

# Zoning Ordinance



**Plymouth County, Iowa**

## ZONING ORDINANCE

### Plymouth County, Iowa

**WHEREAS**, Chapter 335 of the Code of Iowa empowers the Board of Supervisors of Plymouth County, in accordance with the conditions and procedure specified in said Chapter, to regulate and restrict the height, number of structures and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density of population, the location and uses of buildings, structures and land for trade, industry, residence, or other purposes, in any portion or portions of Plymouth County which lie outside the corporate limits of any city or town, and for any or all said purposes to divide the territory of Plymouth County into districts of such number, shape and area as it may determine, and within such district to regulate the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; to provide for amendments to regulations; to permit the appointment and prescribe the powers and duties of a board of adjustment and to provide methods for enforcement of such regulations and penalties for the violation thereof.

**THEREFORE, BE IT ORDAINED**, by the Board of Supervisors of Plymouth County, Iowa for the purpose of promoting the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of Plymouth County and the State of Iowa, that the following be adopted as the Zoning Ordinance of Plymouth County, Iowa, adopted herewith as an integral part of the ordinance and to be known as the Zoning District Maps of Plymouth County, Iowa. This ordinance amends and supersedes the Zoning Ordinance of Plymouth County, Iowa, adopted herewith as an integral part of the ordinance and to be known as the Zoning District Maps of Plymouth County, Iowa. This ordinance amends and supersedes the Zoning Ordinance of Plymouth County adopted in whole or in part by the following dates March 28, 2006, September, 2000, February 9, 1995 and August 1, 1988.

## Plymouth County Zoning Ordinance

### ARTICLE 1 – TITLE APPLICATION, PURPOSE, FARM EXEMPTION, INTERPRETATION, RIGHT OF PLANNING AND ZONING COMMISSION

**Section 1: TITLE.** This ordinance shall be known as the Zoning Ordinance for Plymouth County, Iowa.

**Section 2: APPLICATION.** This ordinance shall apply to the unincorporated territory of Plymouth County, Iowa.

**Section 3: PURPOSE.** The zoning ordinance and districts as 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 inhabitants of Plymouth County, Iowa.

This zoning ordinance will provide for, amongst other things:

- a) the lessening of congestion in the streets or roads;
- b) reducing the waste of excessive amounts of roads;
- c) securing safety from fire, flood, panic and other dangers;
- d) preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement;
- e) promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements, transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base;
- f) securing economy in governmental expenditures;
- g) preserving the availability of agricultural land;
- h) considering the protection of soil from wind and water erosion;
- i) encouraging efficient urban development patterns;
- j) promoting conservation of energy resources and reasonable access to solar energy;
- k) fostering the State's agricultural and other industries; and
- l) 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.

The zoning ordinance and map 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 use of land throughout the unincorporated territory of Plymouth County, Iowa.

**Section 4: FARMS EXEMPT.** In accordance with the provisions of Chapter 335, Code of Iowa, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes.

The Zoning Administrator shall be responsible for determination of whether a particular use of land is a farming operation and therefore eligible for exemption from the requirements of this ordinance. It shall be assumed that any use of land for which the operator attests to filing a Schedule F as a required part of a federal income tax return is a farm, and is, therefore, eligible for the farm exemption from the requirements of this ordinance. If an exempt farm is adjacent to the residence of the owner or operator of the farm, the residence shall be assumed to be a farm house and therefore also exempt from the requirements of this ordinance.

## Plymouth County Zoning Ordinance

**Section 5: INTERPRETATION.** In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, or general welfare. It is not intended by this ordinance to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premise or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, regulations, rules, ordinances, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

**Section 6: RIGHT OF PLANNING AND ZONING COMMISSION.** All regulations stated herein are guidelines to be followed, but the Planning and Zoning Commission shall have the right to recommend denial of requests and the Board of Supervisors shall have the right to deny, as deemed necessary, to protect the public interests and general welfare.

# Plymouth County Zoning Ordinance

## **ARTICLE 2 DEFINITIONS.**

**Section 1 Construction and General Terminology.** For the purpose of carrying out the intent of this Ordinance, words, phrases, and terms shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural those in the plural number include the singular; "or" includes "and", and "and" includes "or"; and the masculine gender shall include the feminine.

- 1.01 The word "Assessor" shall mean the County Assessor of the County of Plymouth.
- 1.02 The words "Board" or Board of Supervisors" shall mean the Board of Supervisors of Plymouth County.
- 1.03 The words "Board of Adjustment" shall mean the Board of Adjustment of Plymouth County.
- 1.04 The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
- 1.05 The word "Commission" shall mean the Planning and Zoning Commission of the County of Plymouth.
- 1.06 The word "County" shall mean the County of Plymouth.
- 1.07 The words "County Recorder" shall mean the Plymouth County Recorder.
- 1.08 The word "Federal" shall mean the Government of the United States of America.
- 1.09 The word "Shall" is mandatory; and the word "may" is permissive.
- 1.10 The word "State" shall mean the State of Iowa.
- 1.11 The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."
- 1.12 The words "Zoning Map" shall mean the Official Zoning Map of Plymouth County.
- 1.13 The word "Administrator" shall mean the Zoning Administrator of Plymouth County.
- 1.14 The word "Ordinance" shall mean the Zoning Regulation of Plymouth County.
- 1.15 The word "Comprehensive Plan" shall mean the Plymouth County Comprehensive Development Plan.

## **Section 2 Definition of Terms.**

**ABANDONMENT** shall mean 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.

**ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

**ACCESS OR ACCESS WAY** shall mean 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 Regulation.

**ACCESSORY BUILDING** (see Building, accessory)

**ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

**ACCESSORY USE** shall mean 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.

**ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

## Plymouth County Zoning Ordinance

**ACREAGE** shall mean any tract or parcel of land that does not qualify as a farm or development.

**ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

**ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which 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."

**ADULT ESTABLISHMENT** shall mean any business 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, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

**ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically 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."

**ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean 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."

**ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within 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.

**ADULT MOTION PICTURE ARCADE** shall mean 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."

**ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said 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.

**ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

**ADULT SAUNA** shall mean 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 reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

## Plymouth County Zoning Ordinance

**ADVERTISING STRUCTURE** shall mean 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.

**AGRICULTURE** shall mean the use of land for agricultural purposes, of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.

**AIRPORT** shall mean 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.

**ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this regulation related to frontage on a dedicated street.

**ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.

**ALTERATION, STRUCTURAL** (see Structural alteration)

**AMENDMENT** shall mean a change in the wording, context, or substance of this Regulation, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

**ANIMAL UNIT** shall mean that proportionate number between different livestock types based upon manure output. One (1) Animal Unit shall be equal to the manure output of one (1) 1,000 pound steer. The following shall be those proportions established for each livestock type:

- One (1) A.U.= One (1) Cow/Calf combination
- One (1) A.U.= One (1) Slaughter, Feeder Cattle;
- One (1) A.U.= One-half (1/2) Horse;
- One (1) A.U.= Seven Tenths (.7) Mature Dairy Cattle;
- One (1) A.U.= Two and One Half (2.5) Swine (55 pounds or more);
- One (1) A.U.= Twenty Five (25) Weaned Pigs (less than 55 pounds);
- One (1) A.U.= Two (2) Sows with Litters;
- One (1) A.U.= Ten (10) Sheep;
- One (1) A.U.= One Hundred (100) Chickens;
- One (1) A.U.= Fifty (50) Turkeys;
- One (1) A.U.= Fifty (50) Ducks.

**ANIMAL, DOMESTIC** shall mean an animal that is customarily kept as a household pet for personal use or enjoyment within the home. Domestic animals shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

**ANIMALS, FARM** shall mean livestock associated with agricultural operation, commonly kept or raised as a part of a agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

## Plymouth County Zoning Ordinance

**ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)

**APARTMENT** shall mean a room or a suite of rooms within an apartment house or 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. (Also, see Dwelling Unit.)

**APARTMENT HOUSE** (see Dwelling, multiple family)

**ARCHITECTURAL CANOPY SIGN** (see Sign, architectural canopy)

**ATTACHED PERMANENTLY** shall mean attached to real estate 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.

**AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

**BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub, Tavern.)

**BASE FLOOD** shall mean a flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

**BASEMENT** shall mean a building space partly underground, and having at least one-half (.) of its height, measuring from its floor to its ceiling, above the average adjoining finished ground grade line.

**BILLBOARD** shall mean the same as "Advertising Structure".

**BLOCK** shall mean 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.

**BOARD OF ADJUSTMENT** shall mean that board which has been created by the county pursuant to authority granted in Iowa Code which has the authority to hear and determine appeals, interpretations, variances and conditional uses with respect to the zoning regulations.

**BORROW PIT** shall mean 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. Borrow pits shall not constitute the cutting and removal of soils within the Loess Hills Overlay Sub-District.

**BORROW PITS, LOESS HILLS** shall mean any place or premises where soil or other materials are removed below grade provided said materials are used for site grading on said site or for use by the county.

**BUFFER** shall mean 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. (Also, see Screening.)

**BUILDING** means any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The building should be constructed



## Plymouth County Zoning Ordinance

from wood, concrete, steel or materials approved by the Uniform Building Code to withstand wind, snow and uplift. The building does not include any vehicle, trailer (with or without wheels) nor any movable device such as furniture, machinery or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without opening or by a fire wall, then each such portion shall be deemed to be a separate building.

**BUILDING, ACCESSORY** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

**BUILDING AREA** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

**BUILDING HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height.)

**BUILDING INSPECTOR** shall mean the Building Inspector of Plymouth County, Iowa.

**BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Principal Use.)

**BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this regulation between any property line and the closed point of the building line or face of any building or structure related thereto.

**CAR WASH** shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.

**CARPORT** shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

**CELLAR** shall mean a building space having more than one-half (.) of its height below the average adjoining grade lines.

**CEMETERY** shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, and mausoleums.

**CENTERLINE** shall have the same meaning as "Street Center Line".

**CENTRAL SANITARY SEWER** see septic central water; Chapter 69, Iowa Administrative Code.

**CHANNEL** shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.

**CHARITABLE** shall mean a public or semi-public institutional use of a philanthropic, , benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals

**CHURCH** shall mean 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.

## Plymouth County Zoning Ordinance

**CLINIC** shall mean a building designed and used for the examination, diagnosis and treatment of human patients and not including overnight care facilities.

**CLUB** shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

**COMMISSION** shall mean the Plymouth County Planning and Zoning Commission created to develop and make recommendations with respect to a comprehensive or general development plan and development regulations for Plymouth County.

**COMMON AREA OR PROPERTY** shall mean 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.

**COMPREHENSIVE PLAN** shall mean the Comprehensive Plan of Plymouth County, Iowa as adopted by the County Board of Supervisors, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements.

**CONDITIONAL USE** shall mean 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.

**CONDITIONAL USE PERMIT** shall mean a permit issued by the Board of Zoning Adjustment and the County Board of Supervisors that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 5 and any additional conditions placed upon, or required by said permit.

**CONDOMINIUM** shall be a multiple dwelling as defined herein 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.

**CONFINEMENT** shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.

**CONSERVATION AREAS** shall mean 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, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness, including the Loess Hills.

**CONSERVATION EASEMENT** shall mean 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 and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

**CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few

## Plymouth County Zoning Ordinance

items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. (Also, see Self-Service Station.)

**CONTIGUOUS** shall mean the same as "Abut".

**COUNTRY CLUB** shall mean 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 chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to: swimming, tennis, and golf course country clubs.

**COUNTY** shall mean Plymouth County, Iowa.

**COUNTY BOARD** shall mean the County Board of Supervisors of Plymouth County, Iowa.

**CUL-DE-SAC** shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

**DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.

**DBH** shall mean the diameter-at-breast-height and is tree trunk diameter measured in inches at a height of four and one-half (4 1/2) feet above the ground. If a tree splits into multiple trunks below four and one-half (4 1/2) feet, the trunk is measured at its most narrow point beneath the split.

**DENSITY** shall mean the number of dwelling units per gross acre of land.

**DENSITY BONUS** shall mean 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.

**DEVELOPER** shall mean 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.

**DEVELOPMENT** shall mean 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.

**DEVELOPMENT PLAN** (See Site Plan.)

**DEVELOPMENT IMPACT FEE** shall mean a fee imposed on developers to pay for the costs associated with necessary improvements to infrastructure and/or services.

**DOG KENNEL** (See Kennel, commercial; and Kennel, private.)

**DOMESTIC ANIMALS** (See Household Pet.)

**DOWNZONING** shall mean 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.

## Plymouth County Zoning Ordinance

**DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.

**DRIPLINE** shall be a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

**DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

**DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.

**DUPLEX** shall mean the same as "Dwelling, two-Family".

**DWELLING** shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30 Code of Iowa, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. All single-family dwellings all be a minimum of 23 feet in width with a minimum of 700 square feet and placed upon a permanent foundation.

**DWELLING, SINGLE FAMILY** shall mean a detached residence designed for or occupied by one family only. This definition also includes Manufactured and Modular Homes.

**DWELLING, TWO-FAMILY** shall mean a residence designed for or occupied by two (2) families only, with separate housekeeping, bathroom, and cooking facilities for each.

**DWELLING, MULTIPLE** shall mean a residence designed for or occupied by three (3) or more families, with separate housekeeping, bathroom, and cooking facilities for each.

**DWELLING UNIT** shall mean a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.

**EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses.

**EFFECTIVE DATE** shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment. (See Section 10.03.)

**ELEEMOSYNARY INSTITUTIONS** shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.

**ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

**ERECTED** shall mean constructed upon or moved onto a site.

**EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

## Plymouth County Zoning Ordinance

**FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

**FAMILY** shall mean one more persons occupying a dwelling unit as an individual housekeeping organization.

**FAMILY HOME** shall mean a community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237 to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed under Chapter 237.

**FARM** shall mean a qualifying tract of land including farm houses, farm barns, farm outbuildings and other buildings which are primarily adapted, by reason of nature and area, for use for agricultural purposes.

**FARMSTEAD** shall mean the land and buildings associated with a farm.

**FEED LOT (CONFINEMENT AREA)** shall mean any tract of land, portion of a tract of land or building on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, poultry or other livestock. A commercial feed lot is a feed lot, as defined, in which the livestock on feed are owned by someone other than the owner or lease operator of the feed lot.

**FEED LOT (OPEN LOT)** shall mean any tract, portion of a tract of land or structure on which the principal use is the concentrated feeding within an open air confined area of cattle, hogs, sheep, poultry or other livestock. Open lot feed lots shall include small shed-type areas or open front buildings, with dirt, or concrete (or other hard surfaced material) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment by windbreaks or small shed-type areas.

**FLOOD** shall mean the water of any watercourse or drainage way that is above the banks or outside the channel and banks of such watercourse or drainageway.

**FLOOD PLAIN** shall mean the area adjoining a watercourse which has been or may be covered by flood waters.

**FLOODWAY** shall mean 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 drainway.

**FLOOR AREA** whenever the term "floor area" is used in this Regulation as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

**FOREST** shall be a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forests include areas that have at least 100 trees per acre with at least 50 percent of those trees having a twelve (12) inch or greater diameter at four and one-half (4 1/2) feet above the ground, and forest areas that have been cut but not cleared. An orchard is not a forest.

**FOUNDATION, PERMANENT** shall mean a permanent foundation shall consist of an eight-inch thick concrete foundation wall or concrete blocks extending from not less than eight inches above finished grade to not less than 42 inches below finished grade, together with tie-down anchors imbedded in con-

## Plymouth County Zoning Ordinance

crete at the top of the foundation to permanently affix the structure to the foundation and resist wind and overturning forces. If a slab on grade is utilized in conjunction with the foundations, it shall be placed over six inches of crushed stone and ties to the foundation with reinforcing bars, extending 18 inches into both slab and the foundation. Tie-down anchors shall then be provided with the slab.

**FRONTAGE** shall mean that portion of a parcel of property that abuts a dedicated public street, private drive or highway.

**FUNERAL HOME** shall mean a 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.

**GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

**GARAGE, PUBLIC** shall mean any garage other than a private garage.

**GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)

**GARBAGE** shall mean any waste food material of an animal or vegetable nature, including those that may be used for the fattening of livestock.

**GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

**GROUND COVER** shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping.)

**GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

**HAZARDOUS WASTE** shall mean waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

**HEALTH CARE FACILITIES** shall mean 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 under a license from the Department of Health; 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) Convalescent or nursing home; (3) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) Public health clinics and facilities; and (5) Ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors, or dentists professional offices and private clinics.

**HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

## Plymouth County Zoning Ordinance

**HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

**HEIGHT OF BUILDING** shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.

**HILLSIDE** shall mean land having an average of 14% or greater grade for 200 feet or more.

**HOME OCCUPATION** shall mean a business, profession, occupation or trade conducted as an accessory use entirely within a residential building which does not change the residential character of the property or the neighborhood.

**HOMEOWNERS ASSOCIATION** shall mean 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.

**HOSPITAL** shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.

**HOSPITAL, ANIMAL** shall mean 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.

**HOTEL** 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, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

**HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

**HOUSING FOR THE ELDERLY** shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of fifty-five (55) years of age or more. This does not include developments containing convalescent or nursing facilities. (Also, see Congregate Housing.)

**IMPACT FEE** (See Development Impact Fee.)

**INCIDENTAL USE** shall mean a use that is subordinate to the main use of a premise.

**INDIVIDUAL SEPTIC SYSTEM** shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.

## Plymouth County Zoning Ordinance

**INDUSTRY** shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**INSTITUTION** shall mean a building occupied by a non-profit corporation or a non-profit corporation or a non-profit establishment for public use.

**INTENSITY** shall mean 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.

**INTENT AND PURPOSE** shall mean that the Commission and Board by the adoption of this Regulation, have made a finding that the health, safety, and welfare of the County will be served by the creation of the District and by the regulations prescribed therein.

**JUNK** shall mean old or scrap copper, brass, wood, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled, wrecked or junk vehicles or machinery, iron, steel, or other old or scrap ferrous or nonferrous material. Any item that no longer functions or is not usable for the original purpose it was made or its intended use.

**JUNK VEHICLES** shall mean a motorized vehicle including automobiles, motorcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which does not have a current Iowa Department of Transportation registration or its equivalent and has either had parts removed for reuse, salvage or sale or the vehicle has been incapable of operating under its own power for more than 30 days.

**JUNK YARD** shall mean any site which is used for storing, keeping, sorting, buying or selling junk whether or not for profit. The visible presence of two (2) or more junk vehicles on a parcel of land shall constitute prima facie evidence of a junk yard and shall be regulated as a junk yard.

**KENNEL, COMMERCIAL** shall mean an establishment where four (4) or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four (4) months of age are groomed, bred, boarded, trained, or sold as a business.

**KENNEL, PRIVATE** shall mean any premises used for the keeping of four (4) or less dogs, cats, or a combination thereof, or other non-farm/non-domestic animals by the owner/occupant or occupant of the premises for the purpose of show, hunting, or as pets.

**LAGOON** shall mean 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. This includes both human and livestock wastes. 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.

**LANDFILL, SANITARY** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

**LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Regulation and the continued maintenance thereof.

**LIVESTOCK** (See Animals, Farm.)



## Plymouth County Zoning Ordinance

**LIVESTOCK WASTES** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

**LOADING SPACE** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

**LOESS** shall mean a soil that is a fine-grained material, dominantly of silt-sized particles, that has been deposited by wind. The primary mineral is quartz.

