

DIVISION 100: NONCONFORMING USES AND STRUCTURES

Sections:

100.1 Statement of Intent

100.3 Nonconforming Uses

100.2 Agricultural Use Exempt

100.1 STATEMENT OF INTENT

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

100.2 AGRICULTURAL USES EXEMPT

In accordance with the provisions of Chapter 335, *Code of Iowa*, as amended, no regulations or restrictions adopted under this Ordinance shall apply to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. Agriculture being defined in Article 1 herein, and any tract of real estate less than 35 acres in size shall not be agriculture land, and shall not be considered as used for an agricultural purpose, unless the Zoning Administrator deems said tract of real estate is used for agricultural purposes.

100.3 NONCONFORMING USES

100.3.1. *Damaged Building or Structure.*

Any nonconforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, unless damaged more than 50 percent of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of this Ordinance.

100.3.2. *Use of Land.*

Any nonconforming use of land not involving any structure, and any nonconforming outdoor advertising sign or outdoor advertising structure.

100.3.3. *Keeping of Non-Domesticated Animals.*

Non-domesticated farm animals or fowl, as defined in Division 20.3 Item #42 may be kept in A-1, C-1 and F-1 Districts. Keeping of such animals or fowl is not permitted within a B-1 or I-1 District. Farm animals or fowl may be kept in an R-1 District only when in compliance with the following regulations. (1) farm fowl shall be limited to not more than 5 per gross acre of land with any structure housing such animals located not closer than 100 feet from any residential structure and with any enclosure containing such animals not closer than 40 feet from any lot line; (2) farm animals shall be limited to not more than 1 per gross acre of land with any structure housing such animals located not closer than 100 feet from any residential structure and with any enclosure containing such animals no closer than 40 feet from any lot line. Structures housing farm animals shall be kept in good repair and shall be originally manufactured or constructed for animal husbandry purposes. Any animals

kept in a manner not in compliance with this section shall be considered a non-conforming use.

100.3.4. *Conformance Required.*

No building, structure or premises where a nonconforming use has been or may be discontinued for more than one year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.

100.3.5. *Reconstruction or Alteration.*

No nonconforming use, except when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district.

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

DIVISION 110: ADDITIONAL REQUIREMENTS, EXCEPTIONS, & MODIFICATIONS

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110.3 Existing Lots with Restrictive Covenants of Recorded	110.12 Front Yards
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110.1 STREET FRONTAGE-MINIMUM REQUIREMENT

No lot created after the adoption of this Ordinance shall contain any building used as a dwelling unless it abuts at least 80 feet on a street or has a permanent exclusive non-obstructed easement of access not less than 40 feet wide to a street.

110.2 EXISTING LOTS OF RECORD

In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record as of May 24, 1971, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Adjustment as set forth in Article 5. However, no lot of any size may be built upon unless the County Health Board approves the method of sewage disposal and source of water supply.

110.3 EXISTING LOTS WITH RESTRICTIVE COVENANTS OF RECORDS

A one family detached dwelling may be constructed on any lot of official record at the time of enactment of this Ordinance the owners of which has on file Restrictive Covenants recorded, prior to the enactment of this Ordinance, in the office of the County Recorder of Louisa County, Iowa. However, no lot of any size may be built upon unless the County Health Board approves the method of sewage disposal and source of water supply.

110.4 NUMBER OF USES ON ONE LOT (1 Dwelling per Lot)

No lot shall contain more than one principal use. Every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one main building on one lot unless otherwise provided by this Ordinance.

110.5 ACCESSORY BUILDINGS IN ALL DISTRICTS

No accessory building shall be erected in any yard other than a rear yard or side yard and it shall occupy less than 30 percent of a required rear yard. Accessory buildings shall be limited to 15 feet in height at eaves, and shall be distant at least 10 feet from all lot lines and at least 10 feet from alley lines and 10 feet from any other building or structure on the same lot. No mobile home shall be utilized as an accessory building in any zoning district.

Where the natural grade of a lot at the front wall of the principal building is more than 8 feet above the average established curb grade in front of the lot, a private garage may be erected within any side yard.

