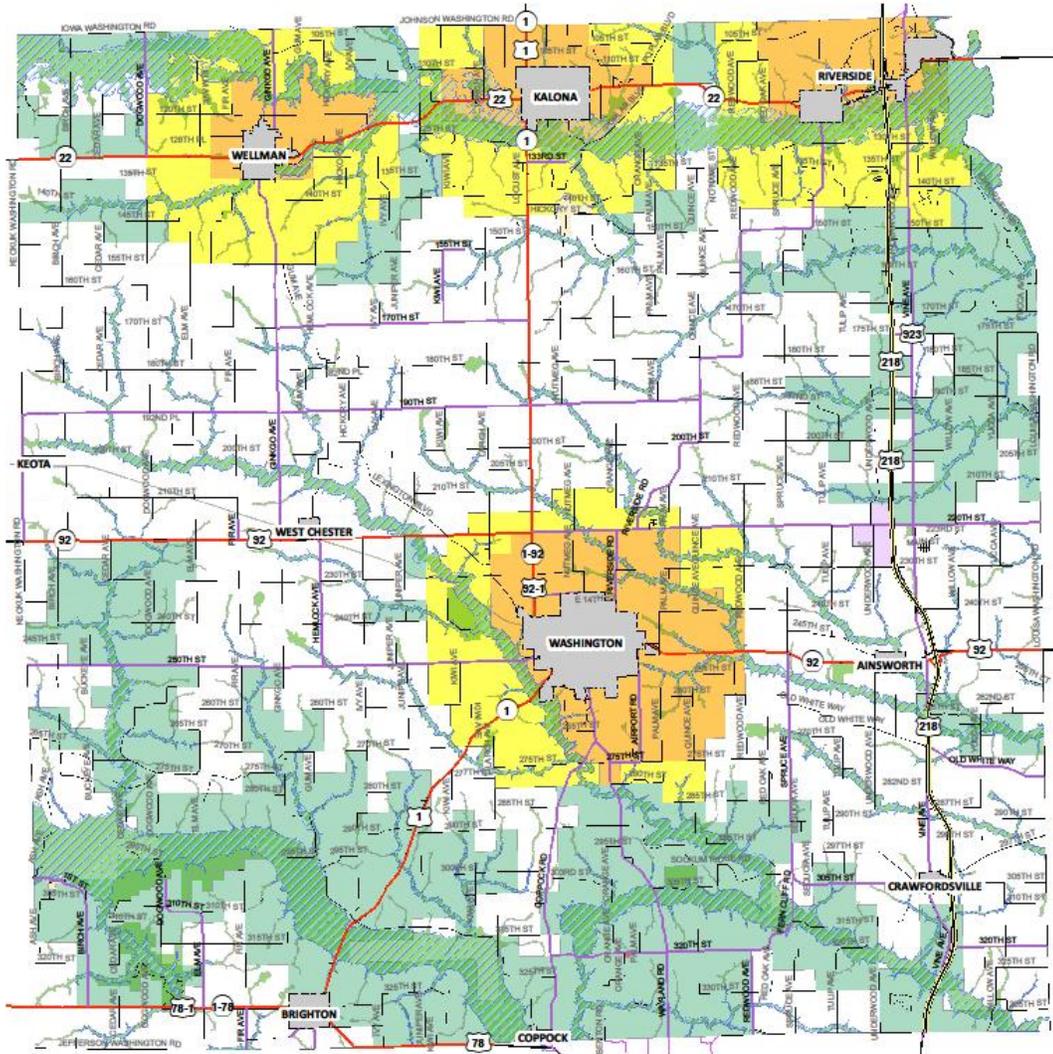


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# WASHINGTON COUNTY, IOWA

## ZONING ORDINANCE



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**WASHINGTON COUNTY ZONING ORDINANCE**  
**Unincorporated Washington County, Iowa**

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Adopted: March 2, 2010  
Effective: July 1, 2010  
Amended: December 7, 2010, October 20, 2011, August 7, 2012, November 8, 2012

**ARTICLE 1  
GENERAL PROVISIONS**

**1.01 Title**

This title shall be known as the Zoning Ordinance of Washington County, Iowa and hereinafter referred to as Zoning Ordinance.

**1.02 Jurisdiction**

The provisions of these regulations shall be applicable to all property within the zoning jurisdiction of Washington County as provided by Iowa Code, with the exception of those properties owned or acquired by municipal, county, or state government for the advancement of government projects or purposes. This jurisdiction includes the entire area of Washington County outside of areas within the corporate limits of municipalities or any area in which the County has ceded its zoning jurisdiction to a municipality.

**1.03 Agriculture Uses Exempt**

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

- A. No Zoning Permit or Certificate of Zoning Compliance shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
- B. If a tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
- C. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

**1.04 Purpose**

The purposes of the Zoning Ordinance of Washington County are to:

- A. Serve the public health, safety, and general welfare of the county.
- B. Classify property in a manner that reflects its suitability for specific types of development, while providing property owners with a range of potential uses.
- C. Provide for sound, attractive development within the county and its jurisdiction.

- D. Provide development standards that help ensure the compatibility of adjacent land uses.
- E. Protect environmentally important resources, including slopes, soils, waterways and other water resources, trees and other vegetation, wetlands, and other resource areas.
- F. Further the objectives of the Comprehensive Plan of Washington County.

**1.05 Consistency with Comprehensive Plan**

Washington County intends that the Zoning Ordinance and any amendments to it shall be consistent with the County's Comprehensive Plan. It is the County's intent to amend these regulations whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

**1.06 Conflicting Regulations**

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of these regulations conflicts with any other provision of these regulations, the County's Subdivision Regulations, any other Ordinance of Washington County, or any applicable State or Federal law, the more restrictive regulation shall apply.

**1.07 Relief from Other Regulations**

Nothing in these regulations shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

**1.08 Severability of Regulation**

If any ordinance, section, clause, or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these regulations.

**1.09 Publication**

These regulations shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the County Auditor of Washington County, Iowa.

**ARTICLE 2  
DEFINITIONS**

**2.01 Purpose**

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

**2.02 General Construction of Language**

The following general rules of construction apply to the text of the Zoning Ordinance.

A. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

B. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

C. Shall, Must, and May

“Shall” and “must” are always mandatory. “May” is discretionary.

D. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

E. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.
2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
3. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.

F. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in these regulations are those of Washington County.

**2.03 Definition of Terms**

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

**2.04 A**

- A. **Abutting:** Having lot lines or district boundaries in common
- B. **Accessory Structure:** A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
- C. **Accessory Use:** A use that is incidental to and customarily associated with a specific principal use on the same site.
- D. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
- E. **Agriculture:** The art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock.
- F. **Agricultural land preservation area:** A legally recognized geographic area formed by one or more landowners and approved by one or more government agency, consistent with 352.6 Code of Iowa, designed to keep land in agriculture.
- G. **Agricultural area:** Areas of Washington County that are designated "Agricultural" on the Washington County Future Land Use Map.
- H. **Agricultural building:** For purposes of applying this ordinance, "agricultural building" shall include, but not be limited to, a building, structure or erection used for agricultural purposes as part of an agricultural unit.
- I. **Agricultural purposes:** See "Agriculture".
- J. **Alley:** A narrow dedicated street more commonly a way thru a middle of a block giving access to the rear of properties.
- K. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
- L. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.

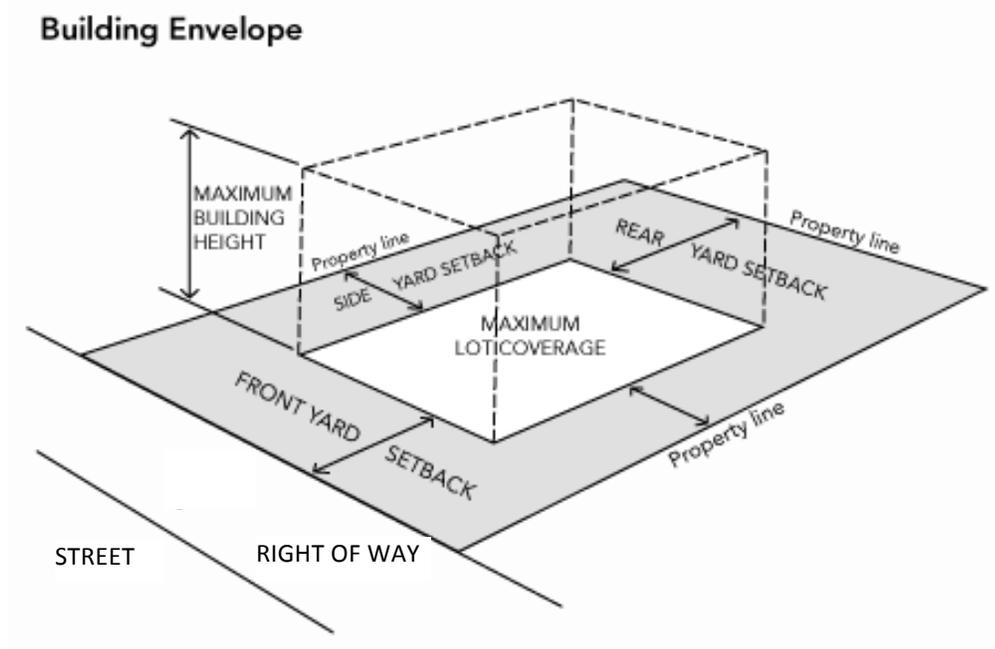
*Article 2: Definitions*

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- M. Approving Authority: The Washington County Board of Supervisors or its designee.
- N. ASCE: The American Society of Civil Engineers.
- O. Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

**2.05 B**

- A. Base Zoning District: A district established by these regulations that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
- B. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
- C. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
- D. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, or lakes.
- E. Board of Adjustment: A body, established by the County expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by these regulations.
- F. Bufferyard: A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- G. Building: A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
- H. Building Coverage: The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features, also referred to as the building footprint.
- I. Building Elevation: An exterior wall of a building exposed to public view.
- J. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable requirements have been met.



- K. Building Line: The outer boundary of a building established by the location of its exterior walls.
- L. Building Official: The county official, designated by the County Board of Supervisors, who is responsible for the enforcement of the applicable building code.
- M. Business: Activities that include the exchange or manufacture of goods or services on a site.
- N. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

2.06 C

- A. RESERVED
- B. Change of Use: The replacement of an existing use type by a new use type.
- C. Channel: The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.
- D. Common Area: An area held, designed, and designated for common or cooperative use within a development.
- E. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.

