



ORDINANCE NO. 5

ZONING ORDINANCE
For the UNINCORPORATED
PORTION OF
WRIGHT COUNTY, IA

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Ordinance #31	March 31, 2003
Ordinance #40	August 2, 2010
Ordinance #45	February 27, 2012
Ordinance #50	July 25, 2016

WRIGHT COUNTY, IOWA, ZONING ORDINANCE

ARTICLE I. TITLE, SHORT TITLE, AND MAP:

Section 100. TITLE: This Ordinance, including the zoning district map made a part hereto, shall be known as, and may be cited and referred to as, the Wright County, Iowa, Zoning Ordinance.

Section 110. SHORT TITLE: This Ordinance, including the map made a part hereto, may be cited and referred to as the Wright County Zoning Ordinance, to the same effect as if the full title were stated.

Section 120. MAP: The map herein referred to, identified by the title "Official Zoning Map, Wright County, Iowa" dated December 1. 1990 and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

ARTICLE II. PURPOSE AND AUTHORITY:

Section 200. PURPOSE AND AUTHORITY: This Ordinance is adopted for the purpose of promoting the public health, safety, comfort, order, and general welfare to conserve and protect the natural and manmade environment, to secure and provide the social and economic advantages resulting from an orderly, planned use of land resources, and to facilitate adequate but economical provisions for public improvements, all in accordance with the Wright County Comprehensive Plan and as permitted by the provisions of Chapter 358A of the Code of Iowa, as amended.

ARTICLE III. EXEMPTIONS AND INTERPRETATION:

Section 300. FARMS EXEMPT: In compliance with Chapter 358A of the Code of Iowa, no regulation or restriction adopted under the provisions of this Ordinance shall be construed to apply to land, farmstead, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adopted, by reason of nature and area, for use for agricultural purposes, while so used.

Section 310. INTERPRETATION OF STANDARDS: In their interpretation and application the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or Ordinances, the provisions of this Ordinance shall control.

ARTICLE IV. DEFINITIONS:

Section 400. DEFINITIONS: For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

.1 Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

.2 Administrative Officer: The individual designated to administer the zoning ordinance and who is responsible for the enforcement of the regulations imposed by said ordinance.

.3 Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, fish farm, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

.4 Billboards: "Billboard" as used in this Ordinance shall include all structures regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter

which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

.5 Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

.6 Building Height of: The vertical distance from the average natural grade to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

.7 District: A section or sections of the County within which certain uniform regulations and requirements governing the use of buildings and premises, or the height and areas of buildings and premises are uniform.

.8 Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent or trailer. Cabins and mobile homes are considered dwellings for purposes of this ordinance.

.9 Dwelling, Single Family: A detached residence designed for, or used exclusively and occupied by, one (1) family only.

.10 Dwelling, Two Family: A residence designed for, or used exclusively and occupied by, two (2) families only, with separate housekeeping and cooking facilities for each.

.11 Dwellings, Multiple: A residence designed for, or used exclusively and occupied by, three (3) or more families, with separate housekeeping and cooking facilities for each.

.12 Dwelling Unit: A room or group of rooms which are arranged, designed, or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

.13 Farm: An area which is used for agricultural purposes and the growing and production of all farm products thereon, and their storage on the areas, or for the raising thereon of poultry or livestock.

.14 Farmstead: The buildings and adjacent service areas of a farm.

.15 Feedlots: Private: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, fowl, or other livestock. The feedlot is owned and operated by the person(s) owning the land upon which it is located.

Commerical: Is a feedlot as defined under corporate form of ownership in which the livestock on feed are owned by someone other than the owner of the feedlot.

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

.17 Gasoline Filling Station: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naptha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the 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 crank case pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

.18 Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.

.19 Home Occupation: An occupation as a supplementary source of income, which:

- A. Is clearly incidental and secondary to the operation of the principal use;
- B. Is carried on by a member of the family residing in the dwelling;
- C. May employ persons outside the resident family on the premises;
- D. Is conducted within or adjacent to the principal dwelling or the customary out buildings; and
- E. Has no more than one (1) sign identifying the product or service available, which sign shall not exceed twenty-five (25) square feet in area.

.20 Junk or Salvage Yard: Any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, demanufactured, kept, stored, or handled, including house wrecking yards, auto wrecking activities, appliance wrecking, 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.