110.6 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under these regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling units, dimensions of yards and other open spaces, and off street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the Article applying to such district.

110.6.1. A one-story dwelling shall contain not less than ~~800~~ 900 square feet of usable ground floor area, exclusive of open porches, garages or steps.

110.6.2. A one and one half (1 ½) or two-story dwelling shall contain not less than 600 square feet area, exclusive of open porches, garages or steps.

110.6.3. A manufactured home or a mobile home converted to a real estate shall contain not less than ~~575~~ 720 square feet of usable ground floor area, exclusive of porches, garages or steps.

110.6.4. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during that period that work is under way, but such temporary buildings shall be removed upon the completion of construction work as determined by the Zoning Administrator, and, in no case, for periods of longer than 180 days unless extended by the Zoning Administrator.

110.7 CORNER LOTS

For corner lots, platted after the effective date of this Ordinance, the front yard setback requirement for a particular district shall apply equally to each yard of a corner lot which abuts a street other than an alley.

On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot, except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be side yard on the longer street side of the corner lot not less than fifty percent of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

110.8 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.

The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

110.9 TRAFFIC VISIBILITY ACROSS CORNER LOTS

On a corner lot in any "R" District, no fence, wall, hedge, or other planting or structure shall be erected or maintained within 20 feet of the "corner" so as to interfere with traffic visibility across the corner.

110.10 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other regulations of the county, it being the intention hereof to exempt such essential services from the application of these regulations.

- 110.10.1. A mobile home used as a temporary office by a contractor or bank is permitted in all districts except in a "F-1" District as long as such does not exceed 180 days.
- 110.10.2. Travel or Camper trailers may be parked on the premises of friends or relatives when the owner or operator is visiting said friend or relative as long as such use does not exceed 14 days.
- 110.10.3. All manufactured homes or mobile homes shall conform to the lot area, frontage, and yard requirements in Article 3, Division 80, and in all districts where permitted, except in "A-1" Districts, where they shall conform to Article 3, Division 60.
- 110.10.4. A manufactured home or mobile home must be anchored to prevent wind damage and be supported as provided in either (1) or (2) herein:
 1. By either a foundation consisting of a concrete or masonry wall, extending the entire length of each side and each end of the mobile home, and painted to match the exterior finish of the mobile home; or
 2. By concrete block piers, spaced not more than 12 feet apart on each side, and the space between the pier shall be completely enclosed on all sides and ends with masonry or wood, or concrete, or cement blocks, or hollow tile, or metal installed in a neat and workman-like manner, and painted to match the exterior finish of the mobile home; such walls or piers, shall be 8" or more in diameter and extend below the ground level to a depth of at least 3 feet; insulating materials or materials used around the base of the mobile home shall be concealed from view behind the enclosure provided for in (1) and (2) above.

- 110.10.5. Any addition or structure attached to a mobile home shall be designed to harmonize in style and appearance, and no part of roof of such addition or structure shall exceed the height of the mobile home. The exterior walls of the addition or structure shall be covered with a material either identical to the exterior of the mobile home, or by any wood, hardboard, vinyl, steel or aluminum conventional house siding, and painted to match as closely as possible, the color of the mobile home to which attached. No asphalt product, fiber or particleboard, plywood, or metal roofing material shall be used as exterior wall covering of structure attached to mobile home. Additions shall have the same type of skirting or foundation as required for mobile homes.
- 110.10.6. Mobile Homes may be used as a summer cottages and when so used are subject to the same ~~square foot of ground floor area as provided in subsection 110.6.3 and to the same~~ lot area, frontage and yard requirements as provided in Article 3, Division 50.