*Article 2: Definitions*

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- F. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- G. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
- H. Comprehensive Plan: The duly adopted Comprehensive Plan of Washington County.
- I. Concept Plan: A preliminary presentation that includes the minimum information necessary, as determined by the Zoning Officer, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
- J. Conditional Use Permit: An approval of a use with a land use intensity higher than uses permitted by right in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of, and with the explicit permission of the Board of Adjustment.
- K. Condominium: An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.
- L. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
- M. Conservation (or Cluster) Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
- N. County: Washington County, Iowa.

**2.07 D**

- A. Density: The amount of development per specific unit of a site.
- B. Design standards: Standards that set forth specific improvement requirements.
- C. Detached: Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.
- D. Developer: The legal owner(s) or authorized agent of any land engaged in a proposed development.

*Article 2: Definitions*

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- E. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
- F. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
- G. Drainage: The removal of surface or ground water from land by drains, grading, or other means.
- H. Drainage system: The system through which water flows from the land.
- I. Driveway: An area providing vehicular access between a street and an off-street parking or loading area.
- J. Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as a separate place of residence, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this section, maintaining a household.

**2.08**    **E**

- A. Easement: A non-possessing interest granted on, above, under, or across the lands of another for a specific purpose by one owner to another owner, public or private agency, or utility, where fee simple title remains with the property owner.
- B. Enclosed: A roofed or covered space fully surrounded by walls.
- C. Engaged in agriculture: For purposes of applying this ordinance, “engaged in agriculture” shall include but not be limited to any of the following:
  - 1. Inspect agricultural operations periodically and furnish at least half the direct cost of the operations.
  - 2. Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation.
  - 3. Perform physical work which significantly contributes to the agricultural operation.
- D. Existing Use: The use of a lot or structure at the time of the effective date of these regulations.

**2.09**    **F**

- A. Farm barn: See “Agricultural building”.
- B. Farm exempt: No regulation or requirement contained in this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, but only while so used; provided, however, that such regulation or

*Article 2: Definitions*

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requirements which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.

1. Agricultural areas. Subject to the above, all agricultural areas created pursuant to the Iowa Code, and the activities conducted thereon, are and shall remain exempt from county zoning and building regulations.
- C. Farm house: For purposes of applying this ordinance, "farm house" shall include but not be limited to a house located on land operated as a farm which is or will be occupied by a person engaged in agriculture on that same unit, or by a person retired from agriculture that was performed on that unit of which the house is a part. The house and the land comprising the agricultural unit do not necessarily need to be contiguous.
- D. Farm outbuilding: See "Agricultural building".
- E. Farmland: A parcel of land used for agricultural activities. Also defined in the State Code of Iowa, Chapter 352 (County Land Preservation and Use Commissions) as those parcels of land suitable for the production of farm products.
- F. Fascia: A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.
- G. Federal: Pertaining to the Government of the United States of America.
- H. Final Approval: The final official action of the Board of Supervisors, upon a recommendation by the Planning and Zoning Commission, permitting the filing of a subdivision with the Washington County Auditor and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of these regulations.
- I. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court from which access is permitted.

**2.10** **G**

- A. Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.
- B. Grade: The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
  1. For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.
  2. For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.

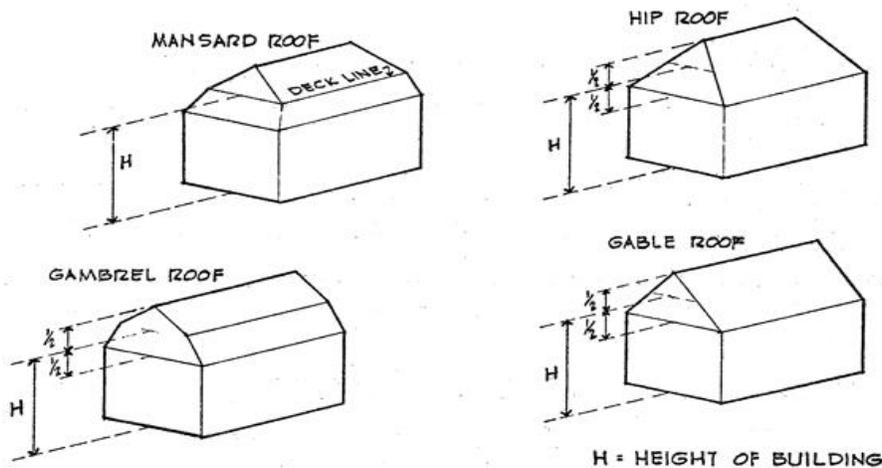
Article 2: Definitions

3. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

C. Gross Floor Area (GFA): The total enclosed horizontal area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

2.11 H

A. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the average height between eaves and the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level 5 feet from exterior face of the building or structure.



B. Home Based Business / Home Occupation: An accessory occupational use conducted entirely within a dwelling unit, and/or an accessory building by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

2.12 I

A. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of swimming pools is excluded from this definition.

2.13 I

2.14 K

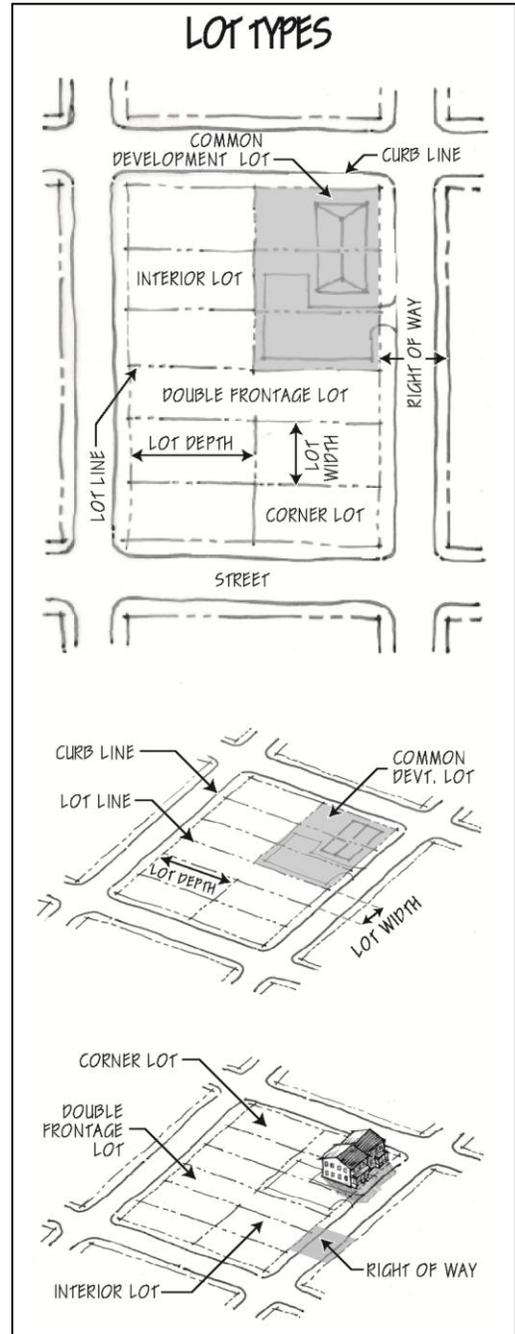
2.15 L

- A. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
1. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
  2. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
- B. Lane: An approved private right-of-way that provides access to residential properties and meets at least three of the following conditions:
1. Serves twelve or fewer housing units or platted lots.
  2. Does not function as a local street because of its alignment, design, or location.
  3. Is completely internal to a development.
  4. Does not exceed 600 feet in length.
- C. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
- D. Lot: For the purpose of this ordinance, a lot is a tract of land represented and identified by number or letter designation on an official plat.
1. Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
  2. Double Frontage Lot: A lot, other than a corner lot, having frontage on two non-intersecting streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by these regulations. (Also known as a Through Lot)
  3. Interior Lot: A lot other than a corner lot whose sides do not abut a street.
  4. Common Development Lot: When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of these regulations.

Article 2: Definitions

- E. Lot Area: The total horizontal area within the lot lines of a lot.
- F. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
- G. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.

- 1. Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.
  - a. For an interior lot, the lot line separating the lot from the right-of-way or easement.
  - b. For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Zoning Officer, or as may be noted on the final plat.
  - c. For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Officer at the time of application for the original zoning certificate for the lot, or as may be noted on the final plat.
- 2. Rear Lot Line: The lot line that is opposite and most distant from the front line.
- 3. Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



- H. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

2.16 M

- A. Main: The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
  
- B. Manufactured Home Dwelling: A factory built single-family dwelling, structure which is to be used as a place for human habitation, which is manufactured or constructed under the authority of 42 U.S.C.Sec.5403, Federal Manufactured Home Construction and Safety Standards, and which is not constructed or equipped with permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling as is provided in the Iowa Code, and which complies with the following architectural and aesthetic standards listed below. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.
  - 1. Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted when the following additional requirements are met:
    - a. Any dwelling shall have no less than eighteen (18) feet exterior width.
    - b. The dwellings shall have wheels, axles, transporting lights, and removable towing apparatus removed if present.
    - c. The dwelling shall be placed upon a permanent foundation approved by the Building Official or Zoning Officer.
    - d. All utility services shall be directly connected to the structure.
  - 2. Manufactured homes which do not meet all of the standards in paragraph (1.) above, may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are three hundred twenty (320) or more square feet and which are built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.
  
- C. Mixed Use Building: A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
  
- D. Mixed Use Development: A single development that incorporates complementary land use types into a single development.
  
- E. Mobile Homes: A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required

*Article 2: Definitions*

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utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.

- F. Mobile Home Park: A Zoning under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
- G. Mobile Home Subdivision: A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

**2.17**    **N**

- A. Nonconforming Development: A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
- B. Nonconforming Lot: A lot which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
- C. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Zoning Ordinance.
- D. Nonconforming Structure: A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.
- E. Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance.
- F. Nuisance: As defined by Iowa Code Chapter 657.

**2.18**    **O**

- A. Off-Site: Located outside the boundaries of the parcel that is the subject of an application.