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

- (a) A single lot of record;
 - (b) A portion of a lot or record;
 - (c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and
 - (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
- .22 Lot. Area:** Total horizontal area within lot lines.
- .23 Lot. Corner:** A lot abutting upon two (2) or more streets at their intersection.
- .24 Lot. Depth of:** The mean horizontal distance between the front and rear lot lines.
- .25 Lot. Double Frontage:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
- .26 Lot. Lines:** The lines bounding a lot.
- .27 Lot Line. Front:** The line separating the lot from the street on which it fronts.
- .28 Lot Line. Rear:** The lot line opposite and most distant from the front lot line.
- .29 Lot of Record:** A lot which is a part of a subdivision recorded in the office of the County Recorder of Wright County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- .30 Lot Lines, Sides:** Any lot line other than a front or rear lot line.
- .31 Lot. Width:** The width of a lot measured at the building line and at right angles to its depth.
- .32 Lumber Yard:** A premises on which primarily new lumber and related building materials are sold.
- .33 Mobile Home:** A vehicle used, or so originally constructed as to permit being used, as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for one (1) or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by its own power, towed, or transported by another vehicle. A mobile home can be converted to real estate by being attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame destroyed rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, with the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the county. Mobile homes and mobile homes converted to real estate are considered to be dwellings for purposes of this ordinance.
- .34 Non-conforming Use:** The lawful use of any building or land that was established prior to or at the time of passage of this Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendments thereto with the use regulations of the district in which it is situated.
- .35 Nursing or Convalescent Home:** A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.
- .36 Obstruction:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
- .37 Parking Lot:** A parcel of land devoted to unenclosed parking spaces.
- .38 Parking Space:** An area of not less than one hundred eighty (180) square feet, plus necessary maneuvering space, for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be dust-free surfaces.
- .39 Principle Use:** The main use of land or structures as distinguished from an accessory use.
- .40 Right-of-Way:** The right to possession of which is secured or reserved by the contracting authority for road purposes.
- .41 Road:** All property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easements therefore.
- .42 Roadlines:** A dividing line between a lot, tract, or parcel of land and a contiguous road.
- .43 Roadside Stand:** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.
- .44 Sanitary Land Fill:** A premise used for dumping organic materials, such as garbage, in an excavation and covered daily with dirt, in accordance with State Board of Health requirements.

.45 Sign, Free Standing or Post: Any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered, or goods sold or produced on the premises by an occupant thereof.

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

.47 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.

.48 Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

.49 Street Line: The right-of-way line of a street.

.50 Street or Road, Private: Any private way twenty (20) feet or more in width which shall be approved by the Board of Supervisors.

.51 Street or Road, Public: Any thoroughfare or public right-of-way which has been dedicated to the public or deeded to the County for street purposes.

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

.53 Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards and poster panels.

.54 Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a front yard for the purpose of determining the depth, the least distance between the right-of-way line of any adjacent public or private right-of-way and the main building shall be used. For any other yard depths the least distance between-the lot line and any permitted building shall be used.

.55 Yard, Front: A yard extending across the full width of the lot and measured between the adjacent right-of-way line and the building.

.56 Yard, Rear: A yard extending across the full width of a lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed porches. On both corner lots and interior lots the opposite end of lot from the front yard.

.57 Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

ARTICLE V. ESTABLISHMENT OF DISTRICTS

Section 500. ESTABLISHMENT OF DISTRICTS: For the purpose and intent of this Ordinance the unincorporated area of Wright County, Iowa is hereby divided into six classes of districts. The use, heights and area regulations are uniform in each class of district, and said districts shall be known as:

"A" Agricultural District

"R-S" Suburban Residential District

"R-L" Residential Lake District

"C-L" Lake Commercial District

"C-R" Rural Commercial District

"I" Industrial District

Section 510. BOUNDARIES AND OFFICIAL MAP: The boundaries of these districts are indicated and established as shown upon a map designated as the Official Zoning Map, Wright County, Iowa, which with all notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The said Official Zoning Map shall be on file in the office of the Auditor of Wright County, Iowa, and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article V of the Wright County, Iowa, Zoning Ordinance adopted this _____ day, of _____, 19__.

If in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matters portrayed on the Official Zoning Map, the resolution number and date of said change shall be recorded by the County Auditor on the 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 correction shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof.

Section 520. INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Map accompanying and made a part of this Ordinance, the following rules shall apply:

- .1 The district boundaries are either the centerlines of highways, county roads, streets, railroad rights-of-way, or such lines extended unless otherwise shown, and where the districts designated on the maps accompanying and made a part of this Ordinance are bounded approximately by such centerlines, the centerlines shall be construed to be the boundary of the district;
- .2 Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- .3 Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;
- .4 Boundaries indicated as approximately following rivers, streams, creeks or other waterways shall be construed to follow the centerline of such waterways;
- .5 Boundaries indicated as approximately parallel to a highway, county road, street, or railroad right-of-way shall be construed as being parallel thereto and at such distance from the centerline thereof as is indicated on the Official Zoning Map;
- .6 Where no other indication of the district boundary is made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the Official Zoning Map.

Section 530. DISINCORPORATION: All territory which may hereafter become part of the unincorporated area of Wright County, Iowa, that is regulated by this Ordinance, by the disincorporation of any city or town, or any part thereof, shall automatically be classed as lying and being in the "A" Agricultural District until such classification shall have been changed by amendment to this Ordinance.

Section 540. ROAD OR PUBLIC WAY VACATION: Whenever any road or other public way is vacated by the official action of the Board of Supervisors, the Zoning District(s) adjoining each side of such road or public way shall automatically extend to the center of such vacation and all area included in such vacation shall then and there forth be subject to all appropriate regulations of the extended district.

ARTICLE VI. GENERAL REGULATIONS AND PROVISIONS

Section 600. PERMITTED USES: Except as hereinafter provided, no building, structure, or land shall hereafter be used, and no building shall be erected, extended, converted, moved, rebuilt, or altered except in conformity with all the district regulations established by this Ordinance for the district in which the building, structure, or land is located.

