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# **Delaware County, Iowa Zoning Ordinance**

## **Ordinance Number 46**

ADOPTED BY:  
THE DELAWARE COUNTY BOARD OF SUPERVISORS  
ON:  
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The original ordinance was prepared with assistance from:  
The East Central Intergovernmental Association

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**ORDINANCE # 46**  
**DELAWARE COUNTY ZONING ORDINANCE**

**Table of Contents**

**SECTION 1. GENERAL PROVISIONS**

- 1.01 Title.
- 1.02 Jurisdiction.
- 1.03 Purpose.
- 1.04 Relationship to the Comprehensive Plan.
- 1.05 Minimum Requirements Interpretation.
- 1.06 Severability.
- 1.07 Not a Licensing Ordinance.
- 1.08 Private Agreement.
- 1.09 Code References.
- 1.10 Headings or Titles.
- 1.11 Cumulative Provisions.
- 1.12 Repeal of Conflicting Ordinances.
- 1.13 Iowa Open Meetings Law.
- 1.14 Zoning Districts Established.
- 1.15 Official Zoning Map.
- 1.16 Replacement of Official Zoning Map.
- 1.17 Rules for Interpretation of Zoning District Boundaries.
- 1.18 Agriculture Exemption.

**SECTION 2. ZONING DISTRICT REGULATIONS**

- 2.01 A-1 Agricultural District.
  - A. Permitted Principal Uses and Structures.
  - B. Bulk Regulations.
  - C. Permitted Accessory Uses and Structures.
  - D. Special Exception Uses and Structures.
  - E. Special Requirements.
  - F. Sign Requirements.
  - G. Off-Street Parking Requirements.
- 2.02 R-1 Single-Family Residential District.
  - A. Permitted Principal Uses and Structures.
  - B. Bulk Regulations.
  - C. Permitted Accessory Uses and Structures.
  - D. Special Exception Uses and Structures.
  - E. Special Requirements.
  - F. Sign Requirements.
  - G. Off-Street Parking Requirements.

Delaware County Zoning Ordinance

2.03 R-2 Multi-Family Residential District.

- A. Permitted Principal Uses and Structures.
- B. Bulk Regulations.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Special Requirements.
- F. Sign Requirements.
- G. Off-Street Parking Requirements.

2.04 R-3 Mobile Home Park District.

- A. Permitted Principal Uses and Structures.
- B. Bulk Regulations.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Special Requirements.
- F. Sign Requirements.
- G. Off-Street Parking Requirements.

2.05 R-4 Lake Delhi Residential/Recreational District.

- A. Permitted Principal Uses and Structures.
- B. Bulk Regulations.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Special Requirements.
- F. Sign Requirements.
- G. Off-Street Parking Requirements.

2.06 C-1 Mixed Use Commercial District.

- A. Permitted Principal Uses and Structures.
- B. Bulk Regulations.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Special Requirements.
- F. Sign Requirements.
- G. Off-Street Parking Requirements.

2.07 C-2 General Commercial District.

- A. Permitted Principal Uses and Structures.
- B. Bulk Regulations.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Special Requirements.
- F. Sign Requirements.
- G. Off-Street Parking Requirements.

2.08 I-1 Light Industrial District.

- A. Permitted Principal Uses and Structures.
- B. Bulk Regulations.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.

## Delaware County Zoning Ordinance

- E. Special Requirements.
- F. Sign Requirements.
- G. Off-Street Parking Requirements.

### 2.09 I-2 Heavy Industrial District.

- A. Permitted Principal Uses and Structures.
- B. Bulk Regulations.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Special Requirements.
- F. Sign Requirements.
- G. Off-Street Parking Requirements.

### 2.10 Supplemental District Regulations.

- A. Application of District Regulations.
- B. Exemption from Regulation.
- C. Height Regulation Exceptions.
- D. Visibility at Intersection.
- E. Use of Public Right-of-Way.
- F. Utility Installation.
- G. Proposed Use Not Covered in Ordinance.
- H. Structures to have Access.
- I. Mobile Homes or Trailers.
- J. Nonconformities.

## **SECTION 3. SIGN REGULATIONS**

- 3.01 Application of Provisions.
- 3.02 Exempted Signs.
- 3.03 General Regulations.
- 3.04 Permitted Signs.

## **SECTION 4. OFF-STREET PARKING REGULATIONS**

- 4.01 Application of Provisions.
- 4.02 Front Yard Parking.
- 4.03 Minimum Off-Street Parking Requirements.

## **SECTION 5. ADMINISTRATION AND ENFORCEMENT**

- 5.01 Zoning Administrator.
- 5.02 Zoning Administrator Approval.
- 5.03 Zoning Permit.
- 5.04 Certificate of Compliance.
- 5.05 Sign Permit.
- 5.06 Fees.
- 5.07 Violations.
- 5.08 Enforcement Procedure.
- 5.09 Penalty.

## **SECTION 6. BOARD OF ADJUSTMENT**

## Delaware County Zoning Ordinance

- 6.01 Board Review and Remand.
- 6.02 Board Membership.
- 6.03 Officers.
- 6.04 Quorum.
- 6.05 Meetings.
- 6.06 Powers and Duties.
- 6.07 Appeals.
- 6.08 Special Exceptions.
- 6.09 Variances.
- 6.10 Decisions of the Board of Adjustment.

### **SECTION 7. ZONING COMMISSION**

- 7.01 Commission Membership.
- 7.02 Officers.
- 7.03 Quorum.
- 7.04 Meetings.
- 7.05 Powers and Duties.
- 7.06 Comprehensive Plan Adoption and Amendments.
- 7.07 Zoning Ordinance Amendments.
- 7.08 Rezonings.

### **SECTION 8. DEFINITIONS**

## **Zoning Ordinance Provisions**

### **SECTION 1. GENERAL PROVISIONS**

**1.01 Title.** This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of Delaware County, Iowa.

**1.02 Jurisdiction.** The jurisdiction of this Ordinance shall apply to all areas of Delaware County outside the incorporated limits of municipalities.

**1.03 Purpose.** This Ordinance is adopted in accordance with, and as authorized by, Iowa Code Chapter 335, County Zoning. Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used, and no structure may be located, constructed, extended, converted, structurally altered, or otherwise developed, without full compliance with the terms of this Ordinance.

**1.04 Relationship to the Comprehensive Plan.** In accordance with Iowa Code Section 335.5, the regulations in this Ordinance are made in accordance with the 2012 Delaware County Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety

from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Land use and zoning goals in the Delaware County Comprehensive Plan include the following:

- A. Plan for the future and orderly development within a regional context.
- B. Protect viable land for agriculture.
- C. Recognize agricultural lands outside the urban fringe areas as an important natural resource of the region, and to preserve agricultural soils that have historically exhibited high crop yields and are considered most suitable for agricultural production.
- D. Discourage development of productive agricultural soils by nonfarm uses in the non-fringe areas.
- E. Encourage farming techniques and soil conservation practices that will protect and conserve top soil and prevent degradation of water resources.
- F. Minimize conflicts between agriculture and non-farm rural development.
- G. Promote the protection, preservation, and enhancement of bluffs, prairies, wetlands, waterways, scenic views, vegetation, wildlife and natural areas.

It is the intention of this Ordinance to implement the goals and objectives reflected in the 2012 Comprehensive Plan adopted by Delaware County. While Delaware County reaffirms its commitment that the provisions of this Ordinance and any amendments made to this Ordinance shall conform to adopted planning policies, Delaware County acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

**1.05 Minimum Requirements Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this Ordinance shall control. Where for specific land, the requirements of any other ordinances of the County are more stringent or restrictive than the requirements set forth in this Ordinance; nothing herein shall be construed to waive compliance with the provisions of such other ordinance.

**1.06 Severability.** It is hereby declared by the Delaware County Board of Supervisors that the provisions of this Ordinance are separable, in accordance with the following: If any court of competent jurisdiction shall

adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance.

- B. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of this Ordinance to a particular parcel of land, a building or other structure, such judgment shall not affect the application of said provisions to any other parcel of land, building or structure.

**1.07 Not a Licensing Ordinance.** Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

**1.08 Private Agreement.** This Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement covenant, or any other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement or legal relationship, the regulations of this Ordinance shall govern.

**1.09 Code References.** Any references herein to sections of the Delaware County Code of Ordinances are to those sections in force on the effective date of this Ordinance and shall be deemed to refer to the successor section, if any, in the event the section referenced is renumbered.

**1.10 Headings or Titles.** Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.

**1.11 Cumulative Provisions.** The provisions of this Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

**1.12 Repeal of Conflicting Ordinances.** Upon the effective date and publication of this Ordinance, all existing ordinances in conflict herewith and all amendments thereto shall be, and the same hereby are repealed. However, in the event that this Ordinance shall fail to become effective for any reason whatsoever, all existing ordinances and all amendments thereto shall remain in full force and effect.

**1.13 Iowa Open Meetings Law.** The commissions and boards, and public bodies of this Ordinance are subject to the terms, regulations, and restrictions of the Iowa Open Meetings Law, under Iowa Code Chapter 21. Wherever in these Ordinances a conflict appears between the Ordinance and the Open Meetings Law, the Open Meetings Law shall control.

**1.14 Zoning Districts Established.** Delaware County is hereby divided into districts as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and is declared

to be part of this Ordinance. The locations and boundaries of these districts shall be shown on the Official Zoning Map. In order to carry out the purposes of this Ordinance, the following zoning districts are established:

- A. A-1 Agricultural District
- B. R-1 Single-Family Residential District
- C. R-2 Multiple-Family Residential District
- D. R-3 Mobile Home Park District
- E. R-4 Lake Delhi Residential/Recreational District
- F. C-1 Mixed Use Commercial District
- G. C-2 General Commercial District
- H. I-1 Light Industrial District
- I. I-2 Heavy Industrial District

**1.15 Official Zoning Map.** The Official Zoning Map shall be identified by the signature of the Chairperson of the Board of Supervisors, attested by the County Auditor together with the date of adoption of this Ordinance. The Official Zoning Map shall be located in the Office of the Zoning Administrator.

Regardless of the existence of purported copies of the Official Zoning Map, the Official Zoning Map which shall be located in the Office of the Zoning Administrator shall supersede all other maps and shall be the final authority as to the current zoning status of land and water area, buildings, and other structures in the County. No changes of any nature shall be made on the Official Zoning Map except in conformity with the procedure set forth in this Ordinance.

**1.16 Replacement of Official Zoning Map.** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairperson of the Board of Supervisors, attested by the County Auditor, and the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of new map)".

**1.17 Rules for Interpretation of Zoning District Boundaries.** Where uncertainty exists with respect to the boundaries of the various districts shown on the Official Zoning Map, the following rules apply:



- A. Boundaries indicated as approximately following the centerline of streets, 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 indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.
- F. In unsubdivided property, the district boundary lines on the Official Zoning Map shall be determined by use of the scale appearing on the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections one (1) through six (6) above, the Board of Adjustment shall interpret the district boundaries.

**1.18 Agriculture Exemption.**

- A. Farms Exempt.** In accordance with the provisions of Iowa Code Section 335.2, no regulation or requirement 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 while so used. Land, farm houses, farm barns, farm outbuildings, or other buildings or structures may qualify under this section independently or in combination with other agricultural uses. Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes under this section.
- B. Floodplain Limitation.** This Ordinance may apply to any farm structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream in accordance with the Delaware County Floodplain Management Ordinance.

- C. Voluntary Compliance.** It shall be the policy to seek voluntary compliance of the provisions of this Ordinance for agricultural uses, specifically, the minimum yard requirements of the applicable zoning district.
- D. Acreage Limitation.** If the tract of land is less than five (5) acres, it shall be presumed that the tract is not primarily used for agricultural purposes. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes by providing a site plan to the Zoning Administrator.

**SECTION 2. ZONING DISTRICT REGULATIONS**

**2.01 A-1 Agricultural District.** The A-1 Agricultural District includes areas appropriate for agricultural and related uses, and is intended to reserve areas suitable for nonagricultural use until the land is needed for development in accordance with the Comprehensive Plan.

- A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

  1. Agriculture, horticulture, dairy farming, livestock farming, poultry farming, livestock waste handling facilities, general farming and other agricultural activities, including a farm house and one (1) mobile home/manufactured home per farmstead.
  2. Airport, public or private with landing strip and associated facilities.
  3. Any use erected or maintained by a public agency.
  4. Bed and Breakfast operation.
  5. Cemetery or mausoleum.
  6. Community meeting or recreation building.
  7. Fairgrounds.
  8. Golf course and country club, except miniature golf course or driving range.
  9. Hiking and horseback riding trails.
  10. Manufactured home on a permanent foundation.
  11. Park and recreation areas.
  12. Place of religious or public assembly.
  13. Public, private or parochial school approved by the state of Iowa (pre-K to 12).

- 14. Railroads and public utilities.
- 15. Seed and feed dealership provided, however, there is no showroom or other commercial activities.
- 16. Single-family dwelling.
- 17. Stable, kennel, veterinary business, located at least fifty (50) feet from all boundary lines of the property on which it is located.
- 18. Summer cabin.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>A-1 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS</b>	<b>MAXIMUM HEIGHT</b>
<p>Area: one (1) acre excluding the road right of way Width: 125 feet</p> <p>The lot area shall be not less than one (1) acre excluding the road right-of-way and the minimum lot width should not be less than 125 feet, and shall be increased by such amount as determined necessary by the County Sanitarian to provide an adequate absorption field for a septic tank installation. Where a lot is served by a public or community sanitary sewer system, the minimum lot area may be reduced to 15,000 square feet and the width to 100 feet.</p>	<p>Dwellings and other non-institutional uses:</p> <p>Front: 40 feet Rear: 35 feet Side: 25 feet Side street, corner lot: 30 feet</p> <p>Accessory structures: Shall not be erected in any required front yard. If attached, must comply with all front, side, and rear yard requirements. If detached, may be erected within five (5) feet of any main buildings or of any lot line.</p>	<p>2½ stories or 35 feet</p>

**C. Permitted Accessory Uses and Structures**

- 1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
- 2. Consumer scale solar installation accessory to a principal use.