*Article 2: Definitions*

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- B. Open Space: Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.
- C. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
- D. Overlay District: A district established by these regulations that prescribes special regulations to be applied to a site only in combination with a base district.
- E. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**2.19 P**

- A. Parcel: A part of a tract of land.
- B. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking.
- C. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
- D. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with “parking stall”. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhouse residential uses shall be considered to have a means of access to a public street.
- E. Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.
- F. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
- G. Planning and Zoning Commission: The Planning and Zoning Commission of Washington County.
- H. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
- I. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- J. Principal Use: The main use of land or structures as distinguished from an accessory use.
- K. Private Garage: A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

*Article 2: Definitions*

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- L. Property Line: The division between two parcels or tracts of land separating ownership. In subdivisions, property lines are usually but not in every case coincident with lot lines.

**2.20 Q**

**2.21 R**

- A. Recreational Vehicle: A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.

- B. Regulation: A specific requirement set forth by this Zoning Ordinance that must be followed.

- C. Remote Parking: A supply of off-street parking at a location not on the site of a given development.

- D. Right-of-Way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

- E. Rural Enterprise Business: An accessory business use intended to be clearly incidental and secondary to the primary use of the premises as a single-family dwelling. The establishment and continuance of a rural enterprise business is subject to approval of a Conditional Use Permit by the Board of Adjustment.

**2.22 S**

- A. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the provisions of these regulations.

- B. Setback: The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

- C. Sexually Themed Business: As defined in Chapter 80, Washington County, Iowa, Code of Ordinances.

- D. Sidewalk: A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

- E. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

*Article 2: Definitions*

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- F. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of these regulations.
- G. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the County in order that an informed decision can be made on the associated request.
- H. State: The State of Iowa.
- I. Storm Sewer: A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.
- J. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
- K. Street Yard: The distance between a lot line adjacent to a public street and the wall or façade of a building parallel to such lot line. If the building wall is not parallel to the lot line, the street yard depth shall be the distance between the street lot line and a parallel line that equals the average distance of the building wall or façade from the street lot line.
- L. Structure: Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

**2.23** **T**

- A. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
- B. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.
- C. Tract: An aliquot part of a section, a lot within an official plat, or a governmental lot.

**2.24** **U**

- A. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

**2.25** **V**

- A. Vacation: The official abandonment of public right-of-way or easement by the County in accordance with State law.

Article 2: Definitions

- B. Variance: A modification of the application of certain regulations or provisions of these regulations by the Board of Adjustment, under the authority provided by these regulations and State Statutes.
- C. Vehicle, motor: Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

2.26 W

2.27 X

2.28 Y

- A. Yard; Required: That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by these regulations.

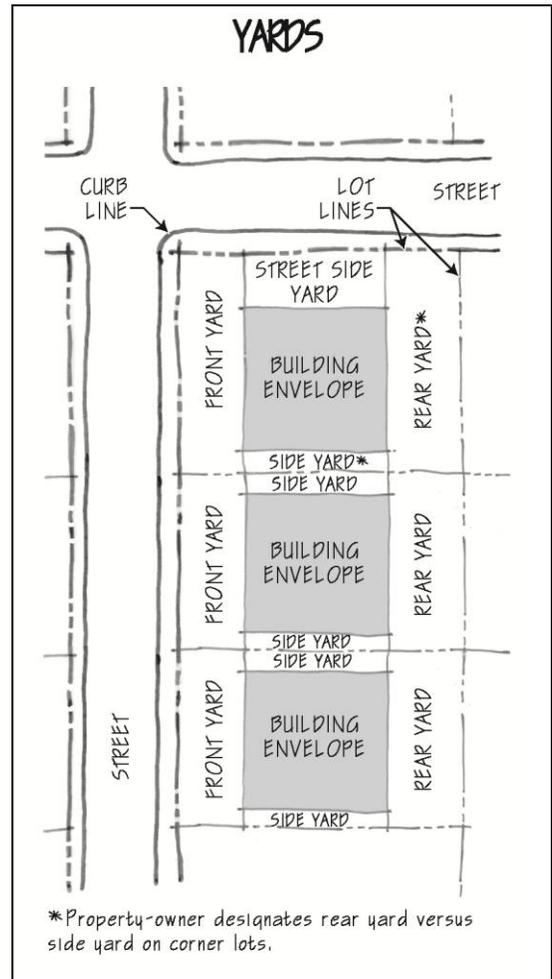
1. Front Yard: The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street which meets one of the following two criteria:
  - a. The yard along the blockface to which a greater number of structures are oriented; or
  - b. The yard along a street that has the smaller horizontal dimension.

- a. The yard along the blockface to which a greater number of structures are oriented; or
- b. The yard along a street that has the smaller horizontal dimension.

2. Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

3. Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

4. Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.



**2.29**    **Z**

- A.    Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.
  
- B.    Zoning Officer: The county official authorized by the Board of Supervisors to administer this Zoning Ordinance.

**ARTICLE 3  
USE TYPES**

**3.01 Purpose**

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

**3.02 Determinations**

A. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Officer of Washington County shall have the authority to determine the appropriate use type. A determination of the Zoning Officer may be appealed to the Board of Adjustment. In making such determinations, the Officer and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

B. Records

The Zoning Officer shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

**3.03 Agricultural Use Types**

Agricultural use types include the planting, cultivating, harvesting, and storage of grains, hay, or other plants; or the raising and feeding of livestock or poultry.

A. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

B. Crop Production

The raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

C. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free ranch dairy farming, and poultry farming.

D. Livestock Sales

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sales barns.

**3.04 Residential Use Types**

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

A. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family. Mobile home units, as defined by this section, are not a single-family residential use type.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot.

B. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units.

C. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.

D. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

E. Multiple-Family Residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units.

F. Group Residential

The use of a site for the residence of more than three unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a College and University use type.

G. Boarding House

The use of a site for the residence of more than four unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units.

H. Manufactured Home Residential

Use of a site for one or more manufactured home dwellings, as defined in Section 2.16.

I. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

J. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the Washington County's subdivision ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

K. Retirement Residence

A building or group of buildings which provide residential facilities, provided that 75% or more of the residents are at least sixty years of age, or households headed by a householder of at least sixty years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

### 3.05 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses that are strongly vested with social importance.

A. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county and city offices.

B. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

C. Clubs

Uses providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests.

1. Clubs (Recreational): Clubs that provide indoor and/or outdoor athletic facilities, with or without social or meeting facilities. Typical uses include country clubs, private or nonprofit community or recreation centers, and private golf courses and driving ranges.
2. Clubs (Social): Clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations.

D. College and University Facilities

An educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

E. Convalescent Services

A use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

F. Cultural Services

A library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

G. Day Care Services (Limited)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for not more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

H. Day Care Services (General)

This Use Type includes all classifications of day care facilities regulated by the State of Iowa that operate providing care for more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

I. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

J. Emergency Residential Services

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

K. Group Care Facility

A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than four unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight persons.

3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.

L. Family Home

A facility licensed by the State of Iowa as a residential care facility or as a child foster care facility, in which no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of adaptation to living with or rehabilitation from a development disability as defined in Iowa Code. As specified in Iowa Code, homes for persons with physical disabilities are considered family homes, as are elder group homes. Counties are required by Iowa Code to consider family homes as residential uses permitted in all residential districts.

M. Guidance Services

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

N. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

O. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an inpatient basis, including emergency treatment, diagnostic services, training, administration, and services to patients, employees, or visitors.

P. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

Q. Park and Recreation Services

Publicly owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers, and open spaces.

R. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

S. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.

T. Public Assembly

Facilities owned and operated by a public agency, charitable nonprofit, or organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums and arenas, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

U. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (including private primary or private secondary educational facilities, community recreational facilities, day care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.

V. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

W. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.

X. Utilities

Any above ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

### 3.06 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

A. General Offices

Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; or professional offices.

B. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, credit unions, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered within the Personal Services Use Type.

C. Medical Offices

Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Iowa.

### 3.07 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

A. Agricultural Sales and Service

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

B. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. Automobile Auction Lots: Sale of motor vehicles through a process of periodic auctions or bid procedures. Automobile auction lots usually include large on-site storage areas of motor vehicles and lack showrooms, auto repair facilities and other structures and facilities that are typical of new car dealerships.
2. Automotive Rental and Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
3. Auto Services: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
4. Body Repair: Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops and other similar repair or refinishing garages.
5. Equipment Rental and Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
6. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

C. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner or resident manager of the structure, include no more than four units, and accommodate each guest or visitor for no more than seven (7) consecutive days during any one month period.

D. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, and convenience printing and copying.

E. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

F. Campground

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

G. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

H. Commercial Recreation

Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include theaters, private dance halls, billiard or bowling centers, game arcades, private skating facilities, or go-carting.

I. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast and communications towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

J. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

K. Consumer Services

Establishments that provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

L. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

M. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, and small grocery stores. This category includes convenience food sales, wherein a limited variety of general items and fuel for motor vehicles are sold.
2. General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 square feet. Typical uses include grocery stores and locker plants.

N. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

O. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to regulations of Washington County and/or the State of Iowa.

P. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which more than four animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

Q. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plans, diaper services, or linen supply services.

R. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

S. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

T. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include driving schools, health or physical fitness studios, music schools, reducing salons, dance studios, handicraft and hobby instruction.

U. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Iowa when performing massage services as a part of the profession or trade for

which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.

V. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

W. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

X. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use.

1. Restaurant (Drive-in or Fast Food): An establishment that principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.
2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

Y. Restricted Adult Businesses

Any sexually themed business as defined in Washington County, Iowa Code of Ordinances, Chapter 80 and/or any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political, or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria, if the sale of such material constitutes more than 20% of the sales or retail floor area of the establishment. For the purposes of this ordinance, specified anatomical and specified sexual activities are defined in Washington County, Iowa Code of Ordinances, Chapter 80.

Typical uses include adult arcades, adult bookstores, adult novelty shops, adult video stores, adult cabarets, adult motels, adult motion picture theatres, adult theatres, massage parlors, sexual encounter establishments, escort agencies and nude model studios, as defined in Washington County, Iowa Code of Ordinances, Chapter 80. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages.

Z. Retail Services

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

1. Limited Retail Services: Establishments providing retail services, occupying facilities of 10,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Washington County.
2. General Retail Services: Establishments providing retail services, occupying facilities over 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Washington County.

AA. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

BB. Surplus Sales

Businesses engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales uses sometimes include regular outdoor display of merchandise. Typical uses include flea markets, auction houses, factory outlets, or merchandise liquidators.

