved by the Board of Adjustment.

**Section 11.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory buildings and uses are permitted in the (I-1) Light Industrial District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the board, either of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 14.18.
2. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses, and in compliance with Section 14.17.

3. Private recreational facilities used in conjunction with the permitted use.
4. Any other commercial or industrial type use that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for convenience of employees, clients, or customers of the principal use.
  - b. Storage of merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use;
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.

**Section 11.5. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	10,000 sq.ft. minimum lot area for uses with public water & sewer 3 acres minimum lot area for uses with private on-site water & sewer
Lot Width -	60 feet minimum lot width for uses with public water & sewer 200 feet minimum lot width for uses with private on-site water & sewer
Front Yard -	40 feet minimum required setback (see Section 11.6 below)
Rear Yard -	20 feet minimum required setback unless adjacent to a residential district, then the setback shall be 40 feet minimum
Side Yard -	20 feet minimum required setback unless adjacent to a residential district, then the setback shall be 40 feet minimum
Street Side (Corner) Yard -	40 feet minimum required setback
Height -	45 feet maximum height (See Section 14.15 for Height Exceptions)

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 11.6. OTHER APPLICABLE DEVELOPMENT REGULATIONS.**

In addition the previously listed site development regulations in Section 11.5, the following additional development regulations shall apply.

1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the right-of-way line of a state highway or county highway.
2. When the side or rear yard abuts a residential use or district, it shall be screened with approved landscape plant materials, walls, or fencing.
3. Where a lot of record has less minimum lot area or lot width on or before the effective date of this ordinance, the existing building on the non-conforming standard lot may be expanded, extended, or structurally altered if a conditional use permit application is granted.

4. Environmental performance standards. Any use under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat. These performance standards are located in Section 11.7.
5. In no case shall a structure be constructed in the direct drainage area of a detention or retention structure unless approved by the Natural Resource Conservation Service (NRCS).
6. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any county road as approved by the county engineer, or along any state and/or federal road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet (50') in width. An exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.

**Section 11.7. DISTRICT PERFORMANCE STANDARDS.**

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
2. Fire Hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of local, state, and federal authorities.
3. Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
4. Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants:
  - a. Air Contaminants and smoke shall be less dark than designated "number one" on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as number one shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
  - b. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes

in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.

- c. Due to the fact that air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious, and that such odor as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.
7. Gases: The gases Sulphur Dioxide and Hydrogen Sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
8. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
9. Glare and heat: All glares, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

**Section 11.8. OPEN-AIR SALES, DISPLAY AND STORAGE.**

All open-air sales display and storage for used auto and used sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements outlined in Section 24.7.

**Section 11.9. OFF-STREET PARKING.**

Off-street parking and loading requirements shall be provided for activities in the (I-1) Light Industrial District in accordance with the provisions of Article XVIII of this ordinance.

**Section 11.10. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (I-1) Light Industrial District in accordance with the provisions of Article XIX of this ordinance.

**Section 11.11. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits are required in accordance with the provisions of Section 21.3 of this ordinance.

## ARTICLE XII (I-2) Heavy Industrial District

**Article 12: Heavy Industrial District**

- Section 12.1. Intent
- Section 12.2. Principal Permitted Uses
- Section 12.3. Conditional Uses
- Section 12.4. Permitted Accessory Uses
- Section 12.5. Site Development Regulations
- Section 12.6. Other Applicable Development Regulations
- Section 12.7. District Performance Standards
- Section 12.8. Open-air Sales, Display and Storage
- Section 12.9. Off-Street Parking
- Section 12.10. Sign Regulations
- Section 12.11. Zoning Compliance Permits Required

**Section 12.1. INTENT.**

The intent of the Heavy Industrial District is to designate areas of the county for intense commercial and industrial land uses and structures that are typically in conflict with residential or lesser intense uses. Residential uses are not permitted in this district. Adult Entertainment Businesses are regulated in order to control the secondary effects associated with such uses and is not intended to prohibit these uses from exercising their rights under the U.S. Constitution.

**Section 12.2. PRINCIPAL PERMITTED USES.**

The following principal uses and structures within this section are permitted by right and allowed to exist upon approval from the county zoning administrator.

<b>Agricultural Uses</b>		
Farms and Agricultural uses including any other buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations.		
<b>Industrial Uses</b>		<b>Civic Uses</b>
Borrow Pit	Recycling Plant	Aviation Facilities
Biotechnology Production	Renewable Energy/Resources	Club or Lodge
Community Sanitary Sewer	Research and Production Services	Government/Public Services
Community Water Supply	Resource Extraction	Essential Services
Custom Manufacturing	Truck Repair	Local Utility Services
Fertilizer or Chemical Storage or Processing	Truck Terminal	Major Utility Facilities
Fuel Storage	Warehousing and Distribution	Park and Recreation Services
Heavy Industrial	Limited Warehousing and Distribution	Safety Services
Light Industry	General Warehousing and Distribution	<b>Non-Farm Residential Uses</b>
Manufacturing	Wholesale Trade & Distribution	No non-farm residential uses are permitted within the I-2 Heavy Industrial District
Railroad		

<b>Commercial Uses</b>	
Administrative and Business Offices	Construction Sales and Service
Agricultural Sales and Services	Convenience Storage
Automotive Repair Services	Equipment Repair Services
Automotive Washing	Equipment Sales
Building Maintenance Services	Kennels, Commercial
Business or Trade School	Maintenance and Service Facilities
Commercial Auction Yards and Barns	Office
Commercial Off-Street Parking	Office Park
Condominium Storage Units	Recycling Center
	Service Station
	Transportation Service
	Vehicle Storage

**Section 12.3. CONDITIONAL USES.**

The following uses and structures are allowed only when Emmet County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

<b>Industrial Uses</b>	<b>Commercial Uses</b>	<b>Civic Uses</b>
Acid Manufacturer or Acid Storage	Adult Entertainment <i>(See Section 15.5 for regulations)</i>	Detention Facilities
Animal rendering, processing or hide curing	Automobile Wrecking Yard	Military Installations
Garbage, offal or dead animal rendering or dumping	Communications Services	
Junk Yards	Wind Energy Devices	
Manufacture of cement, gypsum or other similar products		
Manufacture or storage or explosives		
Processing of any meat, food or kindred products		
Sanitary Landfill		
Scrap and Salvage Services		
Slaughter Houses or Meat Packing Plants		
Temporary or permanent asphalt plants		
Used Materials Yard		

Other uses and structures similar in nature and use to the principal permitted uses in this district as recommended by the zoning administrator and approved by the Board of Adjustment.

**Section 12.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory buildings and uses are permitted in the (I-2) Heavy Industrial District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the Board, either of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 14.18.
2. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses, and in compliance with Section 14.17.
3. Private recreational facilities used in conjunction with the permitted use.
4. Any other commercial or industrial type use that is not listed as a permitted use in the same district, and complies with all the following criteria.
  - a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
  - b. Storage of merchandise incidental to the principal use, but not to exceed forty percent (40%) of the floor area used for such use.
  - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.

**Section 12.5. SITE DEVELOPMENT REGULATIONS.**

The height and minimum lot requirements shall be as follows, and subject to modifications contained in Article XV, Supplemental District Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	20,000 sq.ft. minimum lot area for uses with public water & sewer 3 acres minimum lot area for uses with private on-site water & sewer
Lot Width -	100 feet minimum lot width for uses with public water & sewer 200 feet minimum lot width for uses with private on-site water & sewer
Front Yard -	50 feet minimum required setback (see Section 12.6 below)
Rear Yard -	50 feet minimum required setback unless adjacent to a residential district, then the setback shall be 200 feet minimum
Side Yard -	25 feet minimum required setback unless adjacent to a residential district, then the setback shall be 200 feet minimum
Street Side (Corner) Yard -	50 feet minimum required setback
Height -	45 feet maximum height (See Section 14.15 for Height Exceptions)

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**Section 12.6. OTHER APPLICABLE DEVELOPMENT REGULATIONS.**

In addition the previously listed site development regulations in Section 12.5, the following additional development regulations shall apply.

1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 100 feet to the right-of-way line of a state highway or county highway.
2. When the side or rear yard abuts a residential use or district, it shall be screened with approved landscape plant materials, walls, or fencing.
3. Where a lot of record has less minimum lot area or lot width on or before the effective date of this ordinance, the existing building on the non-conforming standard lot may be expanded, extended, or structurally altered if a conditional use permit application is granted.
4. Environmental performance standards. Any use under the provisions of this section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat. These performance standards are located in Section 12.7.
5. In no case shall a structure be constructed in the direct drainage area of a detention or retention structure unless approved by the Natural Resource Conservation Service (NRCS).
6. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any county road as approved by the county engineer, or along any state and/or federal road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet (50') in width. An exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
7. The best practical means available shall be employed available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance.
8. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
9. All principal or accessory structures housing a use permitted only in the 1-2 Heavy Industrial district shall be located at least 200 feet from any residential district and 100 feet from any other district except the I-1 Light Industrial district.

**Section 12.7. DISTRICT PERFORMANCE STANDARDS.**

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.



2. Fire Hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of local, state, and federal authorities.
3. Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
4. Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants:
  - a. Air Contaminants and smoke shall be less dark than designated “number one” on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as number one shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
  - b. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
  - c. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious, and that such odor as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.
7. Gases: The gases Sulphur Dioxide and Hydrogen Sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.

8. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
9. Glare and heat: All glares, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

**Section 12.8. OPEN-AIR SALES, DISPLAY AND STORAGE.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements outlined in Section 24.7.

**Section 12.9. OFF-STREET PARKING.**

Off-street parking and loading requirements shall be provided for activities in the (I-2) Heavy Industrial District in accordance with the provisions of Article XVIII of this ordinance.

**Section 12.10. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (I-2) Heavy Industrial District in accordance with the provisions of Article XIX of this ordinance.

**Section 12.11. ZONING COMPLIANCE PERMITS REQUIRED.**

Zoning compliance permits shall be required in accordance with the provisions of Section 21.3 of this ordinance.

**“QUICK REFERENCE GUIDE”**  
**EMMET COUNTY ZONING DISTRICT SITE DEVELOPMENT REGULATIONS**

Zoning District	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Rear Yard	Required Side Yard	Street Side Yard (Corner Lot)	Maximum Height
A-1 Agricultural	35 acres 1 acres for non farm residential	150 ft.	50 ft.	50 ft.	25 ft.	50 ft.	35 ft. (no height on ag uses)
R-1 Rural Residential	1 acre	150 ft.	50 ft.	40 ft.	20 ft.	50 ft.	35 ft. for residential 45 ft. for other uses
R-2 Suburban Residential	7,200 SF 8,000 TF +2,500 MF 10,000 OU	75 ft. SF/TF +25 ft. MF 100 ft. OU	30 ft.	30 ft.	10 ft.	30 ft.	35 ft. for residential 45 ft. for other uses
R-3 Mobile/Manufactured Home	5 acres per park 5,000 sq.ft. per lot	200 ft. per park 50 ft. per lot	25 ft. 50 ft. park boundary	15 ft.	5 ft.	25 ft.	35 ft. for residential 20 ft. for mobile home
R-4 Lakeside Residential	8,400 SF 9,600 TF 10,000 OU	50 ft. SF/TF 75 ft. OU	40 ft. Lakeside	20 ft. Roadside	5 ft.	20 ft.	35 ft.
C-1 Highway Commercial	7,200 sq.ft. w/WS 3 acres w/PWS	60 ft. w/WS 100 ft. w/PWS	25 ft.	25 ft.	20 ft.	25 ft.	45 ft.
I-1 Light Industrial	10,000 sq.ft. w/WS 3 acres w/PWS	60 ft. w/WS 200 ft w/PWS	40 ft.	20 ft. or 40 ft. if next to res.	20 ft. or 40 ft. if next to res.	40 ft.	45 ft.
I-2 Heavy Industrial	20,000 sq.ft. w/WS 3 acres w/PWS	100 ft. w/WS 200 ft. w/PWS	50 ft.	50 ft. or 200 ft. if next to res.	25 ft. or 200 ft. if next to res.	50 ft.	45 ft.

Note: SF= Single Family Residential; TF= Two Family Residential; MF= Multiple Family; OU= Other Uses  
 sq.ft. = square feet; w/WS= with public water & sewer; w/PWS= with private on-site water & sewer

**ARTICLE XIII**

## Planned Unit Developments (PUD)

### Article 13: Planned Unit Developments

Section 13.1.	Intent
Section 13.2.	Eligible PUD Developments
Section 13.3.	General Regulations
Section 13.4.	Application and Development Plan
Section 13.5.	Review and Approval

#### **Section 13.1. INTENT.**

The intent of planned unit developments (PUDs) are to encourage the creative design of new living, commercial, industrial, and recreational areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods. PUDs are intended to accommodate a wide variety of use types in accordance with the county's comprehensive plan. PUDs are intended to encourage innovative, well-designed projects that achieve a high level of low impact development, environmental sensitivity, energy efficiency, safety, and aesthetics. Each PUD will be applied for and reviewed as a conditional use within the zoning district in which it is located. Although specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

#### **Section 13.2. ELIGIBLE PUD DEVELOPMENTS.**

A planned unit development, to be eligible under this article, must be:

1. An effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area;
2. So designed in its space allocation, orientation, landscaping, circulation system, materials and other features as to produce an environment of stable and desirable character, complimenting the design and values of the neighborhood.
3. Encourage a more creative and efficient development of land and its improvements;
4. Allow for a mixture of uses in an integrated and well-planned area;
5. Ensure concentration of open space into more usable areas and preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas;
6. Facilitate economic provisions of streets and public utilities;
7. Encourage low impact and sustainable developments.

#### **Section 13.3. GENERAL REGULATIONS.**

A planned unit development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the development by geographic division of the state. In order for PUD's to be eligible for consideration of a conditional use permit, certain regulations need to be satisfied to preserve the integrity of said planned unit development and shall not have a substantially adverse effect on the development of the neighboring area and minimize any potential impact to adjacent properties.

1. *Planning Commission Recommendation:* The Planning Commission shall make a report to the Board of Supervisors setting forth its reasons for recommendation of approval or denial.
2. *Conformance with the Comprehensive Plan:* Said PUD shall be in general conformity with the provisions of the Emmet County Comprehensive Plan. At a minimum, the Planning Commission shall find the PUD does not conflict with the comprehensive plan.
3. *Minimum Site Area:* A PUD shall include no less than three (3) acres of contiguous land. Property shall be contiguous so long as all parts are under unified control of the applicant and all parts abut or separated only by a road, easement or right of way. A minimum of two or more structures must be proposed. The minimum size allowed for a PUD shall be as follows:
  - Residential 3 acres
  - Mobile Home Parks 5 acres
  - Commercial 3 acres
  - Residential/Commercial 4 acres
  - Recreational 5 acres
  - Industrial 5 acres
  - Industrial/Commercial 10 acres
  - Agricultural 5 acres
  - Transitional Agriculture 5 acres
4. *Land Use:* Height, bulk, and setback requirements may be varied to promote an efficient and creative PUD. Proposed land uses shall not adversely affect surrounding uses.
5. *Construction Schedule:* The applicant shall prepare and submit a schedule of construction. The proposed construction shall begin within 12 months following approval of the final application by the Board of Supervisors. A minimum of 50 percent of the total planned construction shown on the final plan shall be completed within five (5) years following such approval or the plan shall expire. The time frame for the completion of the development may be modified by the planning commission upon showing good cause by the developer.
6. *Easements & Covenants:* The developer shall provide and record easements and covenants, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the Board of Supervisors to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan.
7. *Streets & Roads:* The site shall be accessible from public roads and adequate to carry traffic that will be imposed upon them by the development.
8. *Public Services:* The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
9. *Appurtenances:* All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
10. *Parking:* Off-street parking and loading shall be provided in accordance with the parking and loading regulations of Article XVIII of this ordinance.

11. *Screening*: When a commercial use within a PUD abuts a residential district, a solid or semi-solid fence or wall at least six feet high, but not more than eight feet high, and having a density of not less than 80 percent shall be provided adjacent to any adjoining residential district; except if the residential district and developer are separated by a street right-of-way.
12. *Setbacks*: All residential and commercial buildings shall be set back no less than 25 feet from any street right-of-way and 10 feet from any district boundary that does not abut a street. Additional setbacks from heavily traveled thoroughfares may be required when found reasonable for protection of health, safety, and general welfare. Street setbacks shall be increased to 100 feet when the lot is adjacent to a county or state roadway.
13. *Density and Minimum Open Space*: Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development: Residential – 40% maximum and Commercial – 35% maximum. A minimum of 30% of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations. Common open space for the leisure and recreation of PUD residents only shall be owned and maintained in common by the owners. Parking areas and vehicle access facilities shall not be considered in calculating open space requirements. Common open space may qualify wholly or partially as recreation areas, recreational buildings, permanently maintained walks and trails, or environmental features such as natural habitats or environmentally sensitive areas.
14. *Maintenance of Common Open Space*: The PUD shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the Board of Supervisors if the common open space is permitted to deteriorate.
15. *Access*: No residential use shall have direct access onto an arterial street. All commercial areas must have access to a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
16. *Sidewalks*: When required, sidewalks shall be built to minimum specifications along all public streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the planned unit development.
17. *Preservation of Natural Features*: Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:
  - i. Protecting the natural environment;
  - ii. Providing buffering between new developments and surrounding properties;
  - iii. Handling of storm water flows in natural channels;
  - iv. Maintaining existing vegetation along stream corridors as water quality filters; and
  - v. Developing and sustaining low impact developments.
18. *Other Conditions*: The zoning administrator and the Planning Commission shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this ordinance and the comprehensive plan.