3. Farm building incidental to agricultural uses.
4. No use or structure involving the conduct of commercial business on the premises, except for home occupation, home industry, and farmstead home occupation located on the same lot or a contiguous lot under the same ownership.
5. Private garage, swimming pool and tennis court.
6. Private greenhouse, not operated for commercial purposes.
7. Recycling drop box.
8. Roadside stand for the sale of produce raised on the premises.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and the other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this district:

1. Agricultural service business involving the processing, storage and sale of grain for seed or for livestock and poultry feed; the sale of feed supplements; the sale of dry or slurry mix fertilizers, agricultural lime and agricultural chemicals; the buying and temporary storage of wools and hides; but not including the sale or display of farm machinery, petroleum products, building materials, appliances or liquid fertilizer under pressure, provided that:
  - a. The business has no exterior display or storage of materials visible from the public road;
  - b. Produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling unit; and
  - c. Has no more than one (1) sign acknowledging the product or service available.
2. Commercial communications station and tower provided that:
  - a. It shall not be closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height, that the height and location shall not interfere with the operation of any airport or landing strip, and that one (1) parking space per employee and one (1) space for each vehicle used by the facility, be provided; and
  - b. No tower shall be constructed or altered in a manner which will interfere with communication transmissions of the County. The applicant shall request documentation from the County Sheriff, the Delaware County E911 Coordinator and the County Engineer to verify that said tower will not create such interference. Said documentation shall be

submitted with the application or prior to any alteration. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with communication transmissions shall be the applicant's expense. No tower shall be constructed or altered in a manner which will interfere with communication transmissions of the County.

3. Concrete products manufacture and central mixing and proportioning plant, fertilizer manufacture or blending, iron and steel fabrication, provided that:
  - a. Such use is located not closer than five hundred (500) feet to any existing dwelling unit or any park, school, or place of religious or public assembly;
  - b. It is located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity;
  - c. One (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided and at least one (1) loading space shall be provided for each ten thousand (10,000) square feet of floor area; and
  - d. A site plan and reclamation plan shall be submitted prior to final Board of Adjustment approval.
4. One additional mobile home/manufactured home inhabited by the immediate family or fulltime employee of the farming operation. The Board of Adjustment may attach any condition deemed necessary, and all mobile home/manufactured home sites shall be kept clean and neat and in the event their use shall cease, they shall be promptly removed and the surrounding area shall be restored to its natural state.
5. Wind energy conversion system provided it meets required standards set forth in the Delaware County Wind Energy Conversion Systems Ordinance.
6. Quarry and Extraction Pit provided they will be filing their initial registration with the Mine and Minerals Division of the Iowa Department of Agriculture and Land Stewardship.
7. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:
  - a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;

- b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
- c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements.**

- 1. All other supplemental district regulations pursuant to Section 2.10.
- 2. Buildings and structures shall not obstruct natural drainage courses or floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.02 R-1 Single-Family Residential District.** The R-1 Single-Family Residential District is intended to include areas of low-density residential development. It is generally limited to already developed areas but may be expanded to include appropriate new development of single-family housing.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

- 1. Bed and Breakfast operation.
- 2. Cemetery or mausoleum.
- 3. Community meeting or recreation building.
- 4. Golf course and country club, except miniature golf course or driving range.
- 5. Group Home.
- 6. Manufactured home on a permanent foundation.
- 7. Park and recreation areas.
- 8. Place of religious or public assembly.
- 9. Public, private or parochial school approved by the state of Iowa (pre-K to 12).
- 10. Railroads and public utilities.
- 11. Single-Family dwelling.

12. Summer cabin.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>R-1 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM REQUIRED FRONT, SIDE AND REAR YARDS</b>	<b>MAXIMUM HEIGHT</b>
<p>Dwellings:                      Area: 12,000 square feet                      Width: 80 feet</p> <p>Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall be not less than one (1) acre per unit excluding the road right of way and the lot width not less than 125 feet.</p>	<p>Dwellings and Other Non-Institutional Uses:                      Front: 35 feet                      Rear: 30 feet                      Side: 10 feet                      Street side, corner lot: 30 feet</p> <p>Schools, Places of Assembly, or Other Public or Institutional Buildings:                      Front: 50 feet                      Rear: 40 feet                      Side: 30 feet                      Street side, corner lot: 40 feet</p> <p>Accessory structures:                      Shall not be erected in any required front yard.                      If attached, must comply with all front, side, and rear yard requirements.                      If detached, may be erected within five (5) feet of any principal buildings or any lot line.</p>	<p>2.5 stories or 35 feet</p>

**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to principal use.
3. No use or structure involving the conduct of business on the premises, except for a home occupation not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.
4. Private garage, swimming pool and tennis court.

5. Private greenhouse not operated for commercial purposes.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and the other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this district:

1. Daycare center, nursery or pre-school.
2. Licensed adult day services.
3. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:
  - a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
  - b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
  - c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**

1. All other supplemental district regulations pursuant to Section 2.10.
2. Buildings and structures shall not obstruct natural drainage courses or floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.03 R-2 Multi-Family Residential District.** The R-2 Multi-Family Residential District is intended to accommodate two-family and multi-family residential development at a greater density than the R-1 District. It is generally limited to already developed areas but may be expanded to include appropriate new development of single or multi-family housing.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.



1. Bed and Breakfast operation.
2. Cemetery or mausoleum.
3. Community meeting or recreation building.
4. Condominiums.
5. Funeral home, mortuary, or crematorium.
6. Group Home.
7. Hotel, motel, or hostel.
8. Manufactured home on a permanent foundation.
9. Medical, dental, or healthcare office or clinic.
10. Multi-family dwelling.
11. Nursing and convalescent home.
12. Park and recreation areas.
13. Place of religious or public assembly.
14. Private club or lodge.
15. Public, private or parochial school approved by the state of Iowa (pre-K to 12).
16. Railroads and public utilities.
17. Rooming and boarding house.
18. Single-family dwelling.
19. Summer cabin.
20. Two-family dwelling.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>R-2 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM YARD REQUIREMENTS</b>	<b>MAXIMUM HEIGHT</b>
Single-family dwellings: Area: 9,600 square feet Width: 60 feet	Dwellings and Other Non-institutional Uses Front: 30 feet Rear: 30 feet	

<p>Multi-family dwellings:                  Area: 9,600 square feet, plus 700 square feet for each additional dwelling unit                  Width: 80 feet</p> <p>Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall be not less than one (1) acre per unit excluding the road right of way and the lot width not less than 125 feet.</p>	<p>Side:                  One-story: 8 feet                  Two-story or more: 10 feet                  Street side, corner lot: 25 feet</p> <p>Schools, Places of Assembly, and Other Public or Institutional Buildings                  Front: 40 feet                  Rear: 40 feet                  Side: 25 feet                  Street side, corner lot: 30 feet</p> <p>Accessory structures:                  Shall not be erected in any required front yard.                  If attached, must comply with all front, side, and rear yard requirements.                  If detached, may be erected within five (5) feet of any principal buildings or any lot line.</p>	<p>2.5 stories or 35 feet</p>
<p>All new primary structures constructed or placed in the R-2 District shall have a minimum width of twenty-four (24) feet and a minimum length of twenty-four (24) feet as measured at the narrowest points, excluding porches, garages, and accessory buildings, and shall be placed on a permanent foundation.</p>		

**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to principal use.
3. No use or structure involving the conduct of business on the premises, except for a home occupation not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.
4. Private garage, swimming pool and tennis court.
5. Private greenhouse not operated for commercial purposes.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and the other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this district:

1. Daycare center, nursery or pre-school.
2. Licensed adult day services.
3. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:
  - a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
  - b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
  - c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**

1. All supplemental district regulations pursuant to Section 2.10.
2. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.04 R-3 Mobile Home Park District.** The R-3 Mobile Home Park District is intended for mobile homes used for dwelling purposes. Such mobile homes shall be placed only in mobile home parks except as herewith set forth in this Ordinance. A mobile home park may be established in only the R-3 District.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

1. Bed and Breakfast operation.
2. Community meeting or recreation building.

3. Manufactured home.
4. Mobile home.
5. Park and recreation areas.
6. Railroads and public utilities.
7. Single family dwelling.
8. Two family dwelling.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>R-3 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM YARD REQUIREMENTS</b>	<b>MAXIMUM HEIGHT</b>
<p>Single-Family Dwellings:                      Area: 9,600 square feet                      Width: 80 feet</p> <p>Two-Family Dwellings:                      Area: 10,300 square feet                      Width: 80 feet</p>	<p>Front: 30 feet                      Rear: 30 feet                      Side:                      One-story: 8 feet                      Two-story or more: 20 feet                      Street side, corner lot: 25 feet</p> <p>Accessory structures:                      Shall not be erected in any required front yard.                      If attached, must comply with all front, side, and rear yard requirements.                      If detached, may be erected within five (5) feet of any principal buildings or any lot line.</p>	<p>2.5 stories or 35 feet</p>
<p>Mobile Home                      Area: 4,000 square feet                      Width: 40 feet</p>	<p>Front: 10 feet                      Rear: 5 feet                      Side: 8 feet</p> <p>Accessory structures:                      Shall not be erected in any required front yard.</p>	<p>2 stories or 20 feet</p>

	<p>If attached, must comply with all front, side, and rear yard requirements.</p> <p>If detached, may be erected within five (5) feet of any principal buildings or any lot line.</p>	
<p>Where a lot is not served by a public or community sanitary sewer system, the minimum lot area shall be not less than one (1) acre excluding the road right-of-way per unit and the lot width shall be not less than 125 feet.</p>		

**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to principal use.
3. No use or structure involving the conduct of business on the premises, except for a home occupation not employing any person outside the immediate family and located on the same lot or a contiguous lot under the same ownership.
4. Private garage, swimming pool and tennis court.
5. Private greenhouse not operated for commercial purposes.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and the other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this district:

1. Daycare center, nursery or pre-school.
2. Licensed adult day services.
3. Laundry, dry cleaner, or laundromat.
4. Resort or tourist campground, provided:
  - a. It shall have a water supply and sewage disposal system approved by the Delaware County Sanitarian.
  - b. Drives shall have an all-weather surface.
  - c. Campsites shall not be closer than fifty (50) feet to any property line.
  - d. It shall have one (1) parking space for each campsite or unit.

5. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:
  - a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
  - b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
  - c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**

1. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.
2. All supplemental district regulations pursuant to Section 2.10.
3. Each mobile home park shall construct and maintain in association with other facilities if appropriate, one (1) or more basement, underground, or reinforced above ground storm shelter facilities, adequate in the aggregate to protect all residents of the mobile home park from the effects of high winds, including tornadoes. Such facilities shall be provided with water and sanitary facilities.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.05 R-4 Lake Delhi Residential/Recreational District.** It is the intent of the R-4 Lake Delhi Residential/Recreational District to allow for the placement and development of temporary, seasonal, and permanent residential dwellings as well as public open space and commercial recreational uses. Uses and structures in the R-4 District also shall be subject to the deed restrictions, covenants, and Iowa Department of Natural Resources regulations applicable to development within the Lake Delhi Combined Recreational Facility and Water Quality District and Lake Delhi Iowa Taxing District.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

1. Bed and Breakfast operation.
2. Camping trailer/motor home.
3. Community meeting or recreation building.
4. Convenience store, gas station, or service station.
5. Daycare center, nursery, or pre-school.
6. Eating and drinking establishments.
7. Hotel, motel, or hostel.
8. Indoor recreation facility.
9. Laundry, dry cleaner, or laundromat.
10. Manufactured home on a permanent foundation.
11. Marina, boat storage, boat ramp, or boat dock.
12. Park and recreation areas.
13. Place of religious or public assembly.
14. Railroads and public utilities.
15. Resort or tourist campground.
16. Single-family dwelling.
17. Summer cabin.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>R-4 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM YARD REQUIREMENTS</b>	<b>MAXIMUM HEIGHT</b>
Permanent and Seasonal Single-Family Units:  Area: one-half acre (21,780 square feet) of land above ordinary high-water line	Dwellings and Accessory buildings: Front: 15 feet Rear: 15 feet Side: 5 feet Lakeside: 25 feet from ordinary high-water line	

<p>Width: 60 feet</p> <p>Lawful uses, lots, and structures in existence prior to adoption or amendment of this ordinance shall be regulated by Section 2.10 J. Nonconformities.</p>	<p>Commercial / Recreational Uses:</p> <p>Front: 15 feet</p> <p>Rear: 15 feet</p> <p>Side: 15 feet</p> <p>Lakeside: 25 feet from ordinary high-water line</p> <p>Accessory structures:</p> <p>Shall not be erected in any required front yard.</p> <p>If attached, must comply with all front, side, and rear yard requirements.</p> <p>If detached, may be erected within five (5) feet of any principal buildings or any lot line.</p>	<p>2.5 stories or 35 feet</p>
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**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to principal use.
3. Private garage, swimming pool and tennis court.
4. Private greenhouse not operated for commercial purposes.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and the other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this district:

1. Licensed adult day services.
2. Medical, dental, or healthcare office or clinic.
3. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:



- a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
- b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
- c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**

1. All supplemental district regulations pursuant to Section 2.10.
2. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.06 C-1 Mixed Use Commercial District.** The C-1 Mixed Use Commercial District is intended to accommodate a large variety of uses that may be found in the unincorporated communities in the County. The C-1 District provides for higher density, multi-story, mixed use buildings that accommodate a mix of retail, entertainment, business and personal services, office, lodging and residential uses.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

1. Agricultural supply sales and retail/service outlet.
2. Animal hospital, veterinary clinic or kennel.
3. Appliance sales, service, repair.
4. Art gallery, museum, or library.
5. Artist or photographic studio.
6. Bakery (wholesale/commercial).
7. Bank or lending institution.
8. Barber or beauty shop.

- 9. Business services.
- 10. Convenience store, gas station, or service station.
- 11. Eating and drinking establishments.
- 12. Funeral home, mortuary, or crematorium.
- 13. Furniture sales, upholstery or repair.
- 14. General office.
- 15. Grocery store.
- 16. Hotel, motel, or hostel.
- 17. Indoor recreation facility.
- 18. Indoor theater.
- 19. Laundry, dry cleaner, or laundromat.
- 20. Medical, dental, or healthcare office or clinic.
- 21. Park and recreation areas.
- 22. Pet daycare or grooming.
- 23. Printing or publishing.
- 24. Place of religious or public assembly.
- 25. Private club or lodge.
- 26. Public, private or parochial school approved by the state of Iowa (K - 12).
- 27. Residential use.
- 28. Railroads and public utilities.
- 29. Retail sales or service.
- 30. School of private instruction.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

C-1 DISTRICT BULK REGULATIONS		
MINIMUM LOT AREA AND WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT

None	<p>Front: 0 feet                  Side: 0 feet                  Rear: 0 feet                  Street side, corner lot: 5 feet</p> <p>Accessory structures:                  Shall not be erected in any required front yard.                  If attached, must comply with all front, side, and rear yard requirements.                  If detached, may be erected within five (5) feet of any principal buildings or any lot line.</p>	50 ft.
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**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to a principal use.
3. Off street parking and storage of vehicles.
4. Recycling drop box.
5. Storage warehouse used in conjunction with a permitted principal use or structure of this district.
6. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and the other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this district:

1. Car wash.
2. Licensed adult day services.
3. Licensed daycare, nursery, or pre-school.
4. Vehicle display, body shop, sales, rental, service, and repair.

