

TITLE V PROPERTY AND LAND USE

CHAPTER 3 ZONING CODE AND FLOODPLAIN MANAGEMENT

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ARTICLE I

TITLE, PURPOSE, SPECIAL EXEMPTION, INTERPRETATION OF STANDARDS, IOWA OPEN MEETINGS LAW, DEFINITIONS

5-3- 1.00 TITLE

This ordinance shall be known and may be cited and referred to as the "Bremer County, Iowa, Zoning Ordinance".

5-3- 1.01 PURPOSE

This ordinance is adopted for the purpose of promoting public health, safety, comfort, order, and general welfare to conserve and protect natural and man made 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 and as permitted by the provisions of Chapter 335 of the Code of Iowa.

5-3- 1.02 SPECIAL EXEMPTIONS

In accordance with the provisions of Chapter 335, Code of Iowa, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farmstead, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used; provided, however, that such regulations or ordinances which relate to any structure, buildings, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto as defined herein.

5-3- 1.03 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.

5-3- 1.04 IOWA OPEN MEETINGS LAW

The Bremer County Planning and Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in these ordinances a conflict appears between the ordinance and the open meeting law, the open meeting law shall control.

5-3- 1.05 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. Abandoned sign: "Abandoned sign" means an advertising devise that has been allowed to become in a state of disrepair or which advertises a business or service no longer in existence.
2. 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.
3. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, 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. Aliquot Part. Means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
5. Alley or Lane: A public or private way not more than thirty-three (33) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
6. Apartment House: See Dwelling, Multiple.
7. Automobile Filling Station: An "automobile filling station" is any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automobile repairs.
8. Automobile Salvage Yard: See Junk Yard.
9. Basement: Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor".

10. Bed and Breakfast: An owner-occupied dwelling unit that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation.
11. Billboard: "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.
12. Board: Board of Adjustment of Bremer County, Iowa.
13. Board of Supervisors: Pertaining to those elected officials titled as the Bremer County, Iowa, Board of Supervisors.
14. Boarding House: A building other than a hotel, where for compensation, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) individuals, not open to transient guests, in contradistinction to hotels open to transients.
15. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
16. 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.
17. Building Official: The agent so designated by the Board of Supervisors.
18. Bulk fertilizer storage, liquid or solid: The keeping of fertilizers in bulk for the purpose of distributing such fertilizers for sale to another where the aggregate capacity of all storage on the property exceeds twelve thousand (12,000) gallons.
19. Bulk Storage Plant: That portion of property where hazardous or flammable liquids or gases are received by pipeline, tank cars, or tank vehicles, and which are stored in bulk above ground for the purpose of distributing such liquids or gases, where the aggregate capacity of all storage on the property exceeds twelve thousand (12,000) gallons.
20. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this ordinance a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements herein.

21. Cellar: That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
22. Common Sewer System: A central sewer collecting system available to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the County Board of Health and/or the State Board of Health.
23. Common Water System: A central water supply system available to each platted lot from one single source approved by the County Board of Health.
24. Congregate Residence: Is any building or portion thereof which contains facilities for living, sleeping and sanitation, and may include facilities for eating and cooking, for occupancy by other than family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity, or sorority house but does not include jails, hospitals, nursing homes, hotels, or lodging houses.
25. Contiguous: Adjoining or lying next to.
26. County Board of Supervisors: See "Board of Supervisors".
27. Court: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
28. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
29. 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.
30. Dump: A premises used for the disposal of "clean" type of fill material or refuse, such as dirt, rocks, bricks, concrete, rubble, tree branches, and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.
31. Dwelling: Any building or portion thereof which contains not more than two dwelling units.
32. Dwelling, Single Family: A detached residence designed for or used exclusively and occupied by one family only.
33. Dwelling, Multiple: A residence designed for, or occupied by, two (2) or more

families, with separate housekeeping and cooking facilities for each.

34. Dwelling, Condominium: A multiple dwelling as defined herein where by the fee title to each dwelling unit is held independently of the others.
35. Dwelling, Row: Any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
36. Dwelling Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family, or a congregate residence for ten (10) or less people.
37. Factory-Built Home: Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
38. Factory-Built Home Park: A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.
39. Family: An individual of two or more persons related by blood, marriage, legal guardianship, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
40. Farm: A Tract comprising thirty-five (35) or more contiguous acres, exclusive of streets and roads, which is used for agricultural purposes and the growing and production of all farm products thereon, and their storage on the area, or for the raising thereon of poultry or livestock.
41. Farmstead: The buildings and adjacent service areas of a farm, including sites where the buildings have been removed provided the land has not been cultivated.
42. Farms Exempt: For the purposes of this ordinance, a Tract of land thirty-five (35) or more acres in size which is used for agricultural purposes and the growing and production of all agricultural products thereon and their storage on the area, or for the raising thereon of livestock shall be exempt from the provisions of this ordinance, except for those provisions which relate to any structures, buildings, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream.
43. Fill: The placing, storing, or dumping of any material such as earth, clay, sand,

rubble, concrete, or waste of any kind upon the surface of the ground which results in increasing the natural surface elevation.

44. Flood: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
45. Flood Elevation: The elevation floodwater would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
46. Flood Insurance Rate Map: The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
47. Flood Insurance Study: A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the county with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.
48. Flood Plain: Any land area susceptible to being inundated by water as a result of a flood.
49. Flood Plain Management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.
50. Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
51. Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
52. Floodway Fringe: Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
53. 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 public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or

dressing rooms.

54. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
55. 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.
56. Garage, Private: An enclosed structure intended for the parking of the private motor vehicles of the families resident upon the premises.
57. Garage, Public: Any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.
58. Garage, Storage: Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
59. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.
60. Group Home: A dwelling shared by not more than eight developmentally disabled persons plus resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.
61. Home Occupation: Any occupation or profession conducted entirely within an enclosed dwelling unit, which is clearly incidental and secondary to residential occupancy and does not change the character thereof.
62. Home Industry: Any occupation or profession conducted entirely within an enclosed accessory building(s) which is clearly incidental and secondary to the residential occupancy of a dwelling unit and does not change the character thereof.
63. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

64. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
65. Junk or Salvage: Scrap copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolition materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.
66. Junk or Salvage Yard: Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled. This definition shall also include auto or other vehicle or machinery wrecking or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards.

The presence on any lot, parcel, or tract of land of three (3) or more wrecked, scrapped, ruined, dismantled, unlicensed, or inoperative vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie evidence of a junk or salvage yard. Inoperative vehicles shall include any device in, upon, or by which a person or property is, or may be transported or driven upon a highway or street and includes without limitation any motorized vehicle, automobile, truck, motorcycle, tractor, trailer or any combination thereof which is not capable of operating under its own power and from which parts have been or are to be removed for reuse or sale. This provision shall not include vehicles kept within a completely enclosed building. (03-06) (May 19-03)

67. Kennel, Dog: Any lot on which four or more dogs, six (6) months old or older, are kept.
68. Livestock Transfer Station: A business which temporarily holds hogs, cattle, or other livestock being transferred from farmer/producer to slaughter facility. The business shall not in the normal course of operations keep livestock overnight, shall not be an auction yard, slaughter house, or retail outlet, and shall comply with all regulations of Bremer County and the State of Iowa.
69. Loading Space: A parking area adjacent to a commercial or industrial use which shall not be less than ten (10) feet wide, sixty-five (65) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.
70. Lodging House: A building or place where lodging or boarding is provided for compensation for three (3) or more, but not exceeding twenty (20) individuals, not open to transient guests, in contradistinction to hotels open to transients.
71. Lot: For the purposes of this ordinance, a lot is a parcel of land of at least

sufficient size to meet minimum zoning requirements for use, coverage and area 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 of 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.

- 72. Lot, Area: Total horizontal area within lot lines, exclusive of streets or roads.
- 73. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection (See Figure 1).
- 74. Lot, Depth of: The mean horizontal distance between the front and rear lot lines (See Figure 1).
- 75. Lot, Double Frontage: A lot having a frontage on two (2) non intersecting streets, as distinguished from a corner lot (See Figure 1).
- 76. Lot, Interior: A lot other than a corner lot.
- 77. Lot, Lines: The lines bounding a lot.
- 78. Lot Line, Front: The line separating the lot from the street on which it fronts.
- 79. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
- 80. Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder of Bremer County, or a lot or parcel described by metes and bounds, the description of which has been so recorded .
- 81. Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear (See Figure 1).
- 82. Lot Line, Side: Any lot line other than a front or rear lot line.
- 83. Lot, Width: The width of a lot measured at the building line and at right angles to its depth

84. Lowest Floor: The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- a) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of 5-3-11.04.02.d and:
 - b) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and;
 - c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and;
 - d) The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a,b,c and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

85. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
86. Manufactured Home: A factory-built single-family structure, manufactured or constructed under the authority of 42 U.S.C. Section 5403, to be located and installed according to the same standards including but not limited to, a foundation system, set-back, and minimum width applicable to a site-built, single family dwelling on the same lot; which is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it from its place of manufacture to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, manufactured homes shall be subject to the same standards as site built dwellings (See 5-3- 3.20).
87. Mobile Home: A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit.

No commercial business shall be carried on in a mobile home or trailer constructed as a mobile home except when used as a temporary office upon obtaining a permit from the administrative officer for a period of one hundred

eighty (180) days.

88. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
89. Motel or Motor Lodge: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include such accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
90. New Construction: Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map. (NOTE: This definition is for enforcement of ARTICLE XI of this Ordinance only).
91. 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.

FIGURE 1: EXAMPLES OF LOT DEFINITIONS

92. Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or disabled or injured persons.
93. 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.
94. One Hundred (100) Year Flood: A flood, the magnitude of which has a one (1) percent chance of being equalled or exceeded in any given year or which, on the average, will be equalled or exceeded at least once every one hundred (100) years.
95. Parcel: Means a part of a tract of land.
96. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
97. Parking Space: A surfaced area, enclosed in the principal building, or an unenclosed area having an area of not less than one-hundred-eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobile.
98. Pavement or Paving: The pavement structure, or the upper surface of a pavement structure, or the materials of which the pavement structure is constructed.
99. Pavement Structure: The combination of sub-base, base course, and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.
100. Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent

of each outside wall area enclosed by a building or siding material other than meshed screens.