**LOESS HILLS** shall mean a natural landform that is rich in loess and were formed during the last two glacial periods. The loess was generally deposited by winds. The formation typically is defined as running from near Westfield, Iowa south to Squaw Creek Wildlife Refuge in northwest Missouri.

**LOT** shall mean a parcel or tract of land which is or may be occupied by an use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one (1) public street or right-of-way, two (2) thoroughfare easements, or one (1) private road.

**LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.

**LOT, CORNER** shall mean a lot located at the intersection of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

**LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

**LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of three hundred (300) feet or less.

**LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

**LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

**LOT, FRONTAGE** shall mean 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.

**LOT, INTERIOR** shall mean a lot other than a corner lot.

## Plymouth County Zoning Ordinance

**LOT LINE** shall mean the property line bounding a lot.

**LOT LINE, FRONT** shall mean the property line abutting a street.

**LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

**LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.

**LOT, NONCONFORMING** shall mean 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 Regulation.

**LOT THROUGH** shall mean a lot having frontage on two (2) dedicated streets, not including a corner lot.

**LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Recorder of Plymouth County at the time of the passage of a regulation or regulation 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.

**LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**MANUFACTURED HOME** shall mean a factory built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403. Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. For purpose of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.

**MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. 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.

**MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Plymouth County Board of Supervisors' zoning regulations for Plymouth County, Iowa.

**MASSAGE** shall mean 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.

## Plymouth County Zoning Ordinance

**MESSAGE ESTABLISHMENT** shall mean 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 in 1) 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 Chapter 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in 1) above; 5) an athletic coach or Trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

**MESSAGE PARLOR** (See Adult Uses.)

**MEDICAL OR DENTAL CLINIC** shall mean any building or portion thereof, other than a hospital, used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry, or optometry.

**MINING, COMMERCIAL** shall mean the extraction of sand, gravel, mineral, stone, rock and soils for resale on the commercial market, commercial mining shall also include the removal of said materials from the extraction site. This shall not include the cut and fill process to level of terrace an agricultural property.

**MINI-STORAGE OR MINI-WAREHOUSE** (See Self Service Storage Facility.)

**MOBILE HOME** shall mean any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. In addition, mobile homes shall be defined as follows:

- A mobile home is factory-built housing built on a chassis.
- A mobile shall not be construed to be a travel trailer or other form of recreational vehicle
- A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch. Or appurtenances of mobility are removed and regardless of the nature of the foundation provided

Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved mobile home park.

**MOBILE HOME PARK** shall mean any lot or portion of a lot upon which one (1) or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

**MODEL** shall mean 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, describing or relating to specified sexual activities or specified anatomical areas.

## Plymouth County Zoning Ordinance

**MODEL STUDIO** shall mean 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 for observation by or communication to persons paying such consideration or gratuity.

**MODULAR HOME** means a movable or portable dwelling, minimum of 23' in width and a minimum of 700 square feet designed and constructed without a carriage or hitch, as a stationary house constructed for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable, but designed to be jointed into one integral unit.

**MOTEL** (See Hotel.)

**MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

**NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar.)

**NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.

**NONCONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

**NONCONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

**NUDE ENCOUNTER PARLOR** shall mean an establishment having a fixed place of business 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.

**NUDE PHOTOGRAPHIC PARLOR** shall mean 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.

**NUISANCE** shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

**NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of 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 transplanted into the soil of 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.

## Plymouth County Zoning Ordinance

**NURSING HOME** shall mean a facility used or occupied by persons recovering from illness or suffering from infirmities of old age required skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.

**OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

**OFFICE PARK** shall mean 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.

**OFFICIAL MAP** (See Map, Official Zoning District.)

**OFF-STREET PARKING AREA or VEHICULAR USE** shall refer to 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.

**OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

**OPEN SPACE** shall mean 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.

**OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

**OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".

**OUTSTANDING OR MONARCH TREE** shall mean a tree that has been determined by the County Conservation Director and/or County Extension Agents to be of high value because of its species, size, age, form, historical significance, or some professional criteria.

**OVERLAY DISTRICT** shall mean a district in which additional requirements may act in conjunction with the underlying zoning district. The original zoning district designation does not change.

**OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

**PARCEL** shall mean 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.

**PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

## Plymouth County Zoning Ordinance

**PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

**PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than eight and one-half (8-) feet by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress and egress.

**PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.

**PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development. (Also, see Maintenance Guarantee.)

**PERMANENT TREE PROTECTION DEVICES** shall be structural measures, such as retaining walls or aeration devices, that are designed to protect the tree and its root systems throughout its lifetime.

**PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

**PERMITTED USE** shall mean any land use allowed without condition within a zoning district.

**PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Plymouth County, Iowa.

**PLANNED DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

**PLANNING AND ZONING COMMISSION** shall mean the Planning and Zoning Commission of Plymouth County, Iowa.

**PLAT** shall mean a map showing the location, boundaries, and legal description of individual properties as prepared by a licensed surveyor.

**POLICY** shall mean a statement or document of the county, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

**POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.

**PREMISES** shall mean 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.

**PRIVATE WELL** shall mean a well that provides water supply to less than fifteen (15) service connections and regularly serves less than twenty-five (25) individuals, as per Chapter 49, Iowa Administrative Code.

**PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

## Plymouth County Zoning Ordinance

**PROJECTED 10-YEAR TREE COVER** shall mean the area projected to be directly beneath the crown and within the drip line of a given tree species after a 10-year growing period.

**PROMOTIONAL DEVICE** shall mean any 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.

**PROTECTED ZONE** shall mean 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 Regulation.

**PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

**PUBLIC WATER AND SEWER SYSTEMS** shall mean a water or sewer system owned and operated by a private individual or a corporation or government approved by the governing body and properly chartered and certified by the appropriate state agency, and subject to special ordinances as herein set forth.

**RAILROAD** shall mean 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.

**RECREATIONAL FACILITY** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheatres, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

**RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarter for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

**RECREATIONAL VEHICLE (RV) PARK** shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

**RECYCLING CENTER** shall mean 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.

**RECYCLING COLLECTION POINT** shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans, and plastics, and where no processing of such items takes place.

## Plymouth County Zoning Ordinance

**RECYCLING PLANT** shall mean 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.

**RESEARCH LABORATORY OR CENTER** shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one (1) or more families.

**RESTAURANT** shall mean 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 50 percent

**RESTAURANT, DRIVE-IN** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

**RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry-out, or drive-in; and where foods are/or beverages are usually served in paper, plastic, or other disposable containers.

**RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

**REVEGETATION** shall mean the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the Zoning Regulation.

**REVERSE SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

**REZONING** shall mean an amendment to or change in the zoning regulations either to the text or map or both.

**REZONING, PIECEMEAL** shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

**RIDGELINE** shall mean the long, narrow crest or horizontal line of hills usually at the highest elevation.

**RIGHT-OF-WAY** shall mean an area or strip of land, either 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.

**ROAD** shall mean the same as "Street".

**ROAD, PRIVATE** shall mean 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.)



## Plymouth County Zoning Ordinance

**ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for street or road traffic. (Also, see right-of-way and Street.)

**ROADSIDE STAND** shall mean a temporary structure or vehicle used solely for the sale of farm products produced on the premises or adjoining premises.

**ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

**SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

**SCENIC EASEMENT** shall mean an easement for the purpose of limiting land development in order to preserve a view or scenic area.

**SCHOOL, DAY** shall mean a preschool or nursery school for children.

**SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age,

**SCHOOL, ELEMENTARY, JUNIOR HIGH, or HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the Code of Iowa, Title VII.

**SCHOOL, PRIVATE** shall mean an institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Code of Iowa, Title VII.

**SCHOOL, TRADE** shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.

**SCREENING** shall mean 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. (Also, see Buffer.)

**SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

**SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

**SEPTIC, ON-SITE WASTEWATER**, see Chapter 49, Iowa Administrative Code

**SERVICE STATIONS** shall mean 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.

## Plymouth County Zoning Ordinance

**SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.

**SETBACK LINE, HIGHWAY** shall mean the same as "Highway Setback Line".

**SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.

**SHOPPING CENTER** shall mean a grouping of retail business and service uses on a single site with common parking facilities.

**SIDEWALK CAFE** shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

**SIGHT TRIANGLE** shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted, or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within these regulations.

**SIGN** shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:

- A. A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed 10 square feet.
- B. Sign less than 25 square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
- C. 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, Plymouth County, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

**SIGN, ADVERTISING** shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

**SIGN, ARCHITECTURAL CANOPY** shall mean an enclosed, illuminated (back-lit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

**SIGN AREA** shall mean 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 on the basis of 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.

## Plymouth County Zoning Ordinance

**SIGN, AWNING, CANOPY OR MARQUEE** shall mean a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Regulations.

**SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**SIGN, BUILDING** shall mean any sign supported by, painted on or otherwise attached to any building or structure.

**SIGN, DESTINATION** shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

**SIGN, ELECTRONIC MESSAGE BOARD** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

**SIGN, FLASHING** shall mean 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 or off.

**SIGN, FREESTANDING** shall mean any 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.

**SIGN, GROUND (LOW PROFILE)** shall mean a sign mounted directly to the ground with a maximum height not to exceed six (6) feet.

**SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.

**SIGN, OBSOLETE** shall mean 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 (6) months after the termination of the existence of such business or the termination of sale of the product advertised.

**SIGN, ON-PREMISE** shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located.

**SIGN, OPEN** shall mean 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.

**SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

**SIGN, PROJECTING** shall mean a projecting sign attached to a building.

**SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.

**SIGN, SUBDIVISION** shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.

## Plymouth County Zoning Ordinance

**SIGN, SURFACE** shall mean the entire area of a sign.

**SIGN, TEMPORARY** shall mean 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 shall include portable signs as defined in this section.

**SIGN, WALL** shall mean 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 eighteen (18) inches from the face of the building wall.

**SIGN, WINDOW** shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

**SIMILAR USE** shall mean 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.

**SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

**SITE, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

**SLOPE, STEEP** shall mean any slanting surface in the landscape that has a grade of 14% to 30%.

**SLOPE, VERY STEEP** shall mean any slanting surface in the landscape that has a grade of 30% or more.

**SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

**SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

**SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:

- A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- B. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- D. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or

## Plymouth County Zoning Ordinance

- E. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
- F. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal, or anal irrigation.

**SPOT ZONING** shall mean 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. Spot zoning usually results from an upzoning to a more intensive use classification.

**STORAGE** shall mean 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 thirty (30) days.

**STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

**STREAM BUFFER** shall mean all lands lying within 50 feet, measured from the top of each normal bank of any perennial or intermittent stream, creek, or river.

**STREET** shall mean a public 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 including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Regulation.

**STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

**STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.

**STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two (2) outlets connected to the same street.

**STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place."

**STREET, SIDE** shall mean that 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.

**STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.

**STREET LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.

**STRUCTURE** shall mean anything constructed or built, 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, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

## Plymouth County Zoning Ordinance

**STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".

**STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

**SUBDIVISION** shall mean the division of land, lot, tract, or parcel into three or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

**SURFACE WATER -- PRIMARY CONTACT RECREATION** shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g. eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.

**SURFACE WATERS** shall mean all waters within the jurisdiction of this state, 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.

**TAVERN** (See Bar.)

**TEMPORARY TREE PROTECTION DEVICES** shall mean structural measures, such as fencing or berms, installed prior to construction for the purpose of preventing damage to trees during construction.

**TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

**TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)

**TRADING AREA** shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.

**TRAILER, AUTOMOBILE** shall mean 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, including a trailer coach.

**TRANSIENT** shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than one hundred eighty (180) continuous days in any one (1) year.

**TRANSITIONAL USE** shall mean 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.

**TRANSPORTABLE HOUSE** shall mean 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.

## Plymouth County Zoning Ordinance

**TREE** shall mean:

- A. Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.
- B. Any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of four (4) inches or more.

**TREE COVER** shall mean an area directly beneath the crown and within the dripline of the tree.

**TRUCK REPAIR** shall mean 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, of trucks having a hauling capacity of over one (1) ton and buses but excluding pickups and other vehicles designed for the transport of under eight (8) passengers.

**TRUCK TERMINAL** shall mean 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.

**UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

**URBAN AREA** shall mean a municipality not exercising its zoning powers within the county.

**URBAN LOT** shall mean any lot which lies, in whole or in part, within the boundaries of an urban area, as defined above.

**USE, BEST** shall mean 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.

**USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

**USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal.)

**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".

**UTILITY EASEMENT** shall mean the same as "Easement".

**UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

**UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE"**, or other applicable designa-

## Plymouth County Zoning Ordinance

tion shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

**VARIANCE** shall mean a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

**VEGETATION** shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.

**VEHICLE** shall mean 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.

**VEHICLE, MOTOR** (See Motor Vehicle.)

**VINE** shall mean a woody plant whose stem climbs by tendrils or twining or creeps along the ground.

**VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two (2) 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. This does not include trees kept trimmed of branches below a minimum height of eight (8) feet.

**WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.

**WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**WASTEWATER LAGOON** (See Lagoon.)

**WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

**WECS** see “Wind Energy Conversion System”.

**WETLAND** shall mean 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.

**WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**WHOLESALE TRADE** shall mean 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 included are: 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; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm prod-



## Plymouth County Zoning Ordinance

ucts. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. 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.

**WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean any device such as a wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy. The term shall also apply to a former wind energy conversion system that has not been in use for up to a one year period, unless otherwise specified by the Board of Adjustment.

**Private WECS** shall mean a WECS that is intended and used primarily to provide useable energy to a permitted principal or conditional use on the property that it is located upon. Private WECS may incidentally provide electrical power in excess of the demand on the property to a electric utility.

**Commercial WECS** shall mean a WECS that is primarily intended to provide useable energy to be transmitted and distributed by a electric utility for sale to its customers. Commercial WECS include very high capacity wind turbine generators (e.g. 1.0 megawatt or more) and the towers on which they are mounted.

**YARD** shall mean 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 Regulation.

**YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

**YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

**YARD, SIDE** shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

**ZONING ADMINISTRATIVE OFFICER** shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.

**ZONING DISTRICT** shall mean the same as "District".

**ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one (1) or more parcels of land from one (1) zoning district and placing them in another zoning district on the zone map of the County.

## Plymouth County Zoning Ordinance

### ARTICLE 3 –GENERAL REGULATIONS

**Section 3.01 Comprehensive Development Plan Relationship:** These zoning regulations are designed to implement various elements of the comprehensive development plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive development plan adopted by the governing body.

**Section 3.02 Jurisdiction.** The provisions of this Ordinance shall apply to unincorporated areas of Plymouth County.

**Section 3.03 General.** The zoning regulations set forth by this Ordinance within each district shall be minimum regulations applicable uniformly to each class or kind of building, structure, or land, except as may hereinafter be provided.

**Section 3.04 Interpretation.** In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, moral, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between the parties, except that if these regulations impose a greater restriction, these regulations shall control.

**Section 3.05 Scope of Regulations.** No building, structure, or land in the unincorporated areas shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Ordinance herein specified for the district in which it is located and except after receiving a zoning permit from the Plymouth County Zoning Administrator and:

- A. Every building hereafter erected shall be located on a lot of record.
- B. Only one principal building will be permitted on one lot of record, except in a Planned Development.
- C. In a Planned Development, before a zoning permit can be granted, an application for a Zoning Compliance Certificate shall be submitted for approval.

**Section 3.06 Zoning Standards.** No building, structure, or part thereof shall hereafter be erected or altered, unless a variance is granted:

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

**Section 3.07 Planning and Zoning Commission Recommendations.** Pursuant to Iowa Code Chapter 335.8, it shall be the purpose of the Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the County Board of Supervisors shall not hold its public hearings or take action until it has received the final report of the Commission.

**Section 3.08 District Regulations, Restrictions, Boundary Creation.** No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in-

## **Plymouth County Zoning Ordinance**

terest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings, as well as, the location of the affected district(s) by naming township(s) and section(s) and, if possible, by describing the roads and streets that form the boundaries of the affected area. Notice shall be given by publication thereof in a paper of general circulation in the County at least one (1) time not less than four (4) or more than twenty (20) days prior to such hearing.

### **Section 3.09 Fines and Penalties.**

1. In case any buildings is erected, constructed, reconstructed, altered, repaired, or converted or any building or land used in violation of this ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.
2. 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 misdemeanor and shall be liable to a fine of not more than \$750.00, or be imprisoned not more than thirty (30) days, or both, and each and every day such violation shall continue shall be deemed a separate offense. 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 offense and upon conviction thereof, shall be fined as herein provided.

### **Section 3.10 Fees**

All fees for any zoning and subdivision action shall be adopted by the County Board by separate Ordinance.

**Section 3.11 Nonconforming, General Intent.** It is the intent of this regulation to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this regulation to be incompatible with permitted uses in the districts involved. It is further the intent of this regulation that non-conformities 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 except as may be authorized in this title.

**Section 3.12 Nonconforming Lots of Record.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this regulation, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this regulation.

This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that 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 has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous regulation would have prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

### **Section 3.13 Nonconforming Structures.**

- A. *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.
- B. *Enlargement, Repair, Alterations:* Any such structure described in Section 3.13A may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the de-

## Plymouth County Zoning Ordinance

gree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by conditional use permit, unless otherwise approved or as specified in the Residential District.

- C. *Damage or Destruction:* In the event that any structure described in Section 3.13A is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) 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 in Section 3.12, shall not have a side yard of less than five (5) feet. When a structure is damaged to the extent of fifty percent (50%) 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 partial destruction and is diligently pursued to completion.
- D. *Moving:* No structure shall be moved in whole or in part for any distance whatever, 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.

### **Section 3.14 Nonconforming Uses.**

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

- 1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment or this Regulation;
- 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Regulation.
- 3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this regulation for the district in which such land is located.

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

- 1. No existing structure devoted to a use not permitted by this regulation 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;
- 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this regulation but no such use shall be extended to occupy any land outside such building;
- 3. If no structural alterations are made, any nonconforming use of a structure or 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 of Adjustment may require appropriate conditions and safeguard in accord with the provisions of this regulation;
- 4. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
- 5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of

## Plymouth County Zoning Ordinance

the district in which it is located;

6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming statutes of the land.

### **Section 3.15 Lot**

- A. Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one (1) principal building on a lot unless otherwise provided.
- B. More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning and Zoning Commission and approved by the County Board of Supervisors.
  - Institutional buildings
  - Public or semi-public buildings
  - Multiple-family dwellings
  - Commercial or industrial buildings
  - Convalescent Care, Nursing Homes, and Assisted Living facilities
  - Agricultural buildings, not including more than one (1) farm residence.

**Section 3.16 Reductions in Lot Area Prohibited.** No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Regulation are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

### **Section 3.17 Yard Requirements.**

- A. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements 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.
- B. All accessory buildings that are attached to principal buildings (i.e., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- C. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than twenty-five (25) feet and shall contain landscaping and planting suitable to provide effective screening.
- D. Any yard for a commercial or industrial use which is adjacent to any residential use or district shall be increased to forty (40) feet and shall contain landscaping and planting suitable to provide effective screening.

**Section 3.18 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 to the County or their designated agent that such changes will not be a detriment to the neighboring lands.