5. Wind energy conversion system provided it meets required standards set forth in the Delaware County Wind Energy Conversion Systems Ordinance.
6. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:
  - a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
  - b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
  - c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**

1. All supplemental district regulations pursuant to Section 2.10.
2. All unsurfaced yard areas shall be covered with a suitable, well maintained, perennial groundcover.
3. Buildings or structures authorized in this District shall not obstruct drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.
4. No required driveway, other than direct connection to a public street, nor any merchandise display or exterior storage shall be provided in any required front yard or in the first ten (10) feet inside the property line of any required side or rear yard.
5. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property or public right-of-way.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.07 C-2 General Commercial District.** The C-2 General Commercial District is intended to accommodate uses which ordinarily serve the traveling public and commercial uses which generally require substantial land area and access to a major traffic arterial.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

1. Agricultural supply sales and retail/service outlet.
2. Animal hospital, veterinary clinic, and kennel.
3. Any uses and structures permitted in A-1 Agricultural District.
4. Appliance sales, service, repair.
5. Bank or lending institution.
6. Commercial condominium.
7. Drive-in theater.
8. Eating and drinking establishments.
9. Farm implement display, sales, service and repair.
10. Funeral home, mortuary, or crematorium.
11. Furniture sales, upholstery or repair.
12. General office.
13. Hotel, motel, or hostel.
14. Hospital.
15. Indoor recreation facility.
16. Lumberyard or building materials, sales, and storage.
17. Manufactured home display, sales, service and repair.
18. Medical, dental, or healthcare office or clinic
19. Miniature golf or driving range.
20. Monument marker display and sales.
21. Plant nursery and garden supplies sales.
22. Plumbing, heating, air conditioning, appliances, or sheet metal shop sales, service and repair.
23. Private club or lodge.
24. Radio or television broadcasting station.

- 25. Resort or tourist campground.
- 26. Retail sales and services.
- 27. School of private instruction.
- 28. Supermarket, grocery, discount, or department store.
- 29. Truck and freight terminals.
- 30. Upper story dwelling unit(s).
- 31. Vehicle display, body shop, sales, rental, service, and repair.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>C-2 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM YARD REQUIREMENTS</b>	<b>MAXIMUM HEIGHT</b>
None	Front: 15 feet Side: 15 feet Rear: 15 feet Street side, corner lot: 25 feet  Accessory structures: Shall not be erected in any required front yard.  If attached, must comply with all front, side, and rear yard requirements.  If detached, may be erected within five (5) feet of any principal buildings or any lot line.	2½ stories or 35 ft.
Where adjacent to an Agricultural or Residential district, the adjoining yard or yards shall be not less than twenty-five (25) feet.  Commercial condominiums – Zero lot line structures – condominium units which share a common wall with another similar such structure: shall have no side yard requirements on any side of such unit which is used as a common wall with another such structure. Any such unit which does not have a common wall, but does have a side yard, shall maintain a twenty (20) foot setback in that side yard. All other yard requirements shall apply to each respective unit. See Figure 1.		

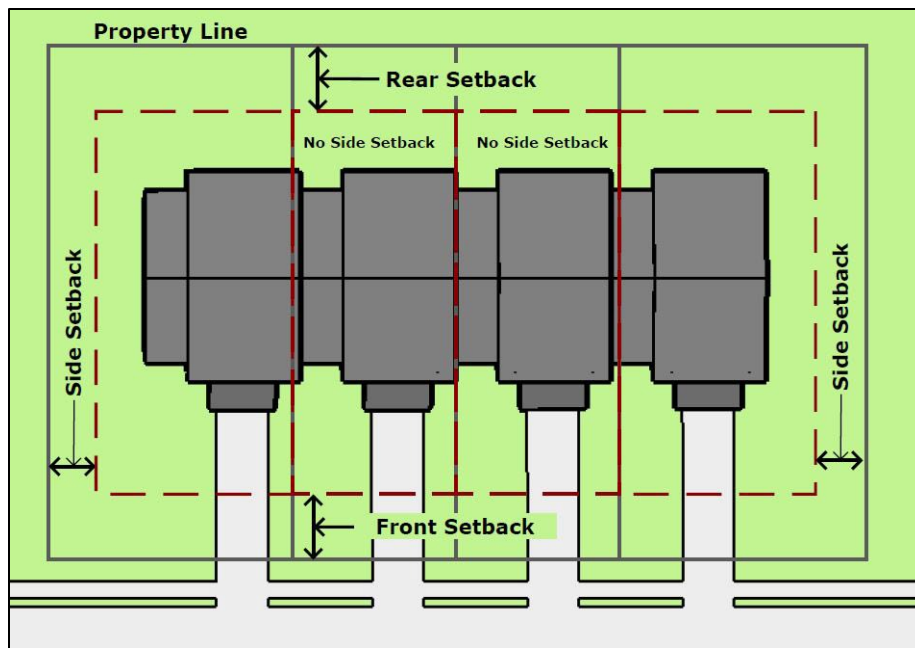


Figure 1. Setbacks for Zero-Lot-Line Structures

**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to a principal use.
3. Dwelling unit in a commercial structure for the operator or caretaker of the business.
4. Recycling drop box.
5. Storage warehouse used in conjunction with a permitted principal use or structure of this district.
6. Temporary buildings and equipment used in conjunction with construction work, provided that such buildings and equipment are removed promptly upon completion of the construction work.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this District:

1. Commercial communications station and tower, provided that:
  - a. Such uses shall be located not closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height;
  - b. The height and location shall not interfere with the operation of any airport or landing strip;

- c. One (1) parking space per employee and one (1) space for each vehicle used by the facility be provided; and
  - d. No tower shall be constructed or altered in a manner which will interfere with communication transmissions of the County. The applicant shall request documentation from the County Sheriff, the Delaware County E911 Coordinator and the County Engineer to verify that said tower will not create such interference. Said documentation shall be submitted with the application or prior to any alteration. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with communication transmissions shall be the applicant's expense.
- 2. Recycling plant, totally enclosed, no exterior storage, provided that:
  - a. The front yard be maintained as an open space free of weeds and debris;
  - b. The site be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets, places of public assembly, parks, recreation areas and residential properties; and
  - c. A minimum of one (1) parking space for each employee and one (1) space for each vehicle used by the facility be provided.
- 3. Wind energy conversion system provided it meets required standards set forth in the Delaware County Wind Energy Conversion Systems Ordinance.
- 4. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:
  - a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
  - b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
  - c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**



1. All supplemental district regulations pursuant to Section 2.10.
2. All unsurfaced yard areas shall be covered with a suitable, well maintained, perennial groundcover.
3. Buildings or structures authorized in this District shall not obstruct drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.
4. No required driveway, other than direct connection to a public street, nor any merchandise display or exterior storage shall be provided in any required front yard or in the first ten (10) feet inside the property line of any required side or rear yard.
5. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property or public right-of-way.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.08 I-1 Light Industrial District.** The I-1 Light Industrial District is designed to accommodate various industrial and warehousing uses and through the use of appropriate standards, encourage the development of an area that will have minimal adverse effects on adjoining properties.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

1. Any use or structure permitted in C-2 General Commercial District.
2. Building fabrication and manufactured home display, sales, service and repair.
3. Distribution, processing, handling, storage, or manufacture of food products.
4. Manufacturing, fabrication and processing uses that are wholly contained within a building and create no offensive noise, dust, odor, vibration, or electrical interference.
5. Wholesaling and warehousing use but not including the bulk storage of liquid fertilizer or petroleum products under pressure.
6. Contractor's shop and enclosed storage yard.
7. Recycling plant, totally enclosed, no exterior storage.
8. Welding, tool, die, machine and repair shop.
9. Railroads and public utilities, including storage building and enclosed maintenance/storage yard.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>I-1 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM YARD REQUIREMENTS</b>	<b>MAXIMUM HEIGHT</b>
None	Front: 40 feet Side: 40 feet Rear: 25 feet Street side, corner lot: 30 feet  Accessory structures: Shall not be erected in any required front yard. If attached, must comply with all front, side, and rear yard requirements. If detached, may be erected within five (5) feet of any principal buildings or any lot line.	None

**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Consumer scale solar installation accessory to a principal use.
3. Dwelling unit in a commercial structure for the operator or caretaker of the business.
4. Temporary buildings and equipment used in conjunction with construction work provided that such buildings and equipment are removed promptly upon completion of the construction work.
5. Recycling drop box.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this District:

1. Bulk storage of liquid fertilizer and petroleum products under pressure, provided that:
  - a. Such use shall be located not closer than five hundred (500) feet of any existing dwelling, park, school or place or public assembly;

- b. Such use shall be located so that prevailing winds will not cause fumes, odors or gases to be carried toward developed properties in the vicinity, and
    - c. One (1) parking space for each employee and one (1) space for each vehicle or trailer used by the industry be provided.
  2. Commercial communications station and tower, provided that:
    - a. Such uses shall be located not closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height;
    - b. The height and location shall not interfere with the operation of any airport or landing strip;
    - c. One (1) parking space per employee and one (1) space for each vehicle used by the facility be provided; and
    - d. No tower shall be constructed or altered in a manner which will interfere with communication transmissions of the County. The applicant shall request documentation from the County Sheriff, the Delaware County E911 Coordinator and the County Engineer to verify that said tower will not create such interference. Said documentation shall be submitted with the application or prior to any alteration. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with communication transmissions shall be the applicant's expense.
  3. Concrete products manufacture and central mixing and proportioning plant, fertilizer manufacture or blending, and iron and steel fabrication, provided that:
    - a. Such use shall be located not closer than five hundred (500) feet to any existing dwelling unit or any park, school, or place of religious or public assembly;
    - b. Such use shall be located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity; and
    - c. One (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided and at least one (1) loading space shall be provided for each ten thousand (10,000) square feet of floor area.
  4. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:

- a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
- b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
- c. In situations involving lot area, the County Sanitarian has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**

1. All required yards shall be open landscaped area and not utilized for parking, storage or other structures other than a trade, business or industry sign for the firm located on the site.
2. All supplemental district regulations pursuant to Section 2.10.
3. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.
4. Exterior storage other than the display of finished products for retail sale shall be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the stored materials from the view of adjacent public streets, places of public assembly, parks, recreations areas and residential properties. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other junk, debris or waste product be permitted to accumulate on the site.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.09 I-2 Heavy Industrial District.** The I-2 Heavy Industrial District is intended to provide areas for the development and operation of industrial, distribution, and manufacturing uses which, by nature of their intensity, may be incompatible with other types of land uses.

**A. Permitted Principal Uses and Structures.** The following permitted principal uses and structures shall be allowed.

1. Any use or structure permitted in the I-1 District.
2. Grain storage bins.

3. Grain elevator and feed mill.
4. Manufacturing, fabrication and processing uses that include outside operations.

**B. Bulk Regulations.** The following bulk regulations shall be met for all uses and structures.

<b>I-2 DISTRICT BULK REGULATIONS</b>		
<b>MINIMUM LOT AREA AND WIDTH</b>	<b>MINIMUM REQUIRED YARDS</b>	<b>MAXIMUM HEIGHT</b>
None	Front: 25 feet Rear: 20 feet Side: 15 feet Street side, corner lot: 20 feet  Accessory structures: Shall not be erected in any required front yard.  If attached, must comply with all front, side, and rear yard requirements.  If detached, may be erected within five (5) feet of any principal buildings or any lot line.	None

**C. Permitted Accessory Uses and Structures**

1. Any use or structure clearly incidental and necessary to a permitted principal use or structure of this district.
2. Dwelling unit in a commercial structure for the operator or caretaker of the business
3. Temporary buildings and equipment used in conjunction with construction work provided that such buildings and equipment are removed promptly upon completion of the construction work.

**D. Special Exception Uses and Structures.** Subject to Section 6.08 and other requirements contained herein, the Board of Adjustment may permit the following Special Exception Uses and Structures in this District:

1. Bulk storage of liquid fertilizer and petroleum products under pressure, provided that:
  - a. Such use shall be located not closer than five hundred (500) feet of any existing dwelling, park, school or place of public assembly;

- b. Such use shall be located so that prevailing winds will not cause fumes, odors or gases to be carried toward developed properties in the vicinity; and
    - c. One (1) parking space for each employee and one (1) space for each vehicle or trailer used by the industry be provided.
  2. Commercial communications station and tower, provided that:
    - a. Such uses shall be located not closer to a dwelling or place of public assembly than a distance equal to one-half (1/2) their height;
    - b. The height and location shall not interfere with the operation of any airport or landing strip;
    - c. One (1) parking space per employee and one (1) space for each vehicle used by the facility be provided; and
    - d. No tower shall be constructed or altered in a manner which will interfere with communication transmissions of the County. The applicant shall request documentation from the County Sheriff, the Delaware County E911 Coordinator and the County Engineer to verify that said tower will not create such interference. Said documentation shall be submitted with the application or prior to any alteration. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with communication transmissions shall be the applicant's expense.
  3. Concrete products manufacture and central mixing and proportioning plant, fertilizer manufacture or blending, and iron and steel fabrication, provided that:
    - a. Such use shall be located not closer than five hundred (500) feet to any existing dwelling unit or any park, school, or place of religious or public assembly;
    - b. Such use shall be located so that prevailing winds will not cause dust, smoke or odors to create a nuisance for developed properties in the vicinity; and
    - c. One (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided.
  4. Recycling plant, auto wrecking and junkyards on any lot, parcel or tract of land provided that:
    - a. The front yard be maintained as an open space free of weeds and debris;
    - b. The site be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets, places of public assembly, parks, recreation areas and residential properties; and

- c. A minimum of one (1) parking space for each employee and one (1) space for each vehicle used by the facility be provided.
5. Sanitary landfill or waste disposal area, provided that:
  - a. The site meets all appropriate guidelines from the Iowa Department of Natural Resources,
  - b. The site shall be restored to a condition compatible with the adjacent area upon conclusion of the landfill operation,
  - c. An access road having at least a graveled surface and one (1) parking space shall be provided, and
  - d. No landfill or waste disposal area shall be located closer than one fourth (1/4) mile to any dwelling, park, school or place of public assembly.
6. Stockyards, rendering works, loading pens, buying stations, and/or sale barns and yards, and livestock feedlots, provided that:
  - a. Such use shall be located not closer than one-fourth (1/4) mile to any dwelling unit other than that of the owner or operator, or any park, school, or place of religious or public assembly;
  - b. The provisions for drainage, sanitation, waste disposal, and fly control are approved by the Iowa Department of Natural Resources and/or Delaware County Sanitarian;
  - c. Such use shall be located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and
  - d. One (1) parking space for each employee and one (1) space for each vehicle used by the industry be provided.
7. Underground mines, sawmills and related facilities required for obtaining, processing, storing and transporting minerals and raw materials, quarries, and extraction pits provided they will be filing their initial registration with the Mine and Minerals Division of the Iowa Department of Agriculture and Land Stewardship. The Board of Adjustment may attach any conditions deemed necessary.
8. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements under the same conditions and using the same procedures as set out in Section 6.08 for listed special exception uses, providing:

- a. The modification is no more than 50% of the requirement; for example, a 20-foot setback could be reduced by no more than 10 feet;
- b. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible; and
- c. In situations involving lot area, the County has determined that the modification will provide an adequate absorption field for a septic tank installation or service by a public or community sanitary sewer system.