Section 610. NON-CONFORMING USES AND STRUCTURES: The continuance of non-conforming uses of buildings, structures, or land shall be subject to the following limitations:

- .1 **Continuation:** Any lawful use of a building, structure, or land existing at the effective date of this Ordinance may be continued even though such use may not conform to the regulations of this Ordinance for the district in which it is located. However, such use shall become and be known as a "non-conforming use" and shall be subject to the provisions of Article VI, Section 610.
- .2 **Expansion:** A non-conforming use shall be allowed one (1) expansion not to exceed twenty-five (25%) percent of the floor area of such structures or building, provided such construction shall be limited to buildings on land owned of record by the owner of the land devoted to the non-conforming use prior to the effective date of this Ordinance. The extension of a conforming use to any portion of a non-conforming building or structure shall not be deemed the extension of a non-conforming use.

.3 Restoration: Buildings or structures deemed nonconforming which are damaged by fire or other causes may be repaired or rebuilt as previously existed, however, not to a greater non-conforming extent or conflict than previously existed.

.4 Discontinuance: Whenever any non-conforming use of a building, structure, or land has been discontinued for a period of two (2) years, such use shall not thereafter be re-established and any subsequent use shall be in conformance with the regulations of this Ordinance.

.5 Substitution: If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a nonconforming use of a building, structure, or land has been changed to a more restricted or conforming use, such use shall not thereafter be changed to a less restricted use.

.6 Repairs and Maintenance: Ordinary repairs and maintenance of a structure containing a non-conforming use shall be permitted.

Section 620. BUILDING HEIGHT EXCEPTIONS: The maximum height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles, and other pertinent mechanical apparatus which may be erected to any height not in conflict with airport clear zones.

Section 630. ACCESSORY USES: Accessory uses are permitted in any zoning district in connection with any principle use which is permitted. An accessory use is a building, structure, or use which:

- (a) Is subordinate to and serves a principle building, structure, and principle use;
- (b) Is subordinate in area, extent, or purpose to the principle building, structure, or use; and
- (c) Is located on the same lot as the principle building, structure, or use.

Accessory uses, as defined herein, may be erected or established upon any lot or tract of land, provided that they comply with the following:

.1 No accessory use is permitted within the limits of a front yard.

Section 640. LOT SIZES: No building or structure, or part thereof, shall hereafter be built, moved, or expanded and no building, structure, or land shall hereafter be used, occupied, arranged, or designed for use or occupancy on a zoning lot which is:

.1 Smaller in area than the minimum area, narrower in width or shallower in depth than the minimum required in the zoning district in which the building, structure, or land is located.

Section 650. BULK REGULATIONS: No building or structure, or part thereof shall hereafter be built, moved, or expanded and no building, structure, or land shall hereafter be used, occupied, or designed for use or occupancy so as to provide any setback or front, side, or rear yard that is less than that specified for the zoning district in which such district or use of land is located or maintained.

Section 660. STREET FRONTAGE REQUIRED: Any lot or tract of land which may contain a building or structure shall abut a public street, road, or highway right-of-way for the required frontage in the district in which it is located.

Section 670. VISIBILITY AT INTERSECTIONS:

.1 On any corner lot at a street intersection which has some form of traffic controls in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle, which is formed by the intersection of the centerline of two intersections, public streets, roads, or highways and a straight line joining the two said centerlines at points fifty-five (55) feet distant from their point of intersection;

.2 On any corner lot at a public street, road, or highway intersection with no traffic control in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two intersecting streets, roads, or highways and a straight line joining the two said centerlines at points one-hundred and fifty (150) feet distant from their point of intersections.

Section 680. CORNER LOTS: Side yard requirements for corner lots shall be the same as the front yard requirements.

Section 690. OFF-STREET LOADING AND PARKING: In all districts, spaces for loading and unloading and for parking shall be provided in accordance with the following minimum requirements:

.1 Off-Street Loading: In any district, in connection with any use permitted by this Ordinance having a gross floor area of ten thousand (10,000) square feet or more, there shall be at least one (1) off-street loading space plus one (1) additional such loading space for each additional twenty thousand (20,000) square feet or major fraction thereof of gross floor area; each such loading space shall be not less than twelve (12) feet in width and sixty-five (65) feet in length.

.2 Off-Street Parking: In all districts, in connection with any use permitted by this Ordinance, space for off-street parking and storage of vehicles shall be provided in accordance with the following schedule:

- (a) Automobile sales and service garage - fifty (50) percent of gross floor area;
- (b) Government offices - at least ten (10) spaces;
- (c) Bowling alleys - five (5) spaces for each lane;
- (d) Churches - one (1) space for each four seats in the principle auditorium;
- (e) Dance, halls, community buildings, and assembly halls - three hundred (300) percent of floor area used for dancing or assembly;
- (f) Dwellings - two (2) spaces for each dwelling unit;
- (g) Hospitals - one (1) space for each four (4) beds;
- (h) Motels - one (1) space for each bedroom;
- (i) Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift;
- (j) Nursing, convalescent and retirement homes - one (1) space for each four (4) beds, plus one (1) space for each employee;
- (k) Restaurants, cafes, taverns, and night clubs - two hundred (200) percent of gross floor area;
- (l) Retail shops and stores - one hundred (100) percent of gross floor area;
- (m) Schools - one (1) space for each four (4) seats in the principle auditorium;
- (n) Wholesale establishments and warehouses - one (1) space for each two (2) employees;
- (o) In the case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.