**Section 3.19 Permitted Obstructions in Required Yards.** The following shall not be considered to be obstructions when located in the required yards:

- A. ***All Yards:***
  - Steps and accessibility ramps used for wheelchair and other assisting devices which are four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley;
  - Chimneys projecting twenty-four (24) inches or less into the yard;
  - Recreational and laundry-drying equipment;
  - Approved freestanding signs;
  - Arbors and trellises;
  - Flag poles;
  - Window unit air conditioners projecting not more than eighteen (18) inches into the required

## Plymouth County Zoning Ordinance

- yard; and
  - Fences or walls subject to applicable height restrictions are permitted in all yards.
- B. *Front Yards:***
- Bay windows projecting three (3) feet or less into the yard are permitted.
  - Open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch provided they do not extend or project into the yard more than six (6) feet and has no more than forty-eight (48) square feet of area;
  - Awnings and canopies provided they do not extend or project into the yard more than six (6) feet and has no more than forty-eight (48) square feet of area.
- C. *Rear and Side Yards:***
- Open off-street parking spaces,
  - Balconies or outside elements of central air conditioning systems.
  - Open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch;
- D. *Double Frontage Lots:***
- The required front yard shall be provided on each street.
- E. *Building Groupings:***
- For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

### **Section 3.20 Accessory Building and Uses.**

- A. No accessory building shall be constructed upon a lot until the construction of the principal building has commenced. In no event shall such building be used as a dwelling 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.
- B. No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- C. 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.
- D. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet.
- E. Garages and outbuildings in Residential Districts and Subdivisions used for storage and other structures customary and appurtenant to the permitted shall not have sidewalls exceed fourteen (14') feet in height.
- F. Regulation of accessory uses shall be as follows:
  - 1. Except as herein provided, no accessory building shall project beyond a required yard line along any street.
  - 2. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from street lines.

### **Section 3.21 Permitted Modifications of Height Regulations.**

- A. The height limitations of this Regulation shall not apply to:

|                             |  |
|-----------------------------|--|
| Belfries                    | Public Monuments   |
| Chimneys                    | Ornamental Towers and Spires                             |
| Church Spires               | Radio and Television Towers less than 125 feet in height |
| Conveyors                   | Air-Pollution Prevention Devices                         |
| Cooling Towers              | Grain Elevators and Silos                                |
| Elevator Bulkheads          | Smoke Stacks   |
| Fire Towers                 | Stage Towers or Scenery Lots                             |
| Water Towers and Standpipes | Tanks  |
| Flag Poles                  |  |
- B. When permitted in district, public or semi-public service buildings, hospitals, institutions, or

## **Plymouth County Zoning Ordinance**

schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

**Section 3.22 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.

### **Section 3.23 Repairs and Maintenance**

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this regulation shall not be increased.
- B. Nothing in this regulation 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 3.24 Amenities, Fire**

Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard, may be permitted by the Zoning Administrator for a distance of not more than three and one-half (3 1/2) feet and where the same are so placed as not to obstruct lights and ventilation.

### **Section 3.25 Side Yards**

No side yards are required where dwelling units are erected above commercial and industrial structures.

### **Section 3.26 Corner Lots**

On a corner lot in any district, nothing shall be erected, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 1/2) and eight (8) feet above the grades of the centerline of the intersecting street or road, from the point of intersection one hundred twenty (120) feet in each direction measured along the centerline of the streets or roads.

### **Section 3.27 Recreation 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 driveways, and no such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.

### **Section 3.28 Building Setback**

The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.

### **Section 3.29 Temporary Structures**

Temporary structures incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the entire building is completed.

### **Section 3.30 Caretaker's Quarters**

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

### **Section 3.31 Front yards.**

The front yards heretofore established shall be adjusted in the following cases:

- A. Where thirty percent (30%) or more of the frontage on one side of the street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:

## **Plymouth County Zoning Ordinance**

1. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners or the adjacent buildings on the two (2) sides, or
2. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

### **Section 3.32 Screening**

- A. Junkyards (salvage or wrecking yards) shall be screened with an eight (8) feet high opaque, solid fence or earth berm so as to provide visual and aural separation between such use and adjacent areas.
- B. All extractive industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six (6) feet in height to provide visual and aural separation between such use and adjacent areas.

### **Section 3.33 Fences, Walls, Hedges and Trees.**

- A. Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that within any required front yard, no fence, wall or hedge shall be over two and one-half (2 1/2) feet in height nor closer than twenty-five (25) feet to a public right-of-way. The only exception to the foregoing shall be that fences of a woven wire type, or at least eighty (80) percent open may be erected to forty-eight (48) inches in height closer than twenty-five (25) feet to any property line parallel or perpendicular to a public right-of-way, and they shall not exceed six (6) feet in height in residential districts.
- B. Trees may be permitted in any required yard or along the edge of any yard, provided that such trees are located forty (40) feet, or more, from the public right-of-way of a County road or State Highway.

### **Section 3.34 Cooperatives, condominiums**

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

### **Section 3.35 Septic Systems**

Whenever land changes ownership, the land must have a closed septic system in order to protect the safety, health, and environment for all.

### **Section 3.36 Hard surface road requirement.**

Subdivisions of four or more lots/parcels/tracts shall be permitted only when each lot has direct vehicular access to a hard surfaced road or highway.

### **Section 3.37 Required Separation Distances.**

#### **A. Separation distances from Confined Feeding Operations.**

Any new single-family dwelling unit must be located not less than the following distances from established confined feeding operations. The separation distance is intended to provide the CAFO the opportunity to expand in the future.

| <b>CAFO (Animal Units)</b> | <b>Required Separation Distance (feet)</b> |
|----------------------------|--|
| Up to 500                  | 1,250                                      |
| 501 to 999                 | 1,875                                      |
| 1,000 to 2,999             | 2,640                                      |
| 3,000 or more              | 3,960                                      |

#### **B. Separation distances from Commercial Wind Energy Conversion Systems.**

Any new single-family dwelling unit must be separated from any established commercial wind energy conversion system turbine not less than the greater of 1200 feet or two times the total height of the WECS turbine, whichever distance is larger.



# Plymouth County Zoning Ordinance

## ARTICLE 4– DISTRICTS, DISTRICT MAP

|  |  |
|--|--|
| 4.01 Districts; Uses                     |  |
| 4.02 Districts; Boundaries               |  |
| 4.03 District Boundaries; Interpretation |  |
| 4.04 District (A-1);                     | Primary Agricultural District            |
| 4.05 District (TA-1);                    | Transitional Agricultural District       |
| 4.06 District (R-1);                     | Rural Residential District               |
| 4.07 District (R-2);                     | Residential District                     |
| 4.08 District (R-3);                     | Residential Mobile Home Overlay District |
| 4.08 District (C-1);                     | Commercial District                      |
| 4.09 District (I-1);                     | Industrial District                      |
| 4.10 District (CON-1);                   | Conservation Overlay District            |
| 4.11 District (PUD-1)                    | Planned Unit Development                 |

**Section 4.01 Districts; Use.** For the purpose of this Chapter, the County is hereby divided into nine (9) districts, designated as follows:

|         |  |
|---------|--|
| (A-1)   | Primary Agricultural                     |
| (TA-1)  | Transitional Agricultural                |
| (R-1)   | Rural Residential                        |
| (R-2)   | Residential                              |
| (R-3)   | Residential Mobile Home Overlay District |
| (C-1)   | Commercial                               |
| (I-1)   | Industrial                               |
| (CON-1) | Conservation Overlay                     |
| (PUD-1) | Planned Unit Development                 |

### **Section 4.02 Districts; Boundaries.**

- A. Such land and the district classification thereof shall be as shown on the map as the “Zoning District Map of Plymouth 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 and shall be filed as part of this ordinance by the County Auditor of Plymouth County. Said map shall be available for public inspection in the office of the Zoning Administrator of Plymouth County, Iowa.
- B. Any additions to the unincorporated area of the County resulting from disconnection by municipalities or otherwise shall be automatically classified by amendment.

Whenever any road, street or other public way is vacated by official action of the Board of Supervisors of Plymouth County, the zoning district adjoining each side of such road, street or public 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 4.03 Rules for Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the “Zoning District Map of Plymouth County, Iowa.”, the following rules shall apply:

- A. Boundaries that are indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries that are indicated as following railroad lines shall be construed to be midway between the main tracks;
- D. Boundaries that are indicated as following shore lines shall be construed to follow such shorelines. In the event of change in the shoreline, the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, riv-



## **Plymouth County Zoning Ordinance**

- ers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- E. Boundaries that are indicated as parallel to or extensions of features indicated in subsections (A) - (E) above shall be so construed. Distances, not specifically indicated on the "Zoning District Map of Plymouth County, Iowa.", shall be determined by the scale on the map;
  - F. Where physical or cultural features existing on the ground are at variance with those shown on the "Zoning District Map of Plymouth County, Iowa.", or in other circumstances not covered by subsections (A) - (F) above, the Board of Adjustment shall interpret the district boundaries;
  - G. Where a district boundary line divides a lot that was in single ownership, at passage of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion, of the lot, not to exceed fifty (50) feet beyond the district line.



## Plymouth County Zoning Ordinance

### **Section 4.04 A-1: Primary Agricultural District**

- A. Intent:** It is the intent of the A-1 zoning district to conserve and otherwise preserve the prevailing rural agricultural farming characteristics, values, and resources of Plymouth County by encouraging and promoting in every practicable manner, the interest of agriculture, the facilitation of farm production, and soil and water conservation.
- B. Permitted Principal Uses.**
1. Agriculture, including pasture, crop production, livestock and animal production, horticultural specialties and forestry.
  2. Farm buildings and structures used for farm equipment, machinery, grain, animals and poultry, including farm irrigation facilities
  3. Single family dwellings, associated with a farming/agricultural operation.
  4. Single-family acreage dwellings not in a subdivision and not associated with a farming/agricultural operation if not located within either the conservation or the Loess Hills Overlay Districts, subject to the following standards:
    - a. Single-family dwelling units are limited to one new dwelling unit per quarter section. If a parcel splits two adjacent quarter sections then the owner shall designate to which quarter section the dwelling unit will be associated. Where a land owner has 320 or more contiguous acres, the new dwelling units may be clustered in one portion of the property; provided the remaining ground will remain agricultural in the future.
    - b. New residential dwelling units not associated with a farming/agricultural operation shall meet the agricultural separation standards in Section 3.37, Subsection A.
  5. Roadside stands offering for sale farm products produced on the farm
  6. Agricultural farm services: soil preparation, veterinary, animal services
  7. Railroads and public thoroughfares
  8. Public overhead and underground utilities distribution systems.
  9. Public parks, forest preserves, and conservation areas
  10. Public facilities, fire protection, police protection, fairgrounds, libraries
  11. Historical sites or monuments
  12. Forestry
  13. A single private wind energy conversion tower/turbine to provide electrical service to a permitted principal or conditional use subject to the standards set forth in Section 6.10, Subsection C.
- C. Permitted Conditional Uses:**
- A Conditional Use Permit issued pursuant to the procedures set forth in Article 5 shall be required for the following conditional or special uses:
1. Single family dwellings not associated with a “farming” operation within the Conservation and Loess Hills Overlay District, subject to the standards set forth in subsection B.2.above.
  2. Commercial kennels or facilities for raising, breeding, training, or boarding of dogs or other small domestic animals, provided all facilities are located at least 300 feet from any property line and 1,500 feet from any nearby residential use
  3. Other publicly owned installations, military installations, airports, community centers
  4. Privately owned air landing strip or airport
  5. Sanitary sewage treatment, water pumping and treatment facilities
  6. Communications and television towers, transmitters, or receivers, subject to the procedures and standards set forth in Section 6.08.
  7. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports



## Plymouth County Zoning Ordinance

8. Cemeteries, including mausoleums, mortuaries, crematories, provided the mausoleums and crematories shall be located at least 200 feet from any street, road, or highway and at least 1,000 feet from any residential use.
9. Auto wrecking, salvage, or junk yard provided the facilities are at least enclosed and located at least 150 feet back from county roads and 500 feet back from state or federal designated highways. Said operation shall be located no closer than 2,500 feet from any residential use.
10. Commercial recreational and camping areas including fishing, hunting, gun clubs, rifle range, trap shoot, and similar uses.
11. Business and ground or low profile signs, as per sections 6.03 to 6.06.
12. Commercial wind energy conversion systems (WECS) outside the Loess Hills Subdistrict of the Conservation Overlay District, subject to the procedures and standards set forth in Section 6.10, Subsection A. No commercial WECS shall be allowed in the Loess Hills Subdistrict of the Conservation Overlay District.
13. Agricultural enterprises that provide agricultural services and products to farmers; such as:
  - a. Commercial grain, feed storage and elevators
  - b. Commercial fertilizer tank storage for distribution
  - c. Commercial packages, bulk or tank storage for distribution of fuel, pesticides and herbicides
  - d. Livestock auction sales yard
  - e. Farm Implement Dealership and Service
14. School, church, temples, hospitals and other eleemosynary, health care, or educational facilities
15. Development in the Conservation Overlay District.
16. Development in the Loess Hills Overlay District.
17. Commercial uses provided the following:
  - a. In conjunction with residence.
  - b. Permits may be reviewed annually.
  - c. Other conditions as needed and specified by the Board of Zoning Adjustment
18. Commercial mines, quarries and gravel pits, if not located within either the Conservation or the Loess Hills Overlay Districts, subject to the procedures and standards set forth in Section 6.09.
19. Borrow pits (other than commercial mines, quarries and gravel pits) and landfilling, if not located within either the Conservation or the Loess Hills Overlay Districts (Note: Grading on a site related to a subdivision plat or building permit does not require a conditional use permit.) subject to the following conditions:
  - a. The borrow pit or landfilling site must be at least 300 feet from any residentially used property.
  - b. Nuisance complaints related to dust, traffic, noise or other impacts of the extraction or landfilling operation must be resolved in a timely manner by cooperative efforts of the grading permit holder.

### **D. Accessory Uses:**

The following accessory buildings and uses are permitted in "A-1" Agricultural District:

1. Home occupations subject to the standards set forth in Section 6.12.
2. Building and uses customarily incidental to the permitted principal uses
3. Temporary buildings and uses incidental to construction work or in the event of any emergency as determined by the Board that shall be removed upon the completion or abandonment of the construction work.
4. Private recreational facilities in conjunction with the permitted use
5. Parking and Signs when in conformance with the procedures and standards set forth in Section 6.01 through 6.06 .



## Plymouth County Zoning Ordinance

### E. Height and Lot Requirements.

1. The height and minimum lot requirements shall be as follows:

|                                 | Lot Area<br>(Acre) | Lot<br>Width<br>(feet) | Front <sup>*2</sup><br>Yard<br>(feet) | Side<br>Yard<br>(feet) | Rear<br>Yard<br>(feet) | Maximum<br>Height<br>(feet) |
|---------------------------------|--------------------|------------------------|---------------------------------------|------------------------|------------------------|-----------------------------|
| <u>Permitted Principal Uses</u> |                    |                        |                                       |                        |                        |                             |
| Single-Family Dwelling          | 2                  | 300 <sup>*1</sup>      | 60                                    | 20                     | 40                     | 40                          |
| Other Principal Uses            | 20                 | 450                    | 60                                    | 20                     | 40                     | 60                          |
| <u>Conditional Uses</u>         |                    |                        |                                       |                        |                        |                             |
| Single-Family Dwelling          | 2                  | 300 <sup>*1</sup>      | 60                                    | 20                     | 40                     | 40                          |
| Telecommunication Towers        | *3                 | *3                     | *3                                    | *3                     | *3                     | *3                          |
| Other Conditional Uses          | 20                 | 450                    | 60                                    | 20                     | 40                     | 65                          |
| Accessory Buildings             | n/a                | n/a                    | 60                                    | 20                     | 40                     | 40                          |

\*1 On Residential Acreage Developments, the lot length shall not exceed the lot width by more than a multiplier of 3.

\*2 Minimum front yard setback from the right-of-way line of a state or federal highway shall be 75 feet.

\*3 Minimum lot sizes, setbacks and maximum heights subject to determination by Board of Adjustment.

### F. Other Applicable Provisions.

1. The off-street parking requirements shall be as provided in Article 6.
2. All new dwellings, including Residential Acreage Developments, shall have vehicular access to hard-surfaced or maintained Roads/Street/Highways. Dwelling shall not occur on minimum maintenance Roads/Street/Highways.
3. All access to said properties shall meet County Engineer's specifications
4. No residential driveway shall exceed a slope of ten (10) percent.



## Plymouth County Zoning Ordinance

### **Section 4.05 TA-1: Transitional Agricultural District**

- A. Intent:** The TA-1 Transitional Agricultural District is intended to provide opportunities for limited non-agricultural uses to locate adjacent to existing cities and other development areas in a manner that is both compatible with remaining agricultural uses and also retains potential for continued growth of the adjacent city or development area.
- B. Permitted Principal Uses:**
1. Any permitted principal uses in the A-1 Primary Agricultural District.
  2. Single family acreage dwellings not in a subdivision and not associated with a “farming/agricultural” operation if not located within either the conservation or the Loess Hills Overlay Districts, subject to the following standards:
    - a. Single-family dwelling units are limited to one new dwelling unit per quarter section. If a parcel splits two adjacent quarter sections then the owner shall designate to which quarter section the dwelling unit will be associated. Where a land owner has 320 or more continuous acres, the new dwelling units may be clustered in one portion of the property; provided the remaining ground will remain agricultural in the future.
    - b. New residential dwelling units not associated with a farming/agricultural operation shall meet the agricultural separation standards in Section 3.37, Subsection A.
  3. Smaller Residential development in subdivisions.
  4. Churches, including associated halls and residences.
  5. Private and Public elementary, junior high school, middle school, senior high school and associated uses.
  6. A single private wind energy conversion tower/turbine to provide electrical service to a permitted principal or conditional use subject to the standards set forth in Section 6.10, Subsection B.
- C. Permitted Conditional Uses:**
- A Conditional Use Permit issued pursuant to the procedures set forth in Article 5 shall be required for the following conditional or special uses.
1. Commercial grain elevators.
  2. Community auction and sale yards for sale of farm animals, products, implements, supplies, or equipment.
  3. Feed and farm supply sales.
  4. Farm equipment and machinery sales, rental, storage, and maintenance.
  5. Construction activities.
  6. Child Care Center
  7. Child Care Home
  8. Privately owned air landing strip or airport
  9. Sanitary sewage treatment facilities
  10. Communications and television towers, transmitters, or receivers, See Section 6.08.
  11. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports
  12. Cemeteries, including mausoleums, mortuaries, crematories, provided the mausoleums and crematories shall be located at least 200N from any street, road, or highway and at least 1,000 feet from any residential use
  13. Signs subject to the procedures and standards set forth in Sections 6.03 to 6.06.
  14. Commercial wind energy conversion systems outside the Loess Hills Subdistrict of the Conservation Overlay District, subject to the standards and procedures set forth in Section 6.10, Subsection A. No commercial WECS shall be allowed in the Loess Hills Subdistrict of the Conservation Overlay District.

## Plymouth County Zoning Ordinance

15. Commercial uses provided the following:
  - a. In conjunction with residence.
  - b. Permits may be reviewed annually.
  - c. Other conditions as needed and specified by the Board of Zoning Adjustment
16. Commercial mines, quarries and gravel pits, if not located within either the Conservation or the Loess Hills Overlay Districts, subject to the procedures and standards set forth in Section 6.09.
17. Borrow pits (not including commercial mines, quarries and gravel pits) and landfilling on a site not related to a subdivision plat or building permit if not located within either the Conservation or the Loess Hills Overlay Districts, subject to the following conditions:
  - a. The extraction or landfilling site must be at least 300 feet from any residentially used property.
  - b. Nuisance complaints related to dust, traffic, noise or other impacts of the extraction or landfilling operation must be resolved in a timely manner by cooperative efforts of the grading permit holder.