**E. Special Requirements**

1. All required yards shall be open landscaped area and not utilized for parking, storage or other structures other than a trade, business or industry sign for the firm located on the site.
2. All supplemental district regulations pursuant to Section 2.10.
3. Buildings or structures authorized in this District shall not obstruct natural drainage courses and floodways, and shall be in accordance with the Delaware County Floodplain Management Ordinance.
4. Exterior storage other than the display of finished products for retail sale shall be enclosed with a six (6) foot high fence or a suitable landscape planting that will screen the stored materials from the view of adjacent public streets, places of public assembly, parks, recreations areas and residential properties. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other junk, debris or waste product be permitted to accumulate on the site.

**F. Sign Requirements.** All signs shall comply with regulations pursuant to Section 3.

**G. Off-Street Parking Requirements.** All uses shall comply with regulations pursuant to Section 4.

**2.10 Supplemental District Regulations.** The following provisions, regulations, or exceptions shall apply equally to all zoning districts except as hereinafter provided.

**A. Application of District Regulations.** Subject to exceptions provided herein, the District regulations and restrictions of this Ordinance shall apply as follows:

1. **Regulations to be Uniformly Applied.** The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.



2. **All Uses and Structures to Conform.** No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
3. **Height, Density or Yards Shall Not Be Violated.** No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required or in any other manner contrary to the provisions of this Ordinance.
4. **Minimum Yards and Lot Areas May Not Be Reduced.** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance update.
5. **New Areas.** All territory which may hereafter become a part of the unincorporated area of the County shall be classified in the A-1 Agricultural District until otherwise classified, provided however, that the Zoning Commission may recommend the appropriate district classification prior to such territory becoming a part of the County, and upon the holding of a public hearing and approval by the Board of Supervisors, the territory, upon becoming a part of the County, may be immediately so classified.

**B. Exemption from Regulation.** The following structures or uses are exempt from the regulations of this Ordinance and shall be permitted in any district:

1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by a public utility.
2. Individually owned residential antennas not including satellite receiving dishes over four (4) feet in diameter.
3. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.

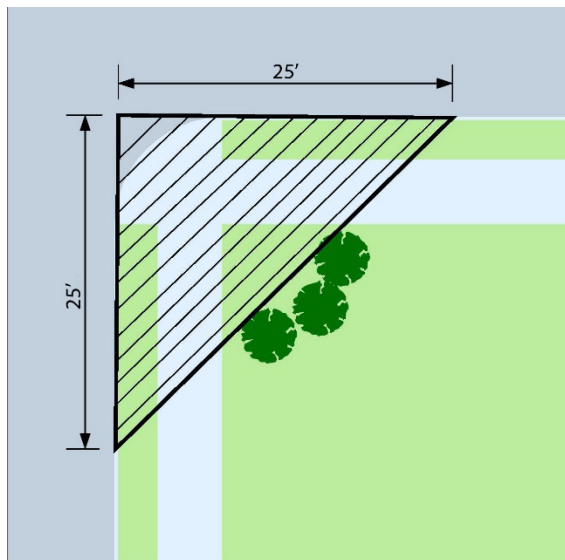
**C. Height Regulation Exceptions.**

The height limitations contained in the Schedules of District Regulations do not apply to grain storage bins, grain elevators, energy collection structures, feed mills, or to spires, belfries, cupolas, chimneys,

antennas, water tanks, ventilators, elevator housings or other structures placed above the roof level and not intended for human occupancy;

A public building, place of religious or public assembly, hospital, institution, or school may be increased in height over limitations imposed by district regulations up to a limit of seventy (70) feet if all required yards are increased an additional foot for each foot over the height limit otherwise required.

- D. Visibility at Intersection.** On a corner lot in any district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines, and measured along the right-of-way lines. (see Figure 2)



**Figure 2: Visibility Triangle**

- E. Use of Public Right-of-Way.** No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way. Mailboxes shall be exempt.
- F. Utility Installation.** For any future county road construction and/or reconstruction, any utility installation constructed within one hundred (100) feet of the existing right-of-way shall be moved at the expense of said utility. Any utility that is installed greater than one hundred (100) feet of the existing right-of-way shall be moved at the county's expense.
- G. Proposed Use Not Covered in Ordinance.** Any proposed use not covered in this Ordinance as a permitted use or special exception shall be referred to the Zoning Commission for a recommendation as

to the proper district in which such use shall be permitted and the Ordinance amendment considered by the Board of Supervisors as provided in Section 6.07 of this ordinance before a permit is issued for such proposed use.

- H. Structures to have Access.** Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- I. Mobile Homes or Trailers.** Mobile homes occupied as a permanent or temporary place of residence shall be located only in an approved mobile home park or mobile home subdivision unless otherwise provided in this Ordinance, such as one (1) mobile home/manufactured home per farmstead allowed in an A-1 District. Occupied travel trailers and camping trailers shall be located only in an R-4 District.
- J. Nonconformities.** Within the zoning districts established by this Ordinance or its subsequent amendment, there exist uses, lots, and structures, which were lawful before this Ordinance was adopted or amended, but which would now be prohibited, regulated or restricted under the terms of this Ordinance or its subsequent amendment. Such nonconformities shall hereafter be considered lawful nonconformities. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently.

**1. Nonconforming Uses.**

- a. Any lawful nonconforming use of a lot or structure may be continued so long as it remains otherwise lawful and provided there is no enlargement, increase or extension of the use which would result in a greater area of the zoning lot being occupied than was occupied at the time of the adoption of this Ordinance, and that no additional structures or additions to structures existing at the time of the adoption of this Ordinance shall be constructed on the same zoning lot. Further, no such use shall be increased in intensity or moved or relocated in whole or in part to any other portion of the zoning lot on which it was located at the time of the adoption of this Ordinance.
- b. A lawful nonconforming use may be extended throughout any parts of the structure in which it is located, provided said structure or parts thereof were manifestly arranged or designed for such use at the time of the adoption of this Ordinance.

- c. If any lawful nonconforming use of a lot or structure ceases for any reason for a period of more than one year, any subsequent use of such lot or structure shall conform to the requirements of this Ordinance.
- d. Whenever a lawful nonconforming use is superseded by a permitted use, such nonconforming use shall not thereafter be resumed.
- e. When a building or structure housing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to an extent of more than seventy-five (75) percent of its fair market value, such building or structure shall not be restored unless the use of the same shall thereafter conform to the uses permitted in the district in which it is located, except that lawful nonconforming residential uses may be resumed.

**2. Nonconforming Lots.**

- a. Any lot having insufficient area, width or depth for the zoning district in which it is located, lacking frontage on an improved public street or an improved private street of a planned district, or any combination thereof, shall be considered a lawful nonconforming lot only if it was conforming, lawfully platted, and filed in the office of the Delaware County Recorder prior to the adoption of this Ordinance or if a deed or other instrument in the owner's chain of title creating or containing a legal description consistent with the current dimensions of such lot was lawfully recorded and filed in the Office of the Delaware County Recorder prior to the adoption of this Ordinance.
- b. On any single, lawful nonconforming lot located within a zoning district which permits single-family detached residential dwellings, one such dwelling may be constructed by right, provided that setbacks (yards), height, lot coverage, and off-street parking requirements of the zoning district within which the parcel is located are complied with, and all appropriate permits are obtained prior to any construction activity.

**3. Nonconforming Structures.**

- a. Structures that were lawfully constructed prior to the adoption of this Ordinance, but which could not be constructed under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, setbacks (yards), location on the lot or other requirements concerning structures, shall hereafter be considered lawful nonconforming structures. They may continue to exist so long as they remain otherwise lawful, provided that no reconstruction, enlargement or alteration of said structures shall occur that will increase

their nonconformity except as provided herein. However, any lawful nonconforming structure or portion thereof may be altered to reduce its nonconformity.

- b. Alterations conducted by order of the County to comply with building or life safety code provisions shall be permitted.
- c. When a lawful nonconforming structure is damaged by fire, explosion, act of God, or the public enemy to an extent of more than seventy-five (75) percent of its fair market value, such structure shall not be restored except in conformance with the requirements of the district in which it is located. However, lawful nonconforming structures used solely for residential uses may be reconstructed to their location, size, and external dimensions that existed at the time of damage.

**4. Nonconforming Manufactured, Modular, or Mobile Home.** In accordance with Iowa Code Section 335.3.2, when there is a replacement of a preexisting manufactured, modular, or mobile home with another manufactured, modular, or mobile home containing no more than the original number of dwelling units, or a replacement of a preexisting site-built dwelling unit with a manufactured, modular, or mobile home or site-built dwelling unit, within a manufactured home community or a mobile home park, the Board of Supervisors shall not adopt or enforce any ordinance, regulation, or restriction that would prevent the continuance of the property owner's lawful nonconforming use that had existed relating to the preexisting home unless any of the following apply:

- a. A discontinuance is necessary for the safety of life or property.
- b. The nonconforming use has been discontinued for the period of time established by ordinance, unless such discontinuance is caused by circumstances outside the control of the property owner. The period of time so established shall be not less than one year.
- c. The replacement results in the overall nature and character of the present use being substantially or entirely different from the original lawful preexisting nonconforming use.
- d. The replacement results in an obstruction to a shared driveway or shared sidewalk providing vehicular or pedestrian access to other homes and uses unless the property owner makes modifications to such shared driveway or sidewalk that extinguishes such obstruction or the effects of such obstruction.

**5. Repairs and Maintenance.** Nothing in this Ordinance shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in sound and safe condition, provided that

no structural enlargement, extension, alteration or change shall be made to increase the degree of nonconformity. Nothing in this Ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- 6. Uses Under Special Exception Provisions Not Nonconforming Uses.** Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

### **SECTION 3. SIGN REGULATIONS**

**3.01 Application of Provisions.** The following provisions, regulations, or exceptions shall apply equally to signs in all zoning districts as hereinafter provided. All signs requiring a permit must be evaluated before issuance of a permit by the Zoning Administrator. No signs will be allowed in the public road right of way except as hereinafter provided.

**3.02 Exempted Signs.** The following signs are exempt from the sign regulations of this Section:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government except when displayed in connection with commercial promotion.
- C. Legal notices, identification, information or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**3.03 General Regulations.**

- A. All signs shall have an approved permit from the Zoning Administrator before being erected, reconstructed or structurally altered to increase the exterior dimensions or height, or to accommodate a change in use of the building and/or premises or part thereof, in accordance with Section 5.05 of this Ordinance.
- B. All signs and billboards shall be maintained in a neat, presentable condition and in the event their use shall cease, they shall be removed within thirty (30) days and the surrounding area restored to a condition free from refuse and rubbish.

- C. Any sign not conforming to the provisions of this Ordinance shall be made to conform or be removed in accordance with Section 2.10. J. Nonconformities of this Ordinance.
- D. Signs shall be located in such a nature as to not obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device and to not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic, as determined by the Zoning Administrator.
- E. All signs shall be prohibited on the parkway with the following exceptions: traffic signs, street identification (both put up by the county or local municipality), nameplates on mailboxes, and noncommercial informational signs approved by the Zoning Administrator.

### **3.04 Permitted Signs**

- A. Agricultural and Residential Districts.** The following general regulations shall be followed for signs in the A-1, R-1, R-2, R-3, and R-4 districts:
  - 1. Nameplate attached flat against the wall of the main building not to exceed six (6) square feet in area. Said nameplate shall not be subject to the permit requirements of this Ordinance.
  - 2. For each single-family home or duplex house, one (1) nameplate not exceeding a combined area of six (6) square feet for each occupancy. Said nameplate shall not be subject to the permit requirements of this Ordinance.
  - 3. For home occupation uses, one identification sign for each developed parcel or business not exceeding twelve (12) square feet in area. Said sign shall not be subject to the permit requirements of this Ordinance.
  - 4. Bulletin boards at places of religious or public assembly not to exceed thirty-two (32) square feet in area. Said sign shall not be subject to the permit requirements of this Ordinance.
  - 5. For multiple-family uses, rooming and boarding houses, and Bed and Breakfast operations, one (1) identification sign for each developed parcel not exceeding twelve (12) square feet in area.
  - 6. Temporary signs advertising the lease or sale of the premises not to exceed six (6) square feet in area.
  - 7. In A-1 Districts, billboards or advertising signs for either on site and/or off site uses, provided that they shall:
    - a. Not be within three hundred (300) feet of an intersection, highway structure or residence or another billboard.