110.11 HEIGHT LIMITS

Height limitations stipulated elsewhere in this Ordinance shall not apply:

- 110.11.1. To church spires, belfries, cupolas, and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limiting height of the building. However, if, in the opinion of the Zoning Administrator, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
- 110.11.2. To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed 75 feet in height, provided that for each foot by which the height of such buildings exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 110.11.3. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gasholders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

110.12 FRONT YARD EXCEPTIONS & MODIFICATIONS

- 110.12.1. Front yard requirements do not apply to bay windows or balconies that do not have a foundation

110.13 SIDE YARD EXCEPTIONS & MODIFICATIONS

- 110.13.1. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the

more restrictive district. Where a lot in an “I” or “B” District abuts a lot in an “R” District, the side yard shall be increased by 3 feet for each story that the building proposed on such lot exceeds the height limit of the said “R” District.

110.13.2. *Side Yards Shall Be Increased.*

In width by 4 inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in any “R-1” District, or 50 feet in any “R-2” District.

110.13.3. *Side Yards May Be Reduced.*

By 6 inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the Ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2 ½ stories, and in case the owner of record does not own any adjoining property; provided, however and irrespective of the provisions of 120.4.6 (1) that no side yard shall be narrower at any point than 6 feet.

110.13.4. *Side Yards May Be Measured to the Center Line of Adjoining Alleys.*

But in no case shall a building or structure for which a side yard is required be erected within 10 feet of such alley.

110.13.5. *On a Corner Lot.*

The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.

110.13.6. *Structures of Projections Into Side Yards May Be Permitted as follows:*

Fences, planting or walls not over 5 feet above the average natural grade. Fire escapes 3 feet from side lot line. Bays and balconies not more than 3 feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of 22 ½ degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed 1/3 of the length of the wall of the main building.

1. Chimneys, flues, belt courses, leaders, sills, plasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than 1 ½ feet.
2. Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant 3 feet from a side lot line.

110.14 REAR YARD EXCEPTIONS & MODIFICATIONS

- 110.14.1. Rear yards may be reduced by 6 inches from the required least depth for each foot by which a lot at the time of enactment of the regulations is less than 120 feet deep, in the case of a building not higher than 2½ stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than 40 feet deep.

110.14.2. Rear Yards may be measured to the Centerline of Adjoining Alleys. But in no case shall a building or structure be erected within 20 feet of such an alley.

110.14.3. Structures or Projections into Rear Yards may be Permitted as follows: Fences, plantings or walls not over 5 feet above the average natural grade. Fire escapes, 6 feet. Bays and balconies, not more than 3 feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle of 22 ½ degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed ½ of the width of the rear wall.

1. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than 1½ feet.

110.15 SANITARY LANDFILL

Before the Board of Supervisors shall authorize a Sanitary Land Fill as provided herein the County Board shall refer a sanitary land fill site request to the Zoning Commission for investigation, hearing and report, and the Commission shall have 60 days after the referral to make a report to the Board of Supervisors; before submitting it's report the Zoning Commission shall have held a public hearing as provided in Article 5 herein; the Commission shall before submitting it's report, determine that in their opinion the site conforms to the rules of the Iowa State Department of Health concerning Sanitary Landfills.

110.16 TELECOMMUNICATION TOWERS & ANTENNAS

Telecommunication towers are a permitted conditional use in the following districts with the specified height limitations:

110.16.1. *Agricultural "A-1" District*

Free-standing or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires a special exception permit.

110.16.2. If a special exception for additional tower height is requested, total tower height will not exceed 150 percent (750 feet) of the maximum height permitted in the county as a conditional use. Applicant must demonstrate that additional height above that permitted by this Ordinance is necessary for service to residents of the county.

110.16.3. Telecommunication towers erected on existing structures other than telecommunications towers shall be allowed in any district, provided the height of the tower does not exceed 1/3 of the height of the existing structure and the total of the existing structure and the tower does not exceed 200 feet.