**Section 13.4. APPLICATION & DEVELOPMENT PLAN.**

PUDs shall be subject to the approval of the Board of Supervisors based upon review and recommendations by the Planning Commission. The applicant shall prepare and submit 13 copies of the general development plan for review and approval by the Planning Commission. Said preliminary shall include:

1. General Development Plan. The applicant shall file a general development plan or site plan that shall include the following information:
  - a. The location, size and character of recreational and open space areas reserved or dedicated for public uses.
  - b. Contours at intervals of five feet (5') or less or spot elevations on a one hundred foot (100') grid shall be required on flat land.
  - c. Location, size, height, and use of all proposed structures in conformance with yard setbacks.
  - d. The pattern of proposed land use including shape, size, and arrangement of proposed use areas, density and environmental character.
  - e. All points of ingress and egress, driveways, parking lots, parking spaces, and service areas.
  - f. The pattern of public and private streets, and the width of the existing right-of-way.
  - g. An indication of the expected development schedule, including designation of individual parcels if the proposed development is to be set up in separate construction phases.
  - h. Designation of individual lots if such lots are proposed to be sold to individual owners.
  - i. Location of required screening.
  - j. Location of natural features such as ponds, tree clusters, and rock outcropping.
  - k. Existing development on adjacent properties within 500 feet of the PUD.
  - l. A statement describing the general character of the intended development and the manner in which it has been designed to take advantage of the PUD regulations.
  - m. Any additional information requested by the Planning Commission that may be required for clarification of the proposed project.
2. Preliminary Plat.

The applicant shall also submit a preliminary plat and all the necessary documentation as required under the subdivision regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the PUD development plan and preliminary plat may be combined or held concurrently.
3. Specific Implementation Plan. A specific and detailed plan for implementation of all or a part of a proposed PUD after approval of the general development plan must be submitted within one (1) year. The specific implementation plan shall be submitted for review by the Planning Commission and approval or disapproval by the Board of Supervisors and shall include the following construction and engineering plans and related detailed documents:
  - a. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)
  - b. An accurate map of the area covered by the plan including the relationship to the total general development plan.
  - c. The pattern of public and private roads, driveways, walkways, and parking facilities.
  - d. Detailed lot layout and subdivision plat where required.

- e. The arrangement of building groups, and their architectural character.
- f. Sanitary sewer and water mains.
- g. Grading plan and stormwater drainage plan.
- h. The location and treatment of open space areas and recreational or other special amenities.
- i. The location and description of any areas to be dedicated to the public, if any.
- j. General landscape treatment.
- k. A development-schedule indicating the approximate date when construction of the project can be expected to begin and the anticipated rate of development.
- l. Agreements, bylaws, provisions, or covenants which govern the organizational structure, use, maintenance, and continued protection of the PUD and any of its common services, common open areas, or other facilities.
- m. Required number of off-street parking spaces.
- n. Gross floor area proposed for commercial buildings.
- o. The legal description of the boundaries of the property or properties included in the PUD.
- p. Any other plans, documents, or schedules requested by the Board of Supervisors.

**Section 13.5. REVIEW AND APPROVAL.**

1. Process for Review and Preliminary Approval. The Planning Commission shall, within 30 days after a PUD is filed, hold a public hearing on said development after giving notice as required by Iowa Code for hearings and amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the commission shall prepare and transmit to the Board of Supervisors and the applicant specific findings of fact with respect to the extent which the preliminary plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. The Board of Supervisors shall or shall not approve the preliminary development plan and authorize the submitting of the final development plan. Substantial or significant changes in the preliminary PUD shall only be made after rehearing and re-approval.
2. Implementation Schedule. Proponents of a PUD shall submit a reasonable schedule for the implementation of development to the satisfaction of the Board of Supervisors including suitable provisions for assurance that each phase will be completed in a manner that would not result in adverse effects upon the county as a result of termination at that point.
3. Process for Final Approval.

After approval of a preliminary plan and prior to the issuance of any building permit or zoning certificate, the applicant shall submit an application for final approval. Said final application may include the entire PUD or may be for a unit or section thereof as set forth in the approval of the preliminary plan. The application shall include 15 copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in this chapter for a PUD. The final plan shall include the same information as the preliminary plan except the following shall also be provided:

  - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.



- b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
- c. All easements and appropriate building setback lines;
- d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
- e. Lot and/or parcel numbers;
- f. Location, size, height, and use of all proposed or present buildings;
- g. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants that apply to the property.
- h. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.

Following a review of the specific implementation plans, the Planning Commission shall recommend to the Board of Supervisors that the plans be approved as submitted, approved with modifications, or disapproved. Upon receipt of the commission's recommendation, the Board of Supervisors may approve the plan and authorize the development to proceed accordingly, or disapprove the plan.

In the event of approval of the specific implementation plan, the building, site, and other commitments and contractual agreements with the county offered or required with regard to project value, character, and other factors pertinent to an assurance that the proposed development will be carried out as presented in the official submittal plans, shall be recorded by the developer in the Emmet County Recorder's Office. This shall include posting a performance bond or certified check in an amount determined by the Board of Supervisors with Emmet County, Iowa, guaranteeing that required improvements will be constructed according to the approved implementation schedule. This shall be accomplished prior to the issuance of any zoning permit. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Board of Supervisors and Planning Commission and if such change or addition constitutes a substantial alteration of the original plan, the procedures in the above shall be required.

4. Amendments.

The PUD regulation or an approved preliminary or final development plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment maybe made by the homeowner's association or 51 percent of the owners of the property within the PUD.

## ARTICLE XIV

## General Regulations

### Article 14: General Regulations

Section 14.1.	Intent
Section 14.2.	Lot of Record
Section 14.3.	Multiple Principal Structures per Lot
Section 14.4.	Yard Regulations
Section 14.5.	Steps, Decks and Patios
Section 14.6.	Fences and Hedges
Section 14.7.	Common Wall Buildings
Section 14.8.	Occupancy of Basements and Cellars
Section 14.9.	Common Ownership (Condominiums)
Section 14.10.	Caretaker's Quarters
Section 14.11.	Buildings to Have Access
Section 14.12.	Use of Public Right-Of-Ways
Section 14.13.	Recreation Vehicles & Equipment Storage
Section 14.14.	Stormwater Drainage
Section 14.15.	Height Exceptions
Section 14.16.	On-Site Sewage Disposal
Section 14.17.	Accessory Buildings and Uses
Section 14.18.	Temporary Buildings and Uses

#### **Section 14.1. INTENT.**

The regulations set forth in this article qualify, supplement and/or modify the zoning district regulations set forth elsewhere in this ordinance. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

#### **Section 14.2. LOT OF RECORD.**

In any residential zoning district, every single family dwelling hereafter erected shall be located on a lot of record regardless of the size of the lot, provided all other requirements of this ordinance are met. Only one principal building will be permitted on one lot of record, except in a planned unit development. In a planned unit development, before a zoning permit can be granted, an application for a zoning compliance permit shall be submitted for approval. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards on each side of the dwelling. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into a zoning lot and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

#### **Section 14.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.**

More than one principal structure of a single permitted use, not intended to be a single family residential structure, may be located upon a single zoning lot or tract in the following instances and only after it has been recommended by the Planning Commission and approved by the Board of Supervisors.

1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings

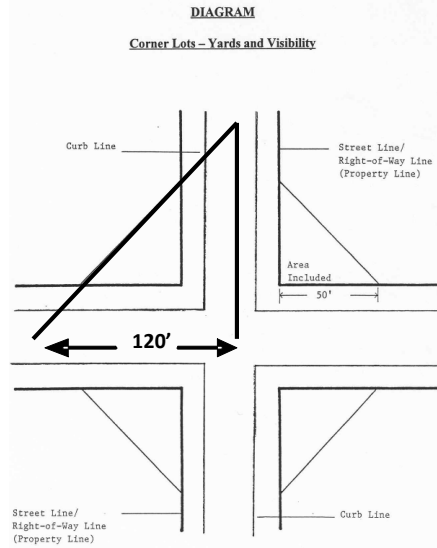
5. Convalescent Care, Nursing Homes, and Assisted Living facilities
6. Agricultural buildings, not including more than one farm residence

Furthermore, all buildings and structures located on one zoning lot or tract shall be served by access ways suitable for police, fire, and emergency vehicles.

**Section 14.4. YARD REGULATIONS.**

1. *Front Yard Building Setback.* The building setback lines shall be determined by measuring the horizontal distance from the property line or road right-of-way line, whichever is closer, to the vertical face of the nearest architectural projection of the existing or proposed structure.
2. *Yard Requirements.* Yard requirements shall be set forth in the schedule of site development regulations and other additional development regulations for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
3. *Side Yard.* No side yards are required where dwelling units are erected above commercial and industrial structures.
4. *Front Yard Continuity Requirements.* Where 30% or more of the block frontage between two intersecting streets is developed with buildings, no part of any building shall project beyond a front building line (lakeshore building line) adjoining the two adjacent corners of the building on either side thereof. Where there is a building on only one (1) side of a proposed structure, such building may be constructed as close to the front building line as the existing adjacent building. With that stated, no building shall be required to provide a front yard (or lakeshore yard) of greater than fifty feet (50') or less than twenty-five feet (25'). In the case where the block frontage along a street is less than 30% developed, the required minimum yard setbacks of the district shall be applied.
5. *Projecting Overhang or Structure.* The ordinary horizontal projections from buildings including eaves, sills, fascia, cornices, or other similar architectural features, except for gutters, may not project or extend into a required setback. Covered carports, bay windows, cantilevered projections, chimneys and other similar structures may not project into any required setback.
6. *Permitted Obstructions in Required Yards.* The following shall not be considered to be obstructions when located in the required setbacks:
  - a. Approved freestanding signs
  - b. Arbors and trellises
  - c. Flag poles
  - d. Window unit air conditioners projecting no more than 18 inches into required setbacks
  - e. Fences or walls subject to applicable height restrictions are permitted in all setbacks
  - f. Awnings and canopies provided they do not extend or project into the setback more than three feet (3').
  - i. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, for a distance of not more than three and one-half feet, so long as the same are so placed as not to obstruct lights and ventilation

7. *Through Lots (or Double Frontage Lots).* Buildings on through lots, extending from street to street shall provide the required front yard on each street.
8. *Corner Lots.* For buildings on corner lots with frontage on two (2) or more public streets, each yard abutting a public street shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.
9. *Line of Site Visibility (on Corner Lots).* On a corner lot in any district, nothing shall be erected or placed for storage in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above the centerline grade of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the street or road. In the Agricultural districts, crops are specifically exempted from this section.



**Section 14.5. STEPS, DECKS AND PATIOS.**

1. Steps providing access to the ground level of any dwelling may encroach no more than three feet (3') into any required yard.
2. Accessibility ramps are permitted when used for wheelchair and other assisting devices. Such ramps shall be four feet (4') or less above grade and necessary for access to a permitted building or for access to a lot from a street.
3. Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a front yard for a distance not exceeding ten feet (10').
4. Uncovered patios or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed within the required front, side, or rear yards. Concrete slab structure built on the ground or uncovered patios may be built up to the property line in the side and rear yards. However, uncovered patios or other concrete slab structures within front yards shall not extend more than ten feet (10') beyond one side of a driveway.

**Section 14.6. FENCES, LANDSCAPING, HEDGES AND TREES.**

1. Fences – Residential or Rural Residential Uses: No person shall erect, alter, or relocate any fence, wall, vertical landscaping, retaining walls or other manufactured barrier without first obtaining a permit.

- 1.1 Fences within all residential zoned districts shall not be constructed more than fifty percent (50%) solid or more than four feet (4') in height in any front yard. Please reference Section 14.4.9 when considering fences in front or side yards.
  - 1.2 "Residential fence" means a barrier and/or structure erected in a residential district intended to provide security, mark a boundary, or as a means of landscaping. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link. Fences within all residential zoned districts shall not be constructed of corrugated tin, metal or fiberglass; or sheet metal or fiberglass, barbed wire, temporary plastic fencing and/or salvage material. The planning commission, upon recommendation of the zoning administrator, will have the determination of materials used in fencing if the zoning administrator has questions on the structural integrity, safety or effective use of proposed fencing. Fences shall be constructed so that the frame and/or post used in the construction will be on the inside of the owner's side of the fence with the finished side facing out. It is required the fence be maintained by the owner.
  - 1.3 Except as provided above, solid or privacy fences up to seven feet (7') in height may be erected in any required side or rear yards. Fences in excess of seven feet (7') may be allowed by conditional use by the Board of Adjustment in instances where the fence will protect the public view against junk, salvage, scrap or other similar industrial uses.
  - 1.4 No wall, fence, and/or hedge shall be so located as to obstruct the view of traffic approaching an intersection from any direction.
  - 1.5 This section shall not apply to public tennis courts, public pools, public baseball fields, and any other public recreational use, except where traffic visibility is impaired.
  - 1.6 No structure, building, sign, fence or landscaping shall be placed in an easement. Emmet County will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement.
  - 1.7 Fences shall not be constructed within 3' of a street right-of-way line. Fences are permitted to be built up to the side and rear property lines. Hedges and other perennial plantings shall not be planted closer than 2' to any property line. Vertical landscaping including retaining walls shall not be constructed within 2' to any property line.
  - 1.8 Trees may be permitted in any required yard or along the edge of any yard, provided that such trees are not located within the public right-of-way of a county road, state highway or federal highway.
  - 1.9 Disputes between two adjacent property owners concerning fences, landscaping, plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.
  - 1.10 Rural partition fences are governed by Chapter 359A. Fences between two adjoining properties or on residential properties shall be required to comply with this ordinance.
2. Fences – Nonresidential Uses: No person shall erect, alter, or relocate any fence, wall, or other vision barrier for nonresidential purposes without first obtaining a permit.

- 2.1 “Non-residential fence” means a barrier and/or structure erected in a commercial or industrial district intended to provide security, mark a boundary or a means of landscaping. No such fence shall be constructed of salvaged material. No such fence shall use barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes regarding confinement of livestock. It shall be required the fence be maintained by the owner.
  - 2.2 Nonresidential fences shall not exceed eight feet in height in side and rear yards. Fences in front, side, and rear yards adjacent to street right-of-way lines shall not exceed eight feet in height for chain link and forty-two inches (42”) in height for all other materials. Fences shall not be constructed within 3’ of street a right-of-way line.
  - 2.3 No wall, fence, and/or hedge shall be so located as to obstruct the view of traffic approaching an intersection from any direction.
  - 2.4 For the purpose of this section, junk or salvaged material shall include scrap copper, brass, rope, rages, batteries, paper trash, tires and rubber debris, waste, plastic, or similar materials.
  - 2.5 No structure, building, sign, fence or landscaping shall be placed in an easement. Emmet County will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement.
  - 2.6 Nothing in this section shall be deemed to apply to public tennis courts, public pools, public baseball fields, and any other public recreational use, except where traffic visibility is impaired.
  - 2.7 Disputes between two adjacent property owners concerning fences, landscaping, plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.
  - 2.8 Rural partition fences are governed by Chapter 359A. Fences between two adjoining properties or on non-residential properties shall be required to comply with this ordinance.
3. Fences – Agricultural Uses: Fences located within the agricultural zoning districts are not subject to the fence and hedge regulations listed in items Sections 14.6.1 and 14.6.2 above. Rural partition fences are governed by Chapter 359A. A dispute between two landowners about a partition fence is to be resolved by the fence viewers/township trustees.

**Section 14.7. COMMON WALL BUILDINGS.**

For the purpose of the side yard regulation a group of dwellings, business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

**Section 14.8. OCCUPANCY OF BASEMENTS AND CELLARS.**

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed. This section shall not apply to earth sheltered homes.

**Section 14.9. COMMON OWNERSHIP (CONDOMINIUMS).**

Cooperatives, condominiums and other forms of property ownership do not affect the provisions of this ordinance and all requirements shall be observed as though the properties are under single ownership.

**Section 14.10. CARETAKER'S QUARTERS.**

Caretaker's quarters are permitted in all districts, providing the use is incidental to the principal use.

**Section 14.11. BUILDINGS TO HAVE ACCESS.**

Every principal use hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road, or on a lot or parcel with access to a public or private street.

**Section 14.12. USE OF PUBLIC RIGHT-OF-WAYS.**

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for row cropping purposes, storage or display purposes, or to provide any parking or loading space required by this ordinance.

**Section 14.13. RECREATION VEHICLES & EQUIPMENT STORAGE.**

Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping busses or converted trucks, and tent trailers shall not be stored or parked within the required front yard of a residential district, except for on paved or hard-surfaced driveways. No recreational vehicles or equipment shall be utilized for living, sleeping or housekeeping purposes for no more than thirty (30) consecutive days in a calendar year when parked on a residential lot or in any location not approved for such use. Furthermore, outside of campgrounds or other designated locations approved for such uses, recreational vehicles or equipment shall not be the principal or main use of any lot; rather the recreational vehicle is intended to be an accessory use to some other principal building or use. Recreational equipment located within the A-1 zoning district is not subject to the regulations stated above.

**Section 14.14. STORMWATER DRAINAGE.**

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing evidence to Emmet County or their designated agent that such changes will not be a detriment to the neighboring lands. Any uses or changes pursuant to zoning or the division or property which causes changes in surface or subsurface drainage that subsequently affects or inhibits road and ditch drainage must be in compliance with Iowa drainage laws upon review by the county engineer.