- b. Not be within three hundred (300) feet of a park, school, or cemetery, public or semi-public building.
  - c. Not be within seventy-five (75) feet of the centerline of a city or county road, or one hundred (100) feet of a state or federal highway, or three hundred (300) feet from the designated Great River Road.
  - d. Not exceed three hundred (300) square feet in area.
  - e. Meet other sign regulations pursuant to Iowa Department of Transportation guidelines.
8. In A-1 Districts, trade, business or industry identification signs for the firm located on the site and/or off site, provided that:
- a. Free standing signs shall not exceed one hundred fifty (150) square feet in area or twenty-five (25) feet in height.
  - b. Signs mounted flush on the wall of a building shall not exceed ten percent (10%) of the area of the wall of the building on which they are located or two hundred (200) square feet, whichever is smaller.
  - c. Overhanging signs attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than one hundred (100) square feet in area.
  - d. Not more than one sign of each category above shall be provided for any single use although each sign may be a double-faced or back-to-back sign.
  - e. Signs shall be located in such a nature as to not obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device and to not obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic, as determined by the Zoning Administrator.
9. No occupancy shall have more than one (1) of each type of permitted signs, although each sign may be a double-faced or back-to-back sign, only the largest side of which will be counted.
10. In R-1 and R-2 Districts, permitted signs shall be located at least twenty-five (25) feet from the lot line, or not more than five (5) feet from the main building if such building is less than twenty-five (25) feet from lot line.



11. In R-3 and R-4 Districts, permitted signs shall be located at least twenty (20) feet from the lot line, or not more than five (5) feet from the main building if such building is less than twenty-five (25) feet from lot line.
12. Illumination of signs and bulletin boards shall not exceed eighty (80) watts per face and shall be indirect, non-intermittent lighting.

**B. Commercial and Industrial Districts.** The following general regulations shall be followed for signs in the C-1, C-2, I-1, and I-2 Districts:

1. Temporary sign advertising the sale or lease of the premises, not exceeding thirty-two (32) square feet in area.
2. Advertising signs and billboards for either on site and/or off site uses, provided that they shall:
  - a. Not exceed fifty (50) feet in height or three hundred (300) square feet in area.
  - b. Not be within twenty-five (25) feet of an Agricultural or Residential district.
  - c. Not be within three hundred (300) feet of another billboard.
2. In C-1 and C-2 Districts, trade, business or industry identification signs for the firms located on the site and/or off site, provided that they shall:
  - a. Not exceed twenty-five (25) feet in height or seventy-five (75) square feet in area.
  - b. Not be within twenty-five (25) feet of an Agricultural or Residential district.
  - c. Not overhang the public right-of-way except those signs which project not more than one (1) foot beyond the front face or integral part of the building other than identification signs of less than two (2) square feet in area.
  - d. Not be within twenty-five (25) feet of a highway intersection or highway structure.
  - e. Meet other sign regulations pursuant to Iowa Department of Transportation guidelines.
3. In I-1 and I-2 Districts, trade, business or industry identification signs for the firm located on the site and/or off site, provided that:
  - a. Free standing signs shall not exceed one hundred fifty (150) square feet in area or twenty-five (25) feet in height.
  - b. Signs mounted flush on the wall of a building shall not exceed ten percent (10%) of the area of the wall of the building on which they are located or two hundred (200) square feet, whichever is smaller.

- c. Overhanging signs attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than one hundred (100) square feet in area.
- d. Not more than one (1) sign of each category above may be provided for any single use, although each sign may be a double-faced or back-to-back sign.
- e. Meet other sign regulations pursuant to Iowa Department of Transportation guidelines.

**SECTION 4. OFF-STREET PARKING REGULATIONS**

**4.01 Application of Provisions.** The following provisions, regulations, or exceptions shall apply equally to off-street parking in all zoning districts as hereinafter provided.

**4.02 Front Yard Parking.**

- A. No off-street parking shall be permitted in the required front yard of any R-1, R-2, R-3, or R-4 District, except upon a regularly constructed, duly authorized driveway.
- B. Off-street parking space may be located within the required front yard in any C-1, C-2, I-1, or I-2 District, provided such space is fifty (50) feet or more away from any "R" District.
- C. In the C-1 and C-2 Districts, no required parking space shall be provided in any required front yard or in the first ten (10) feet inside the property line of any required side or rear yard.

**4.03 Minimum Off-Street Parking Requirements.** The following off-street parking spaces shall be the minimum provided for principal permitted uses and structures in all zoning districts except C-1 Districts, which shall have a fifty percent (50%) reduction of said requirements. In the case of a fraction, the parking space requirement shall be calculated by rounding up to the next whole number. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the off-street parking provisions for a use which is so mentioned and to which said use is similar, shall apply as determined by the Zoning Administrator.

PRINCIPAL PERMITTED USES AND STRUCTURES	MINIMUM OFF-STREET PARKING REQUIREMENTS
Agriculture, horticulture, dairy farming, livestock farming, poultry farming, livestock waste handling facilities, general farming and other agricultural activities, including a farm house and one (1) mobile home/manufactured home per farmstead	None
Agricultural supply sales and retail/service outlets: Building fabrication, farm implement, manufactured home, and vehicle display, sales, service and repair	6 spaces for each 1,000 square feet of total floor area
Airport	1 space per employee, plus 4 additional spaces

Bed and Breakfast operation, hotel, motel, hostel, resort and tourist campground	1 space per unit or campsite
Business services, general office, bank or lending institution	4 spaces per 1,000 square feet of total floor area
Eating and drinking establishments, private club or lodge over 1,000 square feet in total floor area	1 space per 100 square feet of total floor area
Eating and drinking establishments, private club or lodge under 1,000 square feet in total floor area	1 space per 200 square feet of total floor area
Daycare center, nursery, preschool, or adult day services	2 spaces plus 1 space for each employee on the maximum shift
Funeral home, mortuary or crematorium	1 space per 5 seats in principal auditorium
Hospital, nursing and convalescent home	1 space per 6 beds
Manufacturing, fabrication, processing and other permitted uses in I-1 and I-2 Districts	1 space for each employee on the maximum shift, plus 1 space for each vehicle used by the industry
Residential use	1 space per dwelling unit
Retail sales and service, supermarket, grocery, discount and department stores over 2,000 square feet in total floor area	6 spaces per 1,000 square feet of total floor area
Retail sales and service, supermarket, grocery, discount and department stores under 2,000 square feet in total floor area	4 spaces per 1,000 square feet of total floor area
Place of religious or public assembly	1 space per 6 seats in a principal auditorium
Public, private or parochial school approved by the state of Iowa (pre-K to 12)	1 space per classroom and office, plus 1 space per 6 seats in the main auditorium or stadium
Sports arena, auditorium other than in school	1 space for each 6 seats
Theater, assembly hall with fixed seats	1 space for each 4 seats
Wholesale establishments or warehouses	1 space for each 2 employees
Uses not otherwise listed above	As determined by Zoning Administrator

**SECTION 5. ADMINISTRATION AND ENFORCEMENT**

The manner in which the regulations and restrictions of this Ordinance and the boundaries of the Zoning Districts shall be administered and enforced is as follows.

**5.01 Zoning Administrator.** In accordance with Iowa Code 335.9, the Board of Supervisors shall designate a Zoning Administrator who shall be responsible for the administration and enforcement of this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Board of Supervisors may direct.

**5.02 Zoning Administrator Approval.** The requirements of this section shall apply to development applications for which the Zoning Administrator is authorized to issue final approval on certain uses in accordance with this Ordinance.

- A. Pre-Application Conference.** To minimize planning costs to the applicant, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this Ordinance and other applicable building and health ordinances of Delaware County, applicants are encouraged to hold a pre-application conference with the Zoning Administrator.
- B. Submission.** The applicant shall prepare and submit an application, together with the appropriate plans and fees, for approval in accordance with this section. Submittal shall be made on the form prescribed by the Zoning Administrator and include any supplemental information required by the application procedures established by the Zoning Administrator.
- C. Review.** The Zoning Administrator or their designee will review and approve the applicant, or provide a written list of corrections within ten (10) days after submittal for the first review. Subsequent corrections may be forwarded to the applicant throughout the process. Each review shall identify any corrections required to meet the minimum standards of this Ordinance.

The Zoning Administrator may require the review and recommendation or approval of the application by any of the following:

- 1. The Delaware County Water and Sanitation Department, and as needed, the County Sanitarian.
  - 2. The Delaware County Engineer/Secondary Roads Department, or for developments which access state highways, a representative from the Iowa Department of Transportation.
  - 3. The Delaware County Floodplain Administrator.
  - 4. Other local, state, or federal officials or agencies which may be required for review and comment on the application due to the unique circumstances or location of the property or proposed use.
- A. Action by the Administrator.** The Zoning Administrator shall not approve the application until all of the following are satisfied:
- 1. All required corrections have been revised to meet the minimum requirements of this Ordinance.
  - 2. Comments and recommendations have been received in writing from other departments and agencies as outlined in this subsection.

Once both above conditions are satisfied, the Zoning Administrator shall approve, conditionally approve, or deny the application with final determination provided to the applicant in writing within ten (10) days.

- B. Effect of Action by Zoning Administrator.** Approval of application and fulfillment of conditions, if any, shall authorize establishment of the specified use.

Any ground disturbing activities, installation of improvements, or request for building permits shall be done in accordance with the approved application and this Ordinance.

Denial of the application shall terminate consideration of such application.

- C. Repeat Applications.** If an application has been denied by the Zoning Administrator, no new application for substantially the same use at the same location shall be re-submitted for a period of six (6) months from the effective date of the denial unless approval to file prior to the expiration of the six (6) month period is granted by Zoning Administrator in writing.
- D. Appeal.** Appeals of the Zoning Administrator's final decision on an administrator-authorized development application may be appealed to the Board of Adjustment in accordance with Section 6.07 of this Ordinance.

**5.03 Zoning Permit.** Subsequent to the adoption of this Ordinance, a zoning permit shall be obtained from the Zoning Administrator in accordance with the following provisions:

- A. Zoning Permit Required.** A zoning permit shall be obtained from the Zoning Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof. Any maintenance item such as a new roof, windows, siding, doors, and other repair items which do not enlarge the structure or change the use, shall not require a zoning permit.
  - 1. Application for Zoning Permit.** Application for a zoning permit shall be made prior to beginning construction or changing use, on a fully completed application form obtained from the Zoning Administrator, accompanied by the required fee and such plans and information necessary to determine that the proposed construction and use complies with all applicable provisions of this Ordinance. The signature of the applicant on the zoning permit application shall certify that the new construction and use will comply with all provisions of this Ordinance and other applicable building and health ordinances of Delaware County, and no subsequent modifications shall be made to the

occupancy, use, method or operation that would be in violation of this Ordinance or other applicable building and health ordinances of Delaware County.

- 2. Approval of Zoning Permit.** A zoning permit must be approved before the beginning of construction or changing use, and shall be issued within ten (10) days in accordance with Section 5.02 of this Ordinance. A record of all zoning permits shall be kept on file in the Office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the building or site affected.
- 3. Zoning Permit Renewal.** Any zoning permit under which no construction work has been commenced within one (1) year after the date of issue of said permit or under which the proposed construction, reconstruction or alteration has not been completed within that time period, shall expire by limitation; and no work or operation shall take place under such permit after such expiration. A zoning permit may be extended for a period not exceeding one (1) year by the Zoning Administrator, and may not be renewed more than one time.

**5.04 Certificate of Compliance.** No land shall be occupied or used, and no buildings hereafter erected or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of compliance is issued by the Zoning Administrator, stating the building and use comply with the provisions of this Ordinance and other applicable building and health ordinances of Delaware County. No change of use shall be made in any building, or part thereof, now or hereafter erected, or structurally altered, unless a certificate of compliance shall be issued to make a change and unless the changes are in conformity with the provisions of this Ordinance and other applicable building and health ordinances of Delaware County. A certificate of compliance shall be issued within ten (10) days after the lawful erection or alteration of the building or change in use is completed and then inspected by the Zoning Administrator. A record of all certificates of compliance shall be kept on file in the Office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the building or use affected.

**5.05 Sign Permit.** A sign permit shall be obtained from the Zoning Administrator before any sign or sign structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions or height, or to accommodate a change in use of the building and/or premises or part thereof. Any maintenance item such as a new sign panel, sign structure and other repair items which do not enlarge the sign or change the height or location, shall not require a sign permit. Sign permits must be approved before the beginning of construction, and shall be issued within ten (10) days in accordance with Sections 5.02 and 5.03 of this Ordinance. A certificate of compliance shall be issued within ten (10) days after the lawful erection or alteration of the sign is completed and inspected by the Zoning Administrator in accordance with Section 5.04 of this Ordinance. A record of all

certificates of compliance shall be kept on file in the Office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the sign affected.

**5.06 Fees.** Any application for action taken under this Ordinance shall be submitted along with the required fee, as established by resolution of the Board of Supervisors. All required fees shall be submitted to the Zoning Administrator. The schedule of fees shall be posted in the Office of the Zoning Administrator. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal. Failure of the Zoning Administrator, Board of Adjustment, Zoning Commission, or Board of Supervisors to approve the requested application shall not be deemed cause to refund the fee to the applicant.

**5.07 Violations.** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

**5.08 Enforcement Procedure.** Whenever the Zoning Administrator finds that any provision of this Ordinance is being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of use of land, buildings, or structures in violation of this Ordinance; removal of buildings or structures or additions, alterations, or structural changes in violation of this Ordinance; discontinuance of any work being done in violation of this Ordinance; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

**5.09 Penalty.** This Ordinance is enforceable against titleholders of the property, whether that title is held by deed or contract, and against any other individual in lawful possession of the property.

A violation of this Ordinance shall constitute a Delaware County infraction which shall be punishable by civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307(1.), as now or hereafter amended.

Alternatively, or in addition to, constitution of a Delaware County infraction, a person found in violation of this Ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended.

Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

In addition to any civil penalty imposed for violating this Ordinance, a court may grant appropriate relief to abate or halt the violation, including all of the options available pursuant to Iowa Code Section 331.307, as now or hereafter amended.

## **SECTION 6. BOARD OF ADJUSTMENT**

A Board of Adjustment is hereby established as provided by Iowa Code Section 335.10.

### **6.01 Board Review and Remand**

1. The Board of Supervisors shall provide for the appointment of a Board of Adjustment, and in the regulations and restrictions adopted pursuant to the authority of Iowa Code Chapter 335 shall provide that the said Board of Adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Ordinance in harmony with its general purpose and intent and in accordance with the general or specific rules contained in the Ordinance, and provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of such regulations and restrictions may petition the said Board of Adjustment direct to modify regulations and restrictions as applied to such property owners.