CC. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

DD. Travel Centers

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which less than 30% of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for Diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Travel centers include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes.

EE. Truck Stops

Facilities that provide for the sale of fuel, provisions, supplies to motorists, including operators of over-the-road trucks, in which 30 percent or more of the total site area is devoted to the servicing, accommodation, parking, or storage of over-the-road trucks. The calculation of these areas includes but is not limited to fuel islands for diesel fuel, truck-washing facilities, truck parking areas, and associated maneuvering areas. Truck Stops include a mix of uses, including food sales, general retail services, auto and equipment services, and restaurants, and are typically located along or near interstate highways or other principal state and federal designated highway routes.

FF. Vehicle Storage (Short-Term)

Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.

GG. Veterinary Services (General)

Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria.

HH. Veterinary Services (Large Animal)

Veterinary services and hospitals for large animals such as cows, bulls, horses, and other livestock. Typical uses include veterinary hospitals for livestock and large animals.

II. Winery

Establishments or places of business engaged in the production of wine for commercial sale including usual related customary services such as tasting rooms, retail sale of related goods and special event hosting.

### 3.08 Parking Use Types

#### A. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility.

#### B. Parking Structure

The use of a site for a multilevel building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

### 3.09 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products.

#### A. Agricultural Industry

Establishments which include the storage, manufacture, sale, or distribution of agricultural supplies or products that create major external effects, including substantial truck or rail traffic and/or significant potential for hazard. Typical uses include grain elevators, storage of agricultural chemicals such as anhydrous ammonia. Agricultural industries do not include retailers of farm equipment or other, generally non-hazardous agricultural supplies.

#### B. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

#### C. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

D. Light Industry

Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, and apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

E. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines, but often including outdoor storage of materials or products.

F. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

G. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

H. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

I. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding site grading for a specific construction project or preparation of a site for subsequent development. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and removal of dirt for off-site use.

J. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.

K. Vehicle Storage (Long-Term)

Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-a-ways or impound yards but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.

L. Warehousing (Enclosed)

Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.

M. Warehousing (Open)

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, and open storage.

**3.10 Transportation Use Types**

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

A. Aviation (General)

Airports, including take-off and landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Typical uses include private or municipal airports.

B. Aviation (Private)

Take-off or landing strips or fields within a parcel generally put to other uses and primarily used for the convenience of the owner of the parcel. Typical uses include private airstrips within a large property.

C. Railroad Facility

Fixed railroad facilities, including switching yards, equipment servicing facilities, and freight terminal facilities, but not including normal right-of-way.

D. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

E. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

**3.11 Miscellaneous Type Uses**

A. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered generating facilities.

B. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators.

C. Communications Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.

D. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

E. Landfill A (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

F. Landfill B (Putrescible and Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

G. Wind Energy Conservation System (WECS)

Any device that converts wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

**ARTICLE 4  
ZONING DISTRICT REGULATIONS**

**4.01 Purpose**

Article Four shall be known as the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote patterns of development that are consistent with the policies set forth by the county's comprehensive plan and to establish site development regulations appropriate to the purposes and specific nature of each district.

**4.02 Establishment of Districts**

The following base districts are hereby established. These districts are intended to implement the land use goals, policies and objectives of the Washington County Comprehensive Plan.

<u>BASE ZONING DISTRICTS</u>	<u>DISTRICT NAMES</u>
AG	Agriculture District
UR	Urban Reserve District
CD	Conservation Development District
AR	Agriculture/Residential District
VR	Rural Village District
C	Commercial District
I	Industrial District

OVERLAY DISTRICTS

OS	Open Space District
FP	Floodplain District

- A. Agriculture District (AG): The Agriculture District promotes agricultural uses, including crop and animal production. Much of this area is beyond the probable demand for significant residential development within the foreseeable future. However, encroaching residential uses, even if scattered, create potential conflicts with intensive agriculture. In the Agriculture District, a wide range of agriculture activity is encouraged. Opportunities for other uses will exist, but the emphasis will be on agricultural uses, whereby land use conflicts will be minimized.
  
- B. Urban Reserve (UR): This area represents the spheres of influence and areas of urban growth for Washington County communities. Residential development is attracted to areas surrounding communities because of their adjacency to services. Yet this development, using wells and septic systems, can block the eventual extension of urban services and can discourage orderly community growth. While the Urban Reserve district mirrors the permitted uses and large lot requirements of the Agricultural District, it serves to identify the intended future growth directions of Washington County communities. Smaller lot development may be permitted in this district, as long as the development is congruent

with the adjacent city's growth plan. This determination shall be made after formal review and approval of the adjacent city.

- C. Agriculture Residential District (AR): The Agriculture Residential District recognizes areas in the county where there is significant demand for residential development. Land within this district is likely to continue being subdivided or otherwise used for low-density rural residential development. Agriculture is likely to remain a dominant use in this district, so residential development setbacks are established to minimize potential land use conflicts. The county should encourage conservation subdivision development in areas with significant environmental resources and, when possible, the construction of community water/wastewater systems.
- D. Rural Village (VR): This district is intended to provide for residential and commercial development in existing, long-standing rural unincorporated villages. These areas generally include single-family detached and attached dwellings on relatively small lots, sometimes with supporting community facilities and urban services, including commercial uses and churches. The Rural Village District is appropriate to areas in the county within identifiable communities, such as Richmond and Rubio. The use of the VR District for development using private infrastructure should be discouraged, although it is not prohibited. If such development is permitted, the standards for water and sanitary disposal systems must meet the requirements of the Washington County Health Department.
- E. Commercial (C): This district is intended for commercial facilities that serve the needs of markets ranging from a rural community to the overall region. Permitted commercial and office uses are generally compatible with nearby residential areas, with development standards designed to minimize the effects of traffic and operation characteristics. Such districts include major intersections or periphery of a rural community and major road corridors in rural areas that attract high quality commercial development.
- F. Industrial District (I): The district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility. The Industrial District applies to areas that provide logical locations for major industry, based on transportation and location assets.
- G. Conservation Development (CD) District: The Conservation Development District recognizes the importance of the environmental resources of the county and the demand for residential development, which may adversely impact those environmental resources. The concept of conservation development encourages developers to preserve areas of environmental or scenic significance through the "cluster subdivision" provisions of the County's subdivision ordinance, Section 45.58.1.A.

**4.03 Application of Districts**

A base district designation shall be applied to each area and parcel in the county's planning jurisdiction.

**4.04 Development Regulations**

For each Zoning District, permitted uses are set forth in the Use Matrix, Table 4.01. Individual sections describe the purpose and specific development regulations for each zoning district. Supplemental Regulations may affect specific land uses or development regulations for each zoning district.

**4.05 Zoning Map**

A. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Official Zoning Map of Washington County, Iowa. The Official Zoning Map shall be maintained by the Washington County Planning and Zoning Department. The Zoning Administrator shall certify that this is the Official Zoning Map referred to by these regulations. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this ordinance. The Zoning Map shall be on file with the County Zoning Administrator and shall be readily accessible to the public at the Washington County Courthouse in Washington, Iowa.

B. Changes to the Zoning Map

The Board of Supervisors may from time to time adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.

**4.06 Interpretation of District Boundaries**

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- A. Where district boundaries are indicated as approximately following section lines, half-section, quarter section lines, or quarter-quarter section lines, ownership, or lot lines, such lot lines shall be considered the district boundaries.
- B. Where district boundaries are indicated as within street or alley, railroad, streams or creeks, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- C. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map.

- D. Where district boundaries are indicated as approximately following corporate limits, such corporate limits shall be considered the district boundaries.
- E. Boundaries not capable of being determined as set forth in 4.06 a through d shall be as dimensioned on the official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

**4.07 Vacation of Public Rights of Way**

Whenever a public right-of-way is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

**4.08 Required Conformance**

Except as specified in this ordinance, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this title for the district in which the building or land is located.

**4.09 Required Frontage**

No platted lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one public street; and there shall be not more than one single-family dwelling for such frontage, except that a common easement of access at least fifty feet wide may be provided for two or more such single-family dwellings or for structures housing more than one family in independent units if approved as part of a subdivision plat.

**4.10 Use Matrix: Levels of Permitted Uses**

Within zoning districts in Washington County, different uses are permitted with different conditions. These are displayed in the Use Matrix, Table 4.01. Levels of permission include:

- A. Uses which are permitted by right. These uses are permitted subject to issuance of a zoning certificate by the Zoning Officer, subject only to compliance with all regulations of these regulations. Uses permitted by right might be subject to supplemental regulations contained in these regulations. These uses are indicated in the Use Matrix by a "P" in the applicable cell.
- B. Conditional uses. These uses are subject to approval of a Conditional Use Permit by the Zoning Board of Adjustment following the procedure set forth in Section 9.H.4.e. These uses are indicated in the Use Matrix by a "C" in the applicable cell.

**4.11 Guide to Site Development Regulators**

The regulators set forth in the Table 4.02 establish the limits and requirements for most development in Washington County. This section is intended to provide guidance for applying the regulators contained in these tables.

A. Site Area per Housing Unit

This indicates the gross land area per unit within a residential development. For example, a 20-lot subdivision on a 40-acre parcel will have a site area per unit of 2 acres per unit. Site area per unit, which measures gross density, may differ from minimum lot size. In conservation development, the site area per unit may be larger than minimum lot size, if the cluster subdivision provisions of the County subdivision ordinance have been applied, permitting the clustering of lots in exchange for common open space. In multi-family development, the site area per unit will usually be smaller than minimum lot size, because the lot is the legal parcel on which a multiple-unit building is built.

B. Minimum Lot Size

This indicates the minimum size of a legally described and recorded parcel upon which development can take place. As noted above, minimum lot size and site area per unit may not be the same.

C. Minimum Yards

These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for an exception regarding major county roads:

1. Major roads. The County may require greater than normal setback along segments of the County's arterial road system, as defined in the comprehensive plan.

D. Maximum Height

Height normally measures the vertical distance from the established grade to the highest point of a building. However, as established by the definition of height, the point of measurement may vary for different types of buildings and roof slopes.