101. Principal Use: The main use of land or structures as distinguished from an accessory use.
102. Recreational Vehicle: A vehicle which is: (a) built on a single chassis; (b) four-hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
103. Regulatory Flood: A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur in a particular stream. The regulatory flood generally has a frequency of approximately one hundred (100) years determined from an analysis of floods on a particular stream and other streams in the same general region.
104. Regulatory Flood Protection Elevation: The elevation to which uses regulated by this ordinance are required to be elevated or floodproofed.
105. Right-of-Way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes (See Figure 3).
106. Road: All property dedicated or intended for public or private road, street, alley, highway, freeway, or roadway purposes or to public easements therefor.
107. Roadbed: The area of the roadway between the tops of foreslopes.
108. Roadline: A dividing line between a lot, tract or parcel of land and a contiguous road.
109. Roadside: The area within the right-of-way and outside the shoulder lines of a roadbed.
110. Roadside Stand: A structure used seasonal for the sale of neighborhood agricultural products or other products grown or produced on the premises and so constructed that it might be readily moved.
111. Rooming House: A building where a room or rooms are provided for compensation to three (3) or more persons, but not exceeding twenty (20) individuals, not open to transient guests, in contradistinction to hotels open to transients.
112. Sanitary Land Fill: Premises used for dumping or disposing of any solid waste in an excavation that is covered daily in accordance with Iowa Department of

Natural Resources requirements.

113. Shoulder: That portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

114. Sign: "Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. "

"Sign" includes "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

115. Sign on Premise: Means any advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted on the property upon which they are located. The property upon which the advertising device is located cannot have any inconsistent use, size, shape, or ownership from the property where the activities advertised are located. The following will not be considered to be on premise signs:

- a. Signs not located upon the same property as the advertised activity or the same property advertised for lease or sale.
- b. General advertising which does not have the purpose of identifying the establishment, products, or services available on the property.
- c. Signs which are located upon any land which cannot be reasonably used as an integral part of the advertised activity.
- d. Signs which are separated by a roadway, highway, obstruction, other activity, vacant, undeveloped, or unused land which serves no purpose or use related to the advertising activity, from the regularly used buildings and other structures, parking areas, storage and processing areas which are essential and customary to the conduct of business.
- e. Signs located on land used or devoted to any purpose unrelated to the advertised activity.
- f. Signs located upon narrow strips of land or in any configuration which is such that it cannot be put to any reasonable use related to the advertised activity except for signing purposes.
- g. Signs located upon land held by, or subject to easements, leases, or other

interests other than the property where the advertised activity is located.

- h. Signs advertising a brand or trade name and the product or service advertised which is not a principal or major product or service of the establishment.
 - i. Signs advertising products or services not sold or otherwise provided for on the property.
116. Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such a sign is located. An exterior sign is a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.
117. 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.
118. Sign, Portable: Shall mean any sign consisting of solid materials, whether on a frame, chassis, or wheels which can be moved from one location to another.
119. Stable, Private: A building, incidental to an existing residential, principal use, that shelters horses for the exclusive use of the occupants of the premises.
120. Stable, Public: An accessory building in which horses are kept for commercial use including boarding, hire, and sale.
121. Stable, Riding Club: A building or structure used or intended to be used for the housing only of horses by a group of persons for non commercial purposes.
122. 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.
123. Story, Half: A space under a sloping roof which has the line of intersecting of roof decking and wall face not more than four (4) feet above the top floor level.
124. Street Line: The right-of-way line of a street, road, or highway.
125. Street, Public: Any thoroughfare or public way with a minimum right-of-way width of sixty-six (66) feet which has been dedicated to the public or deeded to the County for street or road purposes.
126. Street, Road, Drive, or Entrance (Private): Any private way less than sixty-six

(66) feet or less in width which shall be approved by the County Engineer.

127. 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.
128. Structure: Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.
129. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
130. Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or (2) any alteration will not preclude the structure's continued designation as a "historic structure".
131. Summer Cottage: A single-family dwelling for seasonal or temporary occupancy only, and not permanently occupied as a family residence during any entire year.
132. Swimming Pool: A swimming pool is a tank of water either above or below grade level in which the depth of water exceeds twelve (12) inches. "Swimming pools", hot tubs, whirlpool baths and tubs, and jacuzzi-type tubs or baths located within any "R" District shall be considered "swimming pools" if they are located outdoors.
133. Tourist Home: A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for transients.
134. Tract. Means an aliquot part of a section, a lot within an official plat, or a government lot.
135. Trailer or Mobile Home: See "Mobile Home,"
136. Trailer or Mobile Home Park: See "Mobile Home Park or Trailer Park".

137. 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 yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used (See Figure 2).
138. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building (See Figure 2).
139. Yard, Rear: A yard extending across the full width of 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 (See Figure 2).
140. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building (See Figure 2).
141. Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

FIGURE 2: YARD EXAMPLE

FIGURE 3: ROAD DEFINITIONS AND EXAMPLES

ARTICLE II

ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

5-3- 2.00 ESTABLISHMENT OF DISTRICTS

Districts: In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, Bremer County, Iowa, is hereby divided into eight (8) classes of districts. The use, heights, and area regulations are uniform in each class of district, and said districts shall be known as:

- "A-1" Agricultural District
- "A-2" Modified Agricultural District
- "R-1" Single Family Residence District
- "R-2" Multiple Family Residence District
- "R-3" Mobile Homes District
- "C" Commercial District
- "M" Industrial District
- Flood Plain Overlay District (Flood Plain Ordinance)

5-3- 2.01 DISTRICT BOUNDARIES

Boundaries: The boundaries of these districts are indicated upon the Official Zoning Maps of Bremer County, Iowa, which maps are made a part of this ordinance by reference. The said Official Zoning Maps of Bremer County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references, and other matters set forth by said maps were all fully described herein. The said Official Zoning Maps shall be on file in the office of the Zoning Administrator of Bremer County, Iowa, and shall bear the signature of the Chair of the Board of Supervisors attested by the County Auditor, under the certification that these are the Official Zoning Maps referred to throughout this Zoning Ordinance. It shall be the responsibility of the Zoning Administrator to see that the Zoning Maps are kept current at all times.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Maps accompanying and made a part of this ordinance, the following rules apply:

The district boundaries are either street lines or alley lines unless otherwise shown, and where the districts designated on the maps accompanying and made a part of this ordinance are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district, street and alley right-of-way not included in zoned areas.

Where boundaries are indicated so they approximately follow lot lines and are not more than twenty (20) feet distant therefrom, such lot lines shall be the boundary of the district.

Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be those boundaries.

Boundaries indicated as following railroad lines shall be midway between the main tracks.

Boundaries indicated as approximately following the centerlines of rivers, streams, creeks, or other waterways shall be such boundaries.

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 maps.

ARTICLE III

GENERAL REGULATIONS AND PROVISIONS

5-3- 3.00 DISCONNECTIONS

Any addition to the unincorporated area of the County resulting from disconnections by municipalities or otherwise shall be automatically classified as in the "A-1" District until otherwise classified by amendment.

5-3- 3.01 ZONING AFFECTS EVERY STRUCTURE

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.

5-3- 3.02 FARMSTEADS

Within an agricultural district, a farmstead in existence at the time of adoption of this Ordinance may be severed from the farm. A minimum of one (1) acre per each dwelling unit of the farmstead is required with front, side, and rear yard requirements applicable to the zoning district in which it is located.

5-3- 3.03 NONCONFORMING USES

A certificate of Zoning Compliance shall be required of all non-conforming uses. Application for a certificate for non-conforming uses shall be filed with the Zoning Administrator within one (1) year from the effective date of this Ordinance, accompanied by affidavits of proof that such non-conforming use was legally established prior to the effective date of this Ordinance.

5-3- 3.04 NONCONFORMING BUILDINGS AND STRUCTURES

General. A non-conforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.

Alteration or Enlargement of Building and Structures. A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure including additions and enlargements, is made to conform to all the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to its use, but non-conforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to

provided that the enlargement or addition complies with the yard, height, and off-street parking requirements of the District in which said building or structure is located. No non-conforming building or structure shall be moved in whole or part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

Building Vacancy. A building or structure or portion thereof, which is non-conforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

Destruction of Non-conforming Building or Structure. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within one (1) year of such calamity, unless the property is located in the flood plain and damaged by more than fifty (50) percent of its fair market value, or is located outside of the flood plain and is damaged by more than one hundred (100) percent of its fair market value. The Board of Adjustment shall determine, at the time of the damage, the extent of the damage incurred. In any case, reconstruction shall be completed in accordance with the provisions of this Ordinance.

Change of Uses. A non-conforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance, but no such use shall be extended to occupy any land outside such building.

If such a non-conforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a non-conforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of non-conforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is non-conforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the "A-1" District shall be considered the most restrictive and the "M" District the least restrictive district.

Swimming Pool Fences in "R" Districts. The lawful use of a swimming pool existing at the effective date of this Ordinance may be continued, provided that one (1) year after the effective date of this Ordinance all non-conforming pools shall conform to 5-3-3.06.

5-3- 3.05 NONCONFORMING USES OF LAND

The lawful use of land upon which no building or structure is erected on constructed which becomes non-conforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. If any such non-conforming use of land ceases for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located, unless an extension is granted by the Planning and Zoning Commission.

5-3- 3.06 SWIMMING POOL FENCES IN "R" DISTRICTS

No public or private swimming pool shall be erected unless the same be entirely enclosed by buildings, fences or walls not less than four (4) feet nor more than six (6) feet in height and of such construction that a person may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence. Holes or openings in the fence shall be four (4) inches or less in least dimension. Such fences or walls shall be equipped with self-latching gates or doors. All doors from house or garages must also be self-closing and self-latching

5-3- 3.07 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

No yard or other open space or lot area requirement shall be considered as providing a yard or open space or lot area requirement for a building on any other lot, and no yards or other open space or lot area requirement about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space or lot area requirement for any other building.