### **D. Accessory Uses:**

The following accessory buildings and uses are permitted in the "TA" Transitional Agricultural District:

1. Home occupations subject to the standards set forth in Section 6.12.
2. Buildings and uses customarily incidental to the permitted principal uses.
3. Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the Board that shall be removed upon the completion or abandonment of the construction work.
4. Private recreational facilities in conjunction with the permitted use.



## Plymouth County Zoning Ordinance

### E. Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

|  | Lot Area<br>(Acre) | Lot Width<br>(feet) | Front <sup>*2</sup><br>Yard<br>(feet) | Side<br>Yard<br>(feet) | Rear<br>Yard<br>(feet) | Maximum<br>Height<br>(feet) |
|--|--------------------|---------------------|---------------------------------------|------------------------|------------------------|-----------------------------|
| <u>Permitted Principal Uses</u>                          |                    |                     |                                       |                        |                        |                             |
| Single-Family Dwelling (outside residential subdivision) |                    |                     |                                       |                        |                        |                             |
| -- with private well                                     | 2                  | 300 <sup>*1</sup>   | 60                                    | 20                     | 40                     | 40                          |
| Other Principal Uses                                     | 20                 | 450                 | 60                                    | 20                     | 40                     | 60                          |
| Residential Subdivision*                                 |                    |                     |                                       |                        |                        |                             |
| Same as for S.F. Dwelling above, except:                 |                    |                     |                                       |                        |                        |                             |
| -- with rural water or community well                    | 1                  | 175 <sup>*1</sup>   | 60                                    | 20                     | 40                     | 40                          |
| -- with sanitary sewer and rural water or community well | 20,000 sf          | 70'                 | 25'                                   | 10' or <sup>*2</sup>   | 25' or <sup>*2</sup>   | 35'                         |
| <u>Conditional Uses</u>                                  |                    |                     |                                       |                        |                        |                             |
| Telecommunication Towers & Wind Energy Towers            | *3                 | *3                  | *3                                    | *3                     | *3                     | *3                          |
| Commercial Grain Elevator                                | 20                 | 450                 | 60                                    | 20 <sup>*4</sup>       | 40 <sup>*4</sup>       | 65 <sup>*4</sup>            |
| Other Conditional Uses                                   | 20                 | 450                 | 60                                    | 20                     | 40                     | 65                          |
| Accessory Buildings                                      | n/a                | n/a                 | 60                                    | 20                     | 40                     | 40                          |

\*1 On Residential Acreage Developments, the lot length shall not exceed the lot width by more than a multiplier of 3.

\*2 Minimum front yard setback from the right-of-way line of a state or federal highway shall be 75 feet.

\*3 Minimum lot sizes, setbacks and maximum heights subject to determination by Board of Adjustment.

\*4 All setback distances must be increased one foot for each foot of building height above 65 feet.

### F. Other Applicable Provisions:

1. The off-street parking requirements shall be as provided in Sections 6.01 and 6.02.
2. All new dwellings, including Residential Acreage Developments, shall have vehicular access on hard-surface or maintained Roads/Street/Highways. Dwellings shall not occur on minimum maintenance Roads/Street/Highways.
3. All access to said properties shall meet County Engineer's specifications.
4. No residential driveway shall exceed a slope of ten (10) percent.





## Plymouth County Zoning Ordinance

### **Section 4.06 R-1: Rural Residential District**

- A. Intent:** R-1: Rural Residential District is intended to provide for orderly development in a subdivision format. 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:
1. The developer will install and serve each lot with a street and road design and pavement meeting state standards, and
  2. The developer will install adequate storm drainage.
  3. New access points shall meet County Engineer's specifications
- B. Permitted Principal Uses:**
1. Detached single family dwelling units
  2. Duplex or two family dwelling units in a residential subdivision.
  3. Churches, and associated halls and residences.
  4. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
  5. A single private wind energy conversion tower/turbine to provide electrical service to a permitted principal or conditional use subject to the standards set forth in Section 6.10, Subsection B.
- C. Permitted Conditional Uses:**  
A Conditional Use Permit shall be required for the following conditional or special uses.
1. Planned Unit Developments
  2. Triplexes or four-plexes in a residential subdivision
  3. Smaller Residential development on minimum lot sizes of one acre provided one of the following additional conditions are met:
    - a. The developer shall construct and install an adequate central sanitary sewer collection and disposal system that meets requirements of the Iowa Department of Natural Resources,
    - b. The developer shall develop an adequate well, storage, or pressurized water distribution system meeting requirements of the State of Iowa; or each lot is connected to a Rural Water District,
    - c. Lot sizes must be appropriate to meet sanitary requirements.
  4. Child Care Home
  5. Child Care Center
  6. Sanitary sewage treatment facilities
  7. Communications and television towers, transmitters, or receivers, see Section 6.08.
  8. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports
  9. Cemeteries, including mausoleums, mortuaries, crematories, provided the mausoleums and crematories shall be located at least 200 feet from any street, road, or highway and at least 1,000 feet from any residential use.
  10. Signs, see Section 6.03 through 6.06.
  11. Commercial mines, quarries and gravel pits, if not located within either the Conservation or the Loess Hills Overlay Districts, subject to the procedures and standards set forth in Section 6.09.
  12. Borrow pits (not including commercial mines, quarries and gravel pits) and land-filling on a site not related to a subdivision plat or building permit, if not located within either the Conservation or the Loess Hills Overlay Districts, subject to the following conditions:
    - a. The extraction or landfilling site must be at least 300 feet from any residentially used property.



## Plymouth County Zoning Ordinance

- b. Nuisance complaints related to dust, traffic, noise or other impacts of the extraction or landfilling operation must be resolved in a timely manner by cooperative efforts of the grading permit holder.

**D. Accessory Uses:**

The following accessory buildings and uses are permitted in this District:

1. Home occupations subject to the standards set forth in Section 6.12.
2. Buildings and uses customarily incidental to the permitted principal uses
2. Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the Board that shall be removed upon the completion or abandonment of the construction work.
3. Private recreational facilities in conjunction with the permitted use.

**E. Height and Lot Requirements:**

1. The height and minimum lot requirements shall be as follows:

|  | Lot Area<br>(Acres or<br>S.F.) | Lot* <sup>2</sup><br>Width | Front<br>Yard * <sup>1</sup> | Side<br>Yard          | Rear<br>Yard          | Maximum<br>Height |
|--|--------------------------------|----------------------------|------------------------------|-----------------------|-----------------------|-------------------|
| Residential Dwelling   |                                |                            |                              |                       |                       |                   |
| -- with private well   | 2                              | 300* <sup>2</sup>          | 60'                          | 20'                   | 40'                   | 40'               |
| Other Principal Uses   | 20                             | 450'                       | 60'                          | 20'                   | 40'                   | 60'               |
| Residential Subdivision*                                       |                                |                            |                              |                       |                       |                   |
| Same as for S.F. Dwlg<br>above, except:                        |                                |                            |                              |                       |                       |                   |
| -- with rural water or<br>community well                       | 1                              | 175* <sup>2</sup>          | 60'                          | 20'                   | 40'                   | 40'               |
| -- with sanitary sewer<br>and rural water or<br>community well | 20,000 sf                      | 70* <sup>2</sup>           | 25'                          | 10' or * <sup>1</sup> | 25' or * <sup>1</sup> | 35'               |
| Duplexes, Triplexes, or<br>Fourplexes                          | 6,000 sf /<br>unit             | 70'                        | 25'                          | 10' or * <sup>1</sup> | 25' or * <sup>1</sup> | 35'               |
| Other Permitted Uses   | 3 Acres                        | 200'                       | 45'                          | 25'                   | 40'                   | 40'               |
| Other Permitted Condi-<br>tional Uses                          |                                |                            | 25'                          | 25'                   | 25'                   | 40'               |
| Accessory Buildings  | - -                            | - -                        | 85'                          | 15'                   | 15'                   | 15'               |

\*<sup>1</sup> No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 75 feet the R.O.W. line of a U. S. or State designated highway, and not nearer than 60 feet from the right-of-way or road easement line of a County road and/or highway.

\*<sup>2</sup> On Residential dwellings, the lot length shall not exceed the lot width by more than a multiplier of 3.

**F. Other Applicable Provisions:**

1. No residential driveway shall exceed a slope of ten (10) percent.
2. The off-street parking requirements shall be as provided in Article 6.
3. A lot or parcel of land of record on or before the effective date of this regulation of 3 acres or more may be built on and used for a permitted principal use.
4. Where a lot of record has less width on or before the effective date of this regulation, 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. Accessory buildings are permitted on lots of record, which contain an established residential dwelling.



## Plymouth County Zoning Ordinance

### **Section 4.07 R-2: Residential District**

- A. Intent:** R-2: Residential District is intended to create or preserve some land near the urban communities for rural low density residential home sites. Smaller lot residential home sites will be approved provided that the development is in the form of an approved subdivision with residential streets and utilities:
1. As orderly extension of the existing city street and utilities.
  2. The developer will install and serve each lot with a street design and pavement meeting the county and city development standards if the intent is to dedicate the street to the county.
  3. The developer will construct and install an adequate central sanitary sewer distribution and disposal system
  4. The developer will develop an adequate well, storage, or pressured central water distribution system, and
  5. The developer will install adequate storm drainage.
  6. New access points shall meet County Engineer's specifications
- B. Permitted Principal Uses:**
1. Detached single family dwelling units in a residential subdivision.
  2. Duplex or two family dwelling units in a residential subdivision.
  3. Churches, and associated halls and residences.
  4. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
- C. Permitted Conditional Uses:**
- A Conditional Use Permit shall be required for the following conditional or special uses.
1. Multi-family dwelling units
  2. Planned Unit Developments
  3. Child Care Center
  4. Child Care Home
  5. Sanitary sewage treatment facilities
  6. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports
  7. Commercial mines, quarries and gravel pits, if not located within either the Conservation or the Loess Hills Overlay Districts, subject to the procedures and standards set forth in Section 6.09.
  8. Borrow pits (not including commercial mines, quarries and gravel pits) and land-filling on a site not related to a subdivision plat or building permit if not located within either the Conservation or the Loess Hills Overlay Districts, subject to the following conditions:
    - a. The extraction or landfilling site must be at least 300 feet from any residentially used property.
    - b. Nuisance complaints related to dust, traffic, noise or other impacts of the extraction or landfilling operation must be resolved in a timely manner by cooperative efforts of the grading permit holder.
- D. Accessory Uses:**
- The following accessory buildings and uses are permitted in this District:
1. Home occupations subject to the standards set forth in Section 6.12.
  2. Buildings and uses customarily incidental to the permitted principal uses
  3. Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the Board that shall be removed upon the completion or abandonment of the construction work.
  4. Private recreational facilities in conjunction with the permitted use.



## Plymouth County Zoning Ordinance

### E. Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

|   | Lot Area<br>(acres/sf) | Lot<br>Width   | Front<br>Yard            | Side<br>Yard               | Rear<br>Yard             | Max<br>Height* <sup>3</sup> | Max.<br>Cover-<br>age |
|---|------------------------|----------------|--------------------------|----------------------------|--------------------------|-----------------------------|-----------------------|
| Residential Dwelling                              | 8,500                  | 75'            | 25' or<br>* <sup>2</sup> | 10' or<br>* <sup>2</sup>   | 25' or<br>* <sup>2</sup> | 35'                         | 30%                   |
| Duplexes and other<br>multi-family dwell-<br>ings | 4,000 sf /<br>unit     | 70'            | 25' or<br>* <sup>2</sup> | 10' or<br>* <sup>2</sup>   | 25' or<br>* <sup>2</sup> | 35'                         |                       |
| Other Permitted Uses                              | 5 acres                | 300'           | 35' or<br>* <sup>2</sup> | 10' or<br>* <sup>2</sup> * | 25' or<br>* <sup>2</sup> | 65'                         | 40%                   |
| Other Permitted Con-<br>ditional Uses             | * <sup>1</sup>         | * <sup>1</sup> | 35 or<br>* <sup>2</sup>  | 25' or<br>* <sup>2</sup>   | 25' or<br>* <sup>2</sup> | 65'                         | 40%                   |
| Accessory Buildings                               | - -                    | - -            | 45' or<br>* <sup>2</sup> | 15' or<br>* <sup>2</sup>   | 15' or<br>* <sup>2</sup> | 18'                         | 10%                   |

\*<sup>1</sup> Lot Width and Lot Area may vary from use to use; however, the Planning Commission and County Board reserve the right to require stricter criteria.

\*<sup>2</sup> No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 75 feet the R.O.W. line of a U. S. or State designated highway, and not nearer than 60 feet from the right-of-way or road easement line of a County road and/or highway.

\*<sup>3</sup> Refer to Section 4.12 for additional height allowances

### F. Other Applicable Provisions:

1. No residential driveway shall exceed a slope of ten (10) percent
2. The off-street parking requirements shall be as provided in Article 6.
3. A lot or parcel of land of record on or before the effective date of this regulation of 7,500 square feet or more may be built on and used for a permitted principal use.
4. Where a lot of record has less width on or before the effective date of this regulation, 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. An existing building of a non-conforming use, so determined by the passage of this regulation, may be expanded, extended, or structurally altered, provided an application for a conditional use permit is granted.



## Plymouth County Zoning Ordinance

**Section 4.08: RMH: Residential Mobile Homes District** The intent of the Residential Mobile Homes District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of Plymouth County. The district is considered to be a “Floating Zone”.

### **A. Permitted Principal Uses.**

The following uses are permitted in the RMH Residential Mobile Homes District.

1. Single family dwelling.
2. Public School.
3. Private and public park, playground and recreational facilities.
4. Church, educational facilities and parish house.
5. On-site sign.
6. Multi-unit dwellings, provided such use is part of a Planned Unit Development-Residential.

### **B. Permitted Conditional Uses.**

1. Mobile Home Parks, provided the Park meets the criteria found in Section 4.08, subsections C, D, and E.
2. Buildings and uses customarily incidental to the permitted uses.
3. Home occupation, subject to the following:
  - a. That such uses are located in the dwelling used by a person as his/her private residence.
  - b. That no assistance other than a member of the family household is employed, and no window display or sign, either illuminated or more than two (2) square feet in area is used to advertise the same.
4. Off-street parking.
5. Nursery or day-care schools.
6. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
7. Sewage disposal and water supply and treatment facilities.
8. Campgrounds.
9. Public buildings.

### **C. Mobile Home Park Design Requirements**

1. That the mobile home park shall comply with all sanitary and other requirements prescribed by Plymouth County and applicable state statutes.
2. That access to the mobile home park shall not be from a minor residential street, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, that 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, hard surfaced and maintained at least 20 feet in width in accord with applicable county specifications and ordinances.
3. That the topography of the site be such as to facilitate rapid drainage and that adequate drainage facilities be provided.

## **Plymouth County Zoning Ordinance**

4. That the design evidences a reasonable effort to preserve the natural amenities of the site.
5. The minimum width and/or depth of the mobile home park shall be 200 feet and a minimum total area of the park shall be eight (8) acres, including one-half the width of bordering streets, except that minimum area may be two acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five acres or more.
6. That at least 20 home sites be provided in the proposed plan. No home sites shall be offered for sale or sold.
7. The mobile home park shall be surrounded by a landscape or wooded strip of open space at least 50 feet wide along the street frontage with an arterial street or major highway at least 25 feet wide along all other lot lines or street frontage.
8. Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems.
9. Each mobile home site shall be provided with electrical outlets installed in accordance with applicable codes or ordinances.
10. Adequate area shall be provided in the design for such things as public laundry facilities and storage of recreation equipment and vehicles.
11. No existing mobile home park shall be enlarged or extended with such park does not meet the 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.
12. Site Plan Required. Each petition for a change to the "RMH" zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park site plan. The mobile home park site plans shall meet the requirements for a preliminary plat as stated in the Plymouth County, Iowa, Subdivision Ordinances. The Plan shall be considered by the Planning and Zoning Commission and the Board of Supervisors concurrently with the application for amendment to the zoning map and following the procedures specified in Article 9. The Board of Supervisors may approve or disapprove the Plan or require such changes thereto as are deemed necessary to accomplish the intent and purpose of these regulations.

### **D. Community Facilities**

1. Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking.
2. 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 for fire protection.
3. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
4. Not less than 8% of the total court area shall be designated and used for park, playground and recreational purposes.

### **E. Lot and Areas requirements**

1. For uses permitted in the "R-1 and R-2" Residential Districts, the lot size requirements are the same as for that district.
2. In a mobile home park:
  - a. The maximum density of units in a mobile home park shall be 7 per gross acre and the minimum area for a mobile home site for parking on mobile home shall be 5,000 square feet with no dimension less than 50 feet, and with corners of each site visibly marked and numbered by a permanent marker. Adjustments between site may be approved in order to preserve natural amenities. No more than one mobile home shall be parked on any one site.



## Plymouth County Zoning Ordinance

- b. In addition to the requirement of (1) above, an open space or spaces of not less than 5,000 square feet accessible to all mobile home occupants and suitable for use as a recreational land area shall be provided within the mobile home park at a ratio of a minimum of 400 square feet of recreational area per mobile home site in such park.
3. Yard Requirement.
- a. If a lot or tract abuts a county road or state highway, the yard abutting the county road or state highway shall be 60 feet from the R.O.W. line, otherwise:
- b. For uses permitted in the “R-1 and R-2” Residential Districts, the yard requirements are the same as for that district.
- c. In a mobile home park, no mobile home shall be parked closer than 50 feet from a public street or road, 10 feet from an interior access drive, or 25 feet from any other mobile home or service building and no part of a mobile home shall extend closer than five feet to the boundaries of the individual mobile home site.
4. Height Requirements.
- |  |  |
|--|--|
| Single-family dwellings<br>and all other structures<br>except mobile homes and<br>those specifically exempted. | <u>Maximum Height</u><br>2.1/2 stories but not<br>to exceed 35 feet. |
| Mobile homes.  | 15 feet  |
5. Off-Street Parking and Loading Requirements.
- a. At least one off-street parking space shall be provided on each mobile home site, and in addition off-street parking spaces for automobiles shall be provided in the ratio of one-half space per mobile home in locations convenient to groups of homes.
- b. Additional off-street parking and loading requirements are contained in Article 6

### **F. Plan Requirements.**

A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

### **G. Permitted Accessory Uses**

1. For uses permitted in the “R-1 and R-2” Residential Districts: those accessory uses permitted in the “R-1 and R-2” Residential District.

## Plymouth County Zoning Ordinance

2. For individual mobile home sites: awnings or porches, and one storage building, all of materials and construction acceptable in accordance with sound building practices and not extending closer than five feet to the boundaries of the individual mobile home site.
3. For the mobile home park: 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.
4. Signs as follows:
  - a. Any sign permitted in the “R” Residential District.
  - b. A sign limited in area 32 square feet, giving the name and/or address or management of a mobile home park.