110.16.4. All commercial wireless telecommunication towers erected, constructed, or located within the county shall comply with the following requirements:

- A. A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the County Zoning Administrator finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or previously approved tower or building, particularly on publicly owned land within a one-half (1/2) mile radius of the proposed tower due to one or more of the following reasons:
1. The planned equipment would exceed the structural capacity of all existing or approved towers or buildings, as documented by a qualified and licensed professional engineer, and all of the existing or approved towers cannot be reinforced, modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at a tower or building as documented by a qualified and licensed professional engineer and interference cannot be prevented at a reasonable cost.
 3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 4. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 5. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

110.17 RURAL RESIDENCE CLASSIFICATION (Amendment 11/12/08)

The Louisa County Zoning Administrator may issue zoning permits to establish rural residences on 2 acre parcels in F-1, C-1, and A-1 Districts. The intent of this provision is to allow, under certain circumstances, construction of single-family detached dwellings in rural Louisa County. The goal is to minimize conflict with existing and future farm uses, while allowing development of property. To assist in making this determination, the Zoning Administrator shall use an aggregate Site Assessment (ASA) consisting of the following factors:

- 110.17.1. *CSR rating of the land: Louisa County's rich soil is an asset to be valued and protected, while being utilized to its greatest potential. Applications, for which the proposed property has a Corn Suitability Rating of 65 or higher as*

calculated by weighted average of the entire parcel, should generally, not be granted. This factor is of high importance.

- 110.17.2. *Proximity to Existing Agricultural Operations: Livestock Operations have a significant impact on their neighbors, and have a higher potential of conflict with rural residences. Applications where the proposed property has a Confined animal Feeding Operation (CAFO) located within certain distances should be discouraged. Other factors produced by active agricultural uses creates potential for conflict. Those include sound, dust, odor, visual appearance and other externalities of active farm operations. Adequate separation distances should be met between the proposed rural residence and neighboring feedlots, CAFO's, and grain drying complexes. This factor is of high importance.*
- 110.17.3. *Proximity to other rural residences: High density and concentration of rural residences should be discouraged, as increasing the potential for conflict with agricultural uses. A separation distance should be met between the proposed rural residences and existing neighboring residences. If an area is particularly suited for residential use, its rezoning should be considered. This factor is of moderate importance.*
- 110.17.4. *Proximity to city limits: Residential development is more efficient when it occurs near already existing infrastructure and services (within a 1 mile radius). This factor is of moderate importance.*
- 110.17.5. *Other factors: Other factors that will be considered in application for rural residences will include, but not be limited to, the location of flood plains, unimproved roads, timber, and rolling pasture. Each of these factors will carry considerable weight in the assessment process.*
- 110.17.6. *The quantitative analysis of the Aggregate Site Assessment (ASA) will give guidance in determining the highest and best use for a specific tract of land.*
- 110.17.7. *The Aggregate Site Assessment (ASA) worksheet shall be established by resolution of the Louisa County Board of Supervisors. The worksheet may be reviewed on an annual basis by the Planning and Zoning Commission with recommended revisions requiring the adoption of a new resolution. Copies of any resolution establishing current point values and weights shall be on file in the zoning office.*
- 110.17.8. *Exceptions to the Aggregate Site Assessment: The following are not subject to the use of the Aggregate Site Assessment, but must meet all of the other bulk regulations in the "F-1" Flood Plain District, "C-1" Conservation District, and the "A-1" Agricultural Districts.*

A. A land owner may split a tract of land if there is a dwelling located on

the tract to be split.

B. The owner of an existing and legally described tract of land may construct or place a dwelling on the tract without a plat of survey.

C. The owner of a tract of land may split and transfer ownership of a smaller tract to his/her child as

long as the land is used for agricultural purposes as set forth in Chapter 335.2 of the Code of Iowa.

110.17.9 *This ordinance will be used by the Louisa County Zoning Administrator in conjunction with the Louisa County Comprehensive Plan to aid in the development of residential housing in C-1, F-1, and A-1 Districts.*

110.17.10 *Rural Residential uses permitted under this section shall be subject to the Louisa County Zoning Ordinance, including the Louisa County Comprehensive Plan, and are subject to reasonable conditions imposed by the Louisa County Zoning Office.*

DIVISION 120: PLANNED DEVELOPMENTS

Sections:

120.1 Statement of Intent	120.6 Final Development Plan
120.2 Minimum Area	120.7 Recommendations to the Board of Supervisors
120.3 Applicant Ability to Perform	120.8 Rezoning
120.4 Commission Findings	120.9 Adjustment-Authorized by Commission
120.5 Standards Applicable	

120.1 STATEMENT OF INTENT

This division provides the minimum requirements for planned residential development projects within Louisa County, Iowa. These developments shall be permitted only within “R-1”, “A-1”, or “C-1” Districts.