2. The Board of Supervisors may provide for its review of variances granted by the Board of Adjustment before their effective date. The Board of Supervisors may remand a decision to grant a variance to the Board of Adjustment for further study. If remanded, the effective date of the variance is delayed for thirty (30) days from the date of the remand.

**6.02 Board Membership.** In accordance with Iowa Code Section 335.11, the Board shall consist of five (5) members, all of whom shall reside within the County but outside the corporate limits of any city, to be appointed by the Board of Supervisors for a term of five (5) years. The five (5) members first appointed shall serve terms of the following: one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter terms shall be for five (5) years. Any vacancy shall be filled in the same manner for the unexpired portion of the term.

In the event of the absence from the County or in the incapacity of a member, the Board of Supervisors may appoint a substitute who shall serve as a member of the Board, with the same powers and authority as the regular member, until such regular member has returned. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of a member.

**6.03 Officers.** The Board shall annually select from its membership a Chairperson and Vice Chairperson, who will perform the usual duties pertaining to such offices. Officers will be selected on the first regular meeting in each year. All current officers are eligible for re-appointment. The Chairperson and Vice Chairperson shall take office immediately following their selection and shall hold office for a term of one (1) year.



The Chairperson will preside at all meetings, administer oaths, compel the attendance of witnesses, appoint committees, and perform such other duties as may be ordered by the Board. The Vice Chairperson shall act in the capacity of the Chairperson in his/her absence and in the event the office of the Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term and the Board shall select a successor to the office of Vice Chairperson for the unexpired term.

**6.04 Quorum.** A majority of the total number of members will constitute a quorum (three (3) in the case of a five (5) member Board). Without a quorum, no business will be transacted and no official action on any matter will take place. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation in this ordinance.

**6.05 Meetings.** In accordance with Iowa Code Section 335.12, the Board of Adjustment shall adopt rules necessary to the conduct of its meetings and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall open to the public, and shall comply with the Iowa Open Meetings Law.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed within seven (7) days in the Office of the Zoning Administrator.

The Zoning Administrator shall serve as Secretary and record and maintain minutes of the meetings, ensure that the minutes and adopted recommendations are properly published and recorded. On all appeals, applications, and other matters brought before the Board, the Zoning Administrator shall inform, in writing within ten (10) days, all the parties involved of the Board's decisions and the reasons therefore.

**6.06 Powers and Duties.** In accordance with Iowa Code Section 335.15, the Board of Adjustment shall have the following powers and discharge the following duties under this Ordinance:

- A. To hear and decide appeals upon application where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this Ordinance.
- B. To hear and decide upon application in specific cases only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance.

- C. To authorize upon application in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. Under no circumstances shall the Board grant a use variance. Variances shall only be granted for changes in the quantitative requirements for bulk regulations, sign requirements, and off-street parking requirements of this Ordinance subject to review by the County Engineer for setbacks from public right-of-way and by the County Sanitarian for minimum lot area.

**6.07 Appeals.** Appeal applications to the Board of Adjustment concerning interpretation or administration of this Ordinance may be filed by any person aggrieved or by any officer or bureau of the County affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days or such lesser period as may be provided by the rules of the Board of Adjustment by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was filed.

- A. Conditions Governing Appeals.** An appeal application stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him/her, that by reason of facts, stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.
- B. Procedures.** The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The notice 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. At the hearing, any party may appear in person or by agent or attorney.
  - 1. A fee (established by the Delaware County Board of Supervisors), shall be paid to the Zoning Administrator at the time the notice of appeal is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
  - 2. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:
  - 3. The original application.

4. The records of any action on the appeal by an administrative official.
5. Proof of notice sent at least seven (7) and no more than twenty (20) days prior to the hearing date to the applicant by mail for the purpose of a courtesy notice of the hearing.
6. All relevant information, including but not limited to, maps, drawings, and/or photographs.
7. Minutes of the public hearing.

**C. Final Decision.** The final decision shall include the findings of fact and the conclusions reached by the Board of Adjustment. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement. Each decision shall be accompanied by specific findings of fact related to the specific appeal.

#### **6.08 Special Exceptions.**

**A. Procedures.** A special exemption allowed by this Ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least seven (7) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication in a newspaper of general circulation in Delaware County and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the special exception is requested. The notice 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.
4. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:
  - a. The original application.
  - b. The staff report and records of any action on this request by the Zoning Administrator.

- c. The names and addresses of all property owners within five hundred (500) feet of the exterior boundaries of the property for which the special exception is requested, contacted by mail for the purpose of a courtesy notice of the public hearing.
- d. All relevant information, including but not limited to, maps, drawings, and/or photographs.
- e. Proof of publication of the legal notice published in the local newspaper.
- f. Minutes of the public hearing.

**B. Standards for Approval.** The Board shall review the proposed special exception for conformance to the following standards for approval:

- 1. **Compatibility.** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
- 2. **Transition.** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
- 3. **Traffic.** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- 4. **Environmental Protection.** The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions.

**C. Conditions.** In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 5.09 of this Ordinance. The Board of Adjustment may prescribe a time limit within the action for which the special exception is required, shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

**D. Final Decision.** The final decision shall include the findings of fact and the conclusions reached by the Board of Adjustment. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement. Each decision shall be

accompanied by specific findings of fact. These findings should be related to the specific standards stating the Ordinance which the applicant must satisfy. If the items in Section 6.08.B of this Ordinance are not followed by the Board of Adjustment, their decisions shall become null and void.

**6.09 Variances.**

**A. Procedures.** A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted indicating the section of this Ordinance under which the variance is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least seven (7) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication in a newspaper of general circulation in Delaware County and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the variance is requested. The notice 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.
4. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:
  - a. The original application.
  - b. The staff report and records of any action on this request by the Zoning Administrator.
  - c. The names and addresses of all property owners within five hundred (500) feet of the exterior boundaries of the property for which the variance is requested, contacted by mail for the purpose of a courtesy notice of the public hearing.
  - d. All relevant information, including but not limited to, maps, drawings, and/or photographs.
  - e. Proof of publication of the legal notice published in the local newspaper.
  - f. Minutes of the public hearing.

**B. Standards for Approval.** The Board shall review the proposed variance for conformance to the following standards for approval:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
5. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
6. Under no circumstances shall the Board grant a use variance.

**C. Conditions.** In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 5.09 of this Ordinance. The Board of Adjustment may prescribe a time limit within the action for which the variance is required, shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the variance.

**D. Final Decision.** The final decision shall include the findings of fact and the conclusions reached by the Board of Adjustment. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement. Each decision shall be accompanied by specific findings of fact. These findings should be related to the specific standards stating the Ordinance which the applicant must satisfy. If the items in Section 6.09.B of this Ordinance are not followed by the Board of Adjustment, their decisions shall become null and void.

**6.10 Decisions of the Board of Adjustment.** In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made. The vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or

determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance, or to affect any variation in application of this Ordinance.

A. A rehearing can only occur after the following:

1. During a scheduled hearing a motion to reconsider is made by a Board member and carried by not less than three (3) affirmative votes.
2. Substantial new evidence has been submitted.
3. At least six (6) months have elapsed since the application was denied.
4. The Board of Supervisors has remanded the decision to grant a variance to the Board of Adjustment for further study in accordance with Section 6.01 of this Ordinance.

B. The case shall then be placed on the agenda for the next available date for rehearing.

## **SECTION 7. ZONING COMMISSION**

A Zoning Commission is hereby established as provided by Iowa Code Section 335.8.

**7.01 Commission Membership.** The Commission shall consist of five (5) members, all of whom shall reside within the County but outside the corporate limits of any city, to be appointed by the Board of Supervisors for a term of five (5) years. The five (5) members first appointed shall serve terms of the following: one (1), two (2), three (3), four (4) and five (5) years respectively; thereafter terms shall be for five (5) years. Any vacancy shall be filled in the same manner for the unexpired portion of the term.

In the event of the absence from the County or in the incapacity of a member, the Board of Supervisors may appoint a substitute who shall serve as a member of the Commission, with the same powers and authority as the regular member, until such regular member has returned. Members of the Commission of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of a member.

**7.02 Officers.** The Commission shall annually select from its membership a Chairperson and Vice Chairperson, who will perform the usual duties pertaining to such offices. Officers will be selected on the first regular meeting in each year. All current officers are eligible for re-appointment. The Chairperson and Vice Chairperson shall take office immediately following their selection and shall hold office for a term of one (1) year.

The Chairperson will preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission. The Vice Chairperson shall act in the capacity of the Chairperson in his/her absence and in the event the office of the Chairperson becomes vacant, the Vice Chairperson shall succeed to this office

for the unexpired term and the Commission shall select a successor to the office of Vice Chairperson for the unexpired term.

**7.03 Quorum.** A majority of the total number of members will constitute a quorum (three (3) in the case of a five (5) member Commission). Without a quorum, no business will be transacted and no official action on any matter will take place. The concurring vote of three (3) members of the Commission shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation in this Ordinance.

**7.04 Meetings.** The Commission shall adopt rules necessary to the conduct of its meetings and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Commission may determine. All meetings shall open to the public, and shall comply with the Iowa Open Meetings Law.

The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed within seven (7) days in the Office of the Zoning Administrator.

The Zoning Administrator shall serve as Secretary and record and maintain minutes of the meetings, ensure that the minutes and adopted recommendations are properly published and recorded. On all appeals, applications, and other matters brought before the Commission, the Zoning Administrator shall inform, in writing within ten (10) days, all the parties involved of the Commission's decisions and the reasons therefore.

**7.05 Powers and Duties.** In accordance with Iowa Code Chapter 355, the Zoning Commission shall have the following powers and discharge the following duties under this Ordinance:

- A. Recommend the adoption of a Comprehensive Plan pursuant to Iowa Code Section 335.5, and consider any proposed amendments or modifications of the adopted Comprehensive Plan.
- B. Recommend the adoption of a Zoning Ordinance pursuant to Iowa Code Section 335.8, and consider any proposed amendments of the adopted Zoning Ordinance.
- C. Review proposed rezoning of property including changes in boundaries of the various zoning districts and in appropriate uses, regulations and restrictions to be enforced in the districts.
- D. With the approval of the Board of Supervisors, contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance.



**7.06 Comprehensive Plan Adoption and Amendments.** The Zoning Commission may recommend to the Board of Supervisors for adoption a Comprehensive Plan pursuant to Iowa Code Section 335.5. After adoption of the Comprehensive Plan, the Zoning Commission may, from time to time, recommend to the Board of Supervisors amendments to the Comprehensive Plan upon application, at the direction of the Board of Supervisors, or of its own accord. The Commission may make such surveys, studies, maps, plans, or charts for the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Board of Supervisors, its studies and recommendations.

**A. Procedures.** An amendment of the Comprehensive Plan shall not be considered by the Zoning Commission unless and until:

1. A written application for an amendment is submitted indicating the section of the Comprehensive Plan under which the amendment is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least seven (7) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication in a newspaper of general circulation in Delaware County of the requested amendment. The notice 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.
4. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:
  - a. The original application.
  - b. The staff report and records of any action on this request by the Zoning Administrator.
  - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
  - d. Proof of publication of the legal notice published in the local newspaper.
  - e. Minutes of the public hearing.

**B. Standards for Review.** The Zoning Commission shall review the proposed amendment for conformance to the following standards for review:

1. Whether or not the current Comprehensive Plan provisions are valid, and
2. Whether there is a need for the modifications for the purpose requested, and

3. Whether the proposed amendment is consistent with the Comprehensive Plan.

**C. Recommendation.** The Zoning Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of the Comprehensive Plan. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance. The Commission's final report shall be filed with the Board of Supervisors within thirty (30) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearings or take action until it has received the final report of the Commission.

**7.07 Zoning Ordinance Amendments.** After adoption of the Zoning Ordinance, the Zoning Commission may, from time to time, recommend to the Board of Supervisors amendments to this Ordinance upon application, at the direction of the Board of Supervisors, or of its own accord.

**A. Procedures.** An amendment of this Ordinance shall not be considered by the Zoning Commission unless and until:

1. A written application for an amendment is submitted indicating the section of this Ordinance under which the amendment is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least seven (7) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication in a newspaper of general circulation in Delaware County of the requested amendment. The notice 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.
4. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:
  - a. The original application.
  - b. The staff report and records of any action on this request by the Zoning Administrator.
  - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
  - d. Proof of publication of the legal notice published in the local newspaper.
  - e. Minutes of the public hearing.

**B. Standards for Review.** The Zoning Commission shall review the proposed amendment for conformance to the following standards for review:

1. Whether or not the current zoning regulations are valid, and
2. Whether there is a need for the modifications for the purpose requested, and
3. Whether the proposed amendment is consistent with the Comprehensive Plan.

**C. Recommendation.** The Zoning Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of this Ordinance. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance. The Commission's final report shall be filed with the Board of Supervisors within thirty (30) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearings or take action until it has received the final report of the Commission.

**7.08 Rezoning.** After adoption of the Zoning Ordinance, the Zoning Commission may, from time to time, recommend to the Board of Supervisors with respect to requested rezonings to change district boundaries of property subject to this Ordinance upon application, at the direction of the Board of Supervisors, or of its own accord.

**A. Procedures.** A rezoning to change district boundaries of property subject to this Ordinance shall not be considered by the Zoning Commission unless and until:

1. A written application for a rezoning is submitted indicating the section of this Ordinance under which the rezoning is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least seven (7) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication in a newspaper of general circulation in Delaware County and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the rezoning is requested. The notice 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.
4. The public hearing shall be held. Any party may appear in person, or by agent or attorney. A complete record of the hearing shall contain the following:

- a. The original application.
- b. The staff report and records of any action on this request by the Zoning Administrator.
- c. The names and addresses of all property owners within five hundred (500) feet of the exterior boundaries of the property for which the rezoning is requested, contacted by mail for the purpose of a courtesy notice of the public hearing.
- d. All relevant information, including but not limited to, maps, drawings, and/or photographs.
- e. Proof of publication of the legal notice published in the local newspaper.
- f. Minutes of the public hearing.

**D. Standards for Review.** The Zoning Commission shall review the proposed rezoning for conformance to the following standards for review:

1. Whether or not the current district classification of the property to be rezoned is valid, and
2. Whether there is a need for additional land zoned for the purpose requested, and
3. Whether the proposed change is consistent with the Comprehensive Plan, considering such factors as:
  - a. Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area, and
  - b. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity, and
  - c. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

**E. Recommendation.** The Zoning Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested rezoning subject to this Ordinance. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance. The Commission's final report shall be filed with the Board of Supervisors within thirty (30) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearings or take action until it has received the final report of the Commission.