*Article 4: Zoning District Regulations*

**Table 4.01: Use Matrix**

<b>AGRICULTURE USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Horticulture	P	P	P	P	P	P	P
Crop Production	P	P	P	P	P	P	P
Animal Production	P	P	P	P	P	P	P
Livestock Sales	P	P	P	P	P	P	P

<b>RESIDENTIAL USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Single-Family Detached	P	P	P	P	P	P	
Single-Family Attached				P	P	P	
Duplex				P	P	P	
Two-Family				P	P	P	
Townhouse				P	P	P	
Multiple-Family				C	C	P	
Group Residential				C	C	P	
Boarding House				C	C	P	
Manufactured Home Dwelling	P	P	P	P	P	P	
Mobile Home*	C	C	C	C	C	C	
Mobile Home Park				C	C	P	
Mobile Home Subdivision				P	P	P	
Retirement Residential				C	C	P	

<b>CIVIC USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Administration	P	P	P	P	P	P	P
Cemetery	P	P	P	P	P	P	P
Clubs (Recreational)	P	P	P	P	P	P	P
Clubs (Social)				P	P	P	P
College/University				C	C	P	P
Convalescent Services				P	P	P	C
Cultural Services				P	P	P	C
Day Care (Limited)	P	P	P	P	P	P	C
Day Care (General)					P	P	C
Detention Facilities	C	C	C	C		C	P
Emergency Residential				P	P	P	C
Group Care Facility				P	P	P	C
Family Home				P	P	P	C
Guidance Services					C	P	C
Health Care				C		P	C
Hospital	C	C	C	C		C	C
Maintenance Facility	P	P	P	C	C	P	P
Park and Recreation	P	P	P	P	P	P	P

\*As defined in Article 2.16 E. Maximum 4-year Conditional Use Permit

**P** Permitted by right or by right subject to supplemental regulations

**C** Permitted by Conditional Use Permit

**AG** – Agriculture District

**VR** – Rural Village District

**CD** – Conservation Development District

**UR** – Urban Reserve District

**C** – Commercial District

**AR** – Agriculture/Residence

**I** – Industrial District

*Article 4: Zoning District Regulations*

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**Table 4.01: Use Matrix**

<b>CIVIC USES (continued)</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Postal Facilities				P	P	P	P
Primary Education	C	C	C	P	P	C	C
Public Assembly				C	C	P	P
Religious Assembly	C	P	C	P	P	P	P
Safety Services	P	P	P	P	P	P	P
Secondary Education	C	C	C	P	P	C	C
Utilities	P	P	P	C	C	P	P

<b>OFFICE USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
General Offices					P	P	P
Financial Services					P	P	P
Medical Offices					P	P	P

<b>COMMERCIAL USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Ag Sales/Service	P	C	P			P	P
Auto Auction Lots						P	P
Auto Rental/Sales						P	P
Auto Services						P	P
Body Repair							P
Equip Rental/Sales						P	P
Equipment Repair	C	C	C			P	P
Bed and Breakfast	C	C	C	C	C	P	
Business Support Services					C	P	P
Business/Trade School						P	P
Campground	C	C	C	C	C	P	C
Cocktail Lounge					C	P	P
Commercial Recreation					C	P	P
Communication Service					C	P	P
Construction Sale/Service					C	P	P
Consumer Service					C	P	P
Convenience Storage						P	P
Food Sales (Convenience)					P	P	P
Food Sales (Limited)					P	P	C
Food Sales (General)					C	P	C
Food Sales (Super markets)					C	P	C
Funeral Services					P	P	C

**P** Permitted by right or by right subject to supplemental regulations

**C** Permitted by Conditional Use Permit

**AG** – Agriculture District

**UR** – Urban Reserve District

**AR** – Agriculture/Residence

**VR** – Rural Village District

**C** – Commercial District

**I** – Industrial District

**CD** – Conservation Development District

**Table 4.01: Use Matrix**

<b>COMMERCIAL USES (cont)</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Gaming Facilities						C	P
Kennels	C	C	C	C	C	C	P
Laundry Services						P	P
Liquor Sales						P	P
Lodging						P	S
Personal Improvement				C	P	P	P
Personal Services				C	P	P	P
Pet Services				C	P	P	P
Research Services	C	C	C	C	C	P	P
Restaurants (Drive-in)						P	C
Restaurants (General)					C	P	C
Restricted Adult Business						C	P
Retail Services (Limited)					C	P	P
Retail Services (General)						P	P
Stables	C	C	C			C	P
Surplus Sales						C	P
Trade Services	C	C	C	C	C	P	P
Travel Centers						P	P
Truck Stops						C	P
Vehicle. Storage (Short-term)				C	C	P	P
Vet Services (General)	P	C	P	C	C	P	P
Vet Services (Large Animal)	P	C	P			P	P
Winery	C	C	C	C	C	P	P

<b>PARKING USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Off-Street Parking					P	P	P
Parking Structure						P	P

**P** Permitted by right or by right subject to supplemental regulations

**C** Permitted by Conditional Use Permit

**AG** – Agriculture District

**VR** – Rural Village District

**CD** – Conservation Development District

**UR** – Urban Reserve District

**C** – Commercial District

**AR** – Agriculture/Residence

**I** – Industrial District

*Article 4: Zoning District Regulations*

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**Table 4.01: Use Matrix**

<b>INDUSTRIAL USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Agricultural Industry	P	C	P			C	P
Construction Yards							P
Custom Manufacturing						C	P
Light Industry						C	P
General Industry							P
Heavy Industry							P
Recycling Collection	C	C	C				P
Recycling Processing	C	C	C				P
Resource Extraction	C	C	C				P
Salvage Service							P
Vehicle Storage (Long-term)						P	P
Warehousing (Enclosed)						C	P
Warehousing (Open)							P

<b>TRANSPORTATION USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Aviation (General)	C	C	C				P
Aviation (Private)	C	C	C				P
Railroad Facilities	C	C	C				P
Truck Terminal							P
Transportation Terminal						P	P

<b>MISCELLANEOUS USES</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Alternative Energy Production Devices	P	C	P			P	P
Amateur Radio Tower	P	P	P	P	P	P	P
Communications Tower	P	C	P	C		P	P
Construction Batch Plant	C	C	C	C		C	P
Landfill (Non-Putrescible)	C		C				P
Landfill (Putrescible)	C		C				C
WECS	P	C	P	C		P	P

**P** Permitted by right or by right subject to supplemental regulations

**C** Permitted by Conditional Use Permit

**AG** – Agriculture District

**UR** – Urban Reserve District

**AR** – Agriculture/Residence

**VR** – Rural Village District

**C** – Commercial District

**I** – Industrial District

**CD** – Conservation Development District

*Article 4: Zoning District Regulations*

**Table 4.02: Bulk Regulations**

**AG** – Agriculture District  
**UR** – Urban Reserve District  
**AR** – Agriculture/Residence

**VR** – Rural Village District  
**C** – Commercial District  
**I** – Industrial District

**CD** – Conservation Development District

<b>Site Area per Unit</b>	<b>AG</b>	<b>UR</b>	<b>CD</b>	<b>AR</b>	<b>VR</b>	<b>C</b>	<b>I</b>
Minimum site area per housing unit:							
Single-Family Detached:	10 acres	10 acres*	5 acres	2 acres	NA**	2 acres	NA
Single-Family Attached, Duplex, Two-Family:	NA	NA	5 acres	2 acres		2 acres	
Townhomes, Multi-Family:	NA	NA	5,000 sq. ft. (with sewer)	5,000 sq. ft. (with sewer)		5,000 sq. ft. (with sewer)	
Minimum lot size (conventional residential development)	10 acres	10 acres	5 acre	1.25 acre (without sewer) .5 acre (with sewer)	1.25 acre (without sewer) 5,000 sq. ft. (with sewer)	1.25 acre	NA
Minimum lot size (cluster subdivision)	NA	NA	1.25 acre (without sewer) .5 acre (with sewer)	NA	NA	NA	NA
Minimum lot size (non-residential)	5 acres	5 acres	2 acres	2 acres	1 acre (without sewer) 5,000 sq. ft. (with sewer)	5 acres	5 acres
Minimum front yard	50 feet	50 feet	40 feet	40 feet	25 feet	25 feet	25 feet
Minimum side yard	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum rear yard	25 feet	25 feet	25 feet	25 feet	25 feet	10 feet	10 feet
Minimum lot width	150 feet	150 feet	150 feet	150 feet	50 feet	NA	NA
Minimum lot depth	200 feet	200 feet	200 feet	200 feet	100 feet	NA	NA
Maximum height	35 feet	35 feet	35 feet	35 feet	35 feet	50 feet	50 feet

\*Smaller lot development may be permitted as long as it is congruent with the adjacent city's growth plan.

\*\*Environmental Health water and septic requirements shall be met.

**ARTICLE 5  
OVERLAY DISTRICTS**

**5.01 Purpose**

Overlay Districts are used in combination with Base Districts to modify or expand base district regulations. They adapt to the special needs of areas of the county and further allow Washington County's Ordinance to evolve as the planning and development needs and trends of specific areas also change. The Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the County which require specific regulation.
- b. To provide for the protection of special features in the natural and built environment of the county.
- c. To allow for change and adaptability to different needs and trends in land development.
- d. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

**5.02 Establishment of Districts**

The following Overlay Districts are hereby established.

**OVERLAY DISTRICTS**

<b>FP</b>	Floodplain District
<b>OS</b>	Open Space District

**5.03 Floodplain Overlay District**

**A. Statutory Authority, Findings of Fact and Purpose**

1. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power 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 Washington County, Iowa 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 public health, safety and general welfare of the community.
- 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 floodplain causing increases in flood heights and velocities.

3. Statement of Purpose

It is the purpose of this Article to protect and preserve the rights, privileges and property of Washington County, Iowa 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 section A.2.a of this Article with provisions designed to:

- a. 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.
- b. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- c. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

**B. General Provisions**

1. Lands to Which Article Apply

The provisions of this Ordinance shall apply to all lands within the jurisdiction of the county of Washington, Iowa which are located within the boundaries of the Floodplain Overlay District as established in section C.

2. Rules for Interpretation of Floodplain Overlay District

The boundaries of the Floodplain Overlay District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance.

3. 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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

4. Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the

provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

5. Interpretation

In their interpretation and application, the provisions of this Ordinance 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.

6. Warning and Disclaimer of Liability

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain Overlay District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Washington County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

**C. Establishment of Floodplain Overlay District**

The areas within the jurisdiction of Washington County, Iowa having special flood hazards are hereby designated as a Floodplain Overlay District and shall be subject to the standards of the Floodplain Overlay District (as well as those for the underlying zoning district). The Floodplain Overlay District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Washington County, Iowa and Incorporated Areas, dated January 16, 2013.