1. *LESA System*: The land evaluation site assessment (LESA) system shall be one of the tools used to help designate land areas that may be suitable for development into a Planned Development District. The LESA system will not be the only tool for such determination and will not be the final arbiter of whether land should be rezoned to a higher density land use.

120.2 MINIMUM AREA

The owner of a tract of land located in any “R-1”, “A-1”, or “C-1” District as shown on the adopted Land Use Plan may submit a preliminary plan for the use and development thereof to the Commission. Said tract of land shall be 20 acres or more in size.

120.3 APPLICANT ABILITY TO PERFORM

In accepting such a plan for review, the Commission shall be satisfied that the applicant is financially able to carry out the proposed project; that construction will start within 18 months of the approval of the project and necessary zoning district change; and that said project will be completed within a reasonable time as determined by the Commission.

120.4 COMMISSION FINDINGS

It shall be the duty of the Commission to investigate and ascertain whether the location, size and other characteristics of the site, and the proposed plan comply with the following conditions:

- 120.4.1. That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.
- 120.4.2. That land not used for lots and streets shall be dedicated to remain as open space.
- 120.4.3. That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.
- 120.4.4. That the plan provides for development consisting of one or more groups of dwellings or buildings of integrated and harmonious design, together with

adequate and properly arranged facilities and landscaping. The project shall be arranged in an attractive and efficient manner and fit harmoniously into and have no adverse effects upon the adjoining or surrounding properties.

- 120.4.5. That the project will be consistent with the intent and purpose of the regulations to promote public health, safety and general welfare.

120.5 STANDARDS APPLICABLE

The following regulations shall apply to a residence development project:

- 120.5.1. *Number of Units.*
The number of units permitted on any tract of land shall be determined by dividing the total area of the development by the minimum permitted lot size in the "R-1" District.
- 120.5.2. *Tract of Coverage.*
The ground area occupied by all buildings shall not exceed in the aggregate 20 percent of the total area of the tract or site.
- 120.5.3. *Building Height.*
No principal structure shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height at the eaves.
- 120.5.4. *Yards.*
No structure shall be less than 50 feet from any dedicated public right-of-way. There shall be not less than 20 feet of distance between principal buildings. Rear yards shall be not less than 100 feet in depth.
- 120.5.5. *Parking.*
At least one off street parking space shall be provided for each unit in the development. Common parking areas shall be properly located and screened.
- 120.5.6. *Signs.*
Not more than one sign designating the name of the development shall be permitted on the tract. Such sign shall not exceed 25 square feet. Nameplates not to exceed one square foot shall be permitted.
- 120.5.7. *Utilities.*
The County Engineer and the Iowa State Department of Health shall approve all methods of sewage disposal. Measures shall be taken to assure that no pollution of surface or underground water shall occur. The method of supplying water to the development shall be approved by the County Engineer and Iowa State Department of Health. All utility lines shall be placed underground.
- 120.5.8. *Utility Easement.*
Whereupon all plats submitted for approval by the Commission shall provide for utility easements; such easements shall have minimum widths of 15 feet and, where located along adjoining lot lines, one half the width shall be taken

from each lot. Before approval of any plat, the location of such easements shall be submitted for approval of the local public utilities companies.

1. A perpetual easement shall be granted over and along areas shown on the plat and marked "Easement" in which utility agencies may install, lay, construct, renew, operate, maintain and remove conduit, cables, pipes, poles and wires, overhead and underground, with all necessary braces, and the right to install service drops either overhead or underground from point of service to any house to building in a line which may cross more than one lot if necessary, together with guys, anchors and other equipment for the purpose of serving lots in the subdivision and other property, if expedient, with water, sewer, telephone, gas, and electric service as a part of the respective utility system.