## Plymouth County Zoning Ordinance

### **Section 4.09 C-1: Commercial District**

- A. Intent:** The intent of this district is to provide a land use zoning district to accommodate those commercial activities that require a location adjoining an interstate, expressway, arterials, or collector highways to serve the convenience of travelers, to facilitate a large volume of vehicular traffic, to serve heavy truck traffic and to gain greater sales frontage space.
- B. Permitted Principal Uses**
1. Farming and the raising of crops.
- C. Permitted Conditional Uses:**  
A Conditional Use Permit shall be required for the following conditional or special uses:
1. Automotive dealers, gasoline service stations and truck stops, automotive repair and miscellaneous repair services.
  2. Eating establishments
  3. Wholesale trade, auction, and animal sales yard.
  4. Building materials, hardware, and garden supply.
  5. Farm supplies, feed, equipment, and machinery sales.
  6. Furniture, home furnishing, home appliance and equipment sales.
  7. Clothing and apparel services, including dressmaking, millinery, shoe repair, furrier, and tailors.
  8. Business services including: banks, attorneys, insurance, real estate, offices, postal stations, printing, credit services, security brokers, title abstracting, finance services and investment services.
  9. Self-service cleaning establishments including: Laundromats and laundries.
  10. Personal services including: barber shops, beauty salons, reducing salons, and photographic studios.
  11. Retail stores including: food markets, delicatessen, bakery, department store, drug stores, books and stationery, shoe and apparel shops, hobby, camera and sporting goods, hardware, gift, jewelry, variety stores, retail mail order stores, retail dairy stores, clothing and furnishings store, radio, electronics and music store, retail liquor store, antiques, retail paint stores, flower shops, wallpaper, drapery, or floor covering store, and convenience mart (with or without gasoline sales)
  12. Food service including: restaurants, fast food restaurants, drive-in restaurants, ice cream parlor, and sandwich shops.
  13. Health care and social services.
  14. Museum, art galleries, and motion picture theaters places.
  15. Public, governmental, justice, financial, legislative and administrative offices.
  16. Public utilities, thoroughfares and facilities, fire and police protection facilities, libraries, schools, churches and associated residences, temples, hospitals.
  17. Railroads and public thoroughfares.
  18. Motels and hotels.
  19. Planned commercial developments, shopping centers
  20. Bars, taverns, and nightclubs (not including adult establishments)
  21. Communications, cable and satellite receiving stations and appurtenances, See Section 6.08
  22. Signs, see Section 6.03 through 6.06
  23. Child Care Center
- D. Accessory Uses:**  
The following accessory buildings and uses are permitted in this District:

## Plymouth County Zoning Ordinance

1. Buildings and uses customarily incidental to the permitted principal uses
2. Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the Board that shall be removed upon the completion or abandonment of the construction work.
3. Private recreational facilities in conjunction with the permitted use.

### E. Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

|                               | Lot Area<br>(Acres/<br>S.F.) | Lot<br>Width   | Front<br>Yard            | Side<br>Yard | Rear<br>Yard | Maximum<br>Height |
|-------------------------------|------------------------------|----------------|--------------------------|--------------|--------------|-------------------|
| Permitted Uses* <sup>1</sup>  | 3 Acres                      | 200'           | 25' or<br>* <sup>3</sup> | 25'          | 25'          | 45'               |
| Permitted Uses* <sup>2</sup>  | 7,200                        | 60'            | 25' or<br>* <sup>3</sup> | -0-          | 25'          | 45'               |
| Accessory Buildings           | - -                          | - -            | 85' or<br>* <sup>3</sup> | 15'          | 15'          | 25'               |
| Permitted Conditional<br>Uses | * <sup>4</sup>               | * <sup>4</sup> | * <sup>3</sup>           | 15'          | 15'          | 45'               |

\*<sup>1</sup> When a private well and septic system are used by the Permitted Use

\*<sup>2</sup> When the Permitted Use is connected to a public sanitary sewer collection and disposal system and/or a public water system.

\*<sup>3</sup> No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 75 feet to the R.O.W. line of a U. S. or State designated highway, and not nearer than 60 feet to the R.O.W. line of a County road and/or highway.

\*<sup>4</sup> Lot Area and Lot Width are dependent upon the private well/septic or public sanitary sewer and water connections. If private wells and septic are used then Lot Area is 3 Acres and Lot Width is 200 feet. If the site is on public systems then the Lot Area is 7,200 square feet and the Lot Width is 60 feet.

### F. Other Applicable Provisions:

1. The off-street parking requirements shall be as provided in Article 6.
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.



# Plymouth County Zoning Ordinance

## **Section 4.10 I-1: Industrial District**

- A. Intent:** This zoning district is intended to provide for commercial and industrial land uses to provide for labor intensive establishments in rural areas that require rail-road or highway accessibility.

Adult 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.

**B. Permitted Principal Uses**

1. Farming and the raising of crops.

**C. Permitted Conditional Uses:**

A Conditional Use Permit shall be required for the following conditional or special uses:

1. Building construction, general contractors and builders operations.
2. Non-building construction general contractors and special trade construction contractors.
3. Railroad, trucking, air, water transportation, and freight terminals and warehousing facilities.
4. Lumber and wood products.
5. Printing, publishing, and allied products.
6. Electric, gas, water, and sanitary services.
7. Agricultural products and grain elevators
8. Building construction, general contractors and builders operations.
9. Communications and television services and towers, See Section 6.08
10. Meat, food, and kindred products.
11. Textile mill products.
12. Apparel and other products of fabrics, leather, and similar materials.
13. Furniture and fixtures products.
14. Paper and allied products.
15. Chemicals and allied products.
16. Petroleum and related products.
17. Rubber and miscellaneous plastic products.
18. Metal products.
19. Stone, clay, cement, and glass products.
20. Professional, scientific and controlling instruments.
21. Photographic and optical products.
22. Animal rendering and hide curing.
23. Planned industrial developments.
24. Adult Entertainment establishments.

- c. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.
- d. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
- c. 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



## Plymouth County Zoning Ordinance

- 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.
- d. No adult business shall be open for business between the hours of twelve midnight and six a.m.
  - e. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property,
  - f. Such use shall not impair an adequate supply of light and air to surrounding property,
  - g. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
  - h. Such use shall not diminish or impair established property values in adjoining or surrounding property,
  - i. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Plymouth County,
  - j. 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 location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.
  - k. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age 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.
  - l. Prohibited Activities of Adult Businesses
    - (1) No adult business shall employ any person under eighteen (18) years of age
    - (2) No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age
    - (3) No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
    - (4) 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.
24. Signs, see Section 6.03 through 6.06
25. Extraction (including commercial mines, quarries, gravel pits, borrow pits and Loess Hills borrow pits) and landfilling, (not including sanitary landfill opera-

## Plymouth County Zoning Ordinance

tions) subject to the procedures and standards set forth in Section 6.09 and the following conditions:

- a. The extraction or landfilling site must be at least 300 feet from any residentially used property.
  - b. Nuisance complaints related to dust, traffic, noise or other impacts of the extraction or landfilling operation must be resolved in a timely manner by cooperative efforts of the grading permit holder.
26. Auto wrecking, salvage, or junk yard provided the facilities are at least enclosed and located at least 150 feet back from county roads and 500 feet back from state or federal designated highways. Said operation shall be located no closer than 2,500 feet from any residential use.
  27. Industrial and fuel alcohol production.

### D. Accessory Uses:

The following accessory buildings and uses are permitted in this District.

1. Buildings and uses customarily incidental to the permitted principal uses
2. Temporary buildings and uses incidental to construction work or in the event of an emergency as determined by the Board that shall be removed upon the completion or abandonment of the construction work.
3. Private recreational facilities in conjunction with the permitted use.

### E. Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

|                               | Lot Area<br>(acre / S.F.) | Lot<br>Width   | Front<br>Yard            | Side<br>Yard | Rear<br>Yard | Maximum<br>Height |
|-------------------------------|---------------------------|----------------|--------------------------|--------------|--------------|-------------------|
| Permitted Uses* <sup>1</sup>  | 3 Acres                   | 200'           | 45' or<br>* <sup>3</sup> | 25'          | 25'          | 45'               |
| Permitted Uses* <sup>2</sup>  | 10,000                    | 60'            | 45' or<br>* <sup>3</sup> | 25'          | 25'          | 45'               |
| Accessory Buildings           | --                        | --             | 45' or<br>* <sup>3</sup> | 15'          | 15'          | 35'               |
| Permitted Conditional<br>Uses | * <sup>4</sup>            | * <sup>4</sup> | * <sup>3</sup>           | 15'          | 15'          | 45'               |

\*<sup>1</sup> When a private well and septic system are used by the Permitted Use

\*<sup>2</sup> When the Permitted Use is connected to a public sanitary sewer collection and disposal system and/or a public water system.

\*<sup>3</sup> No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer than 75 feet to the R.O.W. line of a U. S. or State designated highway, and not nearer than 60 feet from the R.O.W. line of a County road and/or highway.

\*<sup>4</sup> Lot Area and Lot Width are dependent upon the private well/septic or public sanitary sewer and water connections. If private wells and septic are used then Lot Area is 3 Acres and Lot Width is 200 feet. If the site is on public systems then the Lot Area is 10,000 square feet and the Lot Width is 60 feet.

### F. Other Applicable Provisions:

1. The off-street parking requirements shall be as provided in Article 6.
2. When the side or rear yard abuts a residential use or district, the outside boundaries shall be screened with approved landscape plant materials, walls, or fencing.
3. 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.



## Plymouth County Zoning Ordinance

### G. 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 gasses 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 an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
  - b. Particulate mater 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

## Plymouth County Zoning Ordinance

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 odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.

7. **Gases:** The gasses sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) 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 glare, 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 (5) degrees Fahrenheit.



## Plymouth County Zoning Ordinance

### **Section 4.11 CON: Conservation District (Overlay District)**

- A. Intent:** It is the intent of this zoning overlay district to conserve and otherwise preserve the prevailing natural resources of Plymouth County, especially, the area denoted as the Loess Hills. In addition, this area applies to other hillside areas, as well as, other environmentally sensitive areas of the county. The intent is to encourage and to promote in every practicable manner development whenever feasible, provided that a portion of the natural characteristics are preserved.

The Conservation District is divided into two main parts; 1) General criteria to be applied across the entire area, and 2) a sub-district relating specifically to the Loess Hills region of Plymouth County. The general criteria are capable of being applied to all parts of the district; while, the Loess Hills deals with specific issues relating to the Loess Hills region.

- B. Purpose:** The purpose of this overlay district to provide additional development criteria in identified areas of Plymouth County. This overlay district has been established in order to conserve and protect the land, water, air, vegetation and other natural resources of Plymouth County; to alleviate erosion, siltation, and other harmful effects of land-disturbing activities on neighboring land and streams by ensuring that the owner of the property on which land-disturbing activities are to be carried out provides adequate controls on erosion and sedimentation, and takes necessary measures to preserve and protect trees and other vegetation, during all phases of any land-disturbing activity.

In addition, the purpose of this overlay district is to protect and conserve the landscape from the issues stated. The means by which this is to be accomplished will be through continuation of established trees and vegetation in conjunction with new plantings and vegetation, and other methods approved for such conservation activities. The general requirements deal with minimum standards and guidelines for accommodating development while providing for conservation of the areas.

**C. General Requirements:**

**1. Use restrictions**

Except as a conditional use in the I-1 zoning district, no extraction of soil or minerals (including commercial mining, quarries, and borrow pits) or landfilling shall be allowed as a principal permitted or conditional use in the Conservation Overlay District.

**2. Review process**

Review of proposed projects will occur during either the subdivision platting process or at the time a building permit is requested. The following are the criteria for each:

**a. Subdivision Platting Process**

The developer, if he/she chooses to include the conservation of the existing natural resources within the new development shall identify areas to be protected as well as any protective covenants that will be placed upon said development. Conservation and protection of an area within a subdivision shall follow the development guidelines of this Section throughout the entire development.

**b. Short Form Plat: Administrative Subdivision and Lot Splits**





## Plymouth County Zoning Ordinance

The owner shall provide the County with a site plan, at the time the building permit application is made. The applicant shall provide sufficient data to demonstrate that the proposed site development will conform with the protective standards established in the general guidelines of this Section. Short Form Plats, etc shall not be required to be certified by an independent expert, provided the applicant can demonstrate that a combination of existing and future landscaping will sufficiently prevent erosion, siltation, and other harmful effects of land-disturbing activities on neighboring land and streams and other bodies of water. The Zoning Administrator shall review the application and pass on a recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall review said application and make a final recommendation to the County Board.

### 3. Development Guidelines for Subdivision Development

#### a. Landscaping Standards

1. Landscaping shall be provided as part of a site plan and subdivision design. Said site plan shall be submitted with the applicant's preliminary plat application. Initial review shall be by the Zoning Administrator and Building Inspector.
2. The site plan or subdivision design shall be conceived in a total pattern throughout the site, integrating the various elements of site design, while preserving key trees, plant materials and other vegetation in order to prevent erosion, siltation, and other harmful effects of land disturbing activities
3. Landscaping activities may include plant materials such as trees, shrubs, ground cover, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.
4. The site plan shall include the following items:
  - A tree survey, including:
    - Existing trees, shrubs, and ground cover,
    - Proposed trees, shrubs, and ground cover,
  - Natural features such as rock outcroppings,
  - Other landscaping elements
  - The location of any new trees or other plant materials
  - The location of all existing trees and other plant materials that are to be preserved. When preserving existing trees and plant materials, the applicant shall provide the method for protecting them during construction.
  - A construction limits line, the construction limits line shall include all buildings, parking locations, and vehicular use areas, and all areas of required cut and fill. Outside this limit line, no tree survey shall be required, and the project developer shall be required to leave undisturbed all areas of native vegetation, including trees, shrubs, and understory vegetation.
  - A topographic layout of the lot or subdivision.

## Plymouth County Zoning Ordinance

- All wetlands, woodlands, wildlife habitats, floodplains, historic, archaeological, and cultural features. In addition, every attempt to preserve these areas within a “Conservation Easement” should be made by the developer.
  - Notation of all “Conservation Easements”
5. When “Conservation Easements” are a part of the development, the development shall be established as a Planned Unit Development (PUD-1). With “Conservation Easements” and a PUD-1 designation, the developer may be eligible for “density bonuses” on the project.
  6. Developments within the Conservation Overlay District are required/encouraged to take full advantage of natural resources and environmentally sensitive areas within the development.
- b. Site Preparation and general planting requirements**
1. **Topsoil Preservation** - Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
  2. **Protection of existing plantings** - Maximum effort should be made to save key landscaping elements and specimens, as determined by the County or qualified representative of the County. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated on the landscape plan to be retained. Protective barriers shall be installed around each plant and/or group of plants being protected and said barrier shall be self-supporting. Said barriers shall be a minimum of four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.
  3. **Slope plantings** - Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion. All roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall have protective matting and be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.
  4. All building sites, either individual or within a new subdivision, shall be required to complete the proper soil borings to identify any soils which may not be compatible to building or to identify unknown subterranean voids. The cost of said testing shall be the burden of the landowner, on individual lots or the developers, in new proposed subdivisions. Said testing shall be completed and certified, signed and stamped by a professional licensed engineer.

4. **Administration**
  - a. **Permit Application**

## Plymouth County Zoning Ordinance

1. The required site plan shall be included with any building permit and/or preliminary plat. Upon receipt of said site plan, the Plymouth County Zoning Office shall review the site plan for compliance with these regulations. In addition, the Plymouth County Zoning Office may request additional review of the site plan by the following:
  - The Plymouth County Planning Commission,
  - A Professional Engineer, certified landscape architect,
  - A certified arborist, or
  - any other individuals or agencies deemed necessary for input on erosion and siltation control.
2. Upon review of the proposed site plan or preliminary plat, the County shall return the applications with either an unconditional approval, a conditional approval, or denial. All conditional approvals shall state the conditions required to be met along with a findings of fact to support said conditions. All denials shall be required to include the reasons for such a determination as well as a findings of fact to support the reasons. All decisions may be appealed to the Plymouth County Planning and Zoning Commission, Plymouth County Board of Supervisors, and/or the Plymouth County Board of Adjustment.
3. The Applicant shall pay a fee of as determined on the fee schedule, adopted by the County Board of Supervisors under a separate Ordinance, to cover the necessary review and processing costs. Additional fees may be assessed to cover specialized review. All additional review fees shall be determined and approved by applicant prior to authorization of specialized review.
4. The proposed site plan once approved by the County shall become a binding contract between the County and the developer. Any modifications to this site plan must be submitted to the Zoning Office prior to implementing said modifications. Along with the modification request, a statement noting the reasons behind the changes shall be submitted. Examples of reasons may include unsuitable soil capacity for structures, unknown conditions of said trees and vegetation (illness, rot, etc).

### **D. Fines and Penalties**

1. Failure to meet the necessary requirements of this Overlay District shall result in a fine of \$200.00 per Offense with each day of noncompliance counting as a separate Offense. Upon notification of noncompliance, the County may waive said fines provided all work on said property and/or subdivision has ceased and the developer is proceeding in good faith to bring the project into compliance. If said good faith efforts cease the County may continue issuing additional Offenses as well as cite each individual day throughout the good faith period.

### **E. Loess Hills Sub-district**

1. The intent of the Loess Hills Sub-district is to add special provisions for new development that are exclusive to this region of Plymouth County. All criteria within the Conservation District shall apply to this Sub-district. The additional requirements stated in this section will deal specifically with the sensitivity of the

## Plymouth County Zoning Ordinance

soils and landform of the region, as well as, provide protection for a unique land formation only seen in two parts of the world. This landform provides a unique character from the standpoint of natural resources, history and developmental evolution of this region of the world.

2. Single Lot developments shall meet the following Lot Area requirements. The Lot Area requirements apply to the entire sub-district and supercede any Lot Area requirements of the underlying Zoning Districts. Where there is a relaxation of the Lot Area requirements from the underlying Zoning District, this has been established in order to promote single lot development in areas with lesser slopes while providing for adequate design opportunities.

**a. The following restrictions shall apply within the Loess Hills Sub-district:**

| Lot Size*                                       | Average Percentage Slope |
|---|--------------------------|
| 2 acres**                                       | less than 4% slope       |
| 5 acres**                                       | 5% to 10% slope          |
| 10 acres  | 11% to 16% slope         |
| 20 acres  | 17% to 20% slope         |
| No development where property is over 21% slope |                          |

All residential dwelling units and infrastructures, regardless of slope and lot area, shall locate the structures on the lesser sloped areas of the site

\* Lot excludes public Right – of - Way.

\*\* The U.S.G.S. topographical maps will be used for 5 acre sites.

**b. Ridgeline location requirements:**

Building sites may be located on ridgelines provided that the site contains a minimum of five (5) acres with 0% to 10% slope on an unaltered ridge.

**c. Minimum Lot Area vs. Minimum Lot Width and Depth**

| <u>Minimum</u>  | <u>Minimum, Feet</u> |                  |
|-----------------|----------------------|------------------|
| <u>Lot Area</u> | <u>Lot Width</u>     | <u>Lot Depth</u> |
| 2 Acres         | 300                  | 350              |
| 5 Acres         | 300                  | 350              |
| 10 Acres        | 350                  | 450              |
| 20 acres        | 400                  | 500              |

**d. Slope Determination:**

1. The average slope of a parcel shall either be determined by a licensed land surveyor using land surveying software or it may be determined by:
  - (a) Superimposing a rectilinear 100-foot grid on a topographic map in a north-south and east-west orientation; and
  - (b) Noting the elevation at each intersecting point on the grid as determined by sources in Sections 2 and 3 below; and
  - (c) Tabulating the difference in elevation for all adjacent intersecting points;
  - (d) Dividing the sum of all the elevation differences by the number of comparisons made. (Note: Because the points are prescribed to be 100 feet apart, the elevation differences yield slope ratios with a denominator of 100 and may be expressed directly as percentage slopes.)