5-3- 3.08 RIGHT-OF-WAY VACATION

Whenever any street, road or other public way is vacated by official action of the Board of Supervisors of Bremer County, the zoning district adjoining each side of such street, road or public way shall be automatically extended to the center of such vacation and

all area included in the vacation shall be subject to all appropriate regulations of the extended districts. Whenever any railroad right-of-way is vacated or sold the land involved shall revert back to "A-1" zoning classification.

5-3- 3.09 ONE PRINCIPAL STRUCTURE ON LOT

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 principal building on one lot unless otherwise provided by this ordinance.

5-3- 3.10 REQUIREMENTS FOR REZONING, VARIANCES, AND SPECIAL PERMITS

All petitions for rezoning, home occupation, home industry, variance, etc. must be in writing, stating the exact legal description of land involved. Said petitions must be received by the Zoning Administrator twenty (20) days prior to a stated or special meeting of the Zoning Commission. A preliminary plat plan shall be submitted with a petition for rezoning for subdivisions.

5-3- 3.11 WATER SUPPLY AND SEWAGE DISPOSAL

Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities shall provide facilities, which conform with the Bremer County Board of Health regulations and all other applicable regulations.

5-3- 3.12 STREET FRONTAGE REQUIRED

Except as permitted in this ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least thirty-three (33) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least thirty-three (33) feet wide to a street.

5-3- 3.13 PERCENTAGE OF REAR YARD REQUIRED

Accessory buildings, unattached, shall not occupy more than thirty (30) percent of the required rear yard.

5-3- 3.14 CORNER LOT

The front yard regulation shall apply to each street side. Side and rear yard requirements are determined by the direction of the front of the principal building.

5-3- 3.15 FENCES

Fences in an "R" District. Residential fences or landscape features such as sculpture or walls may be erected or constructed with the centerline of said barrier to be located within the property with no portion of fence extending on to adjacent property or

right-of-way; provided no such fence in any front, side, or rear yard having street frontage exceeds four (4) feet in height and six (6) feet in height in the case of side and rear yards not having street frontage.

5-3- 3.16 REQUIRED YARD CANNOT BE REDUCED

No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included, as part of a yard or other open space required under this Ordinance for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this Ordinance.

5-3- 3.17 BUILDING LINES ON APPROVED PLATS

Whenever the plat of a land subdivision on record in the office of the Bremer County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this ordinance unless specific yard requirements in this Ordinance require a greater setback.

5-3- 3.18 PENDING APPLICATIONS FOR BUILDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which conforms with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

5-3- 3.19 LOT AREA COMPUTATION

In all districts, lot area requirements shall be computed exclusive of street, road, alley, or highway right-of-way.

5-3- 3.20 DWELLING STANDARDS

The following standards shall apply to all dwellings, newly constructed, or moved into place.

1. The dwelling shall be affixed to a permanent foundation system, in accordance with the Iowa State Building Code.
2. The minimum dimension of the width and of the length of the main body of the

dwelling unit shall not be less than twenty (20) feet. The main body shall be construed to mean that portion of a dwelling encompassed by the exterior wall as originally assembled or built. When a dwelling is irregularly shaped, the main body shall be that portion of the structure occupying the majority of geometric bulk.

5-3- 3.21 HOME OCCUPATION STANDARDS

The following standards and criteria shall apply to home occupations:

1. Clearly incidental and secondary to the use of the dwelling unit as a residence;
2. Conducted entirely within a dwelling unit;
3. Conducted by a member(s) of the family residing within the dwelling unit and no more than one (1) non-resident employee;
4. Such occupation being conducted within the dwelling unit shall not be noticeable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the Bremer County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Signs: SEE 5-3- 13.02
8. Upon approval of the Zoning Commission and Board of Supervisors, all home occupations shall obtain a permit from the Zoning Administrator. Said permit, which will be renewed annually, shall verify compliance with all zoning regulations.

5-3- 3.22 HOME INDUSTRY STANDARDS

The following standards and criteria shall apply to home industries:

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property.
2. Conducted entirely and confined within an accessory building(s) located upon the property, and already in existence at the time of application;
3. Conducted by a member(s) of the family residing within the dwelling unit located

on the property and no more than one (1) non-resident employee;

4. Such industry being conducted within the accessory building(s) shall not be noticeable at or beyond the lot lines; by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the Bremer County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Signs: SEE 5-3- 13.02
8. Upon approval of the Zoning Commission and Board of Supervisors, all home industries shall obtain a permit from the Zoning Administrator. Said permit, which will be renewed annually, shall verify compliance with all zoning regulations.

Fees. SEE 5-3- 16.03

5-3- 3.23 BULK REQUIREMENTS

Bulk Requirements: All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or further conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located.

Minimum bulk requirements are listed in Table 1 on the following three pages.

TABLE 1. BULK REQUIREMENTS

District Use	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
A-1 & A-2							
SINGLE FAMILY	35 Ft. or 3 Stories	1 Acre	150 Ft.	50 Ft.	25 Ft.	50 Ft.	30 Ft.
OTHER ALLOWED USES	---	1 Acre	150 Ft.	50 Ft.	25 Ft.	50 Ft.	30 Ft.
R-1							
SINGLE FAMILY	35 Ft. or 3 Stories	1 Acre ¹	150 Ft.	50 Ft.	25 Ft.	50 Ft.	30 Ft.
SERVED BY COMMON WATER & SEWER	35 Ft. or 3 Stories	1/2 Acre	150 Ft.	25 Ft.	10 Ft.	25 Ft.	30 Ft.
OTHER ALLOWED USES		1 Acre	150 Ft.	50 Ft.	25 Ft.	50 Ft.	30 Ft.

District Use	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
R-2 ²							
SINGLE FAMILY SERVED BY COMMON WATER & SEWER	35 Ft. or 3 Stories	21,780 sq. Ft. ²	150 Ft.	25 Ft.	10 Ft.	25 Ft.	30 Ft.
MULTI-FAMILY SERVED BY COMMON WATER & SEWER	35 Ft. or 3 Stories	21,780 sq. Ft. plus 1,500 sq. Ft. per unit ²	150 Ft.	25 Ft.	10 Ft.	25 Ft.	30 Ft.
OTHER ALLOWED USES	---	21,780 sq. Ft.	150 Ft.	25 Ft.	10 Ft.	25 Ft.	30 Ft.
R-3							
MOBILE HOME PARK	---	5 Acres	360 Ft.	20 Ft.	10 Ft.	--	10 Ft.
MOBILE HOME SITE	---	4,000 sq. Ft.	36 Ft.	20 Ft.	10 Ft.	20 Ft.	10 Ft.
ACCESS. BUILDING FOR ANY "A" OR "R" District	18 Ft. or 1 story which ever is lower	---	---	---	³	Same as allowed uses	³

District Use	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Street, Corner Lot	Minimum Rear Yard
C-COMM.	35 Ft.	1 Acre	150 Ft.	50 Ft.	⁴	50 Ft.	⁴
M-INDUS.	---	1 Acre	150 Ft.	50 Ft.	20 Ft.	50 Ft.	30 Ft.

NOTES:

ALL LOT AREAS ARE EXCLUSIVE OF ROAD OR STREET RIGHT-OF-WAY

- ¹ In an "R-1" district a minimum lot size of 21,780 sq. ft. is allowed if the lot is served by either common water or a common sewer system. Provided any private systems meet approval of the Bremer County Board of health
- ² If not served by common water and sewer the minimum lot size shall be 43,560 square feet (1 acre).
- ³ Accessory buildings to be placed in the rear yard may reduce the minimum side and rear yard requirements to four (4) feet.
- ⁴ None required except when adjoining any "R" district, in which case not less than 10 feet.

ARTICLE IV

USE REGULATIONS FOR "A-1" AGRICULTURAL DISTRICT

5-3- 4.00 GENERAL DESCRIPTION

The "A-1" District is intended and designed to serve the agricultural community and protect agricultural land from encroachment of urban land uses. This district is not intended to be used for non-farm residential development or commercial businesses.

5-3- 4.01 PRINCIPAL USES PERMITTED

Property and buildings in an "A-1" Agricultural District shall be used only for the following purposes:

1. Agricultural and the usual agricultural building structures including farm dwellings.
2. Any use erected or maintained by Bremer County
3. Specialized animal farms including, but not limited to fowl, rabbits, mink, chinchilla and bees.
4. Private stables.
5. Hiking, horseback riding, and non-motorized bicycle trails.
6. Specialized horticultural operations including orchards, viticulture, truck gardens, Christmas tree farms, floriculture, wholesale nurseries, raising of tree fruits, nuts and berries, sod, and vegetable raising.
7. Forest and wildlife preserves.
8. Parks, recreation areas and game refuges owned by governmental agencies.
9. Single family dwellings in existence prior to the date of adoption of this Ordinance.
10. Single family dwellings upon lots of record, which are in existence prior to the date of adoption of the Ordinance,* provided all building setback requirements are met and provided all other County regulations and ordinances are met.
(*Editors Note: September 15, 1994)
11. Mobile homes for single family dwellings, provided that the owner/occupant is actively engaged in the farming operation and the mobile home is placed on a

farm as herein defined.

12. A farmstead in existence prior to the adoption of this ordinance may be severed from the farm provided all building setback regulations are met and provided all other county regulations and ordinances are met.
13. Cemeteries, including mausoleums and crematories provided that any mausoleum and crematory shall be located at least two hundred (200) feet from any adjacent property line.
14. Roadside stands, offering for sale only agricultural products or other products produced on the premises. Such stands shall be removed during off seasons.
15. Seed and feed dealerships, provided, however, there is no evidence of showroom or other commercial activities.
16. Churches or other place of worship including parish house and Sunday school building(s).
17. Public utility structures and equipment necessary for the operation thereof.
18. Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business.

5-3- 4.02 ACCESSORY USES

1. Those uses customary and incidental to the specified principal permitted uses.
2. Home occupations and home industries (SEE 5-3-3.21 AND 5-3-3.22).
3. Child daycare or baby sitting services for less than 6 children. (03-06) (May19-03)

5-3- 4.03 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Grain elevators.
2. Telephone, microwave, radio, and television towers, the base of which shall be at least height of tower from all adjoining property lines, including highway right-of-way.
3. Temporary facilities for music events, sports events, commercial exhibitions and carnivals.