There shall also be granted the right to trim and keep trimmed any trees or shrubs which may interfere or threaten to interfere with any of such public utility equipment, and the right shall also be granted to such agencies to enter upon the lots at all times necessary for the purposes aforesaid. No permanent buildings or trees shall be placed on areas shown on any plat and marked as "Easement," but same may be used for gardens, shrubs, landscaping and other purposes which do not then or shall not later interfere with the aforesaid uses or the rights to be granted.

2. The foregoing right shall be granted upon the express condition that the respective utility agencies will assume liability for all damage to the property caused by failure to use due care in exercise of the granted right.
3. Upon receipt of a proposed plat from the proprietor, the utility agencies affected shall within 10 days thereafter approve, disapprove and give reasons, or do nothing. The Commission shall make the final decision in those incidents of conflict between utility agencies, and proprietor.

120.6 FINAL DEVELOPMENT PLAN

Upon determination by the Commission that the proposed residence development project as shown in the preliminary plan appears to conform to the requirements herein and all other applicable requirements of these regulations, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes or modifications required by the Commission.

120.7 RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

If the final development plan is found to comply with the regulations herein and other applicable provisions of these regulations, the Commission, after public hearing on both the development plan and application for a zoning district change, shall submit said plan, its report and recommendation to the County Board.

120.8 REZONING

The Board may modify the plan, consistent with the intent and meaning of these regulations, and may rezone the property for development in substantial conformity with the final plan, as approved by the County Board.

120.9 ADJUSTMENT AUTHORIZED BY COMMISSION

After the final development plan has been approved by the County Board in the course of carrying out the plan, adjustments or rearrangements of buildings, yards, heights, recreation areas, streets or open spaces may be requested by the proponents and provided such requests conform to the standards established by the final development plan and these regulations, such adjustments or rearrangements may be authorized by the Commission and accepted by the County Board.

DIVISION 130: OFF-STREET PARKING AND LOADING SPACES

Sections:

130.1	Parking and Loading Spaces	130.5	Development Standards
130.2	Number of Parking Spaces Required	130.6	Exceptions
130.3	Number of Handicapped Parking Spaces Required	130.7	Garages, Motor Fuel Stations, Car Washes
130.4	Units of Measurements	130.8	Hotels or Motor Hotels

130.1 PARKING AND LOADING SPACES

130.1.1. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access from a street, plus one additional such loading space for each 10,000 square feet or major fraction thereof gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of a required rear yard, or with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.

130.1.2. In all districts except off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of "B-2" or "I-1" districts, and in connection with uses other than dwellings, such area shall be on the premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.

130.2 NUMBER OF PARKING SPACES REQUIRED

The number of off-street parking spaces required shall not be less than as set forth in the following schedule:

ARTICLE 4: REGULATIONS APPLYING TO ALL DISTRICTS

General Uses	Parking Spaces Required
Automobile or Machinery Sales and Service Garages	1 for each 1,000 sq. ft. of floor area, plus 1 for each full-time employee
Banks, Business and Professional Offices	1 for each 200 sq. ft. of floor area
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores: Drug, Grocery, Hardware, and similar types of businesses	1 for each 300 sq. ft. of floor area devoted to sales, plus 1 for each full-time employee
Dance Halls and Assembly Halls without fixed seats	1 for 50 sq. ft. of floor area used for assembly or dancing
Manufacturing Plants, Research or Testing Laboratories, Plants/Factories	1 for each 3 employees on maximum working shift

Dwellings	Parking Spaces Required
Single-Family Detached	2 for each dwelling unit
All Other	1 ½ for each dwelling unit
Motels or Hotels	1 for each unit, plus 1 for each 2 employees on maximum shift
Hospitals, Nursing Homes, and Similar Care Centers	1 for each 5 beds, plus 1 for each 2 doctors and employees
Hospital parking requirements for outpatients	2 parking spaces for each exam and treatment rooms, plus one space for each maximum number of staff persons on duty at any one shift.
Medical or Dental Clinics	1 for each 200 square feet of floor area plus 1 for each full-time employee and 1 for each doctor.
Funeral Homes, Mortuaries	6 per chapel room or parlor, or 1 per 50 sq. ft. of rooms used for services, whichever is greater