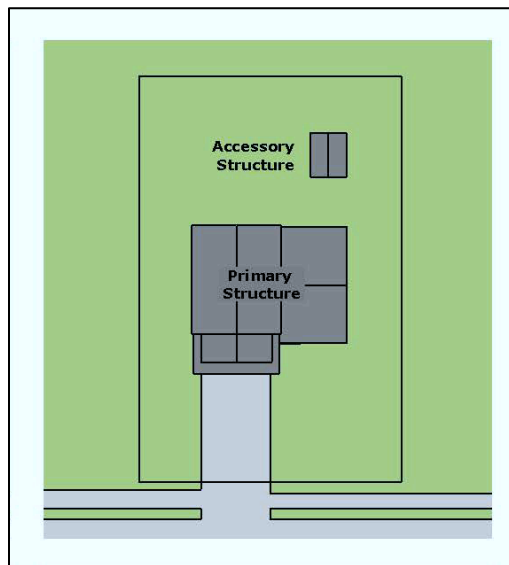
**F. Change of Official Zoning Map.** Change of the boundaries of districts as shown on the Official Zoning Map) for a rezoning request approved by the Board of Supervisors shall be made by an ordinance amending the Zoning Ordinance, shall refer to the Official Zoning Map, and shall set out the identification of the area affected by legal description and identify the zoning district as it exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication,

be recorded by the County Recorder as other ordinances and the Official Zoning Map changed as provided in Section 1.17. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, as amended, shall be the final authority to the current zoning status of land and water areas, buildings, and other structures in the County subject to the provisions of this Ordinance.

**SECTION 8. DEFINITIONS**

For the purpose of this Ordinance, certain terms and words are hereby defined. All other terms used in these regulations, including all types of permitted uses shall have their normal, most common meaning. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; and the word "shall" is mandatory and not directory.

**Accessory Use or Structure.** A use or structure subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land. (See Figure 3)



**Figure 3: Accessory Structure**

**Administrative Officer.** See Zoning Administrator.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, poultry growers, fish farms, nurseries, greenhouses, institutional farms, fur farms, worm growers, and other such specialty activities, and animal and poultry husbandry and the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Alley.** A public thoroughfare which affords only a secondary means of access to abutting property.

**Alterations, Structural.** Any replacement or changes in the type of construction or in the supporting members of a building, such bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

**Apartment.** A room or suite of rooms in a multiple dwelling intended for or designed for use as a residence by a single family.

**Basement.** A story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story for the purpose of height regulation.

**Bed and Breakfast.** A private residence which provides lodging and meals for transient guests, in which the host or hostess resides and in which no more than four (4) guest families are lodged at the same time and while it may advertise and accept reservations, does not hold itself out to be a public restaurant, hotel or motel, and serves food only to overnight guests. Only off-street parking must be provided.

**Billboard.** Any structure or portion of a building used for the display of advertising of a business or attraction which is not carried on or manufactured in or upon the premises upon which said billboard is located. This includes painted exterior walls with pictures, words, or logos.

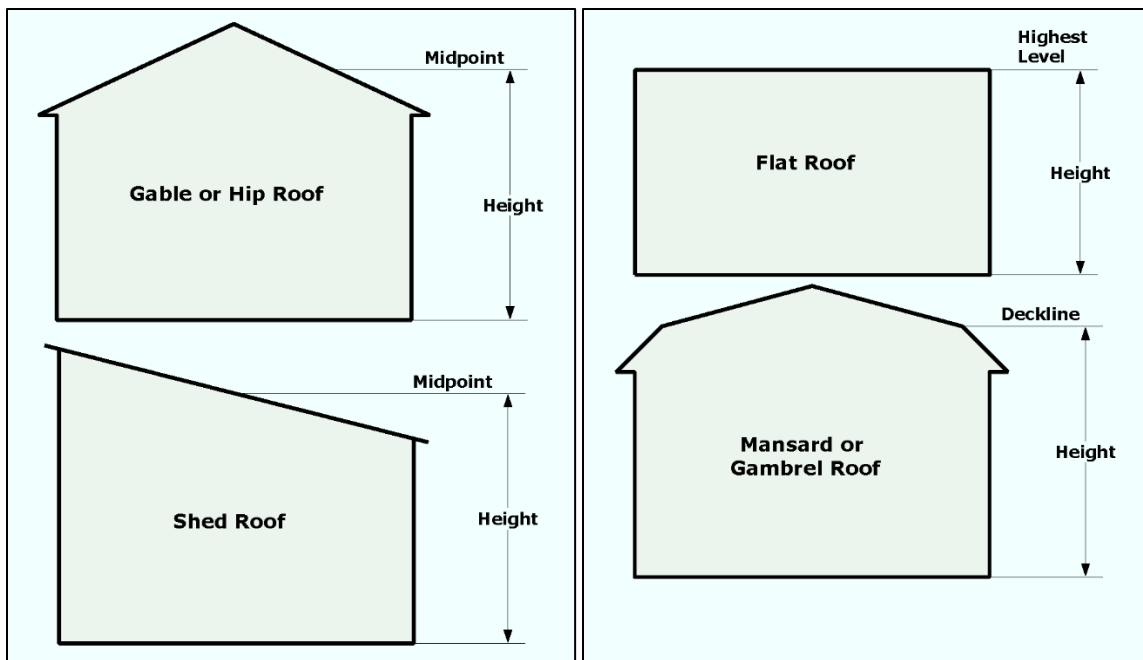
**Board.** The Board of Adjustment of Delaware County, Iowa.

**Board of Supervisors.** The Board of Supervisors of Delaware County.

**Boarding House.** A building other than a hotel or motel, where for compensation and by arrangement, meals and/or lodging are provided for three (3) or more persons.

**Building (Structure).** Anything constructed, erected or built, the use of which requires more or less permanent location on the ground and designed for support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.

**Building, Height of.** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard or gambrel roof, or to the midpoint (mean height level) between eaves and ridge of gable, hip and shed roofs. (See Figure 4)



**Figure 4: Measuring Building Height**

**Building Line.** The extreme overall dimensions of a building or any projection thereof. Distances are to be measured from the most outwardly extended position of the structure. See Yard.

**Bulk Regulations.** Standards that establish the maximum size and height, and required yards and setbacks for structures on a lot.

**Bulk Station.** Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

**Business.** Any occupation, employment or enterprises wherein merchandise is exhibited or sold, or where services are offered for compensation.

**Campground.** A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes.

**Carport.** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this Ordinance, a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

**Cellar.** A story having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

**Certificate of Compliance.** A written statement issued by the Zoning Administrator, stating the completed building and/or change in use comply with the provisions of this Ordinance and other applicable building and health ordinances of Delaware County.

**Clinics.** A building or buildings used by physicians, lawyers, dentists, veterinarians, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.

**Commission.** The Zoning Commission of Delaware County, Iowa.

**County.** The unincorporated portions of Delaware County, Iowa.

**Day Nursery, Nursery School, or Daycare (Public).** Any agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for seven (7) or more children of preschool age, for compensation.

**Development.** A human-made change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and other similar uses.

**District.** A section or sections of the area of Delaware County for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

**Drive-In Restaurant.** Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

**Dwelling.** Any building or portion thereof which is designed for or used exclusively for residential purposes.

**Dwelling, Condominium.** A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the other dwelling units.

**Dwelling, Farmstead.** A dwelling located on a farm and occupied by a person or family employed in the agricultural pursuits of the farm on which it is located.

**Dwelling, Single-Family.** A building designed for or occupied by one (1) family.

**Dwelling, Two-Family.** A building designed for or occupied exclusively by two (2) families.

**Dwelling, Multiple.** A building or buildings on a common lot designed for and used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

**Dwelling Unit.** One (1) room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities, except mobile homes as defined herein.



**Family.** One or more persons who live together in a single dwelling unit.

**Farm.** The land, buildings, and machinery used in the commercial production of farm products, as per Iowa Code Section 352.2.

**Farmland.** Those parcels of land suitable for the production of farm products, as per Iowa Code Section 352.2.

**Farm Operation.** A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock; the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor, as per Iowa Code Section 352.2.

**Farm Products.** Those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur, as per Iowa Code Section 352.2.

**Farmstead Dwelling.** A dwelling located on a farm and occupied by a person or family employed in the agricultural pursuits of the farm on which it is located.

**Flood.** A temporary rise in a stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Elevation.** The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the one hundred (100)-year flood elevation is that elevation of floodwaters related to the occurrence of the one hundred (100)-year flood.

**Flood Insurance Rate Map.** The official map prepared as part of (but published separately from), the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study.** A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the County with necessary information for adopting a floodplain management program; and establishing actuarial flood insurance rates.

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

**Floodplain Management.** An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to, emergency preparedness plans, flood control works, floodproofing and floodplain management regulations. See Delaware County Floodplain Management Ordinance.

**Floodproofing.** Any combination of structural or nonstructural additions, changes, or adjustments to structures including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

**Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge floodwaters of flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities (See Figure 5).

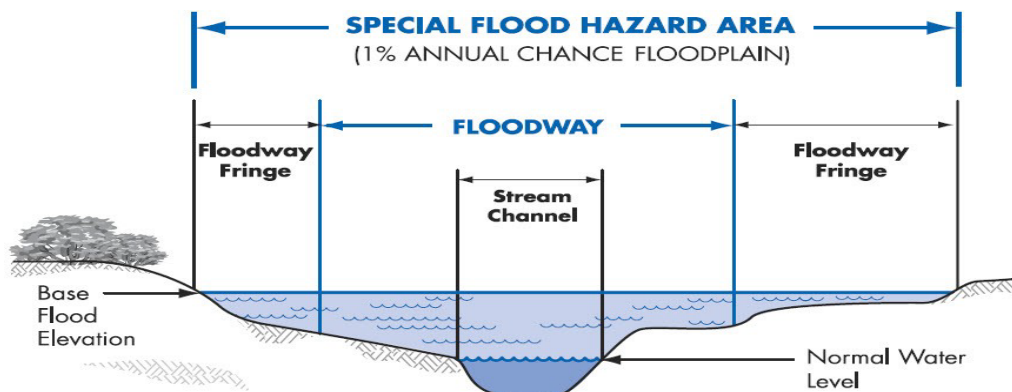


Figure 5. Floodway

**Floodway Fringe.** Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities (see Figure 5).

**Floor Area.** The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar which is used for storage or incidental uses.

**Frontage.** All the property on one (1) side of street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

**Garage, Private.** An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than two (2) of the vehicles may be commercial vehicles.

**Garage, Public.** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

**Garage, Storage.** Any building or premises, including a mini-storage garage, used for storing motor-driven vehicles (other than commercial vehicles), recreational vehicles and trailers, boats, furniture, or other miscellaneous personal property, excluding such things as automobile fuels and oils or other hazardous or volatile substances.

**Gasoline Filling Station or Convenience Store.** Any building or premises used for the retail sale of products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting; body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

**Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a centerline, then the elevation of the street at the center of the wall adjoining the street shall be grade.

**Grain Elevator.** A structure or group of related structures whose primary purpose is, but not limited to, the receiving, selling, processing, storage, drying and transporting of bulk grain.

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

**Hazardous Waste.** Waste designed as hazardous by the United States Environmental Protection Agency or appropriate state agency.

**Health Club.** A non-medical service establishment intended to maintain or improve the physical condition of paying customers, containing exercise and game equipment and facilities, steam baths, saunas, hot tubs, or similar equipment or facilities.

**Height of a Building.** See Building, Height of.

**Home Industry.** Any gainful occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof. The accessory building shall not be larger than the principal structure.

**Home Occupation.** An occupation or a profession which:

- a. Is customarily carried on in a dwelling unit or accessory structure, and
- b. Is owned by a member of the family residing in the dwelling unit, and
- c. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and
- d. Does not employ more than five (5) persons outside the immediate family, and
- e. Has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one (1) exterior sign which shall not exceed twelve (12) square feet in area, and
- f. Cannot occupy more than fifty (50) percent of the area of one (1) floor of the dwelling unit, and
- g. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.

**Home Occupation, Farmstead.** An occupation customarily engaged in on a farm, as a supplementary source of income, which:

- a. Is clearly incidental and secondary to the operation of the farm, and
- b. Is owned by a member of the family residing in the farmstead dwelling, and
- c. Does not employ more than five (5) persons outside the resident family, and
- d. Is conducted within or adjacent to the farmstead dwelling or the customary farm outbuildings, and
- e. Has no exterior displays, or storage of materials visible from the public road, or other exterior indication or variation from the agricultural character of the farm other than one (1) sign, acknowledging the product or service available, which sign shall not exceed twelve (12) square feet in area, and
- f. Produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farmstead or dwelling.

**Hotel.** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

**Industrial Waste.** Any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing trade or business or from the development of any natural resource.

**Industry, Light.** Any light manufacturing or industrial processing, which by nature of the materials, equipment and process utilized are to a considerable measure clean, quiet, and free of any objectionable or hazardous element. Light manufacturing includes the uses listed below and any other uses that are recommended by the Planning and Zoning Commission to be of the same general character: bakeries, bottling, jewelry, musical instruments, plastic products and sporting goods; processing and assembly of glass products, household appliances, electronic products, and parts for production of finished equipment; printing and engraving plants; cleaning and dyeing plants.

**Industry, Heavy.** Any heavy manufacturing or industrial processing, which by nature of the materials, equipment and process utilized cannot eliminate entirely objectionable features and influences but which, nevertheless, must be provided for somewhere in the urban area.

**Junk or Salvage Yard.** Any area where junk, discarded or salvaged material or equipment are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, auto-wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment; but not including, areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations and not including contractors' storage yards. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, or from which parts have been removed for reuse, salvage or sale, shall constitute prima facie evidence of a junkyard.

**Kenel.** An establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.

**Livestock.** Domestic animals which are raised on a farm as a source of food or clothing, including swine, sheep, poultry, cattle, goats, ostriches, rheas, emus, deer, bison, and fish and any other animals which are products of aquaculture, as per Iowa Code section 267.1 and Iowa Administrative Code Rule subrule 701-17.9 (1).