4. Livestock transfer stations (SEE 5-3- 1.05).
5. Bulk storage plant (SEE 5-3- 1.05).
6. Bulk fertilizer storage, liquid or solid (SEE 5-3- 1.05).
7. Bed and Breakfast Establishments
8. Kennels provided that they are not nearer than seven hundred fifty (750) feet to any residence other than the lessee or owner of the site.
9. Commercial Extraction Uses:

The removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for a state, county, or private projects where the material is not being sold or removed from the property where it originates.

a. Plans Required:

(1) Plan of general area (within a one (1) mile radius of site) shall be prepared at a scale of one thousand (1,000) feet to the inch or less, to show:

- aa. Location of proposed site.
- bb. Land Use pattern including all building locations and historical sites.
- cc. The width, weight loads, types of surfaces and traffic for major roads.
- dd. Surface drainage patterns.
- ee. Groundwater movements and aquifer information, including aquifer recharge data.
- ff. Climate, precipitation, and wind data, with directions and percentage of time.

(2) Plans for the site require:

- aa. Soil and geology, with soil borings on a five hundred (500) foot grid, for information on depth of materials.

- bb. Vegetation cover on the site and dominant species.
 - cc. Interior road pattern, its relation to operation yard and points of ingress and egress to State and County Roads.
 - dd. Proposed tree and berm screen locations.
 - ee. Soil embankments for noise dusts, and visual barriers, and heights of spoil mounds.
- (3) Plan of operation showing:
- aa. Type of material to be removed.
 - bb. Annual removal rate, including estimated amount and description of aggregate and overburden to be removed.
 - cc. Method of extraction, including types of equipment, use of conveyors, use of blasting materials.
 - dd. Supplementary processes, drying, grading, mixing or manufacturing.
 - ee. Estimated life of the operation and maximum extent of area disturbed, final depths, and side wall slopes.
 - ff. Compliance with the recommendations of the soil borings test.
 - gg. Approved sediment erosion plan.
 - hh. Types and weights of all vehicles leaving from and arriving to a site and their routes to State roads.
 - ii. Source of water, if final plan shows use of water.
 - jj. Method of disposition of excess water during operation.
 - kk. Location and typical schedule of blasting.
 - ll. On site machinery, type and noise levels.
 - mm. Safety measures and monitoring of complaints.

End Use Plan:

An end use plan for the rehabilitation of the site after the extraction operation is completed shall be submitted and must be approved by the Zoning Commission. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain such site or restrictive easements must be presented as well as a final contour and site plan submittal. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted. For all such uses, proper legal documents must be presented that outline:

- (1) post operation maintenance procedures;
- (2) legal responsibility for any environmental pollution that could occur after the facility is closed; and
- (3) financial ability to clean up any possible pollution that occurs after the facility is closed.

b. Performance Standards:

- (1) Operations. Extractive operations shall meet all development and performance standards of this Ordinance and all applicable local, state, and federal regulations.
- (2) Setbacks. No excavation, quarry wall, or storage area shall be located within one hundred twenty-five (125) feet from any street right-of-way. The setbacks listed in Table 2 are required from the periphery of the subject property to any excavation, quarry wall, or storage area on the subject property. Setback distance is dependent upon the use of adjacent property. (See Table 2)

TABLE 2

<u>USE OF ABUTTING PROPERTY</u>	<u>REQUIRED SETBACK FROM LOT LINE</u>
Vacant	200 feet
Open Space	200 feet
Recreational	200 feet
Agricultural	150 feet
Residential	400 feet
Institutional	200 feet
Commercial	150 feet
Industrial	50 feet

Grading. All excavations shall be graded in such a way as to provide an area, which is harmonious with the surrounding terrain and not dangerous to human or animal life.

3. Excavations shall be graded and back filled to the grades indicated by the site plan. Grading and back filling shall be accomplished continually and as soon as practicable after excavation. Grading and back filling may be accomplished by use of construction rubble such as concrete or other materials, providing such materials are composed of non-noxious, noncombustible solids.

Grading and back filling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed the normal angle of slippage of such material, or thirty-three (33) degrees in angle, whichever is less. During grading and back filling, the setback requirements in paragraph b. above may be reduced by one-half, so that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, seventy-five (75) feet to any street line, nor within one-hundred (100) feet of any nature reserve or residential district boundary line.

When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.

Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain.

Access. Truck and/or rail access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

Planting. When planting is the final use to which the tract is put, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting plan shall be prepared for the entire finished tract using various types of plant material that prevent soil erosion and provide vegetation cover. When buildings are proposed as part of the final use to which the tract is put, planting in areas adjacent to proposed buildings shall be planted with a vegetative cover in keeping with the requirements of the ultimate building purposes.

5-3- 4.04 HEIGHT REGULATIONS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 4.05 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 4.06 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in 5-3- 12.00.

5-3- 4.07 SIGN REGULATIONS

Shall be those regulations as specified in 5-3- 13.03.

5-3- 4.08 EXCEPTIONS

SEE 5-3- 14.00

ARTICLE V

USE REGULATIONS FOR "A-2" MODIFIED AGRICULTURAL DISTRICT

5-3- 5.00 GENERAL DESCRIPTION:

The A-2 District is intended and designed to provide for uses which are closely related to the agricultural activity and should be located in an agricultural district.

5-3- 5.01 PRINCIPAL USES PERMITTED

1. Agricultural and the usual agricultural building structures, including farm dwellings.
2. Specialized horticultural operations including orchards, viticulture, truck gardens, Christmas tree farms, floriculture, wholesale nurseries, raising of tree fruits, nuts and berries, sod, and vegetable raising.
3. Grain elevators with the usual accessory structures but limited to receiving, handling, processing, storage and shipment of grain.
4. Public and parochial schools and other educational institutions having an established current curriculum the same as ordinarily given in public schools.
5. Public and private stables and riding academies, clubs and the usual structures for housing animals.
6. Public and private parks, playgrounds, golf courses, campgrounds, service organizations and recreational uses.
7. Veterinary businesses, provided not nearer than seven hundred fifty (750) feet from any residential zoned district boundary or dwelling other than the lessee or owner of the site.
8. Cabins, but not to be used as year round dwellings provided all other county ordinances are met.
9. Single family dwellings.

5-3- 5.02 ACCESSORY USES

1. Those accessory uses allowed in the "A-1" District
2. Those uses customary and incidental to the principal permitted uses.
3. Home occupations and home industries (SEE 5-3- 3.21 AND 5-3- 3.22).

4. Child daycare or baby sitting services for less than 6 children. (03-06) (May 19-03)

5-3- 5.03 USE EXCEPTIONS

1. Airports and landing fields.
2. Bulk storage plant. (SEE 5-3- 1.05)
3. Bed and Breakfast Establishments

5-3- 5.04 HEIGHT REGULATIONS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 5.05 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 5.06 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in 5-3- 12.00.

5-3- 5.07 SIGN REGULATIONS

Shall be those regulations as specified in 5-3- 13.03.

5-3- 5.08 EXCEPTIONS

SEE 5-3- 14.00

ARTICLE VI

USE REGULATIONS FOR "R-1" ONE RESIDENCE DISTRICT

5-3- 6.00 GENERAL DESCRIPTION

The "R-1" is the most restrictive Residential District. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

5-3- 6.01 PRINCIPAL USES PERMITTED

Property and buildings in a "R-1" Single Family Residential District shall be used only for the following purposes:

1. Single family detached dwellings.
2. Manufactured housing.
3. Churches and temples.
4. Public schools, elementary, junior high and high schools.
5. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
6. Public, semi-public parks, and playgrounds.
7. Group homes

5-3- 6.02 ACCESSORY USES

Uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include:

1. Private garages and carports.
2. Private swimming pools.
3. Child daycare or baby sitting services for less than 6 children. (03-06)(May 19-03)

3. Private greenhouses not operated for commercial purposes.
4. Home occupations (SEE 5-3- 3.21).

5-3- 6.03 USE EXCEPTIONS

The following use exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:

1. Hospitals, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses under this ordinance.
2. Public utilities.
3. Swimming pools, golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
4. Bed and Breakfast Establishments.
5. Private stables.
6. Livestock, fowl, and exotic animals.

5-3- 6.04 HEIGHT REGULATIONS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 6.05 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 6.06 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in 5-3- 12.00.

5-3- 6.07 SIGN REGULATIONS

Shall be those regulations as specified in 5-3- 13.04.

5-3- 6.08 EXCEPTIONS

SEE 5-3- 14.00

ARTICLE VII

USE REGULATIONS FOR "R-2" MULTIPLE FAMILY RESIDENCE DISTRICT

5-3- 7.00 GENERAL DESCRIPTION

The "R-2" Residential District is to provide a population density to accommodate single family or multiple family type housing units. Certain uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally required to provide an orderly and attractive residential area are included.

5-3- 7.01 PRINCIPAL USES PERMITTED

1. Single Family detached dwellings.
2. Single Family dwelling units.
3. Multiple Family dwelling units and condominiums.
4. Boarding, lodging houses, and bed and breakfast establishments.
5. Institutions of a religious, educational or philanthropic nature, including libraries.
6. Hospitals, day nurseries and care facilities, nursing and convalescent homes, group homes, clinics excepting animal hospitals.
7. Private clubs, fraternities, sororities, and lodges, excepting those the principal activity of which is a service customarily carried on as a business.
8. Manufactured Homes.
9. Public, Semi-Public, and Playgrounds.

5-3- 7.02 ACCESSORY USES

1. Private garages and carports.
2. Private swimming pools
3. Private greenhouses not operated for commercial purposes.
4. Other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any permitted principal use.