**D. Standards for Floodplain Overlay**

All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood elevations and floodway data have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All development within the Floodplain Overlay District shall:

- a. Be consistent with the need to minimize flood damage.
- b. Use construction methods and practices that will minimize flood damage.
- c. Use construction materials and utility equipment that are resistant to flood damage.
- d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, 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 1.0 ft. above the 100-year flood level and extend at such elevation at least 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 County Board of Adjustment, 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 withstand the various forces and hazards associated with flooding.

All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Non-residential buildings - All new or 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 floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing 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 North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

A. 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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

1. 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.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. 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.

C. 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.

5. Factory-built homes:

A. All 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.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems:

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

D. 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.

7. 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 (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

8. 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 3 ft. 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.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. 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 (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain Overlay District.

11. Accessory Structures

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

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 floodwaters.
4. The structure 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 floodproofed to at least one foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles

A. Recreational vehicles are exempt from the requirements of Section D.5 of this Article regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

1. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
2. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system

and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section D.5 of this Article regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### **E. Floodplain Administration**

##### **1. Appointment, Duties and Responsibilities of Zoning Administrator**

A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

B. Duties of the Administrator shall include, but not necessarily be limited to the following:

1. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
2. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.
3. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the Floodplain Overlay District.
4. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been floodproofed.
5. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

##### **2. Floodplain Development Permit**

A. Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and

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 shall be made on forms furnished by the Administrator and shall include the following:

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, track, 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 North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
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 (e.g., drawings or a site plan) for the purpose of this Ordinance.

C. Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Zoning Board of Adjustment.

D. Construction and Use to be as Provided in Application and Plans - Floodplain 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, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

3. Variance

A. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

1. Variances shall only be granted upon: (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) 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 or conflict with existing local codes or ordinances.
2. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing with signature of the Administrator that: (a) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (c) such construction increases risks to life and property.

B. Factors Upon Which the Decision of the Board of Adjustment Shall be Based - In passing upon applications 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 floodplain 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 floodplain 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. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this Ordinance.

C. Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of 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 Ordinance.
5. Floodproofing measures.

#### **F. Nonconforming Uses**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

#### **G. Penalties for Violation**

Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (Five Hundred) or imprisoned for not more than Thirty (30) days. Nothing herein contained prevent the County from taking such other lawful action as is necessary to prevent or remedy violation.

#### **H. Amendments**

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

#### **I. Definitions**

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

**BASE FLOOD** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See ONE HUNDRED YEAR FLOOD).

**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."

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling and/or grading.

**EXISTING CONSTRUCTION** - Any structure for which the "start of construction" commenced before July 1, 2010.

**EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2010.

**EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**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 Article factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

**FACTORY-BUILT HOME PARK** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

**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.

**FLOOD ELEVATION** - The elevation floodwaters 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.

**FLOOD INSURANCE RATE MAP (FIRM)** - 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.

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

**FLOODPLAIN MANAGEMENT** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

**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.

**FLOODWAY** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

FLOODWAY FRINGE - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

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 Section D.4.A of this Ordinance 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.

MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after July 1, 2010 and includes any subsequent improvements to such structures.

**NEW FACTORY-BUILT HOME PARK OR SUBDIVISION** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed prior to July 1, 2010 and includes any subsequent improvements to such structures.

**ONE HUNDRED (100) YEAR FLOOD** - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

**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 a temporary living quarters for recreational, camping, travel, or seasonal use.

**ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES** – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a zoning or building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

**SPECIAL FLOOD HAZARD AREA** - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the zoning and/or development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or

walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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.

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.

SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

- a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

The term does not, however, include 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 official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure."

- b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after July 1, 2010 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE - A grant of relief by the Zoning Board of Adjustment from the terms of the floodplain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

#### **5.04 Open Space District**

##### **A. Purpose**

The Open Space District is applied to areas of Washington County that provide major environmental resources and therefore require special consideration prior to permitting conventional development. These areas include wetlands, lakes, rivers, and other distinctive

environmental features as well as County and State parks. These natural resource areas, recognized by the County's Comprehensive Plan, are not appropriately described by traditional base zoning districts. Flood prone areas, identified in the Floodplain Overlay District are also included within the OS Overlay District.

**B. Permitted Uses and Applicable Regulations**

Land uses permitted in the OS District are the same as those permitted in the underlying base district as identified in Table 4.01 Use Matrix. Bulk regulations applicable to development are also the same as those required in the underlying base district, as indicated in Table 4.02, Bulk Regulations. Any Supplemental Use Regulations (Article 6) or Supplemental Development Regulations (Article 7) applicable to a proposed development also apply to properties in the OS District.

**C. Process**

All new uses proposed in the OS District require issuance of a Conditional Use Permit by the Zoning Board of Adjustment. If the subject property is also located within the Floodplain Overlay District, consideration of the Conditional Use Permit by the Zoning Board of Adjustment shall not take place until a Floodplain Development Permit has been issued.

**D. Conditional Use Permit Evaluation Criteria**

In addition to the Conditional Use Permit criteria indicated in Article 9.01 H.4.E., the Zoning Board of Adjustment shall consider the following criteria prior to issuing a Conditional Use Permit in an Open Space District:

1. Protection of floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as may be approved for essential infrastructure or active or passive recreation amenities.
2. Preservation and maintenance of woodlands, existing fields, pastures, meadows, and orchards, and sufficient buffer areas to minimize conflicts between residential and agricultural uses.
3. Maintenance of buffers at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
4. Design around existing tree lines between fields or meadows, and minimal impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat.
5. Maintenance of scenic views.
6. Avoidance of new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

7. Protection of wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
8. Design around and preserve sites of historic, archaeological, or cultural value, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.

**ARTICLE 6  
SUPPLEMENTAL USE REGULATIONS**

**6.01 Purpose**

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Articles 4 and 5 of this Ordinance.

**6.02 Supplemental Use Regulations: Agricultural Uses**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

A. Crop Production in Non-Agricultural Districts

Crop production is a permitted interim use in any zoning district.

B. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use may be permitted in the AG District, subject to the following requirements:

1. Garden Centers

- a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
- b) Garden centers must conform to all site development regulations for the zoning district.
- c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped buffer yard between any garden center activity and the adjoining residential district.

2. Roadside Stands

- a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.

C. Animal Production in the AR District

The following regulations apply to non-agricultural primary uses, in the AR – Agriculture

Residential District and in residential subdivisions in the VR – Rural Village District:

1. Breeding and raising of small animals and fowl, such as birds, rabbits, chinchilla, and hamsters is permitted in the AR District, provided that any building housing such animals shall be at least 50 feet from any property line and 25 feet from any dwelling unit on the site. Any such activity must be located entirely within a rear yard. The raising of fowl shall be limited to 50 birds per acre, up to a maximum of 500 birds.

D. Home Occupations for Primary Agricultural Uses

In recognition of the wide variation of accessory commercial uses existing in the farming community in Washington County, the following regulations apply to primary agricultural uses in all zoning districts:

1. Any commercial use permitted by right or by right subject to supplemental regulations in the C Commercial District as listed in the Table 4.01 Use Matrix may be permitted as an accessory home occupation use.
2. A Conditional Use Permit must be granted by the Zoning Board of Adjustment prior to the establishment of any new home occupation under these provisions.
3. Such uses legally established prior to the effective date of this ordinance are declared to be legal nonconforming home occupation uses subject to the provisions of Article 9.01 under the Zoning Ordinance.
4. New home occupations granted under these provisions must be established in accordance with all applicable County ordinances and must be found to not produce unreasonable negative impacts on neighboring properties or public safety.

**6.03 Supplemental Use Regulations: Residential Uses**

A. Setback of New Residential Uses from Farming Activities in AG, AR, CD and UR Districts

The following setbacks of new residential homes from farming activities in the AG, AR, CD and UR Districts are required:

1. Setback from Any Active Agricultural Use. A 200 foot setback is required from a new home or from a Farmhouse Conversion per Article 7.03.B to any active agriculture use, including cultivation of farm fields and grazing of farm animals. The setback is generally to be established on the residential property. However, all or a portion of the required setback may be established on the adjacent agricultural property if the setback area is determined to be a non-agricultural use and likely to never become an active agricultural use by the Zoning Officer.
  - a. Exceptions: The 200 foot setback requirement shall not apply to the following:
    - i. A residential home proposed to be built on any lot or parcel which was of official record prior to July 1, 2010.

- ii. A residential home proposed to be built, or a Farmhouse Conversion per Article 7.03.B if the titleholder of the land obtains a written waiver of up to 100 feet of the setback requirement from the title holder of the agricultural land benefiting from the setback requirement under such terms and conditions that the parties negotiate. The waiver does not change the requirements for other district bulk or setback requirements. The written waiver becomes effective only upon the recording of the waiver in the office of the Washington County Recorder. A copy of the recorded waiver shall be submitted with the zoning permit application.

2. Setback from State Regulated Livestock Operation. Single family dwellings are permitted to be no closer to state regulated livestock operations than setback distances required of regulated livestock operations from existing residential uses as currently established by Iowa Code. The distance shall be measured in feet from the closest point of the proposed residence to the closest point of the confinement feeding operation structure as that term is defined in Iowa Code.

#### B. Mobile Home Parks

Mobile Home Parks are permitted in the AR, VR and C Districts. Such use may be configured in a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to compliance with the following regulations:

##### 1. Certification

- (a) A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.
- (b) The Zoning Officer is authorized to perform an annual inspection of any Mobile Home Park to ensure compliance with these regulations.
- (c) These regulations do not address the structural integrity of any units within a Mobile Home Park. Compliance with these regulations does not represent county warrant of the structural integrity of any structure or unit in such a facility.

##### 2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The minimum contiguous area of a Mobile Home Park shall be two acres.

##### 3. Density Requirements

- (a) The maximum gross density of a Mobile Home Park shall be 7 units per acre.
- (b) The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 5,000 square feet for double-wide mobile home units.

(c) Each mobile home space shall have a width of at least 40 feet and a length of at least 75 feet.

4. Site Development Standards

(a) Setbacks: Each Mobile Home Park shall have a minimum perimeter setback of 30 feet. No space for a dwelling unit or any other structure shall be permitted in the required setback.

(b) Setback landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped.