ARTICLE VII. "A" AGRICULTURAL DISTRICTS: The "A" Agricultural District is designed to preserve agricultural resources from incompatible non-agricultural uses.

Section 700. PERMITTED USES:

.1 Agriculture and the usual agricultural buildings and structures; also private livestock feedlots, poultry farms, grain storage, and grain drying facilities; provided, however, that all private feedlots and poultry farms meet all of the waste treatment requirements of the Department of Water, Air, and Waste Management;

.2 One (1) and two (2) family dwellings;

.3 Churches, chapels, temples, and similar places of worship;

.4 Public schools and private educational institutions having a curriculum comparable to that of public schools;

.5 Country clubs, golf courses, public parks, forests, playgrounds, recreation areas, and camping grounds;

.6 Community buildings;

.7 Public utility structures and equipment necessary for the operation thereof:

(a) Wind Energy Farms constitute a public utility, if they are connected to a power grid;

(1) The Wright County Board of Adjustment may adopt such provisions and regulations as it deems necessary in regards to any requirements necessary for the issuance of a zoning permit to an applicant proposing a Wind Energy Farm.

.8 Railroad tracks' rights-of-way;

.9 Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be distant at least three hundred fifty (350) feet from adjacent property and street and highway lines;

.10 Billboards; however, no billboard shall be posted and no advertising structure shall be erected as follows:

(a) On or within the right-of-way of a highway or where it would encroach thereon;

(b) Along a highway within five hundred (500) feet of the center-point of an intersection of such highway at grade with another highway or with a railroad;

(c) Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than five hundred (500) feet;

(d) No billboard shall be constructed within three hundred (300) feet of a house, school, or church;

- (e) No billboards shall be constructed less than fifteen hundred (1,500) feet apart - except back-to-back, or end-to-end, and no more than two (2) billboards facing one direction;
- (f) No advertisement or advertising structure shall be posted, erected, or maintained which simulates any official, directional, or warning sign erected or maintained by the State, or by any county, municipality or other governmental subdivision, or which incorporates or makes use of lights simulating or resembling traffic controls or signals;
- (g) No advertisement shall be posted or maintained on rocks, fences, trees, or on poles maintained by public utilities; and
- (h) Billboards shall be set back from the proposed right-of-way of any State or Federal highway, and from the right-of-way of any other street or road a minimum distance of seventy-five (75) feet.
- .11 Stables, private and public, and riding academies and clubs, and other structures for housing animals;
- .12 Sanitary Landfills authorized by the Board of Supervisors;
- .13 Grain elevators with the usual accessory buildings.

Section 710. SPECIAL EXCEPTIONS: The following uses may be permitted in "A" Agricultural Districts subject to approval by the Board of Adjustment as provided for the ARTICLE XVII of this Ordinance.

- .1 Airports and landing fields provided that adequate approach and clear zones are obtained;
- .2 Buildings erected and used by a department of the federal, state, county, or municipal government;
- .3 Radio and television towers and cellular telephone towers;
- .4 Commercial feedlots may be located, by special permit, in an Agricultural District provided that they meet the following requirements:
 - (a) Commercial feedlots must meet requirements of the Iowa Department of Water, Air, and Waste Management regarding confined feeding operations;
 - (b) No commercial feedlot shall be located closer than two thousand (2,000) feet from the nearest dwelling other than that of the owner/operator;
 - (c) The storage of any animal waste shall be a minimum of seven hundred fifty (750) feet from all property lines;
 - (d) All commercial feedlots shall be located at least one mile from the nearest residential district and/or community corporation limits.
- .5 Mineral extraction when the developer submits for approval by the Planning and Zoning Commission and the Board of Supervisors, a plan for staged extraction restoration and current over burden construction to conform to an overall master plan for reuse; provided further that such plans shall be submitted for information and comment to the County Conservation Board, the County Soil Conservation District, and where applicable, the State Department of Mines;
- .6 Agricultural Research Establishments that are not farmer-owned and operated and which require construction of buildings.

Section 720. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted in "A" Agricultural Districts provided that they conform to the requirements of ARTICLE VI, Section 630:

- .1 Accessory uses and structures normally incidental and subordinate to the permitted principle uses, and structures which are primarily adopted by reason of nature and area for use for agricultural purposes;
- .2 Home occupations;
- .3 Private garage or carport;
- .4 One (1) board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or role of a building premises, or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold, leased, or construction completed;
- .5 Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work;
- .6 Roadside stands, offering for sale only agricultural products or other products produced on the premises;
- .7 Church bulletin boards;
- .8 Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.

Section 730. BULK REGULATIONS: The following minimum requirements shall be observed in "A" Agricultural Districts:

- .1 **Minimum Lot Area:**

(a) All uses - One (1) acre.

.2 Minimum Lot Width:

(a) All uses - No minimum lot width is specified.

.3 Minimum Front Yard:

(a) All uses - Thirty-five (35) feet.

.4 Minimum Side Yard:

(a) All uses - Two and a half (2 ½) feet.

.5 Rear Yard:

(a) All uses - No minimum rear yard is specified.