5. Storage garages for tools and equipment relevant to the maintenance of buildings where the lot is occupied by multiple dwelling, hospital, or institutional building.
6. Home Occupation.
7. Child daycare or baby sitting services for less than 6 children. (03-06)(May 19-03)

5-3- 7.03 USE EXCEPTIONS

1. Public Utilities.
2. Swimming pools, golf courses and country clubs, except miniature golf courses or driving ranges operated for profit.
3. Funeral homes and mortuaries

5-3- 7.04 HEIGHT REGULATIONS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 7.05 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 7.06 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in 5-3- 12.00.

5-3- 7.07 SIGN REGULATIONS

Shall be those regulations as specified in 5-3- 13.04.

5-3- 7.08 EXCEPTIONS

SEE 5-3- 14.00

ARTICLE VIII

USE REGULATIONS FOR "R-3" MOBILE HOMES DISTRICT

5-3- 8.00 GENERAL DESCRIPTION

The R-3 District is intended and designed to provide for high density residential development of certain areas of the County for mobile home parks. It is intended that the R-3 District shall only be permitted when common water and sewer systems are provided.

5-3- 8.01 PRINCIPAL USES PERMITTED

Property and buildings in a "R-3" Mobile Home district shall be used only for the following purposes:

1. Mobile home parks.

5-3- 8.02 ACCESSORY USES

Accessory uses and buildings which are customarily incidental to the above stated uses, but not involving the conduct of business.

5-3- 8.03 USE EXCEPTIONS

Any other uses deemed appropriate on review by the Board of Adjustment to be the same general character as the foregoing permitted uses.

5-3- 8.04 HEIGHT REGULATIONS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 8.05 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 8.06 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in 5-3- 12.00.

5-3- 8.07 SIGN REGULATIONS

Shall be those regulations as specified in 5-3- 13.04.

5-3- 8.08 EXCEPTIONS

SEE 5-3- 14.00

ARTICLE IX

USE REGULATIONS FOR "C" COMMERCIAL DISTRICT

5-3- 9.00 GENERAL DESCRIPTION

The "C" Commercial District is intended and designed for business, professions, and occupations which require off street parking areas and loading spaces.

5-3- 9.01 PRINCIPAL USES PERMITTED

Property and buildings in a "C" Commercial District shall be used only for the following, or similar, purposes:

1. Agricultural feed and seed sales, but excluding grinding, mixing, and blending.
2. Antique shops.
3. Apartments above first story level of a store or shop, with off-street/on site parking.
4. Apparel shops.
5. Art shops.
6. Automobile accessory stores.
7. Automobiles, trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
8. Automobile, trailer, motorcycle, boat and farm implement service and repair establishments.
9. Bakeries or bakery outlets, retail sales only.
10. Banks, savings and loan associations, and similar financial institutions.
11. Barbershops and beauty parlors.
12. Bicycle shops, sales and repair.
13. Billiard parlors and pool halls.
14. Bowling alleys.

15. Business offices, professional offices and studios.
16. Business and vocational schools.
17. Camera stores.
18. Carpenter and cabinet making shops.
19. Car wash with truck bay.
20. Churches and temples.
21. Clothes cleaning and laundry pick-up stations.
22. Clothing stores
23. Collection office of public utility.
24. Commercial parking lots and garages.
25. Commercial amusements.
26. Confectionery stores, including ice cream or snack bars.
27. Dairy stores, retail only.
28. Dance studio.
29. Delicatessens.
30. Dental clinics.
31. Department stores.
32. Drive-in restaurants.
33. Drug stores.
34. Dry goods stores.
35. Florist shops.
36. Frozen food lockers.
37. Funeral homes and mortuaries.

38. Fur buying/handling businesses
39. Furniture stores.
40. Gift shops.
41. Grocery stores, including supermarkets.
42. Hardware stores.
43. Hobby shops.
44. Hotels and motels.
45. Household appliances, sale and repair.
46. Jewelry stores and watch repair shops.
47. Launderette, coin-operated dry cleaning establishments, and dry-cleaning or pressing establishments.
48. Lawn mower repair shops.
49. Locker plant for storage and retail sales only.
50. Leather goods store.
51. Liquor stores.
52. Lumber yards.
53. Medical clinics.
54. Music stores and music studios.
55. Office supplies shops.
56. Paint and wallpaper stores.
57. Personal service and repair shops.
58. Pet shops.
59. Pharmacy.
60. Photographic studios, printing and developing establishments.

61. Plumbing and heating shops.
62. Post offices.
63. Printing and lithographing shops.
64. Private clubs and lodges.
65. Publishing and engraving establishments.
66. Public buildings, playgrounds, community buildings, public parks.
67. Public utilities.
68. Radio and television sales and repair shops.
69. Rental storage buildings.
70. Restaurants, cafes, and night clubs.
71. Roadside stands for the sale of fresh fruits, vegetables, nursery stock and plant food.
72. Service Stations.
73. Sheet metal shops.
74. Shoe and hat repair shops.
75. Sporting goods stores.
76. Tailor and dressmaking shops.
77. TV and appliance repair and sales.
78. Theaters.
79. Toy stores.
80. Upholstering shops.
81. Used car lots.
82. Variety stores.

83. Video equipment rental and sales.

84. Wholesale display and sales rooms and offices.

5-3- 9.02 ACCESSORY USES

Accessory uses and buildings which are customarily incidental to the above stated uses.

Any other use determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses.

5-3- 9.03 USE EXCEPTIONS

The following principal uses deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:

1. Animal hospitals and veterinary clinics.
2. Book stores.
3. Consignment and auction sales and operations.
4. Dance halls.
5. Any other use exceptions deemed appropriate on review by the Board of Adjustment to be of the same general character as the foregoing use exceptions.

5-3- 9.04 HEIGHT REGULATIONS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 9.05 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 9.06 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in 5-3- 12.00.

5-3- 9.07 SIGN REGULATIONS

Shall be those regulations as specified in 5-3- 13.05.

5-3- 9.08 EXCEPTIONS

SEE 5-3- 14.00

ARTICLE X

USE REGULATIONS FOR "M" INDUSTRIAL DISTRICT

5-3- 10.00 GENERAL DESCRIPTION

The "M" Industrial District is intended primarily for the conduct of manufacturing, assembling, and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this District make it most desirable that they be separated from residential uses.

5-3- 10.01 PRINCIPAL USES PERMITTED

Property and buildings in an "M" Industrial District shall be used only for the following purposes:

1. Automobile body repair and paint shop.
2. Bottling works.
3. Brick and clay products and central mixing and proportioning plant.
4. Building material sales and storage.
5. Clothing manufacture.
6. Consignment and auction sales operations.
7. Contractor's shop and storage yard enclosed by solid fence eight (8) feet high which completely obscures the activity.
8. Creamery and/or dairy processing plant.
9. Farm implement sales, service, repair and assembly.
10. Flour, feed and grain milling, grinding, mixing and storage.
11. Freight terminal and grain elevator.
12. Light manufacturing and assembly plants.
13. Machinery manufacture.
14. Mini-steel plants.

15. Public utilities
16. Plastic products manufacturing.
17. Structural iron and steel fabrication.
18. Sheet metal products manufacture.
19. Tool and die shops, and machine shops.
20. Truck or bus garage and repair shop.
21. Welding shop.
22. Wholesaling and warehousing but not including the bulk storage of hazardous chemicals.

5-3- 10.02 ACCESSORY USES

Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.

5-3- 10.03 USE EXCEPTIONS

The following uses deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:

1. Acid manufacture.
2. Animal pound or kennel.
3. Bulk storage of petroleum products and liquid fertilizers.
4. Carnivals, circuses, fairs, road shows.
5. Cleaning and dyeing plants.
6. Explosive manufacture.
7. Fertilizer manufacture.
8. Junkyard, including automobile wrecking and/or salvage, enclosed by a solid fence eight (8) feet high which completely obscures the activity.

9. Livestock Transfer Stations (SEE 5-3- 1.05)
10. Paint and varnish manufacture.
11. Radio, telephone, and television broadcasting tower or station.
12. Stock yards, slaughterhouses, livestock transfer stations, and/or sale barns and yards.
13. Wholesaling and warehousing of hazardous chemicals.

5-3- 10.04 HEIGHT REGULATIONS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 10.05 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in 5-3- 3.23.

5-3- 10.06 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in 5-3- 12.00.

5-3- 10.07 SIGN REGULATIONS

Shall be those regulations as specified in 5-3- 13.06.

5-3- 10.08 EXCEPTIONS

SEE 5-3- 14.00

ARTICLE XI

USE REGULATIONS FOR FLOOD PLAIN OVERLAY DISTRICT

5-3- 11.00 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1. Statutory Authorization

The Legislature of the State of Iowa has in Chapter 358A, Code of Iowa, delegated the responsibility to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact

- a. The flood hazard areas of Bremer County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the peace, safety, health, welfare, comfort, and convenience of its residents.
- b. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.
- c. This Regulation relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

3. Statement of Purpose

It is the purpose of this Regulation to protect and preserve the rights, privileges and property of Bremer County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 5-3- 11.00.02.b with provisions designed to:

- a. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- b. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

- c. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.
- d. Protect individuals from buying lands, which are unsuited for intended purposes because of flood hazard.
- e. Assure that eligibility is maintained for property owners in the county to purchase flood insurance through the National Flood Insurance Program.

5-3- 11.01 GENERAL PROVISIONS

1. Lands to Which Regulations Apply

This Regulation shall apply to all lands within the jurisdiction of Bremer County which are located within the boundaries of the flood districts as established in 5-3-11.01.02.

2. Establishment of Official Flood Plain Zoning Map

The Official Flood Plain Zoning Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this Section. The Official Zoning Map bears the signature of the Chairman Board of Supervisors attested by the Auditor and shall be on file in the office of the Zoning Administrator. The Flood Insurance Study and Flood Insurance Rate Map(s) for the County of Bremer, dated July 16, 1990, are attached to and made a part of the Official Flood Plain Zoning Map.

3. Rules for Interpretation of District Boundaries

The boundaries of the zoning district shall be determined by scaling distances on the Official Flood Plain Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map the Zoning Administrator shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence.

4. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Regulation and other applicable regulations which apply to uses within the jurisdiction of this ordinance.