(c) Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 60 percent of the total site area.

(d) Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.

(e) Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.

(f) Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

5. Street Access and Circulation Requirements

(a) Access to Public Street: Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.

(b) Vehicular Circulation: The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be 27 feet. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 100 feet. No such cul-de-sacs may exceed 300 feet in length.

(c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.

(d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of

its residents; and to the fronting public right of way. Sidewalk width shall be at least four feet.

(e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.

(f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.

6. Utilities

a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply of cold water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.

(b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with Washington County Health Department requirements.

(c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with Washington County ordinance requirements.

(d) All electric, telephone, gas, and other utility lines shall be installed underground.

7. Foundation Requirements

a) All mobile homes shall be secured to the ground by tie-downs and ground anchors that comply with the requirements of the Iowa Department of Health and Human Services.

(b) All mobile homes shall be blocked at a maximum of ten foot centers around the perimeter of each unit; such blocking shall provide 16 by 16 inch bearing on the stand.

(c) Pads shall be a hard surface capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.

(d) Each home shall be skirted within 30 days of its placement in the park. Skirting materials shall be compatible with the exterior finish of the mobile home.

8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.

9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning Commission and Board of Supervisors. Such construction shall be completed within two years of approval, unless otherwise extended by the Commission.

C. Mobile Home Subdivisions

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Washington County, Iowa Code of Ordinances, Chapter 90, Subdivision and Platting Requirements. Site development regulations shall be the same as those required in the VR Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance. All units shall be installed on a permanent foundation with complete removal of wheels and towing packages.

D. Retirement Residence

1. Maximum Floor Area Ratio is 0.5 for buildings up to and including three stories. The number of living units and occupants is determined by Floor Area Ratio rather than site area per unit regulators. For example, the maximum gross floor area of a retirement residence on a 100,000 square foot site is 50,000 square feet.
2. Any action that would result in occupancy of the project by persons less than retirement age requires approval of a Conditional Use Permit by the Board of Adjustment with recommendation from the Zoning Officer.

E. Two-Family Residential

Where permitted, two-family residential development is subject to the following regulations

1. The second dwelling unit shall be located to the rear of the site and shall be separated from the primary dwelling unit by 25 feet.
2. The second dwelling unit shall be served by a driveway at least ten feet in width, leading from the public street adjacent to the lot.
3. Both structures shall meet all other setback requirements of the zoning district.

**6.04 Supplemental Use Regulations: Civic Uses**

A. Clubs

Clubs located adjacent to residential uses shall maintain a bufferyard of not less than fifteen feet along the common boundary with such residential use.

B. Day Care Centers (General)

1. Each day care center (general) must be validly licensed by either the State of Iowa or the appropriate governmental agency.
2. Each facility shall provide a minimum of 50 square feet of outdoor play area per child, fully enclosed by fence or wall that is at least 42 inches but not more than 72 inches in height. Play areas shall be easily accessible from the main facility and be free of hazards, including potential traffic hazards.
3. Conditional Use Permit applications for General Day Care Centers shall specify the number and projected ages of children to be cared for at the facility, and the number of projected full- and part-time staff.

C. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental agency.

**6.05 Supplemental Use Regulations: Commercial Uses**

A. Auto Service, Repair, Equipment Repair, Travel Center, Truck Stop, RV Storage, and Body Repair Uses

1. Where permitted in commercial and industrial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-way. Screening shall consist of a minimum six-foot high opaque fence.
2. Any spray painting must take place within structures designed for that purpose and be approved by the Zoning Officer.
3. All entrances and exits serving a gasoline or Diesel service station, convenience store offering fuel sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from the right-of-way line of any intersection.
4. All fuel pumps shall be set back at least fifteen feet from any street line.

B. Auto Washing Facilities

1. Each conveyor operated auto washing facility shall provide on-site stacking space for five vehicles per washing lane on the approach side of the washing structure and on-site stacking space for two vehicles on the exit side.
2. Each self-service auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

C. Bed and Breakfasts

1. When permitted in residential districts, bed and breakfasts shall include a maximum of four guest units and the residence of the facility owner.

D. Campgrounds

1. Minimum Size: Each campground established after the effective date of this title shall have a minimum size of one acre.
2. Setbacks: All campgrounds shall maintain a 50-foot front yard setback and a 25-foot bufferyard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all County ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

E. Convenience Storage

When permitted outside of the I District, convenience storage facilities shall be subject to the following additional requirements:

1. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
2. All driveways within the facility shall provide a paved surface with a minimum width of 25 feet.
3. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
4. No storage buildings may open into required front yards.
5. Facilities must maintain landscaped bufferyards of 30 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines.

F. Kennels

The following regulations apply only in AR Agricultural Residential District and VR Rural Village District areas consisting of residential subdivisions:

1. The minimum lot size shall be two acres.
2. No building or dog runs shall be located nearer than 100 feet from any property line and 500 feet to the property line of any residential use or district.

3. All kennel facilities shall be screened around such facilities or at property lines to prevent distracting or exciting animals. Screening shall consist of a six-foot high opaque screening of either wood fencing or landscaping.

G. Restricted (Adult Entertainment) Businesses

“Adult entertainment businesses” means the same as “sexually themed businesses” as defined in Chapter 80, Washington County, Iowa, Code of Ordinances.

**6.06 Supplemental Use Regulations: Industrial Uses**

A. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of storm run-off onto adjacent properties as determined by review of the County Engineer. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted as part of a Conditional Use Permit.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
  - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
  - (b) Installation of perimeter safety screening and/or fencing.
  - (c) Installation of visual screening adjacent to any property within a residential or civic use. Screening shall consist of a minimum six-foot high opaque screen.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the County Board of Supervisors with the recommendation of the Planning Commission and the appropriate Natural Resources (DNR) District.

B. Salvage Services and Long-term Vehicle Storage and Dismantling

1. Screening:

- (a) The perimeter of each new facility shall be fully enclosed by opaque, freestanding fencing or screen walls. Minimum height of this enclosure shall be six feet. Any such enclosure shall be constructed behind setback requirements.
  - (b) Any existing salvage services facility adjacent to residential districts or residential uses shall be screened as provided above within two years of the effective date of this Ordinance.
2. Storage of materials within any salvage services facility may not be higher than the height of the surrounding screen fence or wall.
  3. No new Salvage Services use may be established within 500 feet of the nearest property line of a pre-existing residential zoning district or of any pre-established civic use.

### 6.07 Telecommunications Towers

In any district where radio, television, microwave, cellular, or other communication towers are allowed as a permitted use or by Conditional Use Permit, such towers are subject to the following additional requirements.

#### A. Tower Setbacks, Design, and Height

1. Free-standing towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 % of the tower height. The applicant may appeal for and the Board of Adjustment may approve a reduction to the set back if it is determined that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
2. As part of the Zoning Certificate approval process, the applicant may appeal for and the Board of Adjustment may permit the tower to exceed the height restrictions otherwise allowable in the district.
3. Lights, Signals and Signs: No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA. Should lighting be required, at the time of construction of the tower in cases where there are residential users located within a distance which is 300% of the height of the tower from the tower, then dual mode lighting shall be requested from the FAA. Lighting on towers shall not exceed the minimum requirements of the FAA or other regulatory agencies.
4. Adequate security measures are required at the base of the tower to prevent vandalism or hazards resulting from casual access to the facility. Security fences may include barbed wire provided that the bottom strand of the barbed wire shall be at least eight (8) feet above ground level.

#### B. Site Selection Criteria in Evaluating Applications for Communications Towers

1. Applications for necessary permits will only be processed when the applicant demonstrates that it is either an FCC licensed telecommunications provider or has in place necessary

agreements with an FCC licensed telecommunications provider for use or lease of the support structure.

## 6.08 Supplemental Use Regulations: Miscellaneous Uses

### A. Landfills

1. Compliance with Codes: Each landfill must comply with all relevant county, State, or Federal codes and statutes.
2. Prevention of Hazards: No facility shall present a hazard to surrounding residents or properties.
3. Drainage and Water Supply: No landfill may modify or prevent the flow of major natural drainage ways within the jurisdiction of the county. Landfills shall not produce a measurable increase in pollution in any public water-based recreational facility or in any waterway or well that is a part of a public or private water supply.
4. Minimum Separation from Residential Uses: No non-putrescible landfill may be established within 300 feet of a developed residential or public use. No landfill involving the disposal of putrescible or septic wastes shall be established within one-fourth mile of any residential or public use, commercial zoning district, or any State or Federal Highway.
5. Restoration of Site: The site of any landfill must be restored, stabilized, planted, and seeded within six months after the end of the operation. Dissipation of waste products must be accomplished in a manner approved by the State of Iowa's Department of Natural Resources.
6. Toxic Waste: The disposal of hazardous, toxic, or radioactive wastes as defined by the Federal Environmental Protection Agency shall be prohibited within Washington County's jurisdiction.

### B. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the radius of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Board of Adjustment, after recommendation from the Zoning Officer, finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted if approved by the County Board of Supervisors, upon recommendation by the Planning Commission, after finding that the reduction does not impede the operation of either WECS.
3. Any tower or rotor shall maintain a distance of at least 100 horizontal feet from any structure, power line, or antenna located on another property.

4. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
5. A fence eight feet high with a locking gate shall be placed around any commercial WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
6. The height of the WECS may exceed the height restrictions of the base district by up to 50%. The bottom tip of any rotor must be at least 10 feet above any area accessible to pedestrians.

#### **6.09 Supplemental Use Regulations: Accessory Uses**

##### A. Home-Based Businesses / Home Occupations in Residential Subdivisions

Home occupations for primary agricultural uses are provided for in Section 6.02 D. The provisions of this Subsection 6.09 A. apply only in residential subdivisions and in locations where there is a separate existing residential structure within 300 feet of the applicant's structure or lot area where the home-based business is proposed to occur. Home-based businesses and home occupations that fall within these parameters are permitted as an accessory use only after the applicant has obtained a Home-Based Business / Occupation permit from the office of the Zoning Officer.

##### 1. External Effects:

- (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
- (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
- (c) The home occupation shall be carried on entirely within the principal residential structure, and/or within an accessory structure that does not exceed 1,250 square feet in area. Use of the residential structure shall not exceed 25% of the total square feet of the home.
- (d) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
- (e) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
- (f) No home occupation shall discharge into any septic system, sewer, drainage way, or the ground any material which is radioactive, poisonous, or detrimental to normal septic system or sewer plant operation, or corrosive to sewer pipes and installations.