## Plymouth County Zoning Ordinance

2. For subdivisions and lots less than 5 acres, either elevations interpolated from the contour lines on the U.S.G.S. topographical maps (10-foot contour intervals) or a topographic survey performed, signed and sealed by a licensed land surveyor may be used.
3. All subdivision and lots greater than 5 acres shall have slopes determined by a Licensed Land Surveyor and/or Professional Engineer by the method described in Section 1 above. The slopes within the proposed Sub-division shall be noted throughout the plat.

### e. Soil Excavation

1. Whenever soil on a building site is excavated and disturbed, all vertical and/or slopes meeting the definition of sloped areas (remaining) of 10% or more after excavation shall be protected by retaining walls designed to protect the hillside from erosion and fall-off.
2. In addition to retaining wall structures, all excavation on building sites and subdivisions shall be to require construct all necessary siltation structures and/or basin terraces. If no such structures are required then the lot or subdivision shall be required to submit a certified statement from a civil engineer to that effect.
3. On all new building sites, the County shall require soil boring to be taken in appropriate locations in order to determine any potential subterranean cavities within the building area of the site. Boring costs shall be the financial responsibility of the developer.
4. All roadway design and construction shall follow the appropriate land contours. Subdivision and building sites shall design roads in order to minimize erosion. All necessary precautions shall be taken in controlling erosion and siltation. Standard practices for erosion and siltation control shall be followed throughout the project site.
5. Borrow pits and commercial mining, as defined and approved by the Conditional Use Permit by the County Board of Zoning Adjustment.

### f. Water runoff and subsurface moisture

1. The final design of a building site shall include steps to disperse all rain-water in order to minimize all erosion on the site.
2. All building sites not connected to a centralized sewer and/or water system shall be required to contain sewerage within a leak-resistant septic tank and all waste shall be pumped and hauled off-site for proper disposal. This shall be performed on all building sites with slopes over a 10% slope.

\* Note: This requirement is due to the severe erosion conditions present when Loess soils become saturated by water and/or other sources.

## F. Performance Zoning Criteria

### 1. Purpose

The purpose of this section is to identify minimal development criteria within certain Zoning Districts. Performance criteria will not apply to all uses within

## Plymouth County Zoning Ordinance

Plymouth County, only those which are deemed to be special in nature and requiring special environmental, quality of life and review for the public's health, safety and general welfare.

- a. All subdivisions shall have a minimum lot area of five (5) acres unless otherwise lowered by density bonuses or served by central water and/or sewer.
- b. With density bonuses the minimum lot area shall not be less than three (3) acres unless subdivision served by central water and/or sewer.

### 2. **Point System**

Each use and/or Zoning District requiring special attention will be rated through a point system. In all cases, a minimum number of points will be required in order for a Conditional Use Permit / Subdivision to be approved.

## Plymouth County Zoning Ordinance

### 3. Residential Subdivisions in the Conservation Overlay District except the Loess Hills Sub-District

a. In order for this type of development to be approved by the Planning and Zoning Commission, Board of Adjustment and the County Board of Supervisors, the application shall receive a minimum of 70% of the possible total score.

#### b. Planned Unit Development (PUD) Criteria

1. Applicant has met the requirements of the PUD criteria of this Zoning Regulation. 80 points
2. Applicant has not met the PUD criteria -150 points

#### c. Conservation Easements

##### Developer has identified Conservation Easements (*Bonus Points*)

1. 50% or more of the development has been identified as a Conservation Easement **50 points**
2. 40% to 49% of the development has been identified as a Conservation Easement **40 - 49 points**
3. 30% to 39% of the development has been identified as a Conservation Easement **30 - 39 points**
4. 20 to 29% or more of the development has been identified as a Conservation Easement **20 - 29 points**
5. 10% to 19% of the development has been identified as a Conservation Easement **10 - 19 points**
6. 0% to 9% of the development has been identified as a Conservation Easement **0 - 9 points**

##### Developer has not identified any Conservation Easements

1. No Easements apply to this development 0 points
2. There are areas appropriate for Conservation Easements -150 points

#### d. Topography/Terrain

1. Works with existing topography/terrain and disturbs less than 10% of the site for grading (**20 Bonus Points**) **60 points**
2. Disturbs between 10% and 25% of the site 40 points
3. Disturbs between 25% and 50% of the site 0 points
4. Disturbs more than 50% of the site -40 points

#### e. Preservation of existing vegetation

1. 90% to 100% preservation of vegetation 20 points
2. 50% to 90% preservation of vegetation 12 points
3. 20% to 50% preservation of vegetation 4 points
4. Less than 20% preservation of vegetation -150 points

## Plymouth County Zoning Ordinance

|           |   |                  |
|-----------|---|------------------|
| <b>f.</b> | <b>County Road Classification</b>   |                  |
|           | 1. Along paved County Road or State/Federal Highway ( <i>10 Bonus Points</i> )  | <b>30 points</b> |
|           | 2. Along a maintained and graveled County Road  | 20 points        |
|           | 3. Along a minimum maintenance road unless brought up to County standards by the property owner/developer   | 0 points         |
| <b>g.</b> | <b>Landscaping Standards</b>  |                  |
|           | 1. The Subdivision indicates all data required in the Conservation Overlay District   | 40 points        |
|           | 2. The Subdivision indicates partial data as required   | 0 points         |
|           | 3. The Subdivision indicates none of the required Data  | -150 points      |
| <b>h.</b> | <b>Site Slopes</b>  |                  |
|           | 1. 50% or more of the Subdivision is located slopes greater than 20% unless the area above 50% is within a conservation easement.                             | -150 points      |
|           | 2. 25% to 50% of the Subdivision is located on slopes greater than 20%  | -50 points       |
|           | 3. 0% to 25% of the Subdivision is located on slopes greater than 20%   | 20 points        |
| <b>i.</b> | <b>Sanitary Sewer and Water Systems</b>   |                  |
|           | 1. Subdivision is served by a Centralized Sanitary Sewer Collection and Treatment facility and utilizes a centralized water supply ( <i>20 Bonus Points</i> ) | <b>60 points</b> |
|           | 2. Subdivision is served by a Centralized Sanitary Sewer Collection and Treatment facility or utilizes a centralized water supply                             | 40 points        |
|           | 3. Subdivision has private septic systems, as required, and individual wells and testing certified by a licensed professional engineer                        | 0 points         |
| <b>j.</b> | <b>Fire Protection (<i>Bonus Points Only</i>)</b>   |                  |
|           | 1. New construction and has a built-in fire suppression system and uses an alternative system for fire protection   | <b>40 points</b> |
|           | 2. New construction and has a built-in fire suppression system  | <b>30 points</b> |
|           | 3. Development makes use of an alternative system for fire protection   | <b>20 points</b> |
|           | Total Points possible in this Section   | 260 points       |
|           | Total points needed for approval of Subdivision   | 182 points       |



## Plymouth County Zoning Ordinance

- 4. Residential Subdivisions in the Conservation Overlay District including the Loess Hills Sub- District**
- a. In order for this type of development to be approved by the Planning and Zoning Commission, Board of Adjustment and the County Board of Supervisors, the application shall receive a minimum of 70% of the possible total score.
- b. Planned Unit Development (PUD) Criteria**
- |    |   |             |
|----|---|-------------|
| 1. | Applicant has met the requirements of the PUD criteria of this Zoning Regulation. | 80 points   |
| 2. | Applicant has not met the PUD criteria  | -200 points |
- c. Conservation Easements**
- Developer has identified Conservation Easements (*Bonus Points*)**
- |    |   |                       |
|----|---|-----------------------|
| 1. | 50% or more of the development has been identified as a Conservation Easement       | <b>50 points</b>      |
| 2. | 40% to 49% of the development has been identified as a Conservation Easement        | <b>40 - 49 points</b> |
| 3. | 30% to 39% of the development has been identified as a Conservation Easement        | <b>30 - 39 points</b> |
| 4. | 20 to 29% or more of the development has been identified as a Conservation Easement | <b>20 - 29 points</b> |
| 5. | 10% to 19% of the development has been identified as a Conservation Easement        | <b>10 – 19 points</b> |
| 6. | 0% to 9% of the development has been identified as a Conservation Easement          | <b>0 – 9 points</b>   |
- Developer has not identified any Conservation Easements**
- |    |  |             |
|----|--|-------------|
| 1. | No Easements apply to this development                 | 0 points    |
| 1. | There are areas appropriate for Conservation Easements | -200 points |
- d. Topography/Terrain**
- |    |   |                  |
|----|---|------------------|
| 1. | Works with existing topography/terrain and disturbs less than 10% of the site for grading<br><b>(20 Bonus Points)</b> | <b>60 points</b> |
| 2. | Disturbs between 10% and 25% of the site  | 40 points        |
| 3. | Disturbs between 25% and 50% of the site  | 0 points         |
| 4. | Disturbs more than 50% of the site  | -200 points      |
- e. Preservation of existing vegetation**
- |    |  |             |
|----|--|-------------|
| 1. | 90% to 100% preservation of vegetation   | 20 points   |
| 2. | 50% to 90% preservation of vegetation    | 12 points   |
| 3. | 20% to 50% preservation of vegetation    | 4 points    |
| 4. | Less than 20% preservation of vegetation | -200 points |
- f. County Road Classification**
- |    |  |                  |
|----|--|------------------|
| 1. | Along paved County Road or State/Federal Highway<br><b>(10 Bonus Points)</b>                           | <b>30 points</b> |
| 2. | Along a maintained and graveled County Road  | 20 points        |
| 3. | Along a minimum maintenance road unless brought up to County standards by the property owner/developer | 0 points         |



## Plymouth County Zoning Ordinance

|           |   |                  |
|-----------|---|------------------|
| <b>g.</b> | <b>Landscaping Standards</b>  |                  |
|           | 1. The Subdivision indicates all data required in the Conservation Overlay District   | 40 points        |
|           | 2. The Subdivision indicates partial data as required   | 0 points         |
|           | 3. The Subdivision indicates none of the required data  | -200 points      |
| <b>h.</b> | <b>Site Slopes</b>  |                  |
|           | 1. 50% or more of the Subdivision is located slopes greater than 20% unless the area above 50% is within conservation easement.                               | -200 points      |
|           | 2. 25% to 50% of the Subdivision is located on slopes greater than 14%  | -100 points      |
|           | 3. 0% to 25% of the Subdivision is located on slopes greater than 14%   | 20 points        |
| <b>i.</b> | <b>Sanitary Sewer and Water Systems</b>   |                  |
|           | 1. Subdivision is served by a Centralized Sanitary Sewer Collection and Treatment facility and utilizes a centralized water supply ( <b>20 Bonus Points</b> ) | <b>60 points</b> |
|           | 2. Subdivision is served by a Centralized Sanitary Sewer Collection and Treatment facility or utilizes a centralized water supply                             | 40 points        |
|           | 3. Subdivision has private septic systems, as required, and individual wells and testing certified by a licensed professional engineer                        | 0 points         |
| <b>j.</b> | <b>Fire Protection (<i>Bonus Points Only</i>)</b>   |                  |
|           | 1. New construction and has a built-in fire suppression system and uses an alternative system for fire protection   | <b>40 points</b> |
|           | 2. New construction and has a built-in fire suppression system  | <b>30 points</b> |
|           | 3. Development makes use of an alternative system for fire protection   | <b>20 points</b> |
|           | Total Points possible in this Section   | 260 points       |
|           | Total points needed for approval of Subdivision   | 182 points       |



## Plymouth County Zoning Ordinance

### **Section 4.12 “PUD-1” Planned Unit Developments**

1. **Intent:** The intent of the PUD-1 District is to encourage the creative design of new living, retail, 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. A PUD-1 district shall be used whenever “Conservation Easements” and “Density Bonuses” are implemented.

The PUD-1 District is a floating zone. Although the 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.

2. The Planning and Zoning Commission shall make a report to the County Board setting forth its reasons for recommendation of approval or denial of the application for a PUD-1 District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.
  - A. Said Planned Unit Development shall be in general conformity with the provisions of the Plymouth County Comprehensive Development Plan.
  - B. Said Planned Unit Development shall not have a substantially adverse effect on the development of the neighboring area.
  - C. The minimum size allowed for a PUD-1 District shall be as follows:
    - Residential, three acres;
    - Mobile Home Parks, five (5) acres;
    - Commercial, three (3) acres;
    - Residential-commercial, four (4) acres;
    - Recreational, five (5) acre;
    - Industrial, five (5) acres;
    - Industrial - commercial, ten (10) acres;
    - Agricultural. Five (5) acres;
    - Transitional Agriculture. Five (5) acres.
  - D. Height, bulk, and setback requirements may be varied so as to promote an efficient and creative PUD-1 District.

3. **Use regulations.**

In District PUD-1 no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in the primary underlying Zoning District. All uses must be approved as shown on the development plan as specified in this division.

4. **Standards and conditions for development.**

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:

  - A. The applicant shall satisfy the Planning and Zoning Commission that he/she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the final application by the County Board. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the plan shall expire. The period of time established for the completion

## Plymouth County Zoning Ordinance

of the development may be modified from time to time by the planning commission upon the showing of good cause by the developer.

- B. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the County Board 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 before completion.
- C. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
- D. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
- E. The entire tract or parcel of land to be occupied by the Planned Unit Development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such Planned Unit Development shall be filed jointly by all owners.
- F. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the 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.
- G. Off-street parking and loading shall be provided in accordance with the parking and loading regulations, see Article 6 of this Regulation.
- H. When a commercial use within a PUD-1 District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial developer are separated by a street right-of-way.
- I. All residential and commercial buildings shall be set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the planning commission for protection of health, safety, and general welfare.
- J. 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, forty (40) percent maximum;  
Commercial, thirty-five (35) percent maximum.
- K. A minimum of thirty (30) percent 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 under subsection (P) below. Common open space for the leisure and recreation of PUD-1 residents only shall be owned and maintained in common by them, through a homeowner's association.

## Plymouth County Zoning Ordinance

- L. The PUD-1 District 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 County Board if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community.
- M. No residential use shall have direct access onto an arterial street.
- N. 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.
- O. Sidewalks, when required, shall be built to minimum specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the Planned Unit Development.
- P. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space that is accessible and available to all occupants in common by a homeowner's condominium's or resident's association. Open space shall include all areas noted as being under a "Conservation Easement"
- Q. The PUD-1 District may allow for Cluster Developments provided they meet the definition of this Regulation and/or the developer creates an open space area which also contains a centralized sanitary sewer system which meets all requirements of the State of Iowa for design and proper design capacity, including all other required permits. Cluster Developments, including those requesting "Density Bonuses" are encouraged when using "Conservation Easements"

The developer shall submit plans for the development to the Plymouth County Zoning Office, the Plymouth County Sanitarian and to the Iowa Department for Natural Resources for review. The PUD-1 District shall not be approved until all criteria have been met for the District, including approval and sign off the sanitary septic system by the Plymouth County Sanitarian and the State of Iowa. The developer or a Homeowners Association shall be responsible for properly maintaining the system.

- 5. **Application for approval of Preliminary PUD-1.**
  - A. An application for a PUD-1 shall be handled in the same manner prescribed for amending this chapter. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
  - B. The applicant shall prepare and submit thirteen (13) copies of the preliminary development plan for review and approval by the Planning and Zoning Commission. Said preliminary shall include:
    - (1) A site plan showing:
      - a) Contours at intervals of five (5) feet or less or spot elevations on a one hundred foot grid shall be required on flat land;
      - b) Location, size, height, and use of all proposed structures in conformance with the yard requirements;
      - c) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
      - d) All streets adjoining subject property and the width of the existing right-of-way;

## Plymouth County Zoning Ordinance

- e) Areas set aside for public and private open space, and “Conservation Easements” with the type of recreational facilities planned for each and indicated;
  - f) Designation of individual parcels if the proposed development is to be set up in separate construction phases;
  - g) Designation of individual lots if such lots are proposed to be sold to individual owners;
  - h) Location of required screening;
  - I) Location of natural features such as ponds, tree clusters, and rock outcropping;
  - j) Existing development on adjacent properties within two hundred (200) feet.
- (2) The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when, said items are applicable:
- 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) Density of dwelling units per acre of the total dwelling units for the entire plan.
  - c) Building coverage of the net area of the Planned Unit Development by individual parcel or total development.
  - d) The percentage of the development plan provided for common open space and/or “Conservation Easement” as defined by this regulation. (*Note: Normally, this figure should be approximately fifty (50) percent.*)
  - e) If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
  - f) Required number of off-street parking spaces.
  - g) Gross floor area proposed for commercial buildings.
  - h) All proposed land uses shall be listed by parcel.
- (3) A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
- (4) The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.
- (5) A vicinity map that indicates the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed planned unit development.
- (6) A description, rendering or drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
- (7) When a Planned Unit Development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
- (8) Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development district.

- C. The Planning and Zoning Commission shall, within thirty (30) days after a preliminary PUD-1 is filed, hold a public hearing on said development after giving

## Plymouth County Zoning Ordinance

notice as required by Iowa Code for hearings in 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 Planning and Zoning Commission shall prepare and transmit to the County Board 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-1. The Planning and Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.

- D. The County Board shall or shall not approve the preliminary development plan and authorize the submitting of the final development plan.
- E. Substantial or significant changes in the preliminary PUD-1 shall only be made after re-hearing and re-approval.

### 6. Final approval.

- A. 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 with the Planned Unit Development compliance review committee. Said final application may include the entire PUD-1 District or may be for a unit or section thereof as set forth in the approval of the Preliminary Plan. The application shall include fifteen (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-1 District. The final plan shall include the same information as the Preliminary Plan except the following shall also be provided:
  - (1) A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
  - (2) Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
  - (3) All easements and appropriate building setback lines;
  - (4) All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
  - (5) Lot and/or parcel numbers;
  - (6) Location, size, height, and use of all proposed or present buildings;
  - (7) 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 which apply to the property.
  - (8) 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.
- B. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner is tentatively approved does not:
  - (1) Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
  - (2) Increase by more than ten (10) percent the floor area proposed for non-residential use; nor
  - (3) Increase by more than five (5) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
  - (4) Substantially change the design of the plan so as to significantly alter:

## Plymouth County Zoning Ordinance

- a) Pedestrian or vehicular traffic flow.
  - b) The juxtaposition of different land uses.
  - c) The relation of open space to residential development.
  - d) The proposed phasing of construction.
  - e) Proposed use of one or more buildings to a more intensive use category as delineated in this chapter.
- D. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved Preliminary Plan. The Planning and Zoning Commission shall, within thirty (30) business days of the time of filing, review the final plan for compliance with the approved Preliminary Plan. Upon review approval, said final plan shall be filed with the County Board for final approval and acceptance.
- E. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this division as for original approval.

### 7. Density Bonuses

- A. The use of the PUD-1 District, in conjunction with the Conservation / Loess Hills Overlay District and Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
- B. Density Bonuses shall be awarded in direct proportion to the amount of the proposed Subdivision that is placed within a Conservation Easement.

For example:

If a developer places 30% of the proposed Subdivision into a Conservation Easement, then the required Lot Area may be reduced by 30% in order to maintain the same number of lots that would have been allowed by the Subdivision lot area and the minimum lot size of the Zoning District.

#### *Normal Development*

- A developer has 10 acres of land to develop = 435,600 square feet
- Minimum lot area of the Zoning District = 10,000 square feet
- Total lots (minus streets) = 43.56

#### *Development with Conservation Easements*

- Same site of 10 acres = 435,600 square feet
- 30% of site is placed in a Conservation Easement = 130,680 square feet
- Density Bonus allows total lots of 43.56
- New minimum lot area for Subdivision = 7,000 square feet

- C. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three (3) acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic as regulated by the Iowa Department of Natural Resources.