Service/ Retail Establishments	Parking Spaces Required
Drive-in Establishments	Not less than 1/3 of the total ground area can be devoted exclusively to parking and access-ways
Fast Food/ Food Pick-up Establishments	Minimum of 1, plus 1 for each 100 sq. ft. of floor area
Restaurants	1 for each 3 seats, plus 1 for each 2 employees on maximum shift
Motor Fuel Stations	1 for each employee on duty, plus 2 for each service bay
Barber and Beauty Shops	1 for each chair, plus 1 for each 2 employees on maximum shift
Service Establishments	2 for each chair plus 1 for each 2 employees on maximum shift.
Coin-Operated Laundries &/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines, plus 1 for each 2 employees on maximum shift
Shoppers' Goods: Appliance, Household Equipment, Furniture and Similar Stores	1 for each 500 sq. ft. of floor area, plus 1 for each full-time employee
Taverns and Bars	1 for each 2 seats, plus 1 for each 2 employees on maximum shift
Theaters	1 for each 4 seats
Wholesale Establishments	1 for each 4 employees on maximum shift

130.3 HANDICAPPED PARKING REQUIRED

Parking spaces for persons with disabilities are required as herein defined and as outlined in the *Code of Iowa*, Chapter 321L.5. This also complies with Section 1106/IBC and/or Americans with Disabilities Act (ADA) and accessibility guidelines for buildings and facilities.

- 130.3.1. Handicapped parking spaces and access loading zones for handicapped persons that serve a particular building shall be located on the shortest accessible route to the nearest accessible entrance to the building. One (1) van accessible parking space for each six (6) accessory spaces.
- 130.3.2. Off-street public parking facilities or an entity providing nonresidential parking in off-street public facilities shall provide not less than 2% of total parking spaces in each parking facilities as persons with disabilities parking space rounded to the nearest whole number of persons with disabilities parking space. However, such parking facilities having ten (10) or more parking spaces shall set aside at least one persons with disabilities parking space.
- 130.3.3. Any new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide handicapped parking spaces as designated below:

Total Parking Spaces in Lot	Required Minimum # of Handicapped Parking Spaces
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
1001 and over	20 Spaces plus 1 for each 100 over 1000

130.4 UNITS OF MEASUREMENT

130.4.1. *Parking Space.*

Each parking space rectangular in shape shall not be less than 8 ½ feet wide and 20 feet long, or not less than 170 square feet in area, exclusive of access drives or aisles.

130.4.2. *Loading Space.*

Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.

130.4.3. *Floor Area.*

In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or restrooms, utilities or dressing rooms.

130.4.4. *Hospital Bassinets.*

In hospitals, bassinets shall not be counted as beds.

130.4.5. *Benches in Place of Public Assembly.*

In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 18 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off street parking facilities under this Ordinance.

130.5 DEVELOPMENT STANDARDS

Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the County Engineer, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation with the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

130.6 EXCEPTIONS

The Board may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

130.7 GARAGES, MOTOR FUEL STATIONS, & CAR WASHES

130.7.1. No building or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station or car wash having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.

130.7.2. All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure.

130.8 HOTELS OR MOTOR HOTELS

- 130.8.1. No vehicular entrance to or exit from any hotel or motor hotels wherever such may be located shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.
- 130.8.2. The following regulations shall be compiled with:
1. Any lot to be used for a hotel or motor hotel shall be not less than 15,000 square feet in area and shall contain not less than 1,000 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25 percent of the area of the lot.
 2. All areas used for automobile access parking shall comply with the provisions of Section 110.5.
 3. All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.
 4. No enlargements or extensions to any hotel or motor hotel shall be permitted unless the existing one is made to conform substantially to all the requirements for new construction for such an establishment.