5. Abrogation and Greater Restrictions

It is not intended by this Regulation to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Regulation imposes greater restrictions, the provision of this Regulation shall prevail. All other ordinances inconsistent with this Regulation are hereby repealed to the extent of the inconsistency only.

6. Interpretation

In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability

The degree of flood protection required by this Regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside the Flood Plain Districts or land uses permitted within such Districts will be free from flooding or flood damages. This Regulation shall not create liability on the part of Bremer County or any officer or employee thereof for any flood damages that result from reliance on this Regulation or any administrative decision lawfully made thereunder.

5-3- 11.02 ESTABLISHMENT OF ZONING DISTRICTS

The flood plain areas within the jurisdiction of this Regulation are hereby divided into the following districts; (1) Flood-way District (FW), (2) Flood-way Fringe District (FF); and (3) General Flood Plain District (FP). The boundaries are shown on the Official Flood Plain Zoning Map. Within these districts all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the term of this Regulation is granted after due consideration by the Board of Adjustment.

1. Flood-way District - The Flood-way District shall be consistent with the boundaries of the flood-way as shown on the Official Flood Plain Zoning Map.
2. Flood-way Fringe District - The Flood-way Fringe District shall be those areas shown as flood-way fringe on the Official Flood Plain Zoning Map.
3. General Flood Plain District - The General Flood Plain District shall be those

areas shown on the Official Flood Plain Zoning Map as being within the approximate 100-year flood boundary.

5-3- 11.03 FLOODWAY DISTRICT (FW)

1. Permitted Uses

The following uses shall be permitted within the Flood way District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse.

- a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- b. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
- c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching - ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- d. Residential uses such as lawns, gardens, parking areas and play areas.
- e. Such other open-space uses similar in nature to the above uses.

2. Conditional Uses

The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in 5-3-11.06.03. Such uses must also meet the applicable provisions of the Flood-way District Performance Standards and the underlying Zoning District.

- a. Uses or structures accessory to open-space uses.
- b. Circuses, carnivals, and similar transient amusement enterprises.
- c. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
- d. Extraction of sands, gravel, and other materials.
- e. Marinas, boat rentals, docks, piers, wharves.

- f. Utility transmission lines, underground pipelines.
- g. Other uses similar in nature to uses described in 5-3- 11.03.01 or 11.03.02 which are consistent with the provisions of 5-3- 11.03.03 and the general spirit and purpose of this ordinance.

3. Performance Standards

All Flood-way District uses allowed as a Permitted or Conditional Use shall meet the following standards.

- a. No use shall be permitted in the Flood-way District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- b. All uses within the Flood-way District shall:
 - (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
- c. No use shall affect the capacity or conveyance of the channel or flood-way or any tributary to the main stream, drainage ditch, or any other drainage facility or system.
- d. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Flood-way Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- e. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- f. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Flood-way District within the time available after flood warning.
- g. Watercourse alterations or relocation's (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated

portion. In addition, such alterations or relocation's must be approved by the Department of Natural Resources.

- h. Any fill allowed in the flood-way must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- i. Pipeline river or stream crossings shall be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

5-3- 11.04 FLOODWAY FRINGE DISTRICT (FF)

1. Permitted Uses

All uses within the Flood-way Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Flood-way Fringe District.

2. Performance Standards

All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

- a. All structures shall (i) be adequately anchored to prevent flotation, collapse or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage.
- b. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least eighteen (18) feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment and issuance of a Conditional Use Permit, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstanding the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access, which will be passable by wheeled vehicles during the 100-year flood.
- c. Non-residential buildings - All new and substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or

together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood proofed shall be maintained by the Zoning Administrator.

d. All new and substantially improved structures:

- (1) Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - aa. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided,
 - bb. The bottom of all openings shall be no higher than one foot above grade,
 - cc. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- (2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (3) New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

e. Factory-built homes:

- (1) Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation,

collapse, or lateral movement.

- (2) Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

f. Utility and Sanitary Systems

- (1) All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.
- (2) On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- (3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.
- (4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

- g. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (1) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (2) be readily removable from the area within the time available after flood warning.

- h. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

- i. No use shall affect the capacity or conveyance of the channel or flood way of any tributary to the main stream, drainage ditch, or other drainage facility or system.

- j. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood.
- k. The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements when:
 - (1) The structure shall not be used for human habitation.
 - (2) The structure shall be designed to have low flood damage potential.
 - (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwater.
 - (4) Structures shall be firmly anchored to prevent flotation, which may result in damage to other structures.
 - (5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one (1) foot above the 100-year flood level.

5-3- 11.05 GENERAL FLOOD PLAIN DISTRICT (FP)

1. Permitted Uses

The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction; the storage of materials or equipment; excavation; or alteration of a watercourse.

- a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- b. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

- c. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and natural preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- d. Residential uses such as lawns, gardens, parking areas and play areas.

2. Conditional Uses

Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation; or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in 5-3- 11.06.03. All such uses shall be reviewed by the Department of Natural Resources to determine (1) whether the land involved is either wholly or partly within the flood way or flood way fringe and (2) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. Performance Standards

- a. All conditional uses, or portions thereof, to be located in the flood way as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Flood way District (5-3- 11.03).
- b. All conditional uses, or portions thereof, to be located in the flood way fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Flood way Fringe District (5-3- 11.04).

5-3- 11.06 ADMINISTRATION

1. Duties and Responsibilities of Administrator

- a. The Zoning Administrator shall administer and enforce the provisions of this section and will herein be referred to as the Administrator.
- b. Duties and Responsibilities of the Administrator shall include, but not necessarily be limited to, the following:
 - (1) Review all flood plain development permit applications to ensure that the provisions of this ordinance will be satisfied.
 - (2) Review all flood plain development applications to ensure that all

necessary permits have been obtained from federal, state or local governmental agencies.

- (3) Record and maintain a record of: (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor of all new or substantially improved buildings or (ii) the elevation to which new or substantially improved structures have been flood proofed.
- (4) Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator.
- (5) Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this Regulation.
- (6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- (7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- (8) Review subdivision proposal to insure such proposals are consistent with the purpose of this Regulation and advise the Board of Supervisors of potential conflicts.

2. Flood Plain Development Permit

- a. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.
- b. Application for Permit - Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:
 - (1) Description of the work to be covered by the permit for which application is to be made.
 - (2) Description of the land on which the proposed work is to be done (i.e. - lot, block, tract, street address or similar description) that will readily

identify and locate the work to be done.

- (3) Indication of the use or occupancy for which the proposed work is intended.
 - (4) Elevation of the 100-year flood.
 - (5) Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.
 - (6) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (7) Such other information as the Administrator deems reasonably necessary.
- c. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this Regulation and shall approve or disapprove the application. For disapproval, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for conditional uses or variances except as directed by the Board of Adjustment.
- d. Construction and Use to be as Provided in Application and Plans - Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Regulation, prior to the use or occupancy of any structure.

3. Conditional Uses and Variances in the Flood Plain Districts

- a. Conditional Uses - Requests for Conditional Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- b. The Board of Adjustment may authorize upon request in specific cases such

variances from the terms of this Regulation that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Regulation will result in unnecessary hardship. Variances granted shall meet the following applicable standards.

- (1) No variance shall be granted for any development within the flood way district which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - (2) Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Regulation, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five (25) dollars for one hundred (100) dollars of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- c. Factors Upon Which the Decision of the Board Shall be Based - In passing upon applications for Conditional Uses or Requests for Variances, the Board shall consider all relevant factors specified in other sections of this ordinance and:
- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (2) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (5) The importance of the services provided by the proposed facility to the county.
 - (6) The requirements of the facility for a flood plain location.
 - (7) The availability of alternative locations not subject to flooding for the proposed use.
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (12) Such other factors which are relevant to the purpose of this Regulation.
- d. Conditions Attached to Conditional Uses or Variances - Upon consideration of the factors listed above, the Board may attach such conditions to the granting of conditional uses or variances as it deems necessary to further the purpose of this Regulation. Such conditions may include, but not necessarily be limited to:
- (1) Modification of waste disposal and water supply facilities.
 - (2) Limitation on periods of use and operation.
 - (3) Imposition of operational controls, sureties, and deed restrictions.
 - (4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Regulation.
 - (5) Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration's, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant

submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

ARTICLE XII

PROVISIONS FOR AUTOMOBILE PARKING

5-3- 12.00 OFF-STREET LOADING SPACES.

In all Districts, in connection with every building or part thereof hereafter erected which is to be occupied by uses requiring receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building the following off-street loading spaces:

<u>Gross Floor Areas (Square Feet)</u>	<u>Spaces Required</u>
0 to 19, 999 1
20,000 to 29,999 2
30,000 to 39,999 3
40,000 to 49,999 4

For each additional ten thousand (10,000) square feet in excess of fifty thousand (50,000) square feet, one additional off-street loading space shall be required.

Such spaces 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.

5-3- 12.01 PROVISIONS OF OFF-STREET PARKING.

In all Districts 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 "A" or "R" Districts, shall be on the premises intended to be served; and in the case of "C" and "M" Districts, such areas shall be on the premises intended to be served or on adjoining or nearby property within one-hundred (100) feet of any part of said premises and in the same or less restricted district.

5-3- 12.02 NUMBER OF PARKING SPACES REQUIRED.

In "C" and "M" districts employee parking shall be provided at the rate of one (1) off-street space per employee plus the customer spaces as listed on the next pages.