.6 Building or Structure Height:

(a) No building shall exceed a height of thirty-five (35) feet, unless otherwise provided.

.7 Proximity of Poultry Farms:

(a) Effective November 14, 1991, no commercial poultry farm or poultry research farm shall be situated in this County within a five (5) mile radius of an existing poultry research farm situated in this County. As used herein:

(1) The term poultry shall include, but not be limited to, laying hens, broilers, bantams, ducks, geese, turkeys, guinea fowl, parrots, pigeons, parakeets, and canaries;

(2) The term commercial poultry farm shall mean a facility for raising, housing, or keeping of poultry for the purpose of producing poultry, poultry meat, or eggs primarily for use or consumption off premises;

(3) The term poultry research farm shall mean a facility operated for the primary purpose of conducting research, testing, and development of poultry. The density limitation of this subsection 730.7 shall not apply to any commercial poultry farm in operation or under construction on the effective date hereof.

Section 740. ZONING PERMITS REQUIRED: Zoning permits shall be required in accordance with the provisions of ARTICLE XIV of this Ordinance.

ARTICLE VIII. "R-S" SUBURBAN RESIDENTIAL DISTRICTS: The "R-S" suburban Residential Districts are designed to provide for low-density residential areas.

Section 800. PERMITTED USES:

.1 One (1) and two (2) family dwellings;

.2 Agriculture and the usual agricultural buildings and structures including nurseries and truck gardens; but not including commercial livestock feedlots and poultry farms;

.3 Nursing, convalescent, and retirement homes;

.4 Churches, chapels, temples, and similar places of worship;

.5 Public schools and private educational institutions having a curriculum comparable to that of public schools;

.6 Country clubs, golf courses, public parks, forests, playgrounds, community buildings, recreation areas, and camping grounds;

.7 Public utility structures and equipment necessary for the operation thereof.

Section 810. SPECIAL EXCEPTIONS: The following uses may be permitted in "R-S" Suburban Residential Districts subject to approval by the Board of Adjustment as provided in ARTICLE XVII of this Ordinance:

.1 Buildings erected and used by a department of the federal, state, county, or municipal government; and

Section 820. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted in the "R-S" Suburban Residential Districts provided that they conform to the requirement of ARTICLE VI, Section 630:

.1 Accessory uses and structures normally incidental and subordinate to the permitted principle uses, and structures which are primarily adopted by reason of nature and area for use for agricultural purposes;

.2 Home occupations;

.3 Private garage or carport;

.4 Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work;

.5 Church bulletin boards;

.6 One (1) board or sign not to exceed fifty (50) square feet in area referring to the role of a building, premises, or lots; which sign shall refer to property on which the sign is located;

.7 Private stables that must have the housing of the horses at least two hundred (200) feet from the nearest property line.

Section 830. BULK REGULATIONS: The following minimum requirements shall be observed in "R-S" Suburban Residential Districts:

.1 Minimum Lot Area:

(a) All uses - One (1) acre.

.2 Minimum Lot Width:

(a) All uses - No minimum lot width is specified.

.3 Minimum Front Yard:

(a) All uses - Thirty-five (35) feet.

.4 Minimum Side Yard:

(a) All uses - No minimum side yard is specified.

.5 Rear Yard:

(a) All uses - No minimum rear yard is specified.

.6 Building or Structure Height:

(a) No building shall exceed a height of thirty-five (35) feet, unless otherwise provided.

Section 840. ZONING PERMIT REQUIRED: Zoning permits shall be required in accordance with the provisions of ARTICLE XIV of this Ordinance.

ARTICLE IX. "R-L" LAKE RESIDENTIAL DISTRICTS: The "R-L" Lake Residential Districts are designed to provide for orderly residential growth adjacent to recreational lake areas.

Section 900. PERMITTED USES:

.1 Agriculture and the usual agricultural buildings and structures; but not including commercial livestock feedlots and poultry farms;

.2 One (1), two (2), and multiple family residential dwellings;

.3 Public parks, forest, playgrounds, community buildings, and public or private fishing and boating docks and ramps.

Section 910. SPECIAL EXCEPTIONS: The following uses maybe permitted in "R-L" Lake Residential Districts subject to approval by the Board of Adjustment as provided for in ARTICLE XVII of this Ordinance:

.1 Church camps and other private institutional or organizational group camping facilities.

Section 920. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted in the "R-L" Lake Residential Districts provided that they conform to the requirements of ARTICLE VI, Section 630:

.1 Accessory uses and structures normally incidental and subordinate to the permitted principle uses, and structures which are primarily adopted by reason of nature and area for use for agricultural purposes;

.2 Private garage or carport;

.3 Private fishing and boating docks;

.4 Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work;

.5 One (1) board or sign not to exceed fifteen (15) square feet in area referring to the role of a building, premises, or lots; which sign shall refer to property on which the sign is located.

Section 930. BULK REGULATIONS: The following minimum requirements shall be observed in "R-L" Lake Residential Districts:

.1 Minimum Lot Area:

(a) All uses - Five Thousand (5,000) Square feet.

.2 Minimum Lot Width:

(a) All uses - No minimum lot width is specified.

.3 Minimum Front Yard: (a) All uses – Twenty (20) feet minimum front yard with exception of the following properties: For all lots beginning at 1822 O'Brien Avenue on the north and continuing south to include 1852 O'Brien Avenue, the minimum front yard requirement shall be ten (10) feet for all uses.