**Section 14.15. HEIGHT EXCEPTIONS.**

The following structures and/or uses shall be exempt from the height requirements for the district in which the structure is located:

- television and radio towers or other receiving antennas
- church spires, belfries or other public monuments

- farm buildings and structures
- penthouses and domes not used for human occupancy
- tanks, water towers and fire towers or water tanks
- wind energy devices
- stage towers or scenery lofts
- cooling towers or other air pollution prevention devices
- smoke stacks
- grain elevators or silos
- utility poles
- essential services
- ornamental towers
- elevator bulkheads or grain conveyors
- drilling rigs
- flagpoles and other pertinent mechanical apparatuses

These structures or accessories may be erected to a greater height provided all towers or structures exceeding height requirements shall conform where applicable to the requirements of the Federal Communications Commission, the Federal Aviation Administration and other public authorities having jurisdiction. No tower or structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public. All communications towers shall be subject to the heights and limitations imposed in Section 15.6 of this ordinance.

Public, semi-public, or public service buildings, hospitals or schools when permitted in a district may be erected to a height not exceeding seventy-five feet (75') when each required yard setback is increased by at least one foot (1') in addition to the minimum yard requirements for each one foot (1') of additional building height above the maximum height permitted.

**Section 14.16. ON-SITE SEWAGE DISPOSAL.**

On new construction, the property or septic replacement shall have a septic system in compliance with Chapter 69 Iowa Administrative Code in order to protect the safety, health, and environment for all. In addition, the following requirements:

1. No occupied structure that produces waste derived from ordinary living processes shall be constructed in Emmet County, with out first acquiring an approved onsite waste disposal permit.
2. For purposes of this ordinance, an approved onsite waste disposal system site, construction and completion shall be inspected by the Emmet County Board of Health to determine compliance.
3. Chapter 69, Code of Iowa, Onsite Wastewater Treatment and Disposal Systems, and the local Board of Health shall be the governing authority to determine compliance for all onsite wastewater projects. Before an onsite waste permit is approved, consideration shall be given to the number of occupants, drinking water protection, property line separation, absorption field and protection of lakes, streams, and other water sources listed in Chapter 69.

**Section 14.17. ACCESSORY BUILDINGS AND USES.**



The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses. Principal uses specified as permitted uses or conditional uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other uses necessarily and customarily associated with and subordinate to such principal or conditional uses. Accessory buildings and uses customarily incidental to that of the principal building may be erected or established upon any lot or tract of land, provided they comply with the following limitations:

1. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building.
2. No accessory building is permitted within the front yard, including the street side lot of lakeshore residential properties.
3. Accessory buildings may be built in a rear yard within five (5) feet of the rear lot line and within three (3) feet of the side lot line. In the Lake Residential (R-4) District, no accessory building shall be located within twenty feet (20') of the lakeshore side of the lot.
4. No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
5. Accessory buildings, except those within any residential district, may be allowed as the only principal structure on a separate lot so long as the property the accessory building is situated on is located no more than 300 feet from the lot of the principal structure.
6. No detached accessory building in any residential district shall occupy more than thirty percent (30%) of the rear yard. Residential accessory buildings shall be limited to a maximum of three (3) total buildings, including a detached garage.
7. Detached accessory buildings or structures in any residential district shall be located no closer to any other accessory or principal building than 10 feet.
8. No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure on the same lot.
9. Garages and outbuildings in any residential district and subdivisions used for storage and other structures customary and appurtenant to the permitted uses shall not have sidewalls exceeding fourteen feet (14') in height.
10. Accessory buildings on permanent foundations shall not be erected, placed, located or constructed on any required, permanent, temporary or utility easement.
11. Accessory buildings shall have siding or exterior finishes similar in appearance and materials to that of the principal building on the same or adjacent lot. Except within the (A-1) Agricultural District, accessory buildings shall not be constructed from galvanized sheet or corrugated metal. This is not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles or siding.
12. In all residential districts, no accessory building, accessory uses or recreational vehicles shall be constructed, placed, erected, or located upon a lot until the construction of the principal building has been initiated; and no accessory building, accessory uses or recreational vehicles shall be used, stored or located on such lot unless the main building is also being used.
13. No accessory building shall be used for dwelling purposes unless it is a facility designed for human habitation and used by domestic servants employed entirely on the premises and a

certificate of occupancy shall have been issued for such use.

14. Service station pumps and pump islands may occupy the required yards, provided, however, that they are not less than fifteen feet from street lines.

**Section 14.18. TEMPORARY BUILDINGS AND USES.**

Provisions authorizing temporary buildings and uses are intended to permit occasional uses when consistent with the purposes of this zoning ordinance and when compatible with other nearby uses.

1. *Temporary Use Types:* The following types of temporary use may be authorized, subject to specific limitations herein and such additional conditions as may be established by the zoning administrator. Temporary uses may be permitted by approval of a zoning permit.
  - a. Temporary structures incidental to construction work may be erected in all districts, but only for the period of such work. Such temporary structures may include but not limited to contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
  - b. Religious, patriotic, or historic assemblies, displays, or exhibits.
  - c. Circuses, carnivals, fairs, or similar transient amusement or recreational activities.
  - d. Christmas tree sale lots, exclusive of tree farms.
  - e. Outdoor special sales, including arts and crafts shows, swap meets, flea markets, parking lot sales, or similar activities, limited to locations in all residential, commercial or industrial districts, and when operated more than 3 days in the same week or more than 7 days in the same month.
  - f. Temporary signs relating to temporary uses.
  - g. Temporary use of trailer units or similar portable structures for nonresidential uses, of which are limited to a maximum time period of 6 months per calendar year.
  - h. Additional similar uses determined to be temporary by the zoning administrator.
2. *Required Conditions of Temporary Use:*

Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish additional conditions as deemed necessary to ensure land use compatibility and to minimize potential negative impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup.

**ARTICLE XV**

## Supplemental Regulations

### Article 15: Supplemental Regulations

- Section 15.1. Minor Modification to District Regulations
- Section 15.2. Residential Home Occupations
- Section 15.3. Business Home Occupations
- Section 15.4. Adult Entertainment Regulations
- Section 15.5. Wireless Communication Tower Regulations
- Section 15.6. Satellite Dish Antenna Regulations
- Section 15.7. Auto Wrecking, Salvage or Junk Yards
- Section 15.8. Waste Disposal Sites and Landfills
- Section 15.9. Sand or Gravel Extraction and Quarry Regulations
- Section 15.10. Race Tracks for Motorized Vehicles
- Section 15.11. Wineries and Wine Processing Establishments

### Section 15.1. MINOR MODIFICATION TO DISTRICT REGULATIONS.

The zoning administrator shall be responsible for reviewing applications and approving or denying minor modifications from the requirements of the zoning district regulations. The intent behind minor modifications is to allow minor area, lot, setback and height exceptions for principal and accessory buildings and structures.

1. *Minor Modification Limitations.* The following exceptions are permitted without variance to this ordinance.
  - a. Reduction of required side yard setbacks by no more than one foot (1'), but in no instance shall a side yard be less than five feet (5');
  - b. Reduction of required rear and corner yard setbacks by no more 10% of the required setback;
  - c. Reduction of minimum lot area requirements by no more than 10% of the required standard;
  - d. Exception to the height requirements by no more than two feet (2');
  - e. Exceed the maximum lot coverage ratio by 10%;
  - f. Reduction of front, rear, side or corner yard setbacks to allow for construction of an addition in line with an existing portion of the building or structure.
  - g. Reduction of required residential front, rear and side yard setbacks without limit as required to provide handicapped access ramps to a dwelling or building;
  - h. Reduction of front, rear, and side yard setbacks without limit to allow reconstruction of a historically accurate structure.
  - i. Construct an addition to a principal structure that would cause existing detached accessory structures to become nonconforming.
2. *Application.* The application for a minor modification shall be submitted on a form provided by the zoning administrator (the application may be the county's variance application) and must contain a sufficient site plan and other exhibits as appropriate to illustrate the request.
3. *Fee.* A fee, determined by resolution of the Board of Supervisors, shall accompany the application.
4. *Review Criteria.* Before a minor modification can be granted, the zoning administrator shall establish that the following standards are satisfied.
  - a. The minor modification will not be detrimental to the public health, safety or general welfare of the county.
  - b. The minor modification will not have a substantial negative impact upon neighboring properties.

- c. The minor modification does not authorize a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.
  - d. The minor modification is the minimum necessary to achieve the desired result.
  - e. The minor modification does not alter the applicant's obligation to comply with other applicable laws or regulations of this ordinance.
5. *Authorization.* The zoning administrator shall issue a decision to approve, approve with conditions or deny the minor modification. The decision will include the findings upon which the approval or denial is based. The denial of a minor modification shall not prevent the applicant from seeking approval of a variance for the same project from the Board of Adjustment pursuant to Section 23.6 of this ordinance.

**Section 15.2. HOME OCCUPATIONS.**

A home occupation or home based business shall be permitted when said occupation or business is conducted in a residential dwelling on non-farm residential property and is considered customary, traditional, and incidental to the primary use of the premises. Any home occupation should not be construed as a business. The Board of Adjustment may grant additional conditional uses for types of allowed uses, and employment of individuals not living in the residence, or signs that are larger than allowed, provided the proposed conditional use will not create a nuisance for surrounding residents.

Home occupations are permitted for all agricultural uses by the very nature of agricultural uses being exempt from zoning regulations. However, businesses operating on farmsteads or agricultural properties, as an accessory to the principal agricultural use, may be subject to the regulations of Section 15.3 Business Home Occupations.

1. *Permitted Home Occupations*

- a. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
- b. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
- c. Child nurseries or childcare
- d. Personal services, including barber and beauty shops, manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
- e. Instructional services, including music, dance, art and craft classes and tutoring.
- f. Repair services, including watch and clock, small appliances, computers or electronic devices (limited to garage areas).
- g. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
- h. Workrooms for custom home furnishings work, carpentry work, and furniture repair,

- i. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.

2. *Prohibited Home Occupations*

- a. Commercial kennels, commercial riding stables, veterinarian clinics/hospitals.
- b. Medical and dental clinics, hospitals.
- c. Restaurants, clubs, drinking establishments,
- d. Motor vehicle/small engine repair.
- e. Undertaking and funeral parlors.
- f. Adult Entertainment Uses

3. *Performance Standards for Home Occupations*

- a. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
- b. The operator conducting the home occupation shall be the sole entrepreneur. The operator may employ immediate family members residing on the premises, as well as one (1) unrelated individual for purposes of conducting business.
- c. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
- d. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
- e. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
- f. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation.
- g. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence shall be permitted.
- h. The display of goods and/or external evidence of the home occupation shall not be permitted.
- i. Home occupations may have only one (1) flush-mounted non-illuminated wall sign not exceeding four (4) square feet, and one (1) non-illuminated yard sign not exceeding eight (8) square feet and six feet (6') in height.
- j. Retail sales are not permitted from the site other than incidental sales related to services provided.
- k. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- l. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
- m. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the use is primarily intended.
- n. All businesses related to childcare homes and childcare centers shall be in accordance with Iowa Administrative Code.

**Section 15.3. BUSINESS HOME OCCUPATIONS.**

A business home occupation or home based business shall be permitted when said occupation or business is considered customary, traditional, and incidental to the primary use of the premises as a farm, farmstead or rural acreage; and shall not be construed solely as a business. Business home occupations are those uses that typically carry on a commercial type use on the premises of a farm, farmstead, rural acreage, or other parcel of land in association with a dwelling unit. Business home occupations require the completion and approval of a conditional use permit. The Board of Adjustment may consider the use of additional buildings or additional employment; provided the proposed conditional use will not create a nuisance for surrounding properties or residents.

Business home occupations of an agricultural nature (e.g. seed sales, agricultural equipment repair, fertilizer sales, etc.) are not subject to the requirements of this section by the nature of agricultural uses being exempt from zoning regulations. However, any proposed business home occupation of a commercial or retail nature, service business, or other non-agricultural activity shall be compliant with the provisions of this section.

1. *Permitted Business Home Occupations*

- a. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
- b. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
- c. Child nurseries or childcare
- d. Personal services, including barber and beauty shops, manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
- e. Instructional services, including music, dance, art and craft classes and tutoring.
- f. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines and motor vehicles (no more than 2 at one time).
- g. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
- h. Workrooms for custom home furnishings work, carpentry work, and furniture repair,
- i. Offices for services provided outside the home such as lawn care, snow removal, or other similar uses.
- j. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.

- k. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
2. *Prohibited Business Home Occupations*
- a. Commercial kennels, commercial riding stables, veterinarian clinics/hospitals.
  - b. Medical and dental clinics, hospitals.
  - c. Restaurants, clubs, drinking establishments,
  - d. Undertaking and funeral parlors.
  - e. Adult Entertainment Uses
3. *Performance Standards for Business Home Occupations*
- a. The primary use of the structure or dwelling unit shall remain residential and the operator of the business home occupation shall remain a resident in the dwelling unit.
  - b. The operator conducting the home based business shall be the primary owner. However, the operator may employ immediate family members residing on the premises, as well as, an additional three (3) unrelated individuals for purposes of conducting business.
  - c. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Emmet County.
  - d. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.
  - e. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent codes for life safety including electrical wiring depending upon the nature of the business.
  - f. When a home based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
  - g. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
  - h. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and federal regulations and shall be kept in a place that is secured, dry and locked from general access.
  - i. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
  - j. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
    - i. Two additional spaces for the unrelated employees;
    - ii. Two additional spaces to be used for client/visitor parking;

- iii. The additional parking required in items (a) and (b) shall not be provided in any required front, side or rear yard setback;
  - iv. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
  - v. Applicant shall not relocate parking for the residence into any front, side or rear yard setback in order to provide the additional parking.
  - vi. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street
- k. Home occupations may have only one (1) flush-mounted non-illuminated wall sign not exceeding eight (8) square feet, and one (1) non-illuminated yard sign not exceeding sixteen (16) square feet and ten feet (10') in height.
  - l. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
  - m. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
  - n. All businesses related to childcare homes and childcare centers shall be in accordance with Iowa Administrative Code.

A business home occupation permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee; nor shall such permit authorize such business home occupation at any location other than the one for which the permit is granted.

4. *Revocation*

A business home occupation permit granted in accordance with the provisions of this section may be terminated if the zoning administrator makes any of the following findings:

- a. That any condition of the business home occupation permit has been violated
- b. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance
- c. That the permit was obtained by misrepresentation or fraud
- d. That the use for which the permit was granted has ceased or has been suspended for six (6) consecutive months or more
- e. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section

5. *Appeal*

Within five (5) working days of a revocation, an appeal may be made to the Emmet County Board of Adjustment. The zoning administrator within ten (10) working days of the receipt of an appeal of the revocation actions shall report the findings of fact and decision to the Board of Adjustment. The board shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the board's final determination.

**Section 15.4. ADULT ENTERTAINMENT REGULATIONS.**



Emmet County, Iowa finds that adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Emmet County. Because of their very nature, these uses have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them. It is for these reasons and further that the County finds:

- The concern over sexually-transmitted diseases is a legitimate health concern that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the county;
- Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent areas;
- Emmet County wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protection from increased crime; preserve the quality of life; preserve property values and deter the spread of blight;

It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments as well as the problems associated with such establishments.

1. *Definitions.*

Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.

- a. Adult Bookstore: An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
- b. Adult Companionship Establishment: An establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- c. Adult Entertainment Establishment: Any business or establishment, either with or without a liquor license, which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios. It further means any premises that feature topless dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons; or those places which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult motion pictures or adult entertainment dancing.

- d. Adult Hotel or Motel: A hotel or motel from which minors are excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
- e. Adult Massage Parlor or Health Club: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- f. Adult Mini-Motion Picture Theater: A business premises in an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- g. Adult Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
- h. Adult Motion Picture Theaters: A business premises in an enclosed building with a capacity of 50 or more persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- i. Adult Novelty Business: A business that primarily engages in the sale of devices that simulate human genitals or devices designed for sexual stimulation.
- j. Adult Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is known for an emphasis on “specified sexual activities” or “specified anatomical areas.”
- k. Operators: Any person, partnership, or corporation operating, conducting, maintaining or owning any adult entertainment establishment.
- l. Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.
- m. Massage Establishment: Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing 1) persons licensed by the State of Iowa under the provisions of Chapters 148,148A, 148B, 150,150A,151,152,157, or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; 2) persons performing massage therapy or massage services under the direction of a person licensed as described above; 3) persons performing massage therapy or

massage services upon a person pursuant to the written instruction or order of a licensed physician; 4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapters 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of an administrator or licensed person; 5) an athletic coach or trainer.

- n. Massage Parlor: see “Adult Entertainment Establishment”.
- o. Model: Any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.”
- p. Model Studio: Any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided to persons paying such consideration or gratuity.
- q. Nude Encounter Parlor: An establishment where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or actual encounter of any person or persons depicting, describing or relating to “specified sexual activities” as defined herein.
- r. Nude Photographic Parlor: An establishment having a fixed place of business, where any person, association, firm or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
- s. Specified Anatomical Areas: Less than completely and opaquely covered female or male genitals, pubic region, buttock, anus, or fully exposed female breasts.
- t. Specified Sexual Activities: Simulated or actual acts of:
  - (i) clearly depicted specified anatomical areas in a state of sexual stimulation or arousal;
  - (ii) actual or simulated acts of sexual intercourse, oral copulation, sodomy, sado-masochism; or direct physical stimulation of unclothed genitals,
  - (iii) fondling or erotic touching of specified anatomical areas.