TABLE 3: COMMERCIAL AND INDUSTRIAL DISTRICT PARKING REQUIREMENTS

USE	PARKING REQUIREMENT
Animal Hospital and Veterinary Clinic	1 for each 200 sq. ft. of floor area
Automobile or Farm Implement Sales and Service Garages	1 for each 2 employees
Barber Shops and Beauty Parlors	1 for each chair plus one
Bowling Alleys	3 for each lane
Clothing Stores, Grocery Stores, Hardware Stores, Jewelry Stores, Pharmacies	1 for each 300 sq. ft. of floor area.
Church or Temple	1 for each 6 seats
Community Center, Library, and Museum	11 plus 1 for each 300 sq. ft. in excess of 2,000 sq. ft. of floor area.
Dental and Medical Clinics	1 for each 300 sq. ft. of floor area except in "R-2", where 3 plus 1 additional per 400 sq. ft. in excess of 1,000 sq. ft. of floor area.
Drive-In Restaurant	3 for each employee on maximum shift.
Dwelling (including mobile homes)	2 for each dwelling unit.
Financial Institutions, Business Offices, Professional Offices, and Studios	1 for each 300 sq. ft. of floor area.
Frozen Food Lockers, Laundries, and Dry-Cleaning	1 for each 300 sq. ft. of floor area.
Furniture and Household Appliance Sale and Service Establishments	1 for each 500 sq. ft. of floor area.
Hospitals	1 for each 4 beds.
Indoor Theaters	1 for each 4 seats.
Mortuary or Funeral Home	1 for each 100 sq. ft. of floor area.
Motel and Hotel	1 for each unit or suite plus 1 for each 100 sq. ft. of commercial floor area.
Printing, Publishing, and Engraving Establishments	1 for each 500 sq. ft. of floor area.
Private Club or Lodge	5 plus 1 for each 200 sq. ft. in excess of 1,000 sq. ft. of floor area.
Restaurants, Cafes, Nightclubs	1 for each 100 sq. ft. of floor area

Sanitarium, Nursing, Rest, or Convalescent Home	1 for each 6 beds
Schools and Public Buildings	1 for each classroom or office room plus 1 for each 11 seats in main auditorium, stadium, or place of public assembly
Skating Rink	1 for each 100 sq. ft. of floor area
Warehouse, Storage, and Manufacturing Operations	1 for each 2 employees plus 1 for each vehicle used by the industry
Wholesale Display and Sales Rooms and Offices	1 for each 300 sq. ft. of floor area
In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply or see 5-3- 12.00	

5-3- 12.03 DEFINITION AND INTERPRETATION

SEE 5-3- 1.05

5-3- 12.04 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 twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under the Ordinance.

5-3- 12.05 DEVELOPMENT STANDARDS

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

5-3- 12.06 EXCEPTIONS

The Board of Adjustment 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.

5-3- 12.07 TRUCKS, BUSES, AND MOBILE HOMES

Trucks, buses, and mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Agricultural or Residential District except in accordance with the following provisions:

1. Truck or Bus. No "truck or bus" exceeding two and one-half (2 1/2) tons capacity shall be parked or stored on any residential street for longer than forty-eight (48) hours.
2. Mobile Home. A "mobile home" shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied whether temporarily or permanently while it is parked or stored in any unincorporated area except in a mobile home park or as allowed in Article IV, 5-3-4.01, item #11.

ARTICLE XIII

PROVISIONS FOR OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

5-3- 13.00 GENERAL PROVISIONS.

In addition to the regulations contained herein, all outdoor advertising devices shall also comply with Chapter 306C of the Iowa Code.

All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.

These general prohibitions shall apply to all types of signs discussed in this section.

1. No sign may encroach on, or hang over the right of way of any state, federal, county, city, or private street or road nor otherwise obstruct or impair the safety of pedestrians or motorists.
2. No sign may be lighted so it impairs the vision of any motor vehicle driver or becomes a nuisance.
3. No sign may obstruct the view of any highway or railroad to the extent it makes it dangerous to use the highway.
4. No sign may imitate or resemble an official traffic control sign, signal or device.
5. No sign may obscure, or physically interfere with, an official traffic control sign, signal or device.
6. No sign shall be erected without first securing a sign placement permit from the Zoning Administrator.

EXCEPTION: Signs so noted as "NO PERMIT REQUIRED" in this "SECTION".

7. No sign placement shall be allowed at the intersection of any state, federal, county, city or private street or road in an area at the corner of private property to maintain adequate sight distance for motorist safety. SEE FIGURE 4.
8. Temporary signs not exceeding thirty-two (32) square feet in area exclusive of supporting structure shall be allowable in all districts.

5-3- 13.01 TEMPORARY SIGNS.

All temporary signs, portable or non-portable in nature, must secure a sign placement permit from the Zoning Administrator, valid for a maximum time limit of thirty (30) days. Such permit shall not be renewed to the same person or business for ninety (90) days. The ninety (90) day period is calculated from the first day as written on the sign placement permit.

5-3- 13.03 AGRICULTURAL "A" DISTRICTS.

In any Agricultural District the following signs are permitted:

1. Name Plates not to exceed twelve (12) square feet in area. NO PERMIT REQUIRED
2. Church, school or municipal recognition signs. NO PERMIT REQUIRED
3. Signs pertaining to the lease, hire or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or on land that is contiguous to the area in which such materials are treated, processed, or stored. NO PERMIT REQUIRED
4. No allowable sign in an Agricultural District shall exceed thirty-two (32) square feet in area, nor twelve (12) feet in height above finished grade exclusive of supporting structure, except for municipal recognition.

5-3- 13.04 RESIDENTIAL "R" DISTRICTS.

In any Residential District the following signs are permitted:

1. Name plates not to exceed one (1) square foot. NO PERMIT REQUIRED
2. Church or school signs. NO PERMIT REQUIRED
3. Signs advertising the lease or sale of the premises. NO PERMIT REQUIRED
4. Signs must not project more than seven (7) feet above finish grade.
5. No allowable sign in a Residential District shall exceed thirty-two (32) square feet in area exclusive of supporting structure.

5-3- 13.05 COMMERCIAL "C" DISTRICT AND INDUSTRIAL "M" DISTRICT.

The following signs are permitted in the Commercial District and the Industrial District:

1. Signs permitted in the Residential Districts.
2. Any sign pertaining only to a use conducted within the building or premises. No sign may project over any street line (back of curb) or right-of-way or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every lineal foot occupied by the front of the building displaying such sign, but not to exceed lot frontage. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District, however, this does not apply to the side of the building which is opposite that side adjoining the "R" District. For the purpose of determining sign area, the front of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.
3. One (1) "post sign" or business identification sign provided, however, that said "post sign" shall not have a surface of greater than forty (40) square feet on any one (1) side thereof and not more than two (2) sides of "post sign" shall be used for advertising purposes. The total vertical dimension of twelve (12) feet or horizontal dimension of said sign shall not be greater than seven (7) feet. Total maximum height of said sign shall not be over twenty-four (24) feet exclusive of supporting structure.

The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

4. Outdoor Advertising Signs and Billboards, provided, however that no such outdoor advertising sign or billboard extends over the proposed right-of-way line of any state, federal, county highway, city or private street. No such sign shall be permitted which faces the front or side lot line of any lot in any "R" District used for residential purposes within one-hundred (100) feet of such lot lines, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, church, cemetery, or similar institution, within three-hundred (300) feet thereof. No billboard shall exceed a height of forty (40) feet, a length of thirty (30) feet, or be less than fifteen (15) feet above finish grade at the bottom most portion of said billboard. No such billboard shall be located closer than three-hundred (300) feet to any other off-premise sign facing the same direction.

All billboards must meet the same setback requirements as for a principal building shown in Table 1. All billboards shall be designed and constructed to withstand an 80 mile per hour (80 mph) wind speed. The Zoning Administrator may require an engineered design to ensure compliance.

5-3- 13.06 SIGN DEFINITIONS.

SEE 5-3- 1.05

The graphics shown in FIGURE 5 shall also be used to define sign types.

5-3- 13.07 SIGNS NOT IN COMPLIANCE

1. As of the effective date of this ordinance any new sign or billboard erected or placed in Bremer County which does not comply to this ordinance shall be given thirty (30) days notice to comply to this ordinance or remove said sign or billboard. The owner of the sign will receive the notice, if the owner of the sign is not known, the owner of the property will receive the notice.
2. Any sign or billboard legally erected or placed in Bremer County prior to the effective date of this ordinance shall be permitted. Those signs not in compliance with the previous ordinance shall be given thirty (30) days notice to comply with this ordinance or be removed.
3. Abandoned signs shall be removed immediately upon abandonment.

5-3- 13.08 SIGN PLACEMENT PERMIT FEES

SEE 5-3- 16.03

FIGURE 4: SIGN PLACEMENT

FIGURE 5: SIGN TYPES

ARTICLE XIV

ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS, AND INTERPRETATIONS

5-3- 14.00 GENERAL DESCRIPTION

The requirements and regulations specified elsewhere in this Ordinance shall be subject to Additional Requirements, Exceptions, Modifications, and Interpretations contained in this Section.

5-3- 14.01 HEIGHT AND SIZE LIMITS

Height limitations stipulated elsewhere in this Ordinance shall not apply in the following situations:

1. To barns, silos, or other farm buildings or structures provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Zoning Administrator, such structure would adversely effect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
2. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the Board of Adjustment.
3. To satellite ground dish antennas where the minimum height shall be three (3) feet above the ground measured at the lowest point of the dish. Any satellite ground dish antennas where in the opinion of the Zoning Administrator such structure would adversely affect adjoining or adjacent properties shall not be authorized

except by the Board of Adjustment.

5-3- 14.02 FRONT YARD EXCEPTIONS AND MODIFICATIONS

1. Front yard requirements do not apply to bay windows or balconies that do not project more than two (2) feet into the front yard.
2. In any District where the average depth of two (2) or more existing front yards on lots within five hundred (500) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any "R" District shall be at least twenty-five (25) feet and need not exceed fifty (50) feet.
3. For the purpose of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.
4. Satellite ground dish antennas are prohibited from front yards in all residential districts.

5-3- 14.03 SIDE YARD EXCEPTIONS AND MODIFICATIONS

1. Along any district boundary line, any abutting side yard on a lot in the less restricted District shall have a least width equal to that required in the more restricted district. Where a lot in an "M" District abuts a lot in an "R" District, the side yard shall be increased by three (3) feet for each story that the building proposed on such lot exceeds the height limit of the said "R" District.
2. 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. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.
3. The following projections or structures may be permitted in side yards:
 - a. Fences or walls not over six (6) feet above the average natural grade except as noted in 5-3- 3.17.
 - b. Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely

within planes drawn from either main corner of the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the wall of the main building.