.4 Minimum Side Yard:

(a) All uses – Two and a half (2 ½) feet.

.5 Rear Yard: In the "R-L" Lake Residential Districts, when a lot abuts the water line of a lake, the rear yard shall be measured from the "Ordinary High Water Line"; otherwise, the rear yard shall be measured from the lot line most distant from a public street, road, or highway right-of-way. The minimum rear yard shall be:

(a) All uses - No minimum rear yard is specified.

.6 Building or Structure Height:

(a) The maximum height shall be thirty-five (35) feet, unless otherwise provided.

Section 940. ZONING PERMIT REQUIRED: Zoning permits shall be required in accordance with the provisions of ARTICLE XIV of this Ordinance.

ARTICLE X. "C-L" LAKE COMMERCIAL DISTRICTS: The "C-L" Lake Commercial districts are designed to provide for business and commercial services primarily for residents and users of recreational lake areas.

Section 1000. PERMITTED USES:

.1 Antique and gift shops;

.2 Dance Halls, nightclubs, amusement places, and refreshment stands;

.3 Grocery and variety stores;

.4 Launderettes;

.5 Sales, rental, and leasing of water sports related equipment and services;

.6 Service station, including the sales of marine petroleum products and services;

.7 Retail, wholesale, and service businesses, and professional office buildings.

Section 1010. SPECIAL EXCEPTIONS: NONE

Section 1020. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted in the "C-L" Lake Commercial Districts provided that they conform to the requirements of ARTICLE VI, Section 630;

.1 Accessory uses and structures normally incidental and subordinate to the permitted principle uses, and buildings or structures which are primarily adopted by reason of nature and area for use for agricultural purposes;

.2 Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work;

.3 Fishing and boating docks subordinate to the principle use;

.4 Exterior signs referring only to uses located within the principle buildings or on the premises provided that:

(a) Such signs are attached to the principle building; and

(b) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade; and

.5 One freestanding or post sign referring only to uses located within the principle buildings or on the premises, provided that:

(a) Such signs shall not have a surface area in excess of forty (40) square feet and that not more than two (2) sides of such signs shall be used for advertising purposes; and

(b) The bottom of the surface area of such sign shall not be less than twelve (12) feet above grade.

Section 1030. BULK REGULATIONS:

.1 Minimum Lot Area:

(a) All uses - Five Thousand (5,000) square feet.

.2 Minimum Lot Width:

(a) All uses - No minimum lot width is specified.

.3 Minimum Front Yard:

(a) All uses - Thirty-five (35) feet.

.4 Minimum Side Yard:

(a) All uses - No minimum side yard is specified.

.5 Rear Yard:

(a) All uses - No minimum rear yard is specified.

.6 Building or Structure Height:

(a) The maximum height shall be thirty-five (35) feet, unless otherwise provided.

Section 1040. ZONING PERMIT REQUIRED: Zoning permits shall be required in accordance with the provisions of ARTICLE XIV of this Ordinance.

ARTICLE XI. "C-R" RURAL COMMERCIAL DISTRICTS: The "C-R" Rural Commercial Districts are designed to provide for commercial uses required to serve the general needs of rural residents.

Section 1100. PERMITTED USES:

.1 Service Stations;

.2 Drug Stores;

.3 Grocery stores, fruit and vegetable markets;

.4 Variety stores;

.5 Restaurants, cafes, soda fountains, and taverns;

.6 Motels;

.7 Retail, wholesale, and service business, and professional office buildings;

.8 Storage and warehousing, provided that no premises shall be used for the purpose of maintaining or operating a junk or salvage yard. Any storage or warehousing of metal materials shall be in an enclosed structure.

Section 1110. SPECIAL EXCEPTIONS: The following uses may be permitted in "C-R" Rural Commercial Districts subject to approval by the Board of Adjustment as provided for in ARTICLE XVII of this Ordinance.

.1 Automobile, boat, and farm machinery sales;

.2 Mobile homes, camper trailer, and recreational vehicle sales; and

.3 Ball rooms and dance halls.

Section 1120. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted in the "C-R" Rural commercial Districts provided that they conform to the requirements of ARTICLE VI, Section 630:

.1 Accessory uses and structures normally incidental and subordinate to the permitted principle uses;

.2 Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work;

.3 Exterior signs referring only to uses located within the principle buildings or on the premises provided that:

(a) Such signs are attached to the principle building; and

(b) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade; and

.4 One (1) freestanding or post sign referring only to uses located within the principle buildings or on the premises, provided that:

(a) Such signs shall not have a surface area in excess of forty (40) square feet and that not more than two (2) sides of such sign shall be used for advertising purposes; and

(b) The bottom of the surface area of such sign shall not be less than twelve (12) feet above grade.

Section 1130. BULK REGULATIONS:

.1 Minimum Lot Area:

(a) All uses - One (1) acre.

.2 Minimum Lot Width:

(a) All uses - No minimum lot width is specified.

.3 Minimum Front Yard:

(a) All uses - Thirty-five (35) feet.

.4 Minimum Side Yard:

(a) All uses - Two and a half (2 ½) feet.