2. *Locational Requirements and Restrictions.*

An adult entertainment establishment shall be permitted within Emmet County only in the (I-2) Heavy Industrial zoning district upon receipt of a site plan prepared in accordance with Article XVII and a conditional use permit in accordance with the procedures set forth in Article XXIV; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to

intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other use.

- a. Adult entertainment establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
- b. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other religious uses.
- c. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any public or private educational uses.
- d. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any recreational uses.
- e. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.
- f. Adult entertainment establishments shall be prohibited within one thousand (1,000) feet of another adult entertainment establishment or similar use.

3. *Adult Entertainment Regulations.*

- a. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
- b. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to adult novelty businesses, adult motion picture arcades, adult mini-motion picture theaters, and adult motion picture theaters shall be removed and kept off at all times during the execution of this permit. Failure to comply with this condition shall result in revocation of the conditional use permit.
- c. No adult business shall be open for business between the hours of twelve midnight and six a.m. The proposed location, design, construction and operation of the particular use adequately safeguard the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
- d. Such use shall not impair an adequate supply of light and air to surrounding property.
- e. Such use shall not unduly increase congestion in streets or public danger of fire and safety.
- f. Such use shall not diminish or impair established property values in adjoining or surrounding property.
- g. Such use shall be in accordance with the intent, purpose and spirit of this ordinance and the comprehensive development plan of Emmet County.
- h. Applications for adult businesses under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the size and number of signs and the manner of water supply/sewage treatment.

4. *Responsibilities of the Operator.*

Every act or omission by an employee constituting a violation of the provisions of these regulations shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be

punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

5. *Minors.*

An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years is allowed on the premises. This section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises. It shall be unlawful to allow a person who is younger than eighteen years of age to enter or be on the premises of an adult entertainment establishment at any time that the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours. No adult business shall employ any person less than 18 years of age and no adult business shall furnish any merchandise or services to any person who is under 18 years of age. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

**Section 15.5. WIRELESS COMMUNICATION TOWER REGULATIONS.**

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the county in conformance with the Act without prohibiting or intending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the county shall be sited, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/co-location of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

1. *Definitions.* All terms in this section that are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this section, the following terms shall have the following meanings:
  - a. Antenna. A device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
  - b. Antenna Support Structure. Any building or structure other than a tower which can be used for location of telecommunications facilities.
  - c. Applicant. Any person that applies for a Tower Development Permit.
  - d. Application. A process by which the owner of a tract of land within the zoning jurisdiction of the County submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation,

verbal statements, and representations, in whatever formal forum made by an applicant to the County concerning such request.

- e. Conforming Commercial Earth Station. A satellite dish that is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this Ordinance.
  - f. Engineer. Any engineer qualified and licensed by any state or territory of the United States of America.
  - g. Owner. Any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.
  - h. Person. Any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
  - i. Satellite Dish Antenna. An antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
  - j. Stealth. Any telecommunications facility, tower, or antenna that is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.
  - k. Telecommunications Facilities. Any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include any conforming commercial earth station antenna two meters or less in diameter or any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
  - l. Tower. A self-supporting lattice, guyed, or monopole structure that supports telecommunications facilities. The term tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
  - m. Tower Development Permit. A permit issued by the county upon approval, by the Board of Adjustment, of an application to develop a tower within the zoning jurisdiction of the county. Said permit shall continue in full force and effect for so long as the tower to which it applies conforms to this section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.
  - n. Tower Owner. Any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.
2. *Location of Towers and Construction Standards.*
- a. Towers shall be permitted as a conditional use of the land in only those zoning districts where specifically listed and authorized in this ordinance.

- b. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the county prior to approval of its application for a Tower Development Permit by the Board of Adjustment and issuance of the permit by the county. Applicants shall submit their application for a tower development permit to the zoning administrator and shall pay a filing fee in accordance the fee schedule established by the Board of Supervisors.
  - c. All towers, telecommunications facilities and antennas where construction has commenced within the zoning jurisdiction of the county, after the effective date of this ordinance, shall conform to the zoning ordinance and all other construction standards set forth by the county, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the zoning administrator.
  - d. All tower locations shall meet all FAA regulations when near an airport.
3. *Application to develop a Tower.*
- Prior to commencement of development or construction of a tower, an application shall be submitted to the zoning administrator for a tower development permit and shall include the following:
- a. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
  - b. The legal description and address of the tract of land on which the tower is to be located.
  - c. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
  - d. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or co-locate the applicant's telecommunications facilities on a tower or useable antenna support; or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or co-located on another tower or useable antenna support structure.
  - e. Written technical evidence from an engineer that the proposed tower will meet the established zoning ordinance, and all other applicable construction standards set forth by the Board of Supervisors and federal and state and ANSI standards.
  - f. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
  - g. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

4. *Tower Development Permit Procedure.*

After receipt of an application for a tower development permit, the following shall occur:

- a. Zoning administrator shall schedule a public hearing before the Board of Adjustment, following all requirements for publication and notice, to consider such application.
- b. Notice for said public hearing, shall be made at least one time and at least four (4) days prior to such hearing. In addition, the zoning administrator shall cause a notice to be issued pursuant to the Code of Iowa and the ordinances of Emmet County.
- c. All property owners within one-mile shall be notified of the public hearing by regular mail from an abstracters certified list, supplied by the applicant.
- d. The Board of Adjustment shall receive testimony on the tower development permit.
- e. The Board of Adjustment may approve the tower development permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and/or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the tower development permit shall be deemed a conditional use permit for said tract of land.

5. *Tower Setbacks and Separation or Buffer Requirements.*

- a. All towers shall maintain a tower setback of one hundred ten percent (110%) of the total tower height. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
- b. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures, other than those utilized by the tower owner, by a minimum of 200 feet or 110 percent of the tower height, whichever is greater.
- c. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 110 percent of the tower height.
- d. Towers must meet the following minimum separation requirements from other towers:
  - i. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
  - ii. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

6. *Structural Standards for Towers Adopted.*

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by ordinance and set forth in this article of the Emmet County Zoning Ordinance.

7. *Illumination and Security Fences.*



Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). All towers shall be equipped with dual mode lighting, unless red blinkers are the only light source used, with strobes used only during daylight hours. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner that will preclude to the extent practical, unauthorized climbing of said structure.

8. *Exterior Finish.*

Towers not requiring FAA painting or marking shall have an exterior finish that enhances compatibility with adjacent land uses, subject to review and approval by the Board of Adjustment as part of the application approval process. All towers must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

9. *Landscaping.*

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the county.

10. *Maintenance, Repair or Modification of Existing Towers.*

All towers constructed or under construction on the date of approval of this ordinance may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this ordinance shall be required to comply with the requirements of this section including applying for and obtaining a permit. Said application shall describe and specify all items that do not comply with this section and may request, subject to final review and approval of the Board of Adjustment, an exemption from compliance as a condition of the permit.

11. *Inspections.*

The county reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the county's zoning ordinance and any other construction standards set forth by the county, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the county or a duly appointed independent representative of the county.

12. *Maintenance.*

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

13. *Abandonment.*

If any tower shall cease to be used for a period of one (1) year, the zoning administrator shall notify the tower owner and property owner that the site has been abandoned. Upon

issuance of written notice to show cause by the zoning administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the zoning administrator shall issue a final determination of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the zoning administrator, and a written request shall be directed to the County Attorney to proceed to abate said public nuisance pursuant to authority of the Iowa Code and Emmet County ordinances, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate,

**Section 15.6. SATELLITE DISH ANTENNA REGULATIONS.**

Upon adoption of this ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Emmet County only upon compliance with the following criteria:

1. In all residential zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one (1) satellite dish antenna over three feet in diameter.
3. Multiple family residences with ten or less dwelling units may have no more than one (1) satellite dish antenna over 3 feet in diameter. Multiple family residences with more than ten dwelling units may have no more than two (2) satellite dish antennas over 3 feet in diameter.
4. All satellite dish antennas installed within the zoning jurisdiction of Emmet County, upon adoption of this ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

**Section 15.7. AUTO WRECKING, SALVAGE OR JUNK YARDS.**

Emmet County, Iowa finds that auto wrecking businesses or yards, salvage and scrap businesses and junk yards require special consideration. These uses shall comply with the following provisions:

1. Facilities are enclosed and located at least 150 feet from county roads and 500 feet from state or federally designated highways.
2. Said operation shall be located no closer than 2,500 feet from any residential use.
3. Facility shall be enclosed with a solid fence not less than six feet (6') and no more than ten feet (10') in height.
4. Materials stored within the facility shall not be allowed to be stacked higher than the fencing.
5. Facilities shall comply with all federal and state regulations and permits prior to commencing operations.
6. In no case shall hazardous materials be stored on the premises except for motor oil and gasoline, and other approved materials necessary to operate the facilities machinery.

7. Any violation of these conditions, additional conditions placed upon a facility, and/or the violation any federal and/or state regulations may cause this permit to be invalidated and the operation to be closed.
8. Upon permanent closure of a facility, for any reason, commencement of clean up and mitigation of all hazardous conditions shall begin and continue until the site has been declared complete by the county, state, and/or federal authorities.

**Section 15.8. WASTE DISPOSAL SITES AND LANDFILLS.**

A conditional use permit may be granted for waste disposal, garbage disposal, or land fill operations in the designated zoning district; provided the following conditions are considered:

1. The effects on the adjacent property and traffic
2. The public necessity and advantage
3. The maintenance of access routes due to weather conditions and dropping of rubbish or litter
4. The effects on underground water quality
5. The immediate and long term effects on the environment and the public
6. The concerns for public safety
7. Documentation of conformance to all applicable governmental regulations and standards
8. Affidavits or permits from the Environmental Protection Agency (EPA) and/or the Iowa Department of Natural Resources (IDNR), in the event their approval is required.

**Section 15.9. SAND OR GRAVEL EXTRACTION AND QUARRY REGULATIONS.**

1. *Definitions.* As used in this section, the following terms shall have the following meanings:
  - a. **QUARRY:** Activities principally designed to mine, extract, or remove bedrock materials for commercial purposes; the removal from a site of more than 20,000 cubic yards of earth material per acre of land being excavated or 100,000 cubic yards of earth for the entire site; or an excavation activity utilizing a crusher.
  - b. **SAND OR GRAVEL EXCAVATION:** Activities principally designed to mine, extract, or remove unconsolidated sediments for commercial purposes; or removal from the site of more than 20,000 cubic yards of unconsolidated sediments per acre of land being excavated or more than 100,000 cubic yards from a single site; or a substantial land alteration designed to occur for more than 48 months.
2. *General Application.* This section applies to certain, intensive land use activities that have unique impacts both on and off site, and therefore requires special regulations and approval processes to ensure their short term and long term compatibility with adjacent properties and neighborhoods. The ordinance applies to quarries, sand or gravel excavation, and substantial land alteration activities.
3. *Exempt Activities.* Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required permit or approval process, the provisions of this section shall not apply to the following activities:
  - a. The land area included within 15 feet or as reasonably defined by the county to allow soil stabilization of the boundaries of a building submitted for a building/zoning permit.

- b. Stormwater management facilities or other public infrastructure approved by IDNR and Emmet County.
  - c. Excavations or blasting for wells, tunnels or utilities that receive government approval.
  - d. Refuse disposal sites controlled by other applicable county, state or federal regulations.
  - e. On-going cemetery (burial) operations.
  - f. Development activity for which a site plan, subdivision, or other approval has resulted in the review of proposed cut and fill work. To qualify for this exemption, the Board of Supervisors shall have made the findings established in this section.
4. *Procedures.*
- a. Conditional Use Permit Required. All excavation activities as defined shall be considered “conditional uses” in all of the zoning districts in which they are listed, and requests for approval of such activities shall be processed pursuant to Article XXIV.
  - b. Other Required Permits. Excavation activities, as defined in this ordinance, include a broad range of land disturbance activities, and many require other local, state and federal permits. It is the sole responsibility of the applicant to secure any additional permits required by other governmental entities for the proposed use. The county may, at its discretion, require the applicant obtain and submit evidence of all other required permits prior to applying for the required conditional use permit.
  - c. Other Requirements. Applicants are not required to submit subdivision plans or plats for “excavation activities” nor are they required to obtain preliminary or final plat approval; provided, however, if “development” is proposed a subdivision and platting shall be required in accordance with county regulations.
5. *Findings Required for Issuance of Conditional Use Permits.* The county shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made:
- a. The activity will not result in a danger to life or property
  - b. Visual, noise, dust, and/or excessive on-site or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the applicant
  - c. The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site
  - d. The proposed use will not adversely affect air quality, ground water or surface water
  - e. The proposed use will not adversely affect the scenic natural quality of Emmet County
  - f. The activity will be compatible with existing and future development
  - g. The activity will not unduly affect the use and enjoyment of adjacent properties
  - h. Adequate buffers and screening year-round from unsightly features of the operation
  - i. Adequate and appropriate restoration and stabilization of cut and fill areas
  - j. Excavation will not result in negative drainage patterns or stormwater management
  - k. Minimize impacts on sinkholes, wetlands and other natural features
  - l. The intensity of excavation is appropriate for the size and location of the activity
  - m. Permanent and interim erosion and sediment control plans are approved by the county
6. *Required Plans and Information.* An application for a conditional use permit for an excavation activity shall include the following information. The zoning administrator may

waive informational requirements for required plans provided such information is redundant or unnecessary to evaluate compliance with the findings and standards established herein.

- a. Site Plan
- b. Grading Plan - The Board of Adjustment may impose reasonable conditions to mitigate the potential impacts of extensive grading, if deemed to be necessary.
- c. Operations Plan
- d. Reclamation Plan - A reclamation plan shall be submitted to the Iowa Department of Natural Resources and all compliance issues shall be through IDNR
- e. Stormwater runoff, erosion and sedimentation shall be controlled by a plan submitted to the IDNR by the applicant and approved by the IDNR.

**Section 15.10. RACE TRACKS FOR MOTORIZED VEHICLES.**

Race tracks for motorized vehicles may be allowed by a conditional use permit in the A-1, I-1 and I-2 districts in conformance with the following conditions:

1. The application shall be accompanied by the following information:
  - A site plan showing the layout of the entire site including the track, seating area, restrooms, parking lot, concession stands, lighting facilities, and other pertinent information
  - Proposed water and sewer systems
  - Drainage and grading plan
  - Description of racing program, number and speed of vehicles, and time/frequency of operations
  - Landscaping and screening plan
  - Proposed mitigation of any adverse environmental impacts such as air quality, noise & glare
2. The proposed water, sewer and drainage facilities shall be reviewed and approved by the Iowa Department of Natural Resources.
3. The operation of the race track shall not create a sound level (dba) which exceeds 50dba, measured as a two minute equivalent sound level at any point beyond one mile from the center of the track. To determine any noise level, a laboratory certified noise level meter meeting American National Standards Institute (ANSI) standards shall be used.
4. The site shall not be located on prime agricultural lands; and on or within one (1) mile of areas designated for residential use, hospitals, churches, parks and open space, or natural resource areas in accordance with the comprehensive plan.
5. The site shall be readily accessible from a major street or paved road with adequate access for law enforcement and emergency vehicles.
6. The developer of a race track shall notify all residents within one (1) mile of the center of the track if located in the A-1 district or within one-half (½) mile of the center of the track if located in the I-1 or I-2 district concerning the proposed race track. Receipts of such notice are mandatory as a condition prior to the Board of Adjustment's public hearing.
7. The site shall be located within reasonable reach of existing fire protection facilities. A report thereon shall be obtained from the fire protection authority in which the site is located.

**Section 15.11. WINERIES AND WINE PROCESSING ESTABLISHMENTS.**

1. All wineries shall comply with all regulations established under IAC 185 Chapter 5
2. No farm winery shall manufacture wine in excess of fifty thousand (50,000) gallons per year

3. A farm winery must produce a minimum of fifteen percent of product from fruit or other agricultural products harvested from the premises following five years of business
4. Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off-premise sites provided the appropriate licenses are held from the State of Iowa
5. Wine samples and/or consumption on the premises are permitted in reasonable amounts
6. A farm winery may sell retail items as an accessory to wine sales through tasting or wine sales room.
7. A farm winery may only serve food associated with sampling and/or consumption of wine; not in the primary capacity of a retail food establishment.

## **ARTICLE XVI**

### **Wind Energy Regulations**

#### Article 16: Additional Use Regulations

- Section 16.1. Intent
- Section 16.2. Jurisdiction
- Section 16.3. Definitions
- Section 16.4. Wind Energy Requirements

Section 16.5.	Conditional Use Permit
Section 16.6.	Permit Requirements
Section 16.7.	Notification
Section 16.8.	Review and Approval
Section 16.9.	Mitigation of Damages
Section 16.10.	Discontinuance or Abandonment
Section 16.11.	Penalty

**Section 16.1. INTENT.**

The intent of this article is to provide for the regulation of owners/developers engaged in the construction, erection, placement, location and maintenance of wind energy devices in Emmet County; and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of wind energy devices and associated structures.

**Section 16.2. JURISDICTION.**

The regulations stated in this article and adopted by the Emmet County Board of Supervisors governing all lands within the unincorporated areas of Emmet County, Iowa. This article and its provisions shall not apply to those properties or projects occurring within the incorporated cities in Emmet County.