2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.
3. Signage: Each home-based business shall be permitted to have one non-illuminated wall sign not to exceed six square feet in area.
4. Traffic Generation and Parking
  - (a) Home-based businesses may generate no more than 10 vehicle trips per day, corresponding to amount of traffic normally generated by a dwelling unit.
  - (b) Deliveries or service by commercial vehicles or trucks rated at ten tons gross empty weight is prohibited for any home-based business located on a local street.
  - (c) Parking needs generated by a home-based business shall be satisfied with off-street parking. No more than one vehicle used in connection with any home occupation shall be parked on the property. Such parking shall not be located in a required front yard. No more than two on-street parking spaces shall be used by the home occupation at any one time.

B. Rural Enterprise Business

Rural enterprise businesses are intended to be clearly incidental and secondary to the primary use of the premises as a single-family dwelling. The establishment and continuance of a rural enterprise business, upon approval of a Conditional Use Permit by the Board of Adjustment shall be subject to the following requirements:

1. Any new rural enterprise business established after the effective date of this ordinance shall be situated on a property where there is a single-family dwelling occupied by the owner/operator of the rural enterprise business.
2. Rural enterprise businesses may include the following: assembly, processing, fabrication, repair of cars, light trucks, agricultural equipment, household appliances, lawn service, contractor's equipment storage, and auto body shops.
3. There shall be no evidence that a rural enterprise business is being conducted on the premises due to outdoor displays or storage, excessive noise, obnoxious odors, electrical disturbances, or considerable increase in vehicular traffic.
4. The establishment of a rural enterprise business shall not have a negative impact on the public road servicing the property by causing increased dust problems or damage to the roads. The County Engineer and the Zoning Administrator shall determine this impact after analyzing the proposed business.
5. The total area devoted to the rural enterprise business shall not exceed one (1) acre, including the building, parking areas and any outside storage area. All work performed on the property must

occur within the building situated on the property.

6. The total square footage of the dwelling or accessory building dedicated to the business shall be limited as follows:

- |                      |                   |
|----------------------|-------------------|
| A. Up to 1.99 acres: | 600 square foot   |
| B. 2 to 2.99 acres:  | 1,000 square foot |
| C. 3 to 4.99 acres:  | 1,200 square foot |
| D. 5 to 9.99 acres:  | 1,500 square foot |
| E. 10 acres plus:    | 2,000 square foot |

7. More than one occupation is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by this Article for a single occupation. That portion of the business located in the dwelling is limited to twenty-five percent (25%) of the living area of the dwelling. Living area may include a finished basement.

8. The number of outside employees and patron parking spaces shall be limited as follows:

Acres	Employees	Patron Parking
A. Up to 1.99 acres:	1	2
B. 2 to 2.99 acres:	2	2
C. 3 to 4.99 acres:	3	3
D. 5 to 9.99 acres:	4	4
E. 10 acres plus:	5	5

9. The rural enterprise business shall provide one (1) parking space for each employee. No on-street parking shall be permitted in connection with a rural enterprise business. Patrons and employees shall park in the designated parking area.

10. Any items that are to be stored outside shall be stored in the rear yard of the rural enterprise business and the items shall be enclosed within a sight-obscuring fence and shall not be visible from an adjoining parcel or from the private or public road. This shall not be construed to prohibit parking spaces for employees and patron's operable vehicles.

11. All hazardous wastes, by-products and emissions must be stored and/or disposed of in conformance with Federal, State and local regulations.

12. One (1) on-site sign shall be allowed as provided in Article 8.04.B.

C. Permitted Accessory Uses: Residential Uses

Residential uses may include the following accessory uses, activities, and structures on the same lot.

1. Private garages, accessory buildings and parking for the residency use.
2. Recreational activities and uses by residents.
3. Home occupations and rural enterprise businesses, subject to the provisions of this Ordinance.

4. Non-commercial convenience services for the primary use of residents of multi-family uses or mobile home parks, including laundromats, clubhouses, and post offices.

D. Permitted Accessory Uses: Civic Use Types

Guidance Services and Health Care use types are permitted in the I Industrial zoning districts only as accessory uses to a primary industrial use.

E. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

F. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 6.02.B.
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.
3. Buildings that directly serve and are required for the conduct of crop and animal production, are exempt from requirements for zoning certificates and inspections. Structures that house other uses are subject to the requirements of this ordinance, even if located on property zoned or primarily zoned or used for agricultural purposes.

**6.10 Supplemental Use Regulations: Outdoor Storage outside of the I – Industrial Zoning District**

Outdoor storage is prohibited in all zoning districts except the I Industrial zoning district, except as provided in this section.

A. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

B. Residential Uses and Property

The following restrictions on outdoor storage for residential uses apply only in residential subdivisions and in situations where there is a separate existing residential structure within 300 feet of the applicant's lot area where the outdoor storage is proposed to occur. Other than in these situations, outdoor storage for residential uses is unrestricted. Except as otherwise provided by this

Ordinance, any unused goods, unused equipment, unused materials, unused machinery, and parts thereof stored on any residential property must be stored in completely enclosed buildings or in spaces screened by an opaque, sight obscuring fence, not less than six (6) feet high of uniform design and uniform color, which substantially screens the storage area. The fence must be kept in good repair. As an alternative, evergreen shrubbery providing at least an 80% screen and having a height of no less than six (6) feet nor more than eight (8) feet may be used.

C. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities, or in completely enclosed buildings or in spaces screened by an opaque, sight obscuring fence, not less than six (6) feet high of uniform design and uniform color, which substantially screens the storage area. The fence must be kept in good repair. As an alternative, evergreen shrubbery providing at least an 80% screen and having a height of no less than six (6) feet, nor more than eight (8) feet may be used.

D. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service, Auto Rentals and Sales, Construction Sales and Service, Equipment Sales and Service, Stables and Kennels, and Surplus Sales.
2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is screened from any adjacent residential and/or civic use, with an opaque, sight obscuring fence, not less than six (6) feet high of uniform design and uniform color, which substantially screens the storage area. The fence must be kept in good repair. This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.
3. Outdoor storage of tires is permitted provided that such storage is screened with an opaque, sight obscuring fence, not less than six (6) feet high of uniform design and uniform color, which substantially screens the storage area. The fence must be kept in good repair. Said storage cannot exceed 2,000 tires per pile with a twenty (20) foot fire break between piles and/or buildings.

E. Industrial and Miscellaneous Use Types

1. Outdoor storage is permitted where it is incidental to industrial uses within the AG – Agriculture and I – Industrial zoning districts. Any such outdoor storage is subject to screening from any adjacent residential and/or civic use, with an opaque, sight obscuring fence, not less than six (6) feet high of uniform design and uniform color, which substantially screens the storage area. The fence must be kept in good repair.
2. Outdoor storage is permitted where incidental to landfills.

**6.11 Supplemental Use Regulations: Temporary Uses**

A. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

B. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within an AG – Agriculture, AR – Agriculture Residential, UR – Urban Reserve or I – Industrial zoning district. Such uses shall not exceed three weeks in duration.
5. Outdoor art shows and exhibits.
6. Seasonal sales, including Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.
8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
9. Construction Batch Plants in the AG – Agriculture District, provided that:
  - (a) The applicant shall obtain written approval for the proposed location of the site and any proposed entrance to the public roadway from the County Engineer.
  - (b) The applicant shall obtain a Concrete Batch Plant Permit from the Iowa Department of Natural Resources.
  - (c) The applicant shall obtain the appropriate NPDES Storm Water Discharge Permit from the Iowa Department of Natural Resources.
  - (d) The applicant shall obtain written consent for the proposed facility location from the owners of all dwellings located within a 1,000 foot radius of the property described in the Application for Certificate of Zoning Compliance.

(e) The application for the Construction Batch Plant Zoning Certificate shall stipulate the duration of the plant's operation, which should not exceed twelve (12) months.

(f) No public hearing by the Board of Adjustment is required for temporary construction batch plants if permitted under the above described conditions.

10. Construction Batch Plants in the I – Industrial District, provided that:

(a) No plant may be located within 600 feet of a developed residential use, park, or school.

(b) The facility is located no more than one mile from its job site. The Zoning Officer may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.

(c) Hours of operation do not exceed 12 hours per day.

(d) The application for the Construction Batch Plant Zoning Certificate shall stipulate the duration of the plant's operation, which should not exceed twelve (12) months.

11. Additional temporary uses that the Zoning Officer determines to be similar to the previously described uses in this section.

C. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.

2. The Zoning Officer may establish other conditions that he/she deems necessary to ensure compatibility with surrounding land uses.

**ARTICLE 7  
SUPPLEMENTAL DEVELOPMENT REGULATIONS**

**7.01 Purpose**

The Supplemental Site Development Regulations establish basic requirements for developable lots, including frontage requirements. They recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this Ordinance and provide for specific areas of exception.

**7.02 Required Street Frontage**

Except as permitted below, any lot used in whole or part for residential purposes shall provide a minimum frontage of 20 feet along at least one public or private street, or shall possess an exclusive, uninterrupted private easement of access or right of way of at least 20 feet wide to a public or private street. There shall not be more than one single-family housing unit for such frontage or easement. A common easement of access at least 40 feet in width may be provided for two or more single-family units or for one or more duplex, two-family, townhouse, or multiple-family housing units.

**7.03 Lot Size Exceptions**

A. Nonconforming Lots of Record

Any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record legally established prior to the effective date of adoption of the Zoning Ordinance, July 1, 2010. This provision shall apply even though such lot fails to meet the requirements for area or lot width, or both, that are applicable in the district; provided, that other requirements including setbacks, access, floodplain, sanitary sewer facilities and water requirements are met. Any nonconforming lot of record which is to be served by a septic system and/or individual well shall be of a size and design to meet the minimum requirements of the Washington County Health Department for such septic systems and/or wells.

B. Farmhouse Conversions

Any farmhouse, as defined by this ordinance, determined to have existed prior to the adoption of this zoning ordinance is allowed to be converted to a non-farmhouse single-family residential use exempt from the minimum lot size requirements of Table 4.02; provided, that other requirements including setbacks, access, floodplain, sanitary sewer facilities and water requirements are met. The proposed new lot must meet the minimum lot size requirements of the Washington County Health Department.

C. Two-Family Lot Conversions