- c. Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than one and one-half (1 1/2) feet.

5-3- 14.04 REAR YARD EXCEPTIONS AND MODIFICATIONS

The following projections or structures may be permitted in rear yards:

1. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
2. Fences or walls, not over six (6) feet above the average natural grade.
3. Fire escapes, six (6) feet, bays and balconies, not more than three (3) feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle twenty-two and one-half (22 1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall.
4. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than one and one-half (1 1/2) feet.
5. Terraces, steps, uncovered porches, or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line.
6. Swimming pools and satellite ground dish antennas.

5-3- 14.05 MECHANICAL APPARATUS HEIGHT RESTRICTIONS

Chimneys, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers or necessary mechanical apparatus, may be erected to any safe height not in conflict with existing or hereafter adopted regulations of Bremer County, Iowa.

5-3- 14.06 BASEMENT AND CELLAR REQUIREMENTS

No cellar shall be occupied for dwelling purposes and no basement shall be occupied

for dwelling purposes unless at least one (1) story of the house above the basement has been completed.

5-3- 14.07 INDUSTRIAL, COMMERCIAL, MULTIPLE FAMILY, OR INSTITUTIONAL BUILDING LOT REQUIREMENTS

More than one (1) industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract in a district permitting these uses, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings nor shall there be any change in the intensity of use regulations.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

5-3- 15.00 ORGANIZATION

The administration of this Ordinance is vested in the following four (4) offices of the government of Bremer County: County Board of Supervisors, Planning and Zoning Commission, Board of Adjustment, and the Zoning Administrator.

5-3- 15.01 BASIS OF REGULATIONS

Regulations are made in accordance with the Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

5-3- 15.02 BOARD OF SUPERVISORS

1. Jurisdiction. The Board of Supervisors of Bremer County, Iowa, shall discharge the following duties under this Ordinance:
 - a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
 - b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
 - c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
 - d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
 - e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
 - f. To decide all matters upon which it is required to pass under this Ordinance.

5-3- 15.03 BOARD OF ADJUSTMENT

1. Creation. The Board of Adjustment, as established under applicable provisions of the Iowa State Statutes, is the Board of Adjustment referred to in this Ordinance.
2. Appointment-Terms-Removal. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years excepting that when the Board shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. A majority of the members of the Board of Adjustment shall be persons representing the public at large. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member affected.
3. Powers and Duties. The Board of Adjustment is hereby vested with the following powers and duties:
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
 - b. To hear and pass on all applications for special exceptions in the manner prescribed in this Ordinance.
 - c. To hear and pass on all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
4. Meetings and Rules. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the Zoning Administrator. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title.

5. Finality of Decisions of the Board of Adjustment. All decisions and findings of the Board of Adjustment on appeals applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

5-3- 15.04 PLANNING AND ZONING COMMISSION

1. Creation. The Planning and Zoning Commission of Bremer County, as established under the applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance.
2. Membership. The Planning and Zoning Commission shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years excepting that when the Commission shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. A majority of the members of the Planning and Zoning Commission shall be persons representing the public at large. Vacancies shall be filled by the Board of Supervisors for only the unexpired term of the member affected. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the Board of Supervisors.

Immediately following their appointment the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with County Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection.

3. Powers and Duties. The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:
 - a. Make such surveys, studies, maps, plans, or charts of the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Board of Supervisors, and may publish its studies and recommendations
 - b. Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the County, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the County.

- c. Make careful and comprehensive studies of present conditions and future growth of the County with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
- d. Hold at least one (1) public hearing before the adoption of any such comprehensive plan, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. The adoption of the plan shall be by resolution of the Commission carried by the affirmative vote of a simple majority of the members.
- e. Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Planning and Zoning Commission disapproves the proposed change it may be adopted by the Board of Supervisors only by the affirmative vote of at least two-thirds (2/3) of the Board of Supervisors members.
- f. Recommend to the Board of Supervisors changes in the zoning regulations or districts.
- g. File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the Board of Supervisors.
- h. Expend all sums of money appropriated, and expend all gifts, donations or payments received by the county for county plan purposes
- i. Contract debts within the limits of income for the present year.

5-3- 15.05 ZONING ADMINISTRATOR

- 1. Designation of Zoning Administrator. The Zoning Administrator shall be designated by the Bremer County Board of Supervisors.
- 2. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce this Ordinance and in addition thereto and in furtherance of said authority, shall:
 - a. Issue all zoning permits and collect any fees.
 - b. Process all applications for variances, special exceptions, and rezoning for referral to the Board of Adjustment and Planning and Zoning Commission.

- c. Respond to complaints of alleged violations to the Ordinance.
- d. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
- e. Provide proper forms to the public for the zoning process.
- f. Review site plans for conformance with the Ordinance.
- g. Carry out the administrative duties for both the Planning and Zoning Commission and the Board of Adjustment.
- h. Shall act as the Secretary to the Planning and Zoning commission and the Board of Adjustment.
- i. Insure that public notices of hearings are properly advertised in local newspapers, and notice to the parties of interest.

5-3- 15.06 SECRETARY OF THE PLANNING AND ZONING COMMISSION AND THE BOARD OF ADJUSTMENT

- 1. Jurisdiction. The Secretary of the Planning and Zoning Commission and the Secretary of the Board of Adjustment shall be the Zoning Administrator.
 - a. The Secretary of the Planning and Zoning Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission.
 - b. The Secretary of the Board of Adjustment shall attend all meetings of the Board, take full and necessary reports and documents for and on behalf of the Board, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board.

5-3- 15.07 VARIANCES

- 1. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

2. Application for Variance. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.
3. Standards for Variance. The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c. Special conditions and circumstances do not result from the actions of the applicant.
 - d. 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.
4. Further Requirements.
 - a. The Board of Adjustment shall 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.
 - b. 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.
 - c. 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 title and punishable under 5-3- 17.02.
 - d. Under no circumstances shall the Board of Adjustment grant a variance to allow for 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 the District.

- e. If a variance is sought to permit building within four (4) feet or less of a property line, the request must be accompanied by a certified survey.

5-3- 15.08 APPEALS

Any person or persons, or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

5-3- 15.09 USE EXCEPTION AND OTHER POWERS OF THE BOARD OF ADJUSTMENT

1. Use Exception.

- a. Purpose. The development and administration of this Ordinance is based upon the division of the County into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such use exceptions fall into two categories:
 - 1. Uses publicly operated or traditionally affected with a public interest, and
 - 2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- b. Initiation of Use Exceptions. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
- c. Application for Special Exception. An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

- d. Hearing on Application. Upon receipt in proper form of the application and statement referred to in 5-3-15.09(c), the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Bremer County. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to Bremer County the fees as specified in Table 4 of 5-3-16.03.
- e. Authorization. For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment finding and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
- f. Standards. No special exception shall be granted by the Board of Adjustment unless such Board shall find:
 - 1. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - 2. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 - 3. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - 4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
 - 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and;
 - 6. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment.
- g. Conditions and Guarantees. Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the

establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

h. Denial and Revocation of Special Exception.

1. Denial of Special Exception. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
2. Revocation of a Special Exception. In any case where special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

i. Other Powers of the Board of Adjustment. The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

1. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in 5-3- 2.01 leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.
2. Temporary Uses and Permits. The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

5-3- 15.10 AMENDMENTS

1. Procedure. The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearing before the Board of Supervisors and after a report has been made upon the amendment by the Planning and Zoning Commission. However, the regulation, restriction, or boundary shall not become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice. In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the Board of Supervisors against such change signed by the owner of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed five-hundred (500) feet therefrom, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed five hundred (500) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Board of Supervisors.

As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

2. Rezoning Applications. An application for rezoning shall contain the following items:
 - a. The legal description and local address of the property.
 - b. The present zoning classification and the zoning classification requested for the property.
 - c. The existing use and proposed use of the property.

- d. The names and addresses of the owners of all property within five hundred (500) feet of the property for which the change is requested.
- e. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- f. A plat showing the locations, dimensions, and use of the applicants's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features.
- g. Fees. SEE 5-3- 16.03
- h. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Maps; and, as such, said maps or portions of said maps need not be published.

ARTICLE XVI

BUILDING CONSTRUCTION, CERTIFICATES, FEES

5-3- 16.00 REZONING FEE

Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator the fees as specified in Table 4 of 5-3-16.03 to cover the approximate cost of the procedure and she/he shall forthwith pay over in this amount to the credit of the general revenue fund of the County. The failure to approve the change will not be construed as any reason for refunding the fee to the applicant.

5-3- 16.01 BUILDING CONSTRUCTION

No building shall hereafter be erected, reconstructed or structurally altered nor shall any work be started upon any building until an application for building permit for the work has been filed with the Zoning Administrator. Said application shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this ordinance. After approval of the application by the Zoning Administrator, the application shall be presented to the building official for approval prior to issuance of building permit.

5-3- 16.02 CERTIFICATE OF OCCUPANCY

No change in the use or occupancy of land nor any change in use or occupancy in an existing building shall be made, nor shall any new building be occupied for any purpose other than a farming use until a certificate of occupancy has been issued by the Zoning Administrator. Every certificate of occupancy shall state that the new occupancy complies with the provisions of the Ordinance

5-3- 16.03 SCHEDULE OF FEES

Fees pertaining to permits and actions required by this Ordinance shall be in accordance with the Schedule of Fees, as determined and adopted by resolution by the County Board of Supervisors. A copy of the schedule of fees shall be on file in the office of the Zoning Administrator.

ARTICLE XVII

VIOLATIONS AND LEGAL STATUS PROVISIONS

5-3- 17.00 NOTICE TO VIOLATORS

If the Zoning Administrator finds that any provision of this Ordinance is being violated, he/she 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/she shall order discontinuance 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 or its Provisions.

5-3- 17.01 RESPONSIBILITY

The owners, or tenant of any building, structure, land or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

5-3- 17.02 COUNTY REMEDIES

If 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 County may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation.

5-3- 17.03 REPEALER

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

5-3- 17.04 SEVERABILITY

If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof adjudged invalid or unconstitutional.