**Section 16.3. DEFINITIONS.**

1. Administrator - Any person or firm appointed by Emmet County Board of Supervisors to oversee the permitting and compliance of the wind energy device regulations.
2. Commercial Wind Energy Device – any wind energy device with a nameplate capacity of more than 100kw of which its primary intent is to generate electrical power to be sold to utility or power companies.
3. Owner/Developer - shall mean the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.
4. Rotor Diameter - means the cross sectional dimension of the circle swept by the rotating blades.
5. Total Height - means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
6. Tower - means a monopole, freestanding, or guyed structure that supports a wind generator.
7. Wind Energy Device - means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries or other components used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills or wind energy conversion systems.
8. Meteorological Tower (or Met Tower) - Any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources found within a certain area. Meteorological towers are also subject to permitting on both temporary and permanent structures.

9. Small Wind Energy Device - A wind energy system that is used to generate electricity and has a nameplate capacity of 100kw or less. Wind energy devices with a generating capacity of 20kw or less may be used for residential or personal use. A wind energy device with a generating capacity between 20kw and 100kw is considered small wind energy for commercial/industrial applications. A wind energy device is considered “small” only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supply by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with Section 199, chapter 15.11 (5) of the Iowa Administrative Code.

**Section 16.4. WIND ENERGY REQUIREMENTS.**

1. Location and Height.

*Commercial wind energy* devices shall not be permitted within any defined residential zoned district. Commercial wind energy devices shall be limited to a total height of 250 feet within 1,250 feet of any residential zoned district. No height limitations shall apply in all other zoning districts, except that no wind energy device, meteorological tower or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

*Small wind energy* devices are exempt from any zoning height limitations, except that no wind energy device, meteorological tower or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

2. Setbacks.

*Commercial wind energy* devices shall be set back a distance equal to 110% its total height from any public right of way, overhead utility lines or adjacent property lines not under the same ownership unless written consent is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties. With that stated, those wind energy devices that are located on land adjacent to property under the same ownership may have the property line setback requirement waived; however, the setbacks still apply to overhead utility lines and public right-of-ways. Commercial wind energy devices shall be setback a distance of no less than 1,250 feet from any human occupied dwelling. A human occupied dwelling is defined as one that is currently occupied or capable of being occupied for residential purposes. A greater setback may be required to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living in these dwellings.

*Small wind energy* devices located on a freestanding pole or other tower structure must maintain a setback distance equal to 110% of its total height from any public street or road right-of-way, overhead utility lines or adjacent property lines not under the same ownership unless written permission is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties.

3. Placement or Spacing.

*Commercial wind energy* device spacing will vary depending on common industry practice and manufacturer specifications. The owner/developer shall consider the public interest and the natural environment, and maintain the intent and purpose of this ordinance.



**Small wind energy** devices designed for residential or personal use shall be erected on either a freestanding pole or tower. In all residential zoned districts, no small wind energy device or accessory structures shall be permitted within the front yard.

4. **Public Lands or Waterways.** It is required that the owner/developer of commercial wind energy devices have a preliminary review with the Iowa Department of Natural Resources (IDNR) and the Emmet County Conservation Board early in the planning stages of all wind energy device projects located in Emmet County. This review will allow the IDNR and/or County Conservation Board to comment and offer suggestions regarding the siting of wind energy devices near wildlife habitats. The review will also allow IDNR staff or the County Conservation Board to identify sensitive environmental concerns near public lands or waters, and to work with the owner/developer to voluntarily identify alternative siting options that minimize negative impacts to environmentally sensitive areas.
5. **Access.** All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
6. **Electrical Wires.** All electrical wires associated with any wind energy device, other than wires necessary to the operation of the wind turbine itself shall be located underground. In the instance of commercial wind energy projects, transmission lines or high capacity electrical lines from substations transferring cumulative energy resources from a wind energy project shall not be required to be placed underground.
7. **Lighting.** Any wind energy device shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
8. **Appearance, Color, and Finish.** Any wind energy device shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the conditional use permit.
9. **Signs.** All signs shall be prohibited other than the manufacturer or installer's identification sign and appropriate warning signs. Documentation showing any signage is required with the application. Signs indicating the 911 rural addressing of each commercial wind energy device or grouping of multiple wind energy devices shall be placed at each wind energy device site and/or the entry points of access roads as per the Emmet County 911 rural addressing signage requirements.
10. **Code Compliance.** Any wind energy device shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
11. **Utility notification and interconnection.**

**Commercial wind energy** devices that connect to the electric utility shall comply with all local, state and federal regulations regarding the connection of energy generation facilities.

**Small wind energy** devices shall not be installed until evidence has been given that the utility company has authorized interconnection of the small wind device to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the

Iowa Utilities Board. Small wind energy devices not connected to a public utility system shall be exempt from this requirement.

12. Sound. Sound produced by any wind energy devices under normal operating conditions, as measured at the property line shall not produce sound at a level that would constitute a nuisance. Industry standards support that wind energy noise should not exceed 50dba at a distance of 1,250 feet, the setback distance in Emmet County to a human occupied dwelling. Sound levels, however, may be exceeded during short term events out of anyone's control, such as utility outages and/or severe wind storms.
13. Climbing Apparatus. Any commercial wind energy device tower must be designed to prevent climbing within the first ten feet (10').
14. Change of Ownership. Any commercial wind energy device, whether singularly or within a group of multiple wind energy devices, shall submit to the Emmet County zoning administrator notification upon change of ownership of commercial wind energy devices.
15. Electromagnetic Interference. Any wind energy device shall be designed and constructed so as not to cause radio and television interference. If it is determined that the wind energy device is causing electromagnetic interference, the owner shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate county authority. A zoning compliance permit granting a wind energy device may be revoked if electromagnetic interference from such device becomes evident.

**Section 16.5. CONDITIONAL USE PERMIT.**

*Commercial wind energy* devices, wind energy towers or meteorological towers erected in any zoning district may be granted as a conditional use and approved by the Board of Adjustment after a public hearing. The zoning administrator shall perform an assessment of the issues raised as a result of erecting wind energy devices and issuing conditional use permits in the zoning district prior to any public hearing and any action by the Board of Adjustment. Any conditions or requirements issued as part of the conditional use permit shall not be more lenient than the stated wind energy requirements in Section 16.4. Additional conditions or requirements for the acceptable erection and operation of wind energy devices in any zoning district shall be clearly stated in the conditional use permit.

*Small wind energy* devices designed, marketed and sold explicitly for personal or private residential or business applications, which has a nameplate capacity of 100kw or less shall be considered a conditional use in all zoning districts. For small wind energy devices only, if such device is used expressly for agricultural purposes or to supply power for agricultural purposes and not intended to be connected to an electrical grid and sold for profit or power credit, then the wind energy device is determined to be farm exempt, and not subject to these regulations.

**Section 16.6. PERMIT REQUIREMENTS.**

A zoning compliance permit shall be required for the installation of any wind energy device, except for small wind energy devices used expressly for agricultural purposes or to supply power for agricultural purposes. The application for zoning permit will be accompanied by a detailed

site plan for the wind energy device. A site plan and other such plans and manufacturer's specifications shall show the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device. The permit application shall also be accompanied by an application fee of \$350. A site plan shall include the following at a minimum:

- Location of the proposed wind energy device(s)
- Wind energy device specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
- Tower foundation blueprints or drawings and tower blueprint or drawing
- Site layout, including location of property lines, wind turbines, electrical wires, connection points with electrical grid, and related accessory structures.
- The site plan shall be drawn to scale.
- Documentation of land ownership or legal control of the property.
- FAA Permit Application, if applicable.
- GPS coordinates for wind energy device locations on final/approved site plan
- Applicable for commercial wind energy; access points to roads showing construction details typical of all entrances proposed to be built in the public right-of-way.
- Applicable for commercial wind energy; the leaseholder or ownership details of the building site.
- Applicable for commercial wind energy; the distances to any human occupied dwellings and the distances to other wind energy devices or other tower structures within 1,250 feet.

**Section 16.7. NOTIFICATION.**

The owner/developer shall be responsible for obtaining and submitting to Emmet County an abstractor's or attorney's certificate, at the time the application is made, showing the names and last known addresses of the owners of all property within 2,640 feet (½ mile) of the parameter of the total project development site containing wind energy device(s). Prior to the public hearing for such conditional use permit, notice shall be given by ordinary mail to all adjacent property owners and owners of property within 2,640 feet (½ mile) of the proposed site(s) for which the conditional use is requested.

**Section 16.8. REVIEW AND APPROVAL.**

A zoning compliance permit shall not be granted for a commercial wind energy device or commercial wind energy project unless and until the following procedures have been fulfilled:

1. Pre-application meeting. Whenever a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, is proposed in the jurisdiction of Emmet County the owner/developer is required to hold a public informational meeting on the proposed development within 90 days prior to submitting an application. A public notice of the meeting shall be published in a newspaper of general circulation within the vicinity of the proposed project site as well as published within the official publication(s) of Emmet County no less than 4 days and no more than 20 days prior to the meeting. The public notice shall include at a minimum the name of the proposed project, a contact person for the project, the location of the project, the time and place of the meeting and a description of the project activities. The owner/developer is responsible in meeting all of these requirements and shall

provide documentation to the county that these requirements have been satisfied prior to making application for a building permit.

2. Agency notice/review. Prior to submitting an application for a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, the project owner/developer of such structure shall be responsible for in notifying applicable governmental and community agencies and allowing each agency 60 days advance notice to do a preliminary review. Documentation of notification of these agencies, and any reports from the agencies are to be provided to the county when the application is submitted. If any agency does not act within 60 days, the plan may be deemed approved by the agency that failed to act upon proof of notice. It is recommended that any issues be addressed prior to the public hearing. Emmet County staff and the project applicant will agree to a list of applicable agencies (identified below) to which the applicant will solicit comment from prior to Emmet County considering an application for wind energy project.
  - a. Federal Aviation Administration
  - b. U.S. Fish and Wildlife
  - c. Environmental Protection Agency
  - d. Federal Communications Commission
  - e. Iowa Department of Transportation
  - f. Iowa Department of Natural Resources
  - g. Iowa Utilities Board
  - h. Office of State Archaeologist
  - i. Emmet County Engineer's Office
  - j. Emmet County Conservation Board
3. Within 60 days of receiving the official permit application for a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, the Board of Adjustment shall schedule a public hearing regarding the conditional use permit. Notice shall be given to the public no less than 4 days and no more than 20 days prior to the public hearing by publication in the official newspaper(s) of Emmet County as well as publication in a newspaper within the general vicinity of the proposed project site. Prior to the public hearing, notice shall also be given by ordinary mail to all adjacent property owners and all property owners located within 2,640 feet (½ mile) of the total development site of the proposed wind energy device(s) for which the permit is requested.
4. The Board of Adjustment may prescribe additional appropriate conditions and safeguards in conformity with this ordinance and other ordinances of the county.
5. **Commercial wind energy** devices are subject to a wind energy permit fee of \$500 per wind energy device erected, of which must be received and acknowledged prior to approval of said application.  
**Small wind energy** devices are subject to a wind energy permit fee of \$250 per wind energy device erected, of which must be received and acknowledged prior to approval of said application. If the wind energy device is used solely for agricultural purposes and not

connected to an electrical grid or used for commercial energy, then the wind energy device is considered exempt from these zoning regulations and not subject to the permit fee.

6. Approval of the conditional use permit for a wind energy device shall be valid for a period no longer than two (2) years from the date of such permit, unless construction has commenced or the Board of Adjustment specifically grants a longer period of time for the building permit.
7. The approval and issuance of a conditional use permit for the construction or installation of a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, under this ordinance shall not relieve any permittee, applicant or owner from compliance with all legal requirements, nor relieve the permittee, applicant or owner of any liability for damage or loss resulting from the placement, construction or maintenance of such wind energy device. Emmet County assumes no liability whatsoever by virtue of the issuance of a conditional use permit for wind energy devices.

**Section 16.9. MITIGATION OF DAMAGES.**

In the event there are any damages that occur during construction or maintenance of any wind energy device, the owner/developer shall be fully responsible to mitigate and correct any damages to public or private infrastructure.

1. Roads. Costs of replacement, maintenance, restoration, and/or damage to county roads, rights-of-way, or any county infrastructure resulting from modifications, adjustments, heavy or frequent use during construction and operation of the wind energy devices shall be the responsibility of the owner/developer of such project. A separate roads agreement that clearly and specifically lays out the rights and obligations of Emmet County and the owner/developer with respect to the construction, maintenance and use of roads in connection with the development project will be required as a condition of the permit.
2. Drainage system. The owner/developer of the wind energy device shall remedy any adverse effect on any duly established drainage tile caused by construction or repair of such project.

**Section 16.10. DISCONTINUANCE OR ABANDONMENT.**

Each application for a commercial wind energy device shall have a decommissioning plan outlining the anticipated means and proposed financing methods adequate to remove such structure(s) upon becoming a discontinued use. Any commercial wind energy device that is out-of-service for a continuous one (1) year period will be deemed to have been abandoned and discontinued for use. At such time the wind energy device is determined to be abandoned, the owner shall remove the wind energy device at the owner's expense within one (1) year of receipt of notice. If the owner fails to remove the wind energy device, the zoning administrator may pursue legal action against the owner of such wind energy devices.

**Section 16.11. PENALTY.**

It shall be unlawful for any person, firm or corporation to construct, install, or operate a wind energy device that is not in compliance with this ordinance or with any special conditions contained in the conditional use permit. Wind energy devices installed prior to the adoption of this ordinance are exempt. The zoning administrator may enter any property for which a permit

has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

Any person who fails to comply with any provision of this ordinance or an approved conditional use permit for any wind energy device shall be deemed a county infraction and punishable under the provisions of Article XXII.

## **ARTICLE XVII**

### **Site Plans**

Article 17: Site Plans  
Section 17.1. Intent

Section 17.2. Legal Information  
Section 17.3. Site Plan

**Section 17.1. INTENT.**

Except for the construction of agricultural buildings and structures, site plans are required for new construction of permitted or conditional use buildings and structures in any district, and shall comply with and illustrate the following. Accessory uses, buildings and structures, decks and patios, interior remodeling projects, and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans according to this article are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required of the zoning permit application.

**Section 17.2. LEGAL INFORMATION.**

The site plan shall include the following:

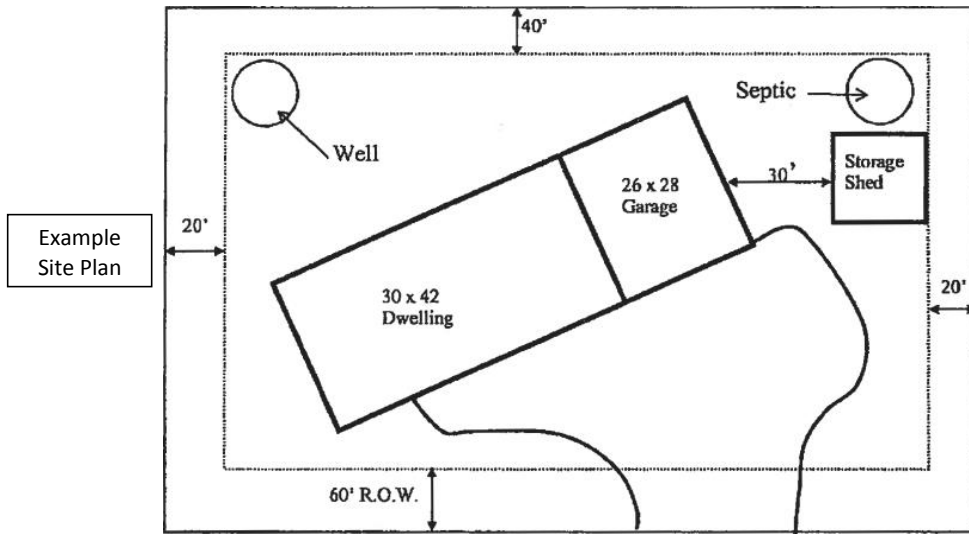
1. Legal property owners name and description of property.
2. Appellant's name, requested land use and zoning.
3. If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owners' authority to appeal shall be submitted in a certified legal form.

**Section 17.3. SITE PLAN.**

Petitioners shall submit a site plan with dimensions of the proposed development as an exhibit accompanying the petition for applying for a building permit. The site plan shall show the following and shall be binding upon the petitioner, successors, and assigns for construction of said use.

1. All land uses and ownership within 500 feet of the district to be rezoned.
2. A description and a drawing of the outside of the building(s) to be constructed and or existing building(s) to include the following:
  - a. Identification of lot lines and lot size.
  - b. Designation of structure(s).
  - c. Designation of roads, ingress, and egress.
  - d. Designation of distance between structures, lot lines, and right-of-way.
  - e. Description of the use.
3. A description of the manner in which solid and liquid waste will be disposed.
4. A showing of compliance of state, federal laws, and regulations relating to the business shall be made prior to the request.
5. The availability and location of existing utilities.
6. The proposed location, size, shape and type of all buildings or structures.
7. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance, type of surfacing to be used, etc.
8. Landowners applying for a zoning permit shall submit a site plan with dimensions of the proposed building and land, and designating the use. See example below.

- The Planning Commission reserves the right to require a survey before the final approval, if questions exist about the site.



Whenever a parcel of land is split from adjoining land, said parcel must be surveyed and a survey thereof filed with the County Recorder, unless the parcel is remaining undeveloped and split for estate purposes.