### 8. Enforcement and modification of plan.

To further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the PUD-1 plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reason-



## Plymouth County Zoning Ordinance

able reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

- A. The provisions of the plan relating to:
  - (1) The use of land and the use, bulk, and location of buildings and structures; and
  - (2) The quality and location of common space; and
  - (3) The intensity of use or the density of residential units shall run in favor of the county and shall be enforceable in law or in equity, by the county, without limitation on any powers or regulation otherwise granted by law.
- B. All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

### **9. Amendments.**

The PUD-1 District 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 may be made by the homeowner's association or fifty-one (51) percent of the owners of the property within the PUD-1 District.

### **10. Platting.**

Unplatted tracts or tracts being replatted, the approval of the preliminary PUD-1 shall be considered as the approval of a Preliminary Plan. To complete the platting process, the applicant needs only submit a final plat. Said final plat shall be in accordance with the subdivision regulations, except the scale shall be either two hundred (200) feet, one hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.

## Plymouth County Zoning Ordinance

### ARTICLE 5 – CONDITIONAL USE REGULATIONS

#### Section 5.01 CONDITIONAL USE PROCEDURE

- A. Procedure Generally. 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 with the regulations and requirements set forth in this ordinance.
- B. Consultation with the Zoning Administrator and Application. 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 (1) copy of the written application form and all necessary supporting documents and materials along with the required application fee.
- C. Public Hearing by the Board of Adjustment. Once the Zoning Administrator has accepted and filed the conditional use application with the Board, the Board shall hold a public hearing and shall provide legal notification according to the laws of the State of Iowa. The Zoning Administrator shall notify the applicant in writing of this public hearing.
- D. Upon hearing if the Board disapproves the conditional use, it shall set forth the reasons for such disapproval in its records and shall provide the applicant with a copy of such reasons. If the Board approves the conditional use, it shall inform the Zoning Administrator that he/she may issue a certificate of compliance for the conditional use.
- E. The Board 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 which are permitted under existing zoning.
  - 4. The adequacy and 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 Plymouth County.
  - 8. The effect the proposed use may have upon the environment, water and air quality of Plymouth County.



## Plymouth County Zoning Ordinance

### **Section 5.02 REVOCATION OF CONDITIONAL USE PERMIT**

Plymouth County reserves the right to revoke a Conditional Use Permit for failure, by the applicant, to comply with the conditions of the permit.

- A. Prior to a Conditional Use Permit revocation, the County shall complete the following:
  - 1. Provide notice to the permittee that they are in violation.
  - 2. Copy of the notice shall be provided to the Zoning Board of Adjustment and the County Attorney.
  - 3. The permittee shall be given 30 days to comply with the conditions of the permit. Additional time may be granted provided that the permittee can show progress is being made on the requirements. No more than an additional 60 days shall be allowed.
  - 4. The permittee has the right to request a Public Hearing with the Board of Zoning Adjustment to discuss the matter.
  - 5. If compliance is not obtained then notice of revocation shall be sent to the permittee and a copy sent to the County Attorney for further processing.



# Plymouth County Zoning Ordinance

## **ARTICLE 6: SUPPLEMENTAL REGULATIONS**

### **Section 6.01 Off-Street Automobile Storage.**

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.

If vehicle storage space or standing space required above 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 four hundred (400) feet of an entrance to such principal use. Such vehicle standing 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.

- C. All parking spaces shall be paved with asphalt or concrete or suitable substitution.
- D. Where calculations in accordance with the foregoing 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.
- E. 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 6.02 Schedule of Minimum Off-street Parking and Loading Requirements**

| <b><u>Structures and Uses</u></b>                        | <b><u>Parking Requirements</u></b>  | <b><u>Loading Requirements</u></b> |
|--|---|------------------------------------|
| <b>Residential Units (including Apartment Buildings)</b> | 2 Spaces per dwelling unit  |                                    |
| <b>Bowling Alleys</b>                                    | 4 Spaces per alley  | 1 Space per establishment          |
| <b>Churches, Synagogues, and Temples</b>                 | 1 Space per 4 seats in main unit of worship                               | None required                      |
| <b>Eating and Drinking Places</b>                        | Parking spaces equal to 30% of capacity in persons                        | 2 Spaces per establishment         |
| <b>Educational Uses, Nursery</b>                         | Parking spaces equal to 20% capacity in students                          | 2 Spaces per structure             |
| <b>Educational Uses, All Other</b>                       | Parking spaces equal to 40% of capacity of students                       | 2 Spaces per structure             |
| <b>Funeral Homes and Chapels</b>                         | 8 Spaces per reposing room  | 2 Spaces per establishment         |
| <b>Hospitals</b>   | 1 Space per 2 beds  | 3 Spaces per structure             |
| <b>Hotels and Motels</b>                                 | 1 Space per rental unit   | 1 Space per establishment          |
| <b>Industrial Uses</b>                                   | .75 times the maximum number of employees on the premises at any one time | 2 Spaces per establishment         |
| <b>Libraries</b>   | 1 Space per 500 square feet of floor area                                 | 1 Space per structure              |
| <b>Lodging, Boarding Houses and Bed and Breakfasts</b>   | 1 Space per rental unit   | None required                      |
| <b>Medical Clinics</b>                                   | 5 Spaces per staff doctor or dentist                                      | None required                      |
| <b>Mobile Home Park</b>                                  | 2 Spaces per dwelling unit  | None required                      |
| <b>Offices</b>   | 1 Space per 200 square feet of gross floor area                           |                                    |



## Plymouth County Zoning Ordinance

|  |   |                            |
|--|---|----------------------------|
| <b>Other Commercial</b>                                  | .75 times the maximum number of employees on the premises at any one time | 2 Spaces per establishment |
| <b>Private Clubs and Lodges</b>                          | 1 Space per 500 square feet of floor area                                 | 1 Space per establishment  |
| <b>Retail Sales Establishments</b>                       | 1 Space per 200 square feet of gross floor area                           | 1 Space per establishment  |
| <b>Roadside Stands</b>                                   | 4 Spaces per establishment  | None required              |
| <b>Sanitariums, Convalescent, and Rest Home Services</b> | 1 Space per 3 beds plus 1 space per employee on the largest shift.        | 1 Space per establishment  |
| <b>Service Establishments and Offices</b>                | 1 Space per 200 square feet of gross floor area                           | 1 Space per establishment  |
| <b>Theaters, Auditoriums, and Places of Assembly</b>     | 1 Space per 4 people in designed capacity                                 | 1 Space per establishment  |
| <b>Veterinary Establishments</b>                         | 3 Spaces per staff doctor   | None required              |
| <b>Wholesaling and Distribution Operations</b>           | 1 Space per 2 employees on largest shift                                  | 2 Spaces per establishment |

### **Section 6.03 Signs: Standard of Measurement**

- A. 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.
- B. A building or use having frontage on a second street may include 20% of the length of the lot facing the second street.

### **Section 6.04 Signs, Type**

- A. **Real Estate:**  
Not more than 2 signs per lot may be used as a temporary sign no larger than 6 square feet (except, A-1, or TA-1 may be up to 32 square feet and setback a minimum of five (5) feet from the R.O.W.) and set back 20 feet from the road right of way or road easement boundary. In no case shall these signs obstruct the visibility at any intersection or driveway.
- B. **Business:**  
Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.
- C. **Wall:**  
A sign or sign flat against a building wall when appertaining to a nonconforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.
- D. **Name plate:**  
One nameplate not exceeding 2 square feet for each dwelling.



## Plymouth County Zoning Ordinance

**E. Billboard:**

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. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
2. No billboard, signboard, or similar advertising signs shall be located within 100 feet of any lot in a residential district.
3. No billboard, signboard, or similar advertising signs shall exceed 500 square feet in area.
4. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

**F. Low Profile or Ground:**

Ground signs at least 5 feet from any lot line with a maximum height of 6 feet.

**G. Projecting or Pole:**

One free standing or projecting sign for each enterprise on the premises of not more than 672 square feet per sign face within any Agricultural, Transitional Agricultural, Commercial or Industrial District and 100 square feet when located within any Residential District, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceed the maximum height from the established grade level for said Zoning District. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

**H. Subdivision:**

Not more than one (1) sign per entrance into the subdivision. No sign shall be greater than 32 square feet in size.

- I.** Signs hung from canopies and awnings shall be no closer than 80 inches from the bottom edge of the sign to grade below.

**Section 6.05 Sign Schedule**

- A. Signs shall be permitted in the various districts according to the following schedule:

**Sign Schedule**

| Zoning District       | <u>A-1</u> | <u>TA-1</u> | <u>R-1</u> | <u>R-2</u> | <u>C-1</u> | <u>I-1</u> | <u>PUD-1</u> | <u>CON</u> |
|-----------------------|------------|-------------|------------|------------|------------|------------|--------------|------------|
| Sign Type             |            |             |            |            |            |            |              |            |
| Real Estate           | +          | +           | +          | +          | +          | +          | +            | +          |
| Business              | C          | C           | +          | +          | +          | +          | C            | C          |
| Wall                  | -          | -           | -          | -          | +          | +          | +            | C          |
| Name Plate            | +          | +           | +          | +          | +          | +          | +            | +          |
| Billboard             | -          | -           | -          | -          | C          | C          | C            | -          |
| Subdivision           | -          | -           | C          | C          | +          | +          | +            | C          |
| Projecting or Pole    | -          | -           | -          | -          | +          | +          | C            | -          |
| Ground or Low Profile | C          | C           | C          | C          | +          | +          | C            | C          |

+: permitted

-: not permitted

C: Conditional Use



## Plymouth County Zoning Ordinance

### **Section 6.06 Sign Permits**

All signs, except Real Estate signs advertising the sale of property where the sign is located and up to one (1) sign advertising the authorized business being conducted on the property where the sign is located, shall require a building permit from the Zoning Administrator's Office prior to installing any new sign. Election signs shall be exempt so long as they do not interfere with the safety and well being of the public.

### **Section 6.07 Special Regulations for Modular Homes.**

- A. Standards for Modular Homes. No Certificate of Zoning Compliance or occupancy permit shall be issued for a modular home, unless the modular home, in the judgement of the Zoning Administrator, meets the following guides and standards, in addition to the other requirements in this ordinance. The modular home shall:
1. Be placed upon and anchored to a permanent foundation as defined in Article 2.
  2. Have a minimum first floor area of 640 square feet of living area.
  3. Be similar in design of exterior elements to the design of conventional housing in the immediate area of the County.

### **Section 6.08 Wireless Communication Towers**

**A. Intent:**

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 tending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County, 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 / collocation 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.

**B. Definitions:**

All terms in this Section which 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:

**ANTENNA** shall mean 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.

**ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

**APPLICANT** shall mean any person that applies for a Tower Development Permit.



## Plymouth County Zoning Ordinance

**APPLICATION** shall mean 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.

**CONFORMING COMMERCIAL EARTH STATION** shall mean 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 regulation.

**ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.

**OWNER** shall mean any person with a fee simple title or a leasehold exceeding ten (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.

**PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

**SATELLITE DISH ANTENNA** shall mean 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.

**STEALTH** shall mean any telecommunications facility, tower, or antenna which 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.

**TELECOMMUNICATIONS FACILITIES** shall mean 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:

1. Any Conforming Commercial Earth Station antenna two (2) meters or less in diameter which is located on real estate zoned A-1, TA-1, R-1, R-2, C-1, or I-1.
2. Any earth station antenna or satellite dish antenna of one (1) meter or less in diameter, regardless of zoning applicable to the location of the antenna.

**TOWER** shall mean 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.

**TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the County upon approval, by the County Board of Supervisors, 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.



## Plymouth County Zoning Ordinance

**TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

### C. Location of Towers and Construction Standards

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. 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 County Board of Supervisors and issuance of the permit by the County. Applicants shall submit their application for a Tower Development Permit to the Zoning Office and shall pay a filing fee in accordance the Fee Schedule established by the County Board of Supervisors.
3. All towers, telecommunications facilities and antennas where construction has commenced within the zoning jurisdiction of the County, after the effective date of this regulation, shall conform to the Building Codes 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 in the Zoning Office.

### D. Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Office for a Tower Development Permit and shall include the following:

1. 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.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one (1) mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants telecommunications facilities on a tower or useable antenna support; or written technical evidence from, an engineer, that the applicants telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the County Board of Supervisors and federal and state and ANSI standards.
6. 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.
7. 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.

### E. Tower Development Permit: Procedure

After receipt of an application for a Tower Development Permit, the Zoning Administrator shall schedule a public hearing before the Board of Adjustment, following all Statutory requirements for publication and notice, to consider such application. The Board of Adjustment shall receive

## Plymouth County Zoning Ordinance

testimony on the Tower Development Permit and shall make a recommendation to the County Board of Supervisors. Upon the completion of the Board of Adjustment Public Hearing the Zoning Administrator shall schedule a public hearing before the County Board of Supervisors, following all Statutory requirements for publication and notice, to consider such application and the recommendation of the County Board of Adjustment. Notice, for each Public Hearing, shall be made at least one (1) time and at least ten (10) days prior to such hearing. In addition, the Zoning Administrator shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to Section 9.03 of this regulation. 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.

### F. Setbacks and Separation or Buffer Requirements

1. A telecommunication tower shall be setback from all property lines of the telecommunication tower site a distance that is not less than the fall-down distance for the tower, which shall be equal to 115% of the height of the tower measured from the base of the tower to the top of any antennas or other equipment on the tower. The telecommunication tower site is defined as real property that is either owned or leased by the tower owner/developer.
2. Towers exceeding one hundred (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 two hundred (200) feet or one hundred percent (100%) of the height of the proposed tower, whichever is greater.
3. Towers of one hundred (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 one hundred percent (100%) of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
  - a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of seven hundred fifty (750) feet.
  - b. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

### G. 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 regulation and set forth in this Article of the Zoning Regulation.

### H. Illumination and Security Fences

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses / zoned properties within a distance of 300% of the height of the tower, any tower subject to this Section shall be equipped with dual mode lighting.
2. 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 de-



## Plymouth County Zoning Ordinance

signed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

### **I. Exterior Finish**

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Board of Adjustment and County Board of Supervisors 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.

### **J. 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.

### **K. Maintenance, Repair or Modification of Existing Towers**

All towers constructed or under construction on the date of approval of this regulation 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 Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the County Board of Supervisors, an exemption from compliance as a condition of the Tower Development Permit.

### **L. 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 Building Codes 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's Zoning Office, Building Inspector, or a duly appointed independent representative of the County.

### **M. 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.

### **N. Abandonment**

If any tower shall cease to be used for a period of two years, the Zoning Office shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have thirty (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 tower owner shall have seventy-five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee 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



## Plymouth County Zoning Ordinance

and Plymouth County codes, 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. The owner of the real estate should protect their interest by requiring a bond or other security as part of the lease agreement with the owner/developer of the telecommunication tower.

### **O. Satellite Dish Antennas, Regulation**

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

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of ten (10) feet.
2. Single family residences may not have more than one (1) satellite dish antenna over three (3) feet in diameter.
3. Multiple family residences with ten (10) or less dwelling units may have no more than one (1) satellite dish antenna over three (3) feet in diameter. Multiple family residences with more than ten (10) dwelling units may have no more than two (2) satellite dish antennas over three (3) feet in diameter.
4. All satellite dish antennas installed within the zoning jurisdiction of Plymouth County, upon adoption of this regulation, 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.

### **P. Severability**

If any clause, subsection, or any other part of this Section shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Section shall not be affected thereby, but shall remain in full force and effect.

### **Section 6.09 Sand and Gravel Mineral, Stone, Rock, and Soil Extraction and Quarries**

- A. The application shall include a grading map showing contours, proposed excavation contours, and proposed final grade contours.
- B. The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties;
- C. The application shall identify proposed vehicle and equipment storage areas;
- D. Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land;
- E. The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility;
- F. Topsoil shall be collected and stored for redistribution on the site at the termination of the operation;
- G. Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible. Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land;
- H. Within one year after completion of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

### **Section 6.10 Wind Energy Conversion Systems**

#### **A. Intent.**

The standards and requirements set forth in this Section are intended to provide for development of Wind Energy Conversion System (WECS) facilities within Plymouth County in a manner that assures compatibility with existing and future development and provides for public safety and protection of property.



## Plymouth County Zoning Ordinance

### B. Commercial Wind Energy Conversion Systems.

Commercial wind energy conversion system (WECS) turbines may be established as conditional uses in the A-1, Primary Agriculture and the TA-1, Transitional Agriculture Districts by the procedures set forth in Section 5.01 of this ordinance, subject to the following standards and requirements:

#### 1. Setbacks.

- a. Commercial WECS turbines shall be set back from any human occupied dwelling by 1200 feet or two times the total height of the WECS turbine, whichever distance is larger.
- b. Commercial WECS turbines shall be set back from any structure intended to shelter livestock or other animals by 500 feet or the height of the WECS turbine, whichever distance is larger.
- c. Commercial WECS turbines shall be set back from any public right-of-way or overhead utility easement by 115% of the height of the WECS turbine.
- d. Commercial WECS turbines shall not overhang any property line unless appropriate encroachment easements extending 115% of the height of the WESC turbine have been secured from the adjacent property owner.
- e. Commercial WECS turbines shall be set back 115% of the height of the WESC turbine from any property line or an easement granted by the owner of the adjacent property.
- f. Setback distances shall be measured from the center of the support structure for the WECS turbine to the closest point of the structure, right-of-way or utility easement or encroachment easement.
- g. The height of the WECS turbine shall be measured from the base of the support structure to the tip of turbine rotor at its highest position.
- h. Minimum separation between WECS turbines shall be determined based on common industry practice, the public interest and the impact upon the natural environment at the site.

#### 2. Other standards.

- a. Color and finish. WECS shall, to the extent possible, use materials, colors and textures that will blend with the natural and existing environment.
- b. Signage. WECS shall not be used for display of advertising except for reasonable identification of the manufacturer or the owner/developer and appropriate safety warning signage. Reasonable identification of the owner/developer shall be not more than one such sign on each naxel (turbine covering) and no signage shall be allowed on the support tower.
- c. Mitigation. The owner/developer shall be responsible for satisfactory mitigation of any damages to drainage systems, roadways or adjacent properties caused by construction or operation of the WECS. The owner/developer shall be responsible for resolution of substantiated electrical interference issues caused by operation of the WECS.
- d. Lighting. Lighting on the WECS structure and turbine shall comply with the requirements of the Federal Aviation Administration.

#### 3. Application requirements. In addition to the requirements for a conditional use application set forth in Sections 5.01 and 9.06 Subsection B, the following specific requirements shall be met for a commercial WECS conditional use application:

- a. Pre-application informational conference. When a commercial WECS development is proposed, the owner/developer shall conduct a pre-application informational conference on said development as a means of communicating the intent and specifics of the proposal to interested persons. The owner/developer shall be responsible for setting up and conducting the pre-application informational con-



## Plymouth County Zoning Ordinance

ference, including providing the required public notice and shall provide documentation of same to the Zoning Administrator.