.5 Rear Yard:

(a) All uses - No minimum rear yard is specified.

.6 Building or Structure Height:

(a) The maximum height shall be thirty-five (35) feet, unless otherwise provided.

Section 1140. ZONING PERMIT REQUIRED: Zoning permits shall be required in accordance with the provisions of ARTICLE XIV of this Ordinance.

ARTICLE XII. "I" INDUSTRIAL DISTRICTS: The "I" Industrial Districts are designed to provide for industrial uses related to the agricultural and general economy.

Section 1200. PERMITTED USES:

.1 Manufacturing, fabricating, and processing, provided that such use will not constitute a fire hazard or emit dangerous or objectionable smoke, noise, vibration, odor, or dust; and

.2 Assembling, packaging, freight handling, light manufacturing, storage, and warehousing.

Section 1210. SPECIAL EXCEPTIONS: The following uses may be permitted in "I" Industrial Districts subject to approval by the Board of Adjustment as provided for in ARTICLE XVII of this Ordinance:

.1 Acid manufacture or storage;

.2 Junk/Salvage yards, provided the operation is fully compliant and licensed with applicable state &/or federal regulations.

.3 Manufacture of fertilizer;

.4 Manufacture or storage of explosives;

.5 Gasoline, oil, or alcohol storage above ground in excess of five hundred (500) gallons; and

Section 1220. PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted in the "I" Industrial Districts provided that they conform to the requirements of ARTICLE VI, Section 630.

.1 Accessory uses and structures normally incidental and subordinate to the permitted principle uses;

.2 Temporary buildings or structures for uses incidental to construction work, which buildings or structures shall be removed upon the completion or abandonment of the construction work;

.3 Exterior signs referring only to uses located within the principle buildings or on the premises provided that:

(a) Such signs are attached to the principle building; and

(b) Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade; and

.4 One (1) freestanding or post sign referring only to uses located within the principle buildings or on the premises, provided that:

(a) Such signs shall not have a surface area in excess of forty (40) square feet and that not more than two (2) sides of such sign shall be used for advertising purposes; and

(b) The bottom of the surface area of such sign shall not be less than twelve (12) feet above grade.

Section 1230. BULK REGULATIONS:

.1 Minimum Lot Area:

(a) All uses - One (1) acre.

.2 Minimum Lot Width:

(a) All uses - No minimum lot width is specified.

.3 Minimum Front Yard:

(a) All uses - Thirty-five (35) feet.

.4 Minimum Side Yard:

(a) All uses - No minimum side yard is specified.

.5 Rear Yard:

(a) All uses - No minimum rear yard is specified.

.6 Building or Structure Height:

(a) There shall be no maximum height restrictions, unless located in an area located by an airport.

Section 1240. ZONING PERMIT REQUIRED: Zoning permits shall be required in accordance with the provisions of ARTICLE XIV of this Ordinance.

ARTICLE XIII. ENFORCEMENT:

Section 1300. ADMINISTRATIVE OFFICER: The Board of Supervisors shall appoint an administrative officer, and it shall be the duty of said officer to enforce this Ordinance. Such administrative officer may be a person holding other public office in the County, or in a city or other governmental subdivision within the County. The Board of Supervisors is authorized to pay to such officer out of the general fund such compensation as it shall deem fit.

.1 If the Zoning Administrative Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

.2 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, shall institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

ARTICLE XIV. ZONING PERMITS:

Section 1410. ZONING PERMITS REQUIRED: Zoning permits shall be required in accordance with the following, except that no permit shall be required for agricultural uses:

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

.2 No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, unless such changes are in conformity with the provisions of this Ordinance and a permit is issued therefore by the Zoning Administrative Officer;

.3 Nothing in this Section shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property;

.4 In accordance with Section 1420 of this ARTICLE, zoning permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Zoning permits shall be issued to complying applicants within seven (7) days after application is made and appropriate records and copies of permits shall be maintained as a matter of public record;

.5 A Zoning Permit shall become null and void six (6) months after the date on which it is issued unless within such six (6) month period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

Section 1420. ZONING PERMIT APPLICATION PROCEDURE: Applicants for a Zoning Permit shall be required to provide the following:

.1 A plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon or used; the size, shape and location of the building to be erected; the dimensions of the required yards, parking, and open spaces; and a vicinity map of the lot to be built upon or used;

.2 Certification that the applicant will provide water supply and sewage disposal;

.3 Such other information as may be necessary to provide for the enforcement of this Ordinance; and

.4 A fee as determined by resolution of the Board of Supervisors shall be charged for the issuance of said Zoning Permit.