## ARTICLE XVIII Off Street Parking

Article 18: Off Street Parking



Section 18.1.	Intent
Section 18.2.	General Parking Area and Surface Requirements
Section 18.3.	Use of Other Parking Off Site
Section 18.4.	Off Street Parking Requirements
Section 18.5.	Computation of Parking Spaces
Section 18.6.	Location and Type of Parking
Section 18.7.	Off Street Loading Requirements

**Section 18.1. INTENT.**

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. Therefore, after the effective date of this ordinance, in all districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this article are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicated within the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

**Section 18.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.**

All off-street parking areas as required in this section shall comply with the following minimum area and surface requirements.

1. All buildings and structures erected and all uses of land in all districts established after the effective date of this ordinance, with the exception of agricultural land, buildings and structures, shall provide accessory parking and loading facilities as required under this section, unless a building permit has been issued and construction is begun at least six (6) months prior to the effective date of this ordinance.
2. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
3. A parking space shall be not less than 180 square feet (typically 9' in width by 20' in length).
4. Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete or equivalent hard surface including gravel or rock.
5. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section.
6. Except within residential zoned districts, all yard areas may be used for off-street parking. Parking may be permitted in front yards in residential zones only on a surfaced driveway.
7. In all zoning districts other than residential, no established parking area or lot shall be established within any required yard setback.
8. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
9. Willful failure to maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article XXII.

**Section 18.3. USE OF OTHER PARKING OFF SITE.**

If vehicle storage space cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Board of Adjustment, the Board of Adjustment may permit such space to be provided on other off-street property; provided such space lies within 400 feet of an entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

1. Where calculations in accordance with the following list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
2. Where off-street parking is located on a lot other than the lot occupied by the use that requires it, site plan approval for both lots is required.

**Section 18.4. SCHEDULE OF MINIMUM OFF STREET PARKING REQUIREMENTS.**

In all districts in connection with every industrial, commercial, business, trade, institutional, recreational or dwelling use and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule:

Residential Uses

- |  |  |
|--|--|
| 1. Single Family Residential:              | 2 spaces   |
| 2. Duplex or Two Family Residential:       | 2 spaces per dwelling unit   |
| 3. Multi-Family and Apartments:            | 2 spaces per dwelling unit<br>(1 per rental unit and 1 for guest)                |
| 4. Mobile Home Residential:                | 2 spaces per each mobile home dwelling unit                                      |
| 5. Assisted Living Facilities:             | 1 space per sleeping unit plus 1 space per<br>each employee on the largest shift |
| 6. Group Home or Group Care Facility:      | 1 space per 4 persons of licensed capacity                                       |
| 7. Convalescent, Nursing & Assisted Living | 1 space per 3 beds plus 1 space per employee<br>on the largest shift             |

Civic Uses

- |  |   |
|--|---|
| 8. Daycare   | 1 space per employee plus 1 space per each<br>10 persons of licensed capacity |
| 9. Educational Facilities:   | 1 space for every 2 students of occupancy<br>plus 1 space per employee.       |
| 10. Guidance services/treatment centers                              | 1 space per 300 sq.ft. of gross floor area                                    |
| 11. Libraries/community center uses                                  | 1 space for each 500 sq.ft. of gross floor area                               |
| 12. Public Assembly:<br>(e.g. churches, auditoriums, theaters, etc.) | 1 space for each four (4) seats of capacity                                   |
| 13. Social clubs, Township Hall, Assembly Hall:                      | 1 space for each 500 sq. ft. of gross floor area                              |

Commercial Uses

- |  |  |
|--|--|
| 14. Adult Entertainment Establishments | 1 space per 2 persons of licensed capacity |
|--|--|

15. Lodging Facilities (e.g. hotel, motel, bed & breakfast inn)	1 space per rental room, plus 1 space for each two (2) employees
16. Healthcare Facilities (e.g. hospitals, medical clinics, etc.)	1 space per each 4 beds and 1 space for each two (2) employees
17. Bowling Alleys	Four (4) spaces for each lane
18. General commercial/retail sales/offices:	1 space per 200 sq.ft. of gross floor area.
19. Agricultural sales and servicing	1 space per 500 sq.ft. of gross floor area and 3 spaces per repair stall
20. Auto sales/rental and auto service	1 space per 500 sq.ft. of gross floor area and 3 spaces per repair stall
21. Equipment sales/rental	1 space per 500 sq.ft. of gross floor area
22. Bars, taverns & nightclubs	parking equal to 30% of licensed capacity
23. Campgrounds, camp site or RV parks:	1 space per camping unit or RV site
24. Commercial recreation	1 space per 4 persons of licensed capacity
25. Communication services	1 space per 500 sq.ft. of gross floor area
26. Construction sales & services	1 space per 500 sq.ft. of gross floor area
27. Funeral Homes and Chapels	8 spaces per reposing room, plus 1 per employee
28. Restaurants	1 space for each four (4) seats, plus 1 space for each two (2) employees
29. Veterinary services/commercial kennel	3 spaces per staff doctor and/or employees
<u>Industrial Uses</u>	
30. Manufacturing/Wholesale/Warehousing	1 space for each 2 employees on the largest shift
31. Industry uses/biotechnical/research	Three fourths (.75) times the maximum number of employees on the largest shift.
32. Salvage Yards/Scrap Yards/Junk Yards	One (1) space per one hundred (100) sq. ft. of display or floor area
<u>All Other Uses</u>	
33. All Other Uses	All other buildings with a gross floor area of more than two thousand (2,000) sq. ft. shall provide one off-street parking space for each one thousand (1,000) sq. ft. of floor space.

**Section 18.5. COMPUTATION OF PARKING SPACES.**

1. Where the use of any building, structure or premises not specifically mentioned herein, the provisions for a similar use above shall apply as determined by the zoning administrator.
  
2. Where fractional spaces occur, the parking spaces required shall be increased to the next whole number.

3. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

**Section 18.6. LOCATION AND TYPE OF PARKING.**

Off-street parking areas in residential zoned districts shall be provided on the same lot with the principal use. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. Off-street parking spaces may occupy all or part of any required yard or open space, subject to the provisions of this section; except that no required off-street parking areas shall be located in any front yard in a residential zoned district except for on a paved driveway
2. All required off-street parking areas, including any commercial parking lot, of more than five (5) spaces shall be surfaced with asphalt, concrete, compacted gravel or other similar hard surfaced materials as approved by the county engineer so as to provide a durable and dustless parking surface. Parking areas shall be arranged and marked to provide for orderly and safe ingress, egress and storage of vehicles.
3. Any lighting used to illuminate off-street parking areas shall be arranged to reflect light away from adjacent properties.
4. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet (5') from the property line and effectively screened by the use of a fence, hedge, or other similar methods.

**Section 18.7. OFF STREET LOADING REQUIREMENTS.**

At the time of construction, alteration, or enlargement of any building, or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided on the same lot at least one (1) permanently maintained off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet. Such loading space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') and effectively screened from view. All loading, unloading and parking must be conducted on private property and cannot be conducted on the public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary parking and unloading.

**ARTICLE XIX**  
**Sign Regulations**

Article 19: Sign Regulations

Section 19.1.	Intent
Section 19.2.	Definitions and Sign Types
Section 19.3.	Sign Standard of Measurement
Section 19.4.	Billboards and Off-Premise Signs
Section 19.5.	Sign Requirements
Section 19.6.	Conditional uses
Section 19.7.	Additional Regulations
Section 19.8.	General Sign Provisions
Section 19.9.	Unsafe and Unlawful Signs
Section 19.10.	Removal of Signs
Section 19.11.	Exempt Signs
Section 19.12.	Nonconforming Signs
Section 19.13.	Sign Permits

**Section 19.1. INTENT.**

These regulations are established to protect the health, safety, general welfare and order within Emmet County through the establishment of uniform sign standards and procedures governing the type, number, size, structure, location, height, lighting, use or display of signs serving as a visual communications media. Sign regulations are intended to encourage opportunity for effective, aesthetically compatible, and orderly communication by reducing confusion and hazards resulting from unnecessary or indiscriminate use of signs. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article. Signs used explicitly for agricultural purposes only are exempt from these requirements.

**Section 19.2. DEFINITIONS AND SIGN TYPES.**

For use in this article, the following terms are defined.

- 20.2.1. **AWNING:** A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or able to be raised or retracted and return to a flat position against the building when not in use.
- 20.2.2. **BILLBOARD:** As used in this ordinance a billboard shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises which said signs or billboards are located.
- 20.2.3. **ERECT:** To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- 20.2.4. **FACING (or SURFACE):** The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
- 20.2.5. **INCOMBUSTIBLE MATERIAL:** Material that will not ignite at or below a temperature of 120 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- 20.2.6. **PERSON:** Any one being, firm, partnership, association, corporation, company or organization of any kind.

20.2.7. **PROMOTIONAL DEVICE:** A sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.

20.2.8. **SIGN:** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business, and are visible to the general public.

**SIGN TYPES:**

- a. **ABANDONED SIGN:** A sign that no longer correctly directs any person, advertises a business, lessor, owner, product, or activity.
- b. **ADDRESS SIGN:** A sign communicating street address only, whether written or in numerical form.
- c. **AWNING, CANOPY OR MARQUEE SIGN:** A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the zoning ordinance. Awning or canopy signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this chapter. Permanent awnings, canopies or marquees may be lighted (from the backside); however they shall not have flashing, strobe, or otherwise intermittent light emitting from the sign.
- d. **BUILDING SIGN:** A sign supported by, painted on or attached to any building or structure.
- e. **CAMPAIGN SIGN:** A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
- f. **CONSTRUCTION SIGN:** A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- g. **DESTINATION SIGN:** A sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most direct and concise manner.
- g. **DIRECTIONAL SIGN:** A sign erected on public or private property bearing the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
- h. **ELECTRONIC MESSAGE BOARD SIGN:** A sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes.
- i. **FLASHING SIGN:** A sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on/off. A sign providing public service information, such as time, weather, date, temperature or similar information shall not be considered a flashing sign.
- j. **FREESTANDING SIGN:** A sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building. Freestanding signs do not include trailer signs as defined in this section

- k. GOVERNMENTAL SIGN: A sign erected by a governmental unit.
- l. GROUND SIGN (LOW PROFILE): A sign mounted directly to the ground with a maximum height not to exceed six feet.
- m. ILLUMINATED SIGN: A sign illuminated in any manner by an artificial light source.
- n. INFORMATION SIGN: A sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
- o. JOINT IDENTIFICATION SIGN: A free-standing sign identifying a residential, commercial or industrial development consisting of three (3) or more uses or buildings advertised on the same sign board.
- p. NON-CONFORMING SIGN: A sign which lawfully existed at the time of the passage of this ordinance but which does not conform to the regulations of this ordinance.
- q. OBSOLETE SIGN: A sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business.
- r. ON-PREMISE SIGN: A sign, display, or device advertising activities conducted on the property on which such sign is located.
- s. OPEN SIGN: A sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
- t. POLE SIGN: A sign supported by structures or supports in or upon the ground and independent of support from any building.
- u. PORTABLE SIGN: A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure.
- v. PROJECTING SIGN: A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure.
- w. REAL ESTATE SIGN: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
- x. ROOF SIGN: A sign identifying the name of a business, enterprise, or the product sold on the premises and erected upon the roof or parapet of a building or structure.
- y. SUBDIVISION SIGN: A sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.
- z. SWINGING SIGN: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- aa. TEMPORARY SIGN: A sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs include portable signs as defined in this section.
- bb. TRAILER SIGN: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.

cc. WALL SIGN: A sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than 12 inches from the face of the building wall. Wall signs are also known as "flush mounted signs".

dd. WINDOW SIGN: A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

20.2.9. SIGN AREA: The entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated based on the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

20.2.10 SIGN STRUCTURE: The supports, uprights, bracing and framework for a sign including the sign area.

20.2.11 STRUCTURAL TRIM: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

**Section 19.3. SIGN STANDARD OF MEASUREMENT.**

The total area of all signs permitted on a lot shall include:

1. The total area of the faces of all permanent exterior signs visible from a public way, plus
2. The area of permanent signs placed upon the surface of windows and doors, plus
3. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
4. A building or use having frontage on a second street may include a 20 percent increase in the total amount of sign space allowed.

**Section 19.4. BILLBOARDS AND OFF-PREMISE SIGN REQUIREMENTS.**

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

1. Shall not be located on or in the right-of-way of a highway or where it can encroach thereon;
2. Along a highway, billboards may be no closer than 400 feet to the center point of an intersection of such highway at grade with another highway or with a railroad;
3. Billboards may not be located along a highway at any point where it would reduce the existing traffic view in either direction or traffic control or directional signs to less than 1,000 feet;
4. No billboard shall be constructed within 300 feet of a house, school, or church;
5. No billboards shall be constructed less than 1,500 feet apart except back to back, or end to end, and no more than two billboards facing a direction;



6. Billboards shall be set back a minimum of 75 feet from the proposed right-of-way of any state highway, county highway or any other hard surfaced street or road.
7. No billboard, signboard, or similar advertising signs shall exceed 700 square feet in area.
8. Billboard and off-premise outdoor advertising signs are not permitted in any residential zoning district.

**Section 19.5. SIGN REQUIREMENTS.**

Signs and billboards in conjunction with principal permitted non-agricultural uses are allowed subject to the following regulations:

1. **All Residential Districts.**
  - a. Home occupation signs are allowed subject to the requirements in Sections 15.2 and 15.3.
  - b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of six (6) feet from the ground to the top of the sign. One (1) additional wall mounted sign not to exceed six (6) square feet is also permitted for non-residential businesses.
  - c. Prohibited signs:
    1. Any flashing, revolving, rotating, or motion signs
  - d. Permitted sign types:

1. Address sign	7. Pole sign
2. Real Estate sign	8. Portable (or temporary) sign
3. Government sign	9. Informational sign
4. Campaign sign	10. Construction sign
5. Directional sign	11. Window sign
6. Wall sign	
2. **Agriculture, General Commercial and all Industrial Districts.**
  - a. All signs shall be limited to:
    - (i) Identifying uses conducted on the property
    - (ii) Identifying the commercial enterprise by name or symbol
    - (iii) Necessary for directional purposes
    - (iv) Used to advertise the sale or lease of real property on buildings on which displayed
  - b. Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within the building and attached or integral thereto, provided that:
    - (i) Such signs shall not have an aggregate surface area in excess of ten (10) percent of the total surface area of the building elevation to which they are attached;
    - (ii) Signs which project out from the building more than twelve inches (12") must be at least nine feet (9') above grade and may project a maximum of six (6) feet out from the building; and
    - (iii) No sign shall project more than four feet (4') above the roof line.
  - c. One (1) free standing or pole sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided that:

- (i) Such signs shall not have a surface area in excess of one hundred (100) square feet on any one (1) side and that not more than two (2) sides of such signs shall be used for advertising purposes; and
  - (ii) The bottom of the surface area of such signs shall not be less than twelve feet (12') above grade.
- d. All signs shall be fixed and shall not be audible. No flashing signs are permitted and no sign or illumination shall be revolving or animated, except for scrolling marquee or digital signs. No signs shall have moving parts including devices set in motion by movement of air.
- e. Permitted sign types:
- |                              |   |
|------------------------------|---|
| 1. Real Estate sign          | 13. Portable (or temporary) sign  |
| 2. Government sign           | 14. Projecting sign (not to encroach in the R.O.W.)                                     |
| 3. Address sign              | 15. Swinging sign (not in encroach in the R.O.W.)                                       |
| 4. Campaign sign             | 16. Awning sign   |
| 5. Directional sign          | 17. Construction sign   |
| 6. Roof sign                 | 18. Window sign   |
| 7. Informational sign        | 19. Portable or Temporary signs   |
| 8. Illuminated sign          | (so long as it does not impede upon the use of a public road or street or right-of-way) |
| 9. Joint Identification sign |   |
| 10. Wall sign                |   |
| 11. Pole sign                |   |
| 12. Freestanding sign        |   |

**Section 19.6. CONDITIONAL USES.**

Any sign type may be granted conditional use status after review by the Board of Adjustment and subject to any conditions deemed by the board to be appropriate.

**Section 19.7. ADDITIONAL SIGN REGULATIONS.**

In all districts, signs and billboards shall adhere to pertinent state regulations and local ordinances.

**Section 19.8. GENERAL SIGN PROVISIONS.**

The following signs are allowed with a permit and shall comply with all other applicable provisions of this ordinance.

- 1. *Low Profile or Ground signs:* Ground signs at least five feet from any lot line with a maximum height of six feet.
- 2. *Projecting or Pole signs:* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure. All pole signs and the premises surrounding the sign structure shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free of obnoxious rubbish and weeds. Pole signs will be permitted if they do not block the view of oncoming traffic, conform to the Iowa Department of Transportation regulations, and are not located in any public right-of-way.
- 3. *Wall signs:* A sign flat against a building wall when pertaining to a nonconforming use on the premises, shall not exceed an aggregate 50 square feet in area except as may be authorized by

the Board of Adjustment. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.