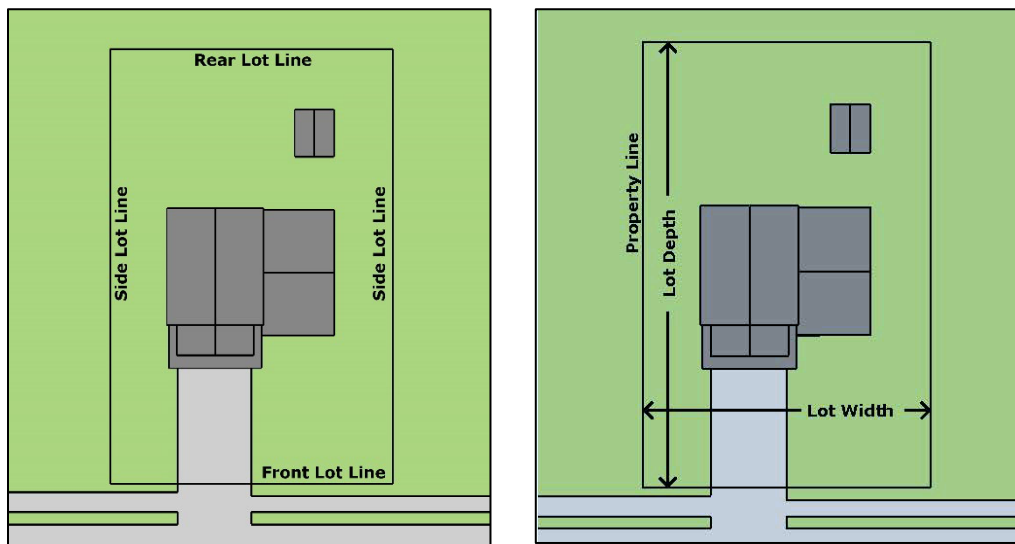
**Loading Space.** A space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.

**Lot.** For the purpose of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street, and may consist of:

- a. A single lot of record or a portion of a lot of record.
- b. A combination of complete lots of record, and/or portions of lots of record.
- c. A parcel of land described by metes and bounds, provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

**Lot Measurement.** Terminology used in this Ordinance with reference to various types of lot measurement is as follows and as shown in Figure 6:

- a. Area - The area of a lot in a horizontal plane bounded by the property (lot) lines.
- b. Depth - The mean horizontal distance between the front and rear lot lines.
- c. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot lines at each side of the lot measured at the minimum building setback line.



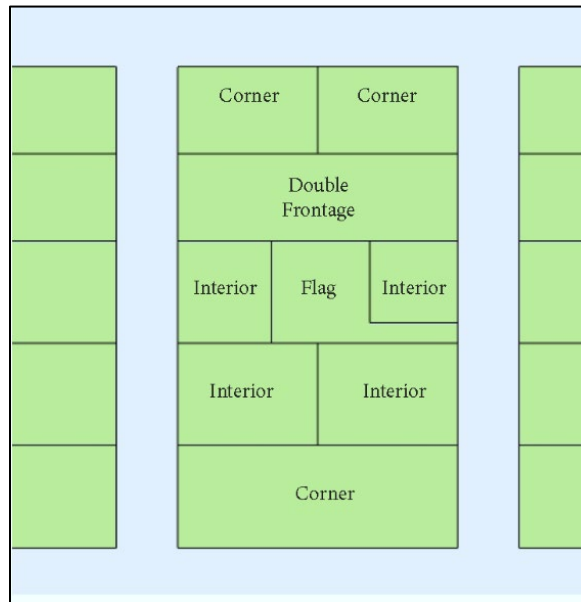
**Figure 6: Lot Measurement**

**Lot of Record.** A lot which is part of a subdivision which is recorded in the Office of the Delaware County Recorder or a lot or parcel described by metes and bounds, the deed to which has been so recorded prior to the effective date of this Ordinance.

**Lot Types.** Terminology used in this Ordinance with reference to various types of lots is as follows and as shown in Figure 7:

- a. Corner lot - A lot located at the intersection of two (2) or more streets.

- b. Double frontage lot - A lot other than a corner lot with frontage on two (2) nonintersecting streets, which also maybe referred to as a through lot.
- c. Flag lot - describes the shape of a lot, in which access is provided along a narrow “flag pole,” and the shape of the lot is rectangular, as a flag.
- d. Interior lot - A lot other than a corner lot with only one (1) frontage on a street other than an alley.



**Figure 7: Lot Types**

**Lumber Yard.** Premises on which primarily new lumber and related building materials are sold.

**Manufactured Home.** A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403, National Manufactured Home Construction and Safety Standards Act of 1974, 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 it to a permanent site, and which does not have permanently attached to its body or frame, any wheels or axles. For the purpose of these regulations, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured home shall be subject to the same standards as site-built dwellings.

**Mobile Home.** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home 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 other 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 location, as specified in this Ordinance.

**Mobile Home Park.** Any site, lot, field, or tract of land upon which three (3) or more occupied mobile homes are harbored either free of charge or for revenue purposes, including any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.

**Mobile Home Subdivision.** A subdivision created for the purpose of, and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes converted to real estate, and having public streets, utilities and other public facilities and installations approved by the Board of Supervisors in accordance with the regulations of this Ordinance.

**Non-Conforming Use.** Any building or land lawfully occupied by any use at the time of passage of this Zoning Ordinance (or any amendment thereto), which does not conform after the passage of the Zoning Ordinance (or any amendment thereto), with the use regulations of the district in which it is situated.

**Nuisance.** Any nuisance as listed in Iowa Code Section 657.2.

**Nursery, Landscape.** A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or outside, for the purpose of landscape construction.

**Nursing Home.** A home for aged or chronically ill persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation. Nursing home does not include a hospital, a clinic, or similar institution devoted primarily to the diagnosis, treatment or care of the sick or injured.

**Ordinary High-Water Line.** The limit where high water occupies the land so long and continuously as to wrest terrestrial vegetation from the soil or saturate the root zone and destroy its value for agricultural purposes as per Iowa Administrative Code Section 571-13.3.

**Parking Space.** A surfaced area enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

**Parkway.** The area of the right-of-way between the back of the curb and the sidewalk that is typically planted or landscaped; in the absence of a curb, between the property line and the nearest edge of the street paving; and in the absence of a sidewalk, between the property line and the back of the curb or the nearest edge of pavement.



**Permanent Foundation.** A site-built or site-assembled system of stabilizing devices when the running gear assembly is removed. The foundation may be any one or combination of the following:

- a. Shall be to a depth of not less than forty-two (42) inches below grade and constructed of appropriate load-bearing materials,
- b. A floating concrete slab, or
- c. Grey beam construction (two concrete strips the entire length of the structure, forty (40) inches wide, five (5) feet apart, a minimum of six (6) inches deep, with two (2) Number Two (#2) reinforcing bars.

**Principal Use.** The primary or main use of land or structures as distinguished from an accessory use.

**Protective Covenant.** A contract entered into between private parties which constitutes a restriction of the use of a particular parcel or property. Such covenants shall be considered valid only when they are recorded and filed in the office of the Delaware County Recorder and meeting other legal requirements.

**Public Land.** Land owned or operated by municipal, school district, county, state, or other governmental units.

**Quarry or Extraction Pit.** Where the natural occurring material is being extracted above ground and is commercially available.

**Recreation, Public.** Includes all uses such as tennis courts, ball fields, picnic areas and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

**Recreational Camping Area.** Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of three or more tents or recreational camping vehicles free of charge or for compensation. "Recreational Camping Area" excludes children's camps, industrial camps, migrant labor camps, United States forest service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing.

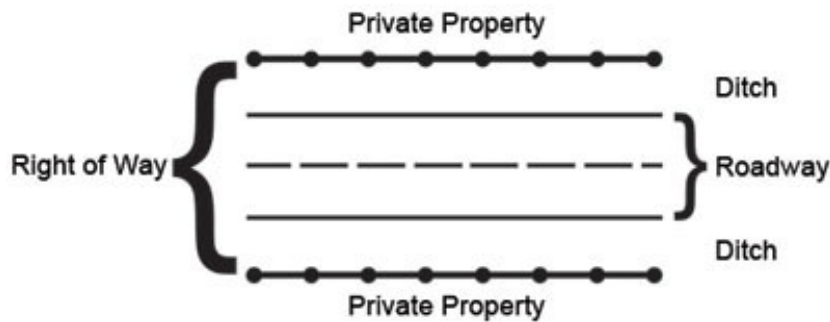
**Recreational Camping Vehicle.** Recreational Camping vehicle includes the following:

- a. Any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation, and vacation uses;
- b. Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- c. Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
- d. Any folding structure, mounted on wheels and designed for travel, recreation and vacation use.

**Recycling Plant.** A site with the view totally obscured or an enclosed building within which the receipt, separation, storage, conversion, baling and/or processing of paper, iron, metal, glass, newspaper, and other non-biodegradable recyclable materials are collected for the purpose of reutilization of such materials.

**Rental Cabin/Lodge.** A building where lodging only is provided for compensation. One (1) building associated with the primary residence will be construed to be a Bed and Breakfast. Two (2) or more cabins/lodges will be construed to be a commercial business and must be rezoned as such. A building permit is required.

**Right-of-Way.** The land area which is secured or reserved by the contracting authority for road purposes. (see Figure 8)



**Figure 8. Right-of-Way**

**Sanitary Landfill.** A method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principals of engineering to confine the solid waste to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary; in accordance with the rules and regulation of the Iowa Department of Natural Resources.

**Setback.** See Yard and Figure 9.

**Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

**Sign, Free Standing or Post.** Any sign that is not attached to a building erected or affixed in a rigid manner to any pole or post, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by any occupant thereof.

**Sign, Off-Site.** A sign that directs persons to and/or advertises goods, products, services or facilities at a different location from where the sign is located.

**Sign, On-Site.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

**Sign Permit.** A written statement issued by the Zoning Administrator authorizing signs and sign structures consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

**Special Exception.** A use that would not be appropriate generally or without restriction throughout a zoning district because of its unique characteristics and because of the uniqueness of its proposed location, may be allowed only after careful consideration, after a public hearing by the Board of Adjustment, of the impact of the particular use upon surrounding uses and public facilities therein. Such a use may be permitted in a particular zoning district only upon showing that in the specified location it will comply with all the conditions and standards for the location and operation of such special exception use as specified therein.

**Stable, Private.** A building or structure used or intended to be used for housing only of horses belonging to the owner of the property for non-commercial purposes.

**Stable, Public and Riding Academy.** A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

**Stable, Riding Club.** A building or structure used or intended to be used for the housing only of horses by a group of persons for noncommercial purposes.

**Story.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

**Story, Half.** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story.

**Street.** A public or private thoroughfare which affords the principal means of access to abutting property, and shall also include avenue, highway, road, or way.

**Street Line.** The right-of-way line of the street.

**Street Width.** The width of the right-of-way, measured at right angles to the center line of the street.

**Structure (Building).** See definition of "Building."

**Subdivision.** Any vacant or improved land, that is divided or proposed to be divided into three (3) or more lots, parcels, sites, units, plots, by repeated or simultaneous division, for the purpose of sale, gift, lease, or development, including resubdivision. 'Subdivision' also includes the division or development of residential or non-residential zoned land.

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

**Substantial Improvement.** A repair, reconstruction or improvement of a structure, the costs of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. Market value shall be determined by the local assessor's office or by two separate certified real estate evaluations. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.

**Summer Cabin.** A family dwelling, intended for private and seasonal use only, not to be occupied for more than six (6) months out of any calendar year. All summer cabins must meet state and county requirements relating to water supply and wastewater treatment. A building permit is required.

**Temporary Structure.** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Tourist Campground or Trailer Camp.** Any area providing space for two (2) or more travel trailers, camping trailers, or tent sites for the temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.

**Use, Accessory.** A use secondary to and serving the principal use or structure on the same lot and customarily incidental thereto.

**Use, Permitted.** A public or private use which of itself conforms with the purposes, objectives, requirements, regulations and performance standards of a particular District.

**Use, Principal.** The main use of land or buildings as distinguished from subordinate or accessory use. A "principal use" may be either permitted or conditional.

**Use, Temporary.** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Variance.** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue

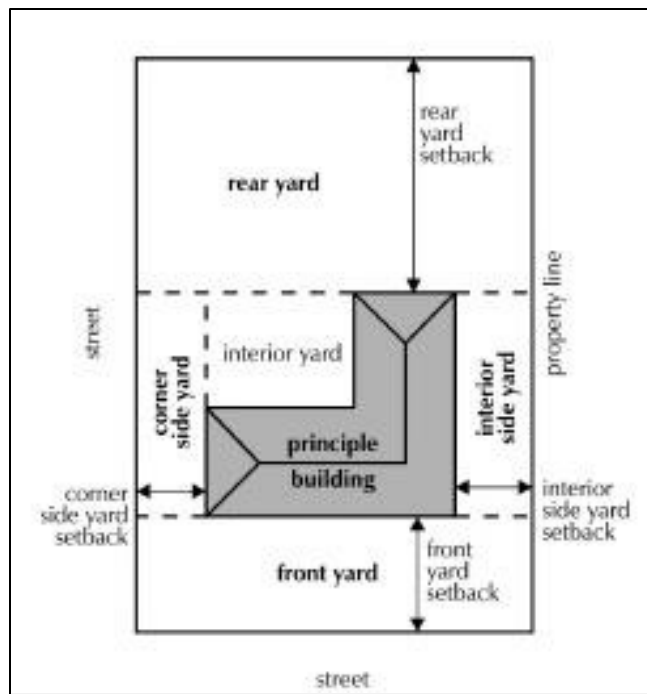
hardship. As used in this Ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

**Yard.** An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot lines and the main building or any projection thereof shall be used.

**Yard, Front.** A yard extending across the front of a lot and being the minimum horizontal distance between the street and the main building or any projection thereof other than the projection of the usual uncovered steps, uncovered balconies or uncovered porch. On corner lots, the front yard shall be at the owner's discretion, provided they can meet the required front and side yard requirements on a corner lot. (See Figure 9)

**Yard, Rear.** A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. (See Figure 9)

**Yard, Side.** A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto. (See Figure 9)



**Figure 9. Illustration of Yards and Yard Setbacks**

**Zoning Administrator.** The Administrative Officer designated or appointed by the Delaware County Board of Supervisors to administer and enforce the regulations contained in the Zoning Ordinance in accordance with Iowa Code Section 335.9.

**Zoning Permit.** A written statement issued by the Zoning Administrator authorizing buildings, structures or use consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.