ARTICLE XV. PENALTY FOR VIOLATION: For each and every violation of the provisions of

this Ordinance, the owner, contractor, or other persons interested as general agent, architect, engineer, land surveyor, building contractor, owner, tenant, or any other persons who commit, take part, or assist in any violation of this Ordinance or who maintain any building or premises or uses of any land in violation of this Ordinance, shall for each and every violation, be imprisoned for a period not exceeding thirty (30) days or be fined not exceeding one hundred dollars (\$100), or both, at the discretion of the judicial officer before whom such a conviction may be had. Whenever such person shall have been officially notified by the Zoning Officer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

ARTICLE XVI. AMENDMENTS:

Section 1600. AMENDMENTS: The Board of Supervisors may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the County Planning and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

Section 1610. AMENDMENT PROCEDURES:

.1 Prior to and in addition to the above requirements, whenever any person, firm, or corporation desires that any amendment or change be made in this Ordinance, including the text and/or map, as to any property in the County, there shall be presented to the Planning and Zoning Commission a petition requesting such change or amendment. Said petition shall contain a legal description of the area for which re-zoning is requested, the existing zoning classification, and the requested zoning classification. Within thirty (30) days after the filing of such petition the Planning and Zoning Commission shall fix a time, date, and place of hearing on said petition, which date shall be no more than sixty (60) days after the filing of said petition. The Planning and Zoning Commission shall cause notice of said hearing to be published in a newspaper of general circulation within the County at least fifteen (15) days before the date fixed for such hearing. Such notice shall contain the time, date, and place of the hearing, the existing zone classification, the requested zone classification, and the name of the petitioner or petitioners.

.2 The Planning and Zoning Commission, after public hearing, shall advise the Board of Supervisors on their recommendations and their vote thereon. The Planning and Zoning Commission may, upon unanimous approval of members present at a regular meeting, suspend the above hearing requirement and act upon a petition for re-zoning or initiate a zoning change or amendment forwarding their recommendations to the Board of Supervisors for action as required by law.

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

.4 Whenever any petition for an amendment, supplement, or change of the zoning districts or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until six (6) months shall have elapsed from the date of filing of the first petition.

Section 1620. FILING FEE: Before any action shall be taken as provided in this Section, the petitioner or petitioners seeking the change in districts or regulations shall remit filing fees as determined by resolution of the Board of Supervisors to cover the costs of the procedure. Costs related to this procedure which are in excess of the minimum filing fee may be charged to the petitioner or petitioners. Under no circumstances shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

Section 1630. REQUIRED INFORMATION: The Zoning Administrator, the Planning and Zoning Commission, or the Board of Supervisors may, if deemed appropriate, require the applicant for re-zoning to submit information regarding flood hazard potential, drainage encroachment, soil composition, or septic waste system operation as such information relates to the proposed development.

ARTICLE XVII. BOARD OF ADJUSTMENT:

Section 1710. BOARD OF ADJUSTMENT: A Board of Adjustment, to be hereinafter referred to as the "Board", is hereby established. The Board shall consist of five (5) members, none of whom shall hold an elective office or other official position in the County, each to be appointed by the County Board of Supervisors for the term of five (5) years. Members shall be removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled by the Board of Supervisors for the unexpired term of any member whose term becomes vacant.

Section 1720. RULES AND PROCEDURES: The Board shall adopt rules of procedure in accordance with the provisions of this Ordinance. The Board shall elect its own chairman who shall serve for one (1) year. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and the presence of three (3) members shall constitute a quorum. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if members are absent or failing to vote, indication of such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrative Officer and shall be a public record.

Section 1730. JURISDICTION AND POWERS: The Board of Adjustment shall have the following powers and duties:

.1 Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrative Officer in the enforcement of this Ordinance.

.2 Special Exceptions: To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; further provided that:

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

(1) A written application for a special exception accompanied by the required fee 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) Notice shall be given at least fifteen (15) days in advance of a public hearing on such application by publication in a newspaper of general circulation in the County;

(3) The public hearing shall be held. Any party may appear in person, or by agent or attorney;

(4) The Board of Adjustment shall make a finding that it is empowered under the Section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest;

(5) In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under ARTICLE XV of this Ordinance.

.3 Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

(a) A written application for a variance accompanied by the required fee is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same districts, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(b) Notice of public hearing shall be given at least fifteen (15) days in advance of a public hearing on such application by publication in a newspaper of general circulation in the county;

- (c) The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- (d) The Board of Adjustment shall make findings that the requirements of Section 1730.3a above have been met by the applicant for a variance;
- (e) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (f) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;
- (g) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under ARTICLE XV of this Ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

Section 1740. APPEALS: In accordance with the following provisions, appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by any decision of the Administrative Zoning Officer:

.1 Such appeals shall be taken within ninety (90) days of the date of such decision by filing with the Zoning Administrative Officer and Chairman of the Board of Adjustment a notice of appeal specifying the grounds thereof and by remitting a filing fee as determined by resolution of the Board of Supervisors; said fee to be used for the cost of publishing the public notice required below and the administrative costs of the appeal. Costs related to this procedure which are in excess of the minimum filing fee may be charged to the appealing party. The Zoning Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

.2 An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board by a court of record on application of notice to the Administrative Officer and on due cause shown.

.3 The Board shall give a reasonable time for hearing the appeal and shall publish notice of the public hearing upon the appeal in a paper of general circulation within the County at least fifteen (15) days, but not more than twenty (20) days before said date of public hearing.

.4 At the hearing any party may appear in person or by agent, or by an attorney.

.5 In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have all the powers of the Administrative Officer. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been spread upon the minutes. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.

ARTICLE XVIII. SEVERABILITY CLAUSE: Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE XIX. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after December 1, 1990.

Adopted this 1st day of October 1990.

County Board of Supervisors

By /S/ I. Stanley Schipull Chairman

ATTEST:
/S/ Gladys Riley
County Auditor