4. *Bulletin Board, Sale and Construction Signs*: In all zoning districts, one temporary bulletin board or sign not to exceed fifty (50) square feet in area pertaining to construction, lease, hire or sale of a building, premises or subdivision lots; which sign shall refer to property on which the sign is located, and shall be removed when the premises is sold or construction completed;
5. *Signs not to Constitute Traffic Hazards*: No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional, or warning sign erected or maintained by the State of Iowa, or by the county, any municipality, or other governmental subdivision, or which incorporates or makes use of lights simulating or resembling traffic controls or signals. No sign or advertising structure shall be erected by reason of the position, shape or color, it may interfere with, obstruct the view of, or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
6. *Interference*: No sign, nor any guys, stay or attachment thereto shall be erected, placed posted or maintained on rocks, fences, trees, or on poles maintained by public utilities in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wires or supports thereof.
7. *Overhead Clearance*: All signs shall have a vertical clearance of nine feet (9') above any sidewalk, private drive, or parking. All signs shall have a vertical clearance of twelve feet (12') above any public street.
8. *Subdivision Signs*: Not more than one (1) sign per entrance into the subdivision. No sign shall be greater than 32 square feet in size.
9. *Signs in Right-of Way*: No signs other than government signs shall be erected or temporarily placed within any public rights-of-way, except as may be specifically provided herein.
10. *Safe Ingress and Egress*: No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
11. *Signs Required by Law*: All signs required by law shall be permitted in all districts.
12. *Back to Back Signs*: If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees. If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.
13. *Illumination*: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
14. *Animated Signs*: Animated signs, including scrolling marquee signs, electronic message boards, and digital screen signs may be allowed as a conditional use requiring a hearing before the Board of Adjustment.

**Section 19.9. UNSAFE AND UNLAWFUL SIGNS.**

All signs and sign structures, including billboards, shall be properly maintained and kept in a safe, orderly condition. All parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or in poor condition shall be repainted, repaired, or replaced by the property owner or agent of the owner after written notice by Emmet County. Such notice shall include a statement explaining alleged violations and deficiencies, an order to repair or remove said sign and an explanation of the consequences of failure to comply. If the permit holder fails to remove or alter said sign to comply, said sign may be removed or altered to comply with the zoning administrator at the expense of the permit holder, or owner of the property on which it is located. The permit holder may appeal the order of the zoning administrator to the Board of Adjustment. If such an appeal is on file, the compliance period shall be extended until following the board's decision on the matter. However, if the zoning administrator finds any sign or sign structure poses an immediate threat to the health or safety of any person, the removal of such sign or structure may be summarily ordered without notice.

**Section 19.10. REMOVAL OF SIGNS.**

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ninety (90) days from date of notice provided by Emmet County. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the county may cause the sign to be removed and any expenses may be charged back to the property owner.

**Section 19.11. EXEMPT SIGNS.**

The provisions and regulations of this ordinance shall not apply to the following signs, provided however, said signs shall comply with all other applicable provisions of this ordinance.

1. *Name Plate*: One nameplate designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed two (2) square feet.
2. *Roadside Stands/Products Grown on Premises*: Signs less than 25 sq.ft. in area advertising activities conducted on the premise, products grown, made, or produced on the premise.
3. *Government Signs*: Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Iowa, Emmet County, or a federal government agency, directional, informational, or other official signs or notices authorized by law. Government signs may also include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and other similar signage.
4. *Director or Announcement Signs*: A wall sign identifying the business, owners, manager, or occupant and sets forth the occupation or address information but contains no advertising. One small announcement or professional signs, not over six (6) square feet in area per business occupant is allowed.
5. *Parking Signs(on site)*: On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Such signs shall not exceed six (6) square feet of area.

4. *Address Signs*: Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, and names of occupants of the premises or identification of premises not having commercial connotations.
5. *Flags or Insignia*: of any government, except when displaying any commercial promotion.
6. *Legal Notices*: Identification or directional signs intended to provide public information.
7. *Integral Signs*: Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights. Name of buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
8. *Traffic Signs*: Signs directing and guiding traffic and parking on private property.
9. *Political Signs*: Political and campaign signs are allowed per Section 306C.22, Code of Iowa.
10. *Construction Signs*: A non-illuminated sign announcing the names of architects, engineers, contractors, and other individuals or firms involved with the construction of such building (but not including advertisement of any product). Such signs shall be confined to the construction site. One (1) sign shall be permitted for each street the project abuts.
11. *Real Estate Signs (on-site)*: Not more than two (2) signs per lot may be used as temporary signs and shall not be larger than 6 square feet. Real estate sign in the A-1 district may be up to 32 square feet and setback a minimum of five feet (5') from the right of way. In no case shall these signs obstruct the visibility at any intersection or driveway.

**Section 19.12. NONCONFORMING SIGNS.**

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy.

**Section 19.13. SIGN PERMITS.**

1. *Permits Required*. It shall be unlawful for any person in Emmet County to erect, repair, alter, relocate, construct or modify any sign or other advertising structure as defined in this ordinance, except exempt signs from Section 19.11, without first receiving a sign permit.
2. *Sign Permit Application*. Applications shall be provided by the zoning administrator of which shall request the name, address and telephone number of the applicant; location of building, structure or lot upon which the sign is to be attached or erected; content of the sign and style of sign proposed to be installed; and name of person, firm, corporation or association erecting such sign and/or sign structure.
3. *Permit Issued*. It shall be the duty of the zoning administrator to examine such plans and specifications, other data, and the premises upon which proposed sign is to be erected. If it appears the proposed structure compliant with the requirements of this ordinance and other ordinances of Emmet County, Iowa, the sign permit shall be issued. If the sign has not been erected within one (1) year after date of issuance, said sign permit shall be null and void.
4. *Permit Fees*. The applicant shall pay a fee in the amount established by resolution of the Board of Supervisors.
5. *Revocation of Permit*. Any permit holder who fails to comply with a valid order of the zoning administrator within the allotted time, or who fails to pay reasonable removal or repair expenses shall have the sign permit revoked.

## ARTICLE XX Nonconforming Uses

### Article 20: Nonconforming Uses

Section 20.1	Intent
Section 20.2	Nonconforming Lots of Record
Section 20.3	Nonconforming Structures
Section 20.4	Nonconforming Uses
Section 20.5	Repairs and Maintenance
Section 20.6	Uses Under Exception Provisions Not Nonconforming Uses
Section 20.7	Change of Tenancy or Ownership

#### **Section 20.1. INTENT.**

It is the intent of this ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed, but not encourage their continuance. Within the various zoning districts established by this ordinance or subsequent amendments, structures and uses of land that were lawful prior to the adoption of this ordinance but would be prohibited, regulated, or restricted under the provisions of the ordinance. It is further the intent of this ordinance that any nonconformity shall not be enlarged upon, expanded or extended; nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this ordinance.

#### **Section 20.2. NONCONFORMING LOTS OF RECORD.**

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision 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 of this ordinance. This provision shall apply even though such lot fails to meet the generally applicable district requirements for area, width, or both, provided, however, the yard dimensions and other requirements of the lot not involving area, width, or both, shall conform to the regulations for the district in which such lot is located. Such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and such lot has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous regulations would have prohibited creation of such lot.

#### **Section 20.3. NONCONFORMING STRUCTURES.**

1. *Authority to continue:* Any structure that is devoted to a use, permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
2. *Enlargement, Repair, Alterations:* Any such structure described in Section 20.3.1 may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall create any additional nonconformity or increase the degree of existing nonconformity to all or any part of such structure.

3. *Damage or Destruction:* In the event that any structure described in Section 20.3.1 is damaged or destroyed, by any means, to the extent of more than 60 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements, shall not have a side yard of less than five feet (5'). When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such destruction and is diligently pursued to completion.
4. *Moving:* No structure shall be moved in whole or in part for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
5. *Substitution:* If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification. Whenever a nonconforming use has been changed to more restrictive use or to a conforming use, such use shall not hereafter be changed to a less restrictive use.
6. *Discontinuance:* In the event that a nonconforming use of any building or structure is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. Where nonconforming use status applies, the removal or destruction of the structure shall eliminate the nonconforming status and any subsequent new or reconstruction shall therefore be conforming to district regulations.

**Section 20.4. NONCONFORMING USES.**

1. *Nonconforming Uses of Land:* Where at the effective date of this ordinance, there exist lawful uses of land that is made no longer permissible under the terms of this ordinance as enacted or amended. Such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. Nonconforming uses shall not be enlarged or increased, nor extended to occupy a greater area of land than occupied at the effective date of adoption of this ordinance;
  - b. Nonconforming uses shall not 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 of this ordinance.
  - c. If any such nonconforming use of land ceases for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
2. *Nonconforming Uses of Structures:* If a lawful use of a structure, or structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
  - a. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;

- b. 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 of this ordinance but no such use shall be extended to occupy any land outside such building;
  - c. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the board of adjustment either by general rule or by making findings in the specific case, 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 may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
  - d. Any structure, or structure and land in combination, in 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;
  - e. When a nonconforming use of a structure, or structure and land in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
  - f. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of such structure eliminates the nonconforming status of the land.
3. *Reductions in Lot Area Prohibited.* No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area, lot width, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**Section 20.5. REPAIRS AND MAINTENANCE.**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 20.6. USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES.**

Any use for which a conditional use is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion of a conditional use shall be met with the approval of the board of adjustment.

**Section 20.7. CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.



## ARTICLE XXI Zoning Administration and Enforcement

### Article 21: Zoning Administration and Enforcement

Section 21.1	Zoning Administrator
Section 21.2	Zoning Compliance
Section 21.3	Zoning Compliance Permits Required
Section 21.4	Notification of Assessor
Section 21.5	Site Plans
Section 21.6	Construction and Use to be provided in Application, Plans & Permit
Section 21.7	Fees
Section 21.8	Conditional uses
Section 21.9	Administrative Appeals

#### **Section 21.1. ZONING ADMINISTRATOR.**

1. The zoning administrator shall issue all permits and certificates required by this ordinance.
2. The zoning administrator shall find that if any of the provisions of this ordinance are being violated the administrator shall notify, in writing, the persons responsible for such violations indicating the nature of the violation and ordering an action necessary to correct it.
3. The zoning administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; and shall take any other action authorized by this ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
4. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of zoning administrator to any other officer or employee of the county or may combine the powers and duties of this office with any other office or position.

#### **Section 21.2. ZONING COMPLIANCE.**

It shall be the duty of the zoning administrator to enforce the provisions of this ordinance and to refuse to issue any permit for any building, or for the use of any premises that would violate any of the provisions of said ordinance. It shall also be the duty of all officers and employees of the county to assist the zoning administrator by reporting any seeming violation in construction, reconstruction, or land uses.

#### **Section 21.3. ZONING COMPLIANCE PERMITS REQUIRED.**

No building or structure shall be erected, constructed, altered, moved, converted, extended or enlarged or land used, without the owner(s) having obtained a zoning compliance permit from the zoning administrator. Such certificates shall require conformity with the provisions of this ordinance. When issued, such certificate shall be valid for the period of time specified thereon. Issuance of an approved zoning compliance permit shall authorize the applicant to begin construction in accordance with the conditions outlined in the certificate. The zoning administrator shall issue a zoning compliance permit or denial thereof with reasons in writing. In the event the permit or denial thereof is not issued in a timely manner, the applicant may appeal directly to the Board of Adjustment, which shall order the issuance of a permit or denial thereof.

Except where an extension has been obtained in writing from the zoning administrator, issued permits shall expire within 12 months if construction has not begun.

In accordance with Iowa Code, Section 335.2, farms and agricultural uses including any other buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations, and no zoning compliance permit shall be required and no permit fees assessed.

**Section 21.4. NOTIFICATION OF ASSESSOR**

Pursuant to Section 441.18-441.19, Code of Iowa, prior to construction, the owner of any proposed new structure shall provide notification to the zoning administrator of the nature and intent of the construction. If a zoning compliance permit is required in accordance with this ordinance, the property owner shall be advised to make application following the procedures in the following sections. If the construction or use will not require a compliance permit, but does require an application for farm exemption pursuant to Section 2.2 of this ordinance, the statement shall be referred to the office of the County Assessor without change.

**Section 21.5. SITE PLANS.**

All applications for zoning compliance permits shall be accompanied by a drawing or site plan as required by the zoning administrator showing the lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of this ordinance; including, if necessary, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the zoning administrator and, where appropriate, a duplicate copy shall be kept by the applicant at the building at all times during construction. In a particular case, the zoning administrator may waive the requirement for a site plan when such plan is clearly unnecessary to a decision or the record on the case. In the case of moving an existing building, the application shall be accompanied by photos of the structure to be moved.

**Section 21.6. CONSTRUCTION & USE AS PROVIDED IN APPLICATION, PLANS & PERMIT.**

Zoning compliance permits issued on the basis of plans and specifications shall authorize only that use, arrangement and construction. Any use, arrangement or construction at variance with an authorized permit shall be a violation of this ordinance and penalized under Article XXII.

**Section 21.7. FEES.**

A fee, in accordance with county's fee schedule on file with the zoning administrator, shall be charged for each zoning compliance permit. The county's fee schedule for zoning and subdivision fees is subject to change and amendment from time to time by resolution of the Board of Supervisors after recommendation of the Planning Commission. Any city, county, state and federal governments or other tax levying agencies shall be exempt from paying scheduled fees. If application for a zoning compliance permit is made after starting construction, erection, moving in, or structurally altering a building or structure, the fee for said permit shall be equal to two (2) times the amount provided in the fee schedule.

**Section 21.8. CONDITIONAL USES.**

A zoning compliance permit for a conditional use may be issued by the zoning administrator after review by the Board of Adjustment.

**Section 21.9. ADMINISTRATIVE APPEALS.**

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error.

1. *Appeals:* An appeal of an administrative decision may be made to the Board of Adjustment by any person aggrieved, or by any officer, department, or board of the county affected by any decision or ruling of the zoning administrator. Such notice of appeal shall be filed, within 30 days of the decision being appealed, with the zoning administrator or the chairperson of the Board of Adjustment, of which such appeal shall specify the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action being appealed was taken.
2. *Stay of Proceedings:* An appeal from the action of the zoning administrator shall stay all proceedings in furtherance of such action unless the zoning administrator certifies to the Board of Adjustment that by reason of the facts stated a stay would cause imminent peril to life or property. In the event the zoning administrator shall make such determination, the action shall not be stayed other than by a restraining order that may be granted by the Board of Adjustment or a court of record upon application of the party aggrieved by the action of the zoning administrator.
3. *Action:* The Board of Adjustment shall act on any appeal within 30 days following the closing of a public hearing. In exercising the powers set out in this section, the Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant upon any matter that it is required to pass under these provisions.

## ARTICLE XXII Violation and Penalty

### Article 22: Zoning Administration and Enforcement

- Section 22.1 Violation and Penalty  
Section 22.2 Restraining Order

#### **Section 22.1. VIOLATION AND PENALTY.**

Unless provided elsewhere in this ordinance or other county ordinance, any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted or plan submitted and approved hereunder shall be guilty of a county infraction. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance, shall be placed, or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate violation and upon adjudication thereof, shall be penalized as herein provided. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor; or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a county infraction and punishable by civil penalty as provided herein (*Code of Iowa, Sec. 331.307[3]*).

A county infraction in Emmet County, Iowa is punishable under the following civil penalties: (*Code of Iowa, Sec. 331.307[1]*)

1. First offense – not less than \$100 and not to exceed \$750.00, plus court costs
2. Second and repeat offenses – not less than \$100 and not to exceed \$1,000.00, plus court costs

Each day that a violation is permitted to exist constitutes a separate violation.

#### **Section 22.2. RESTRAINING ORDER.**

In addition to the above fines, the county may seek alternative relief to halt or abate the violation. The County Attorney, in addition to other remedies, may institute any proper action or proceed in the name of Emmet County, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about said premises. The imposition of civil penalties in this section does not prevent the county from seeking criminal penalties in the same action.

## ARTICLE XXIII Board of Adjustment

### Article 23: Board of Adjustment

- Section 23.1. Confirmation of Board of Adjustment
- Section 23.2. Membership, Term of Office and Removal
- Section 23.3. Proceedings of the Board of Adjustment
- Section 23.4. Appeals to the Board
- Section 23.5. Powers and Duties
- Section 23.6. Variances
- Section 23.7. Decisions of the Board of Adjustment
- Section 23.8. Appeals from the Board of Adjustment

#### **Section 23.1. CONFIRMATION OF BOARD OF ADJUSTMENT.**

Pursuant to the authority of this ordinance, the Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make conditional uses to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Furthermore, the board may provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of such regulations and restrictions may petition the said Board of Adjustment direct to modify regulations and restrictions as applied to such property owners. The members of the Board of Adjustment, as created and established under applicable provisions of the Iowa statutes, are hereby confirmed to their appointed terms of office. (*Code of Iowa, Sec.335.10*)

#### **Section 23.2. MEMBERSHIP, TERM OF OFFICE AND REMOVAL.**

Such board shall consist of five (5) members, a majority of whom shall reside within the county but outside the corporate limits of any city, each appointed by the chairperson of the Board of Supervisors, and confirmed by the members of the Board of Supervisors. Terms shall be for five years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The members shall be appointed to serve staggered terms so that no more than two members' terms expire in any given year. A majority of the members of the Board of Adjustment shall be persons representing the public at large and should not be involved in the business of purchasing or selling real estate. The chairperson of the Board of Supervisors shall have power to remove any member of the Board for cause upon written charges and after public hearing. (*Code of Iowa, Sec.335.11*)

#### **Section 23.3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.**

The Board of Adjustment shall elect yearly one of the members of the board as chairperson, and in case of vacancy shall name another vice-chairperson. All meetings of the board shall be held at the call of the chairperson and at such time and place within the county as the board may determine. Such chairperson, or in the absence of the chairperson, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The zoning administrator or other appointee may be an ex-officio member and act as secretary for the Board of Adjustment. The board shall keep minutes of its proceedings, showing the vote of each member, upon every question or if absent or failing vote indicating such fact, and shall keep complete records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision, or

determination of the board shall immediately be filed in the office of the board and shall be a public record. The Emmet County Board of Adjustment shall adopt its own rules of procedure not in conflict with this ordinance and in keeping with the provisions of any regulation or ordinance pursuant to Chapter 335 of the Iowa Code. The presence of three (3) members of the board shall constitute a quorum. A five (5) member board shall not carry out its business without having at least three (3) members present. The concurring vote of three (3) 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 or to effect any variation in application of this ordinance.