- (1) Timing. The pre-application informational conference shall be held not less than 30, nor more than 90 days, prior to the projected date of the public hearing on the conditional use application by the Board of Adjustment.
  - (2) Location. The pre-application informational conference shall be conducted at a location convenient to interested persons in a facility adequate in size for the anticipated attendance.
  - (3) Notice. A notice of the time, date and location of the pre-application informational conference shall be published in the official county newspaper at least once each of the two weeks prior to the date of the conference. The notice shall be not less than 1/8 of a page in the newspaper and shall include the name of the proposed project, a contact person for the owner/developer, a map and description of the location of the proposed project, the time, date and location of the conference, and a clear, concise description of the proposed project.
- b. Agency notification. The owner/developer of the commercial WECS proposed project shall provide notice of the project to the following agencies not less than 120 days prior to the projected date of the public hearing on the conditional use application by the Board of Adjustment. Documentation of the required notifications is to be provided to the Zoning Administrator simultaneously with the notifications. The notice shall include sufficient information describing the location and extent of the proposal to allow the agencies to conduct a preliminary review. The owner/developer shall provide any reports received from the agencies to the Zoning Administrator immediately. The owner/developer shall attempt to resolve any issues or concerns prior to the public hearing.
- (1) Plymouth County Engineer's Office
  - (2) Plymouth County Soil and Water Conservation District
  - (3) Plymouth County Conservation Board
  - (4) Plymouth County Board of Health
  - (5) Local EMS Fire and Rescue Departments
  - (6) Iowa Utilities Board
  - (7) Iowa Department of Natural Resources
  - (8) Iowa Department of Transportation
  - (9) Iowa State Archeologist Office
  - (10) U.S. Department of Agriculture (Local FSA and NRCS)
  - (11) U.S. Department of Energy
  - (12) U.S. Environmental Protection Agency
  - (13) Federal Aviation Administration
  - (14) Federal Communications Commission
  - (15) U.S. Fish and Wildlife
  - (16) U.S. Army Corps of Engineers
  - (17) U.S. Bureau of Land Management
  - (18) Any other agency determined by the Zoning Administrator to be appropriate.
- c. Public notice. Notice of the time, date and location of the public hearing on the conditional use shall be given by the owner/developer by certified mail not later than 15 days prior to the hearing to all owners of property located within one mile of the property for which the conditional use is requested.
- d. Simulation. The owner/developer shall provide photographic simulations of the proposed project illustrating the location and scale of the WECS facilities as seen



## Plymouth County Zoning Ordinance

from abutting public rights-of-way and from any human occupied dwelling within one-half mile of the facilities.

### C. Private Wind Energy Conversion Systems.

Private wind energy conversion system (WECS) turbines may be established as permitted principal uses in the A-1, Primary Agriculture, TA-1, Transitional Agriculture, and R-1, Rural Residential Districts, subject to the following standards and requirements:

#### 1. Setbacks.

- a. Private WECS turbines shall be set back from any human occupied dwelling on adjacent property by two times the total height of the WECS turbine.
- b. Private WECS turbines shall be set back from any property line, public right-of-way or overhead utility easement 115% of the height of the WECS turbine.
- c. Setback distances shall be measured from the center of the support structure for the WECS turbine to the closest point of the structure, property line, right-of-way or utility easement.
- d. The height of the WECS turbine shall be measured from the base of the support structure to the tip of turbine rotor at its highest position.

#### 2. Other standards.

- a. Color and finish. Private WECS shall, to the extent possible, use materials, colors and textures that will blend with the natural and existing environment.
- b. Signage. WECS shall not be used for display of advertising except for reasonable identification of the manufacturer or the owner/developer and appropriate safety warning signage.
- c. Mitigation. The owner/developer shall be responsible for satisfactory mitigation of any damages to drainage systems, roadways or adjacent properties caused by construction or operation of the WECS. The owner/developer shall be responsible for resolution of substantiated electrical interference issues caused by operation of the WECS.

### D. Other Provisions relating to Wind Energy Conversion Systems.

1. **Variances.** Where in the case of a particular proposed WECS project, it can be shown that a strict compliance with the requirements of this Section 6.10 would result in extraordinary hardship to the owner/developer because of unusual conditions, the Board of Adjustment may vary the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance will not have the effect of nullifying the intent and purpose of this section. In no case shall any variance be more than the minimum relief necessary to eliminate the hardship. In so granting a variance, the Board of Adjustment may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied.

5. **Discontinuance and Abandonment.** If any commercial WECS facility shall cease to be used for a period of two years, the Zoning Administrator shall notify the owner/developer that the WECS facility will be subject to determination by the Zoning Administrator that the WECS facility has been abandoned. Upon issuance of written notice by the Zoning Administrator to show cause, the WECS owner/developer shall have thirty days to show preponderance of evidence that the WECS has been in use or under repair during the period of apparent abandonment. In the event the WECS owner/developer fails to show that the WECS has been in use or under repair during the relevant time period, the Zoning Administrator shall issue a final determination of abandonment of the site and the WECS owner shall have seventy-five days thereafter to dismantle and remove the WECS. In the event the WECS is not dismantled and removed, the abandoned WECS 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 Plymouth County codes, and charge the costs thereof against the real estate on which the WECS is located or the owner of record of said real



## Plymouth County Zoning Ordinance

estate. The owner of the real estate may protect their interest by requiring a bond or other security as part of the lease agreement with the owner/developer of the WECS.

### **Section 6.11 Waste Disposal Sites and Landfills**

A Conditional Use Permit may be granted for any waste material disposal, garbage disposal, or land fill operations in the designated zoning district; provided the following special conditions shall be considered:

- A. The effects on the adjacent property, traffic, and
- B. The public necessity and advantage
- C. The maintenance of access routes related to all weather conditions and droppings of rubbish and liter
- D. The effects on underground water quality
- E. The immediate and long term effects on the environment and the public
- F. The concerns for public safety
- G. The application shall include documents to indicate conformance to all applicable governmental regulations and standards
- H. The application shall include affidavits or permits from the Environmental Protection Agency and/or the Iowa Department of Natural Resources, in the event an approval is required by these agencies.

### **Section 6.12 Home Occupation Standards and Limitations**

Recognizing that certain business activities can be conducted as accessory to a residence without changing the character of the residential use of the property, permitted home occupations must be operated within the following use limits:

- A. The home occupation must be the enterprise of a person living on the premises;
- B. Not more than one person who does not live on the premises may be employed at the home occupation;
- C. The home occupation must be conducted entirely within an enclosed structure on the premises and in no case shall the home occupation be apparent from any public way;
- D. No advertising other than an unlighted sign, not larger than 25 square feet;
- E. No outdoor display or storage of materials or any other exterior indication of the home occupation shall be allowed;
- F. Not more than five motor vehicles with markings identifying the home occupation may be kept at the residence; and
- G. No equipment may be used in the home occupation that produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance detectable beyond the premises;
- H. The home occupation shall not be noxious, offensive or hazardous due to generation of traffic, noise, vibration, smoke, dust or other particulate matter, odor, heat, humidity, refuse, radiation other objectionable emission.

### **Section 6.13 Junk Accumulation Prohibited.**

No accumulation of junk as defined in Article 2, Section 2 of this Ordinance shall be allowed except as a junk yard located in the A-1 or I-1 zoning districts and approved as a conditional use pursuant to the process set forth in Section 5.01.





## Plymouth County Zoning Ordinance

### ARTICLE 7 – BOARD OF ADJUSTMENT

#### **Section 7.01 Organization and Meetings.**

- A. The Board of Adjustment hereafter referred to by the word “Board,” is hereby continued. Such Board shall consist of five members appointed by the Chairperson of the County 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 Chairperson of the County Board of Supervisors shall have power to remove any member of the Board for cause upon written charges and after public hearing.
- B. The Board of Adjustment shall elect yearly one of the members of the Board of Adjustment as Chairperson, and in case of vacancy shall name another Chairperson. All meetings of the Board shall be held at the call of the Chair person 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.
- C. 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 Board shall adopt its own rules of procedure not in conflict with this ordinance or with the Code of Iowa.

#### **Section 7.02 Appeals.**

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Administrator. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Administrator from whom the appeal is taken and with the Board a notice of appeal specifying the grounds therefor. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. The Board shall fix a reasonable time for the hearing of the appeal 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.

#### **Section 7.03 POWERS.**

The Board of Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
- B. To hear and decide upon application for variations and, subject to such standards, principles and procedures provided in this ordinance, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the appli-

## Plymouth County Zoning Ordinance

cant a reasonable use of his/her property in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned.

- C. Upon application, the Board is hereby empowered to authorize the following exception to the terms of this ordinance:
1. To permit the extension of a district where the boundary line of a District divides a lot in single ownership as shown on record.
  2. To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed to the extent of more than 65 percent of its assessed value, by fire or Act of God where the Board shall find some compelling public necessity requiring the continuance of the nonconforming use.
  3. 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.
  4. To permit location of those industries specified in the I-G District, where it is determined that the industry will not materially affect the health, welfare, or safety of the County or surrounding properties and their residents.

### **Section 7.04 Decisions of the Board of Adjustment**

- A. In exercising the above mentioned powers such Board may, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from 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 Administrator from whom the appeal is taken.
- B. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such 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.
- C. 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 thirty days after the filing of the decision in the office of the Board.

# Plymouth County Zoning Ordinance

## ARTICLE 8 – CHANGES AND AMENDMENTS

### **Section 8.01 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 resolution of the Board of Supervisors, or by motion of the Zoning Commission, or be petition of any property owner addressed to the Zoning Commission. Petitions for change or amendment shall be on forms and filed with the Zoning Administrator.

### **Section 8.02 Report from Zoning Commission**

Before taking any action on any proposed amendment, supplement, or change, the Board of Supervisors shall submit the same to the Zoning Commission for its recommendations and report. Unless the Commission shall have transmitted its report upon the proposed changes within 60 days after submission thereof to it, the Board of Supervisors shall be free to proceed to act on said changes without further awaiting the receipt of the Commission. The Planning and Zoning Commission shall have the right to recommend denial of requests and the Board of Supervisors shall have the right to deny any request as deemed necessary to protect the public interests and general welfare.

### **Section 8.03 Notice and Hearings**

The Zoning 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 at least once, not less than four nor more than twenty days before the date of the hearing in a newspaper of general circulation in the County. The notice shall contain reference to the place or places and times within the County where the text, maps, plans, ordinances, amendments, or changes may be examined and shall state the location of the district affected by naming the township and section and the boundaries of the district shall be expressed in terms of streets or roads, if possible. In case the proposed amendment, supplement, or change be disapproved by the Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of a least sixty (60) percent of all members of the Board of Supervisors.

### **Section 8.04 Revision by Board of Supervisors**

Following report from the Zoning 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 in Section 9-3.

### **Section 8.05 Reconsideration, One-year Limitation**

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.

# Plymouth County Zoning Ordinance

## ARTICLE 9 – ADMINISTRATION AND ENFORCEMENT

### **Section 9.01 Enforcement**

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 which 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 to him/her any seeming violation in new construction, reconstruction, or land uses.

### **Section 9.02 Zoning Administrator**

- A. The Zoning Administrator shall issue all permits and certificates required by this ordinance.
- B. The Zoning Administrator shall issue all permits and certificates required by this ordinance.
  - 1. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/she shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
  - 2. 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; or 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.
  - 3. 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.
- C. A fee in accordance with the schedule of fees on file with the Zoning Administrator shall be charged for each Certificate of Zoning Compliance and it shall be collected by the Zoning Administrator who shall account for all fees to the County of Plymouth.

### **Section 9.03 Notification of Assessor**

Pursuant to Chapter 441.18-441.19 of the 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 the construction or use will not require a Certificate of Compliance (as in the case of a farm exemption), the statement shall be referred to the office of the County Assessor without charge. If a Certificate of Occupancy and Certificate of Zoning Compliance are required in accordance with this ordinance, the property owner shall be advised to make application following the procedures in the following sections.

### **Section 9.04 Certificate of Occupancy**

- A. No vacant land shall be occupied or used (except for farm exemptions as defined in this ordinance) until a Certificate of Occupancy has been issued by the Zoning Administrator.
- B. No premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied, or changed in use, except for farm exemptions, until a Certificate of Occupancy has been issued by the Zoning Administrator, stating that the building or proposed use of a building or premises complies with the provisions of this ordinance and other applicable laws of the State and County.

## **Plymouth County Zoning Ordinance**

- C. Certificates of Occupancy shall be applied for coincident with the application for a Certificate of Zoning Compliance and shall be issued within ten days after the erection or structural alteration of such buildings and shall have been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the Zoning Administrator.

### **Section 9.05 Certificate of Zoning Compliance**

- A. No building shall be erected, constructed, altered, moved, converted, extended or enlarged or land use, (except for farm exemptions as defined in this ordinance) without the owner or owners first having obtained a Certificate of Zoning Compliance therefor 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.
- B. Issuance of an approved Certificate of Zoning Compliance shall authorize the applicant to begin construction and complete construction in accordance with the conditions outlined in the certificate.
- C. The Zoning Administrator shall issue a Certificate of Zoning Compliance or denial thereof with reasons in writing, within 15 days of the date of the filing of the application. In the event that permit or denial thereof is not issued within 15 days, the applicant may appeal directly to the Zoning Board of Adjustment which shall order the issuance of a permit or denial thereof with reasons in writing. Except where an extension has been obtained in writing from the Zoning Administrator, permits hereafter issued shall expire within 90 days if a substantial beginning has not been made in the construction or the establishment of the use applied for and within one year if not complete.

### **Section 9.06 Plot Plans**

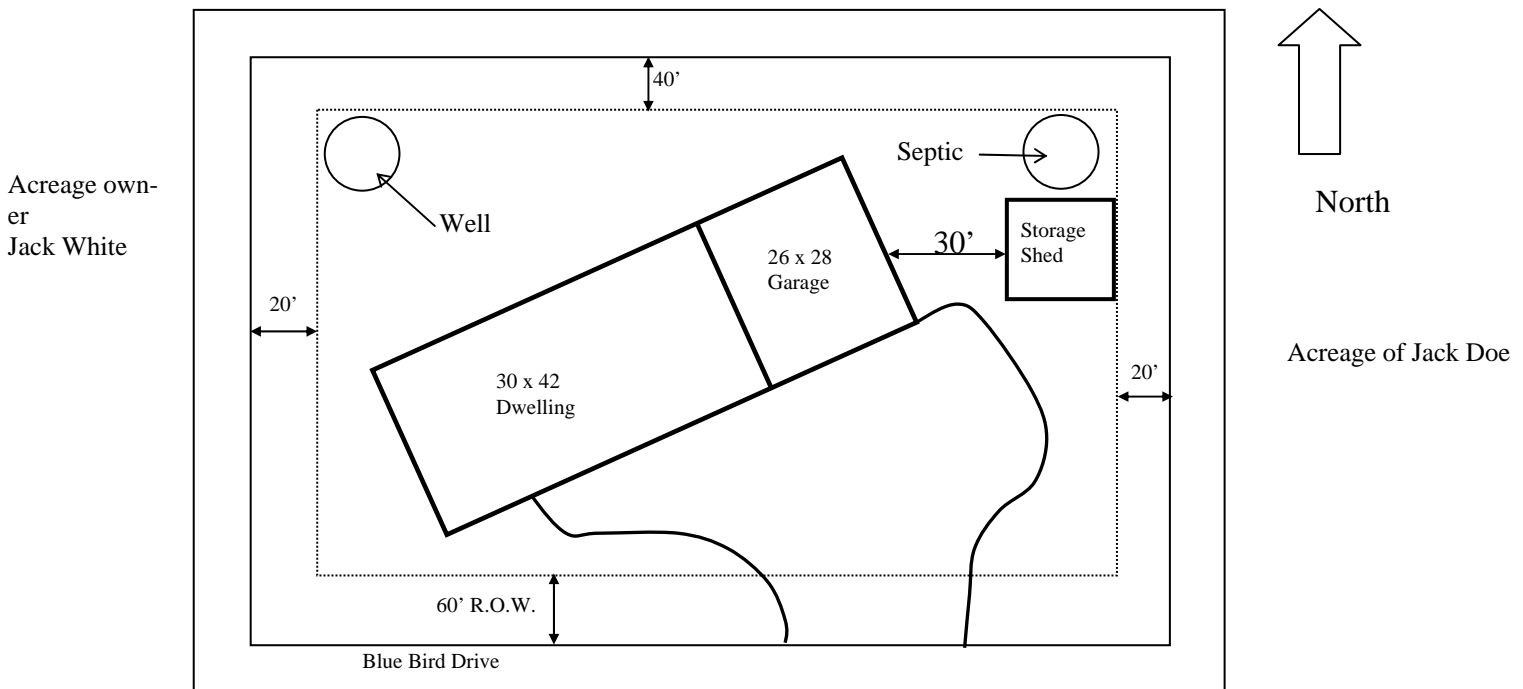
- A. All applications for Certificates of Zoning Compliance shall be accompanied by a drawing or plot plan in duplicate or as required by the Zoning Administrator showing, with dimensions, the lot lines, the location and size of buildings on the lot and such other information as may be necessary to provide for the enforcement and administration 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. The drawings shall also include sufficient topographic or grade information to determine compliance with specific requirements for the uses described. 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 plot plan when such plan is clearly unnecessary to a decision or the record on the case.
- B. Applications for rezonings and conditional uses shall submit a site plan (13 copies), with dimensions of the proposed development as an exhibit accompanying the petition for the change in zoning or applying for a building permit. The site plan shall show the following and shall be binding upon the petitioner, his heirs, successors, or assigns for construction of said use.
  - 1. A vicinity map showing all land and its use and ownership within 500' of the site.

## Plymouth County Zoning Ordinance

2. A site plan composed of a descriptive, dimensioned drawing of the site including the following:
  - a. Lot lines and lot size.
  - b. Locations and sizes of all structures. A building envelope area may be designated in lieu of or in addition to the specific location and size for all structures.
  - c. A construction limits line, the construction limits line shall include all buildings, parking locations, and vehicular use areas, and all areas of required cut and fill. Outside this limit line, no tree survey shall be required, and the project developer shall be required to leave undisturbed all areas of native vegetation, including trees, shrubs, and understory vegetation.
  - d. Location and grade of all driveways and roadways. Any driveways proposed to exceed the limit of 10% grade shall be clearly indicated.
  - e. Distances between structures, lot lines, and right-of-way shall be clearly indicated.
  - f. The intended use and occupancy type of each structure shall be shown.
  - g. Sufficient topographic or grade information to determine compliance with specific requirements for the uses described
3. A site survey by a licensed land surveyor may be required by either the Zoning Commission or the Board of Adjustment. If the site is to be split from a larger parcel, a copy of the plat of survey must be submitted.
4. A description of the manner in which solid and liquid waste will be disposed.
5. A showing of compliance of state, federal laws, and regulations relating to the business shall be made prior to the request.

Note: See example below.

Jack Green's Farmland



# Plymouth County Zoning Ordinance

## ARTICLE 10 – SEVERABILITY, CONFLICT, EFFECTIVE DATE

### Section 10.01 Severability

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

### Section 10.02 Repeal of Conflict Ordinances

The Zoning Ordinances for Plymouth County, Iowa, adopted by the Board of Supervisors on August 1, 1988 as well as all amendments enacted under that ordinance shall be repealed in its entirety upon the passage and effectuation of this ordinance.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

### Section 10.03 Effective Date

By action taken at its regular business meeting, the Plymouth County Board of Supervisors adopted this ordinance established the effective date as September, 2000 for the ordinance as originally adopted. Provisions that may be amended or established subsequent to that date shall be deemed effective on the date of publication of the approved ordinance as required by law.

This ordinance was passed and approved by the  
Plymouth County Board of Supervisors on April 6, 2010.

---

Chairman

---

Supervisor

---

Supervisor

---

Supervisor

---

Supervisor

ATTEST:

---

Plymouth County Auditor