*(Code of Iowa, Sec.335.12 & 335.17)*

**Section 23.4. APPEALS TO THE BOARD.**

Any person aggrieved may take appeals to the Board of Adjustment or by any officer, department, board or bureau of the county affected by any decision of the administrator. Such appeals shall be made within a reasonable time, not more than thirty (30) day of the issuance or denial of appeal specifying the grounds thereof, by filing with the zoning administrator and with the board a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notices thereof, as well as due notice to the parties of interest, and shall render a decision thereon without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized person or attorney. A fee to be determined by resolution of the Board of Supervisors shall be paid at the time the notice of appeal is filed.

*(Code of Iowa, Sec.335.13)*

**Section 23.5. POWERS AND DUTIES.**

The Board of Adjustment shall have the following powers and duties:

1. *Administrative Appeal:* To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance or any amendment pursuant thereto.
2. *Interpretation of Zoning Map:* Where there is a reasonable doubt as to the boundary between zoning districts the board shall interpret the map to carry out the purpose of this ordinance.
3. *Conditional Uses:* To hear and decide conditional use requests as provided for in Article XXIV of this ordinance. Upon application, the board is hereby empowered to authorize the following conditional uses to the terms of this ordinance:
  - a. To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record.
  - b. To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed to the extent of more than 60 percent of its assessed value, where the board finds some public necessity requiring the continuance of the nonconforming use
  - c. To permit the erection and use of a building or the use of premises in any location for a public service corporation necessary for the public convenience or welfare.

- d. To permit location of those industries specified in the A-1 district, where it is determined that the industry would not materially affect the health, welfare, or safety of the county or surrounding properties and their residents.
4. *Variations*: 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, and so that the spirit of the ordinance shall be observed and substantial justice done. (*Code of Iowa, Sec.335.15*)

**Section 23.6. ZONING VARIANCE STANDARDS.**

A variance shall be granted for only one or a combination of the following reasons:

- To reduce any required yard setbacks.
- To exceed the height or bulk.
- To occupy a greater percentage of lot area.
- To relocate or transport any building, structure, or part thereof into any zoning district to be used or occupied.
- To accommodate or house a greater number of families.
- No part of a yard or other open space required in connection with any building, occupancy, or use for the purpose of complying with this ordinance shall be included in the calculations to determine the size of area necessary to accommodate the off-street parking and loading space requirements.

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. An application for the variance shall be filed in writing with the zoning administrator. Said application shall include at a minimum the name and address of the owner and applicant, address and legal description of the property, a statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section, a form which shows the names and current addresses of the owners of all property within 500 feet of the property for which the variance is requested, and a site plan, as prepared in accordance with Article XVII.
2. The zoning administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
3. Under no circumstances shall the board grant a variance to allow for a use not permitted under the terms of this ordinance in the zoning district, or any use prohibited by the terms of this ordinance in the zoning district.
4. The board shall schedule and conduct at least one (1) public hearing on the proposed variance request. Notice of the public hearing shall be given to those property owners within 500 feet of the petitioning property by ordinary mail to the last known addresses of those to be notified no less than four (4) days and no more than twenty (20) days prior to the public hearing. Notice shall be given to the public by publication in the official county newspaper(s) no less than four (4) and no more than twenty (20) days prior to the public hearing.

5. The public hearing shall be held. Any party may appear in person or by agent or attorney.
6. No variance that has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions.
7. The Board of Adjustment shall grant a variance if it makes affirmative findings of fact on each and all of the following criteria.
  - a. 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;
  - b. 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;
  - c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. 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.
8. The board 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.
9. The board 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.
10. The application for a variance shall be accompanied by a fee as determined by resolution of Board of Supervisors.
11. *Additional Variance Conditions:* In granting any variance, the board 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 Article XXII.
12. *Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and become void one (1) year following the date on which the variance became effective, unless prior to the expiration a zoning compliance permit is issued and construction has commenced or the site is occupied if no zoning compliance permit is required.
13. *Revocation of Variance:* Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.
14. *Variance to Run With Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.



**Section 23.7. DECISIONS OF THE BOARD OF ADJUSTMENT.**

In exercising the above mentioned powers such board may, so long as such action is in conformity with the terms of this ordinance, and Chapter 335, Code of Iowa, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the board, even upon instances of absentee members or during conflicts of interest, 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 any such ordinance or to effect any variation in such ordinance. Any action of the board shall not become effective until it has a written decision describing such action, the vote of each member participating therein, and reasons for such action specifying the manner in which the action either satisfied or failed to satisfy each of the applicable standards set forth in this article.

**Section 23.8. APPEALS FROM THE BOARD OF ADJUSTMENT.**

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provision of this ordinance, or any taxpayer, or any officer, department, board or bureau of the county, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board. Otherwise, all decisions of the board shall be final immediately upon filing.

## ARTICLE XXIV Conditional Use Regulations

### Article 24: Conditional Use Regulations

Section 24.1.	Requirements
Section 24.2.	Jurisdiction
Section 24.3.	Application for Conditional use Permit
Section 24.4.	Conditional Use Procedure
Section 24.5.	Standards
Section 24.6.	Revocation
Section 24.7.	Supplemental Standards

#### **Section 24.1. REQUIREMENTS.**

Conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the Board of Adjustment. The board shall grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent of this ordinance. In granting a conditional use permit, the board will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for the performance of the permit.

#### **Section 24.2. JURISDICTION.**

The zoning administrator is responsible for administration of the conditional use procedure and the Board of Adjustment is responsible for the review, evaluation, and action on all applications for conditional use permits.

#### **Section 24.3. APPLICATION FOR CONDITIONAL USE PERMIT.**

An application for a conditional use permit may be initiated by a property owner or the owner's authorized agent by filing an application with the zoning administrator. The application shall be accompanied by a site plan prepared in accordance with Article XVII of this ordinance. The application shall also be accompanied by a fee as established by resolution of the Board of Supervisors. Any approved conditional use permit shall be valid for one (1) year following the issuance of the permit. After one (1) year, the permit will no longer be valid and the permit must be renewed or reapplied. In the case that a conditional use permit is denied, no application for the same conditional use permit shall be filed with or considered by the Board of Adjustment until the expiration of one (1) year from and after final action denying a previous identical or substantially identical application. The one (1) year period shall begin on the date of final board action denying the application, or on the date of entry of a final court judgment affirming board action denying the application from which no appellate review is taken or can be taken, whichever shall last occur. The filing fee for all second and subsequent applications for a conditional use permit shall be double the original fee.

#### **Section 24.4. CONDITIONAL USE PROCEDURE.**

1. Allowable conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules of the Board of Adjustment. The board will grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a conditional use permit, the board will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions and safeguards for the performance of the permit.

2. Whenever an application for a conditional use of a premise within the jurisdiction of this ordinance is made, it shall follow the procedure listed herein and shall conform to the regulations and requirements set forth in this ordinance.
3. Applicants shall meet with the zoning administrator to review the zoning classification of their site, obtain copies of the regulations and materials if necessary, review the conditional use procedures and examine the proposed use and development of the property. The applicant shall then submit one copy of the written application form and all necessary supporting documents and materials along with the required application fee.
4. Once the zoning administrator has accepted and filed the conditional use application with the Board of Adjustment the board shall schedule and conduct at least one (1) public hearing and shall provide legal notification according to Iowa Code Section 335.6. Notice shall be given to the public hearing as required by state statute by publication in the official county newspaper(s) no less than four (4) and no more than twenty (20) days prior to the public hearing. Notice of the public hearing shall be given to those property owners within 500 feet of the petitioning property by ordinary mail to the last known addresses of those to be notified no less than four (4) days and no more than twenty (20) days prior to the public hearing. The zoning administrator shall notify the applicant in writing of this public hearing.
5. In granting any conditional use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Article XXII of this ordinance. In all cases in which a conditional use permit is granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are in compliance.
6. The concurring vote of three (3) members of the Board of Adjustment is required to grant a conditional use permit, even in the event of absentee members or during conflicts of interest.
7. Any approved conditional use permit shall become invalid after 12 consecutive months if the use is not established or construction for said use has not begun, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within 12 months and construction has commenced.
8. The zoning administrator may approve minor changes to a conditional use permit. Minor changes shall not include:
  - a. The modification of any condition or safeguard placed upon the use.
  - b. The approval of any setback that is inconsistent with the terms of the zoning district.
  - c. Any action that will modify any of the items of general findings concerning the use.

**Section 24.5. STANDARDS.**

The Board of Adjustment shall take into consideration the following items in making its general findings concerning the conditional use application:

1. The question of the particular suitability of the property in question for the proposed use.

2. The effect of the proposed use on the character of the area and in property values in the areas.
3. The intended conditional use will be compatible with the existing land uses on adjoining property or with those land uses that are permitted under existing zoning.
4. The availability of fire and police protection, and of transportation, water and sewage.
5. The effect of the proposed use on all such services, particularly whether the county will have to make substantial increases in its normal expenditures to provide such services.
6. The use will not overload and adversely affect traffic congestion on adjacent streets or roads.
7. That such use will be in accord with the intent, purpose and spirit of this ordinance and the comprehensive plan and policies of Emmet County.
8. The affect the use may have upon the environment, water and air quality of Emmet County.
9. That the use complies with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized.
10. In the case of existing relocated dwelling units or accessory structures, the proposed use aesthetically blends in with the neighboring existing permitted uses and special attention is given to the architectural style, size and condition of the proposed building or structure.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a conditional use permit. The conditional use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Board of Adjustment.

**Section 24.6. REVOCATION.**

The issuance of a conditional use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the permit. If such permit is granted, it does expressly grant to the county the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the conditional use permit. In the event the owner or occupant of the property shall violate any term, condition, limitation, regulation or safeguards contained in the conditional use permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the county may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the conditional use permit.

**Section 24.7. SUPPLEMENTAL STANDARDS.**

In addition to the general standards specified in Section 24.5, certain uses shall adhere to additional supplemental standards as follows:

1. **Salvage Yards:** All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled shall only be located in the (A-1) Agriculture or (I-2) Heavy Industrial districts under conditional use permit. The conditional use permit shall meet the following requirements:

- a. Any salvage yard shall be at least five hundred feet (500') from any residential building, with the exception of the residence of the salvage yard owner or operator.
- b. Salvage or junk yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty feet (50') wide with evergreen trees and/or large shrubs to provide an immediate solid landscape screen at least ten feet (10') high that will effectively screen all areas that contain the scrap and salvage materials.
- c. Off-street parking or service areas in connection with the yards may be located outside of the screened-in area.

**2. Open-Air Sales Display and Storage:** All open-air display and storage, including new and used auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage shall require a conditional use permit and meet the following minimum requirements:

- a. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent properties, or public streets, thereby creating a traffic hazard.
- b. No lighted flashing signs, or revolving beacon lights shall be permitted.
- c. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
- d. The open-air storage or display area intended for inventory storage, salvage or repair services shall be limited to the side or rear yard areas and be opaquely screened with a wall or fence at least seven feet (7') in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening such products or equipment, unless the following provisions in subpart e. apply.
- e. The side and rear lot lines, when abutting properties used for residential purposes, will be screened with a wall or fence at least fifty percent (50%) solid and at least seven feet (7') in height. Such fence or wall shall not be required to extend beyond the front setback line.

**3. Boat and Marine Accessory Storage:** Boats, personal watercraft, trailers, boat hoists, or other marine accessories may be stored on the owner's lot for no longer than nine (9) consecutive months in the same location. Multiple boats, personal watercraft, trailers, boat hoists, or other marine accessories stored on a parcel, lot or group of lots for longer than nine (9) consecutive months for commercial or monetary purposes shall conform to the requirements of section 2 "Open-air Sales Display and Storage" above.

## ARTICLE XXV Changes and Amendments

### Article 25: Changes and Amendments

Section 25.1.	Procedures
Section 25.2.	Initiation
Section 25.3.	Application for Change in Zoning District Boundaries
Section 25.4.	Protest Provision
Section 25.5.	New Application

#### **Section 25.1. PROCEDURES.**

Before taking action on a proposed amendment, supplement, or change, the Board of Supervisors shall submit the same to the Planning Commission for its recommendations and report. The Planning Commission shall hold a public hearing thereon, before submitting its report to the Board of Supervisors. Notice of public hearings before the commission shall be given by publishing the time, place and nature of the hearing not less than four (4) or more than 20 days before the date of the hearing in a newspaper(s) of general circulation in the county. The notice shall contain reference to the place and time where the text, maps, ordinances, amendments, or changes may be examined and state the location of the district or property affected.

Not more than thirty (30) days following report from the Planning Commission, the Board of Supervisors may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required. The Board of Supervisors shall hold at least one public hearing before any proposed text amendment or rezoning request is considered. Notice of said hearing shall be published in a newspaper(s) of general circulation within the county at least four (4) days but no more than twenty (20) days prior to such hearing. The notice shall contain the time, date and place of the hearing, the existing zoning classification, the requested zoning classification and the name of the petitioner or petitioners. Additionally, a notification shall be sent by regular mail to the property owners within 500 feet of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice.

Within thirty (30) days following the closing of a public hearing, the Board of Supervisors shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the board finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the board finds that the change is not consistent, it shall deny the application. The board shall not modify a recommendation of the Planning Commission on a rezoning or change until it has requested and considered a report of the Planning Commission on the modification. Failure of the commission to report within 30 days after receipt of the Board of Supervisors request shall be concurrence.

**Section 25.2. INITIATION OF CHANGE.**

The Board of Supervisors may, from time to time, amend, supplement, change, or modify the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by:

1. Resolution of the Board of Supervisors
2. Motion of the Planning Commission
3. Affected persons, firms or corporations, the owner or authorized agent of the owner of property may submit a petition to the Planning Commission for a change in zoning district boundaries (rezoning request). If the property for which rezoning is proposed is in more than one ownership, all owners or authorized agents shall file the application.

Whenever any owner, firm or corporation or authorized agent of such desires that any amendment or change be made in this ordinance, including the text and/or map, as to any property in Emmet County, there shall be presented to the Planning Commission a petition requesting such change or amendment. Such petition shall be duly signed by the owners of at least fifty percent (50%) of the area of all real estate included within boundaries of said tract as described in the petition or that area lying immediately adjacent to said tract but within 500 feet of the boundaries thereof. Said petition shall contain a legal description of the area for which rezoning is requested, the existing zoning classification and the requested zoning classification.

**Section 25.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.**

Applications for rezoning requests shall be filed with the zoning administrator on a form provided by the county and shall include the following data and maps:

1. Each application shall contain the following information:
  - a. The name and address of the owner and applicant.
  - a. The legal description and local address of the property.
  - c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
  - d. The present zoning classification and the zoning classification requested for the property.
  - e. The existing use and proposed use of the property.
  - f. The names and addresses of the owners of all property within 500 feet of the property for which the change is requested.
    - a. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
    - b. A site plan, as prepared in accordance with Article XVII.

The zoning administrator may require additional information or maps if they are necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this ordinance.

2. Before any action shall be taken as provided in this section, the petitioner or petitioners seeking the change in districts or regulations shall pay a fee established by resolution of the Board of Supervisors for rezoning procedures.

**Section 25.4. PROTEST PROVISION.**

In case the proposed amendment, supplement, or change be disapproved by the Planning Commission, or a protest be presented duly signed by the owners of twenty percent (20%) or more of the area included in such proposed change, or of the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of four-fifths (4/5) of the members of the Board of Supervisors, even in the instance of absentee members or during conflicts of interest.

**Section 25.5. RECONSIDERATION/NEW APPLICATION.**

Whenever a petition requesting an amendment, supplement, or change has been denied by the Board of Supervisors, such petition or one substantially similar shall not be reconsidered sooner than one year after the previous denial, unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change. This provision, however, shall not prevent the Board of Supervisors from acting on its own initiative in any case or at any time provided in this section.



**ARTICLE XXVI  
Effective Date**

**Section 26.1. EFFECTIVE DATE.**

This ordinance shall be in full effect from and after its adoption and publication as required by law and as provided for in Sections 380.6 and 380.7 of the Code of Iowa.  
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

**ARTICLE XXVII  
Adoption**

ZONING ORDINANCE OF EMMET COUNTY, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE  
BOARD OF SUPERVISORS OF EMMET COUNTY

Passed and approved by resolution of the first ordinance reading on \_\_\_\_\_, 2012  
Passed and approved by resolution of the second ordinance reading on \_\_\_\_\_, 2012  
Passed and approved by resolution of the third and final ordinance reading on \_\_\_\_\_, 2012  
Adopted on \_\_\_\_\_, 2012  
Published on \_\_\_\_\_, 2012

\_\_\_\_\_  
Chair, Emmet County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Emmet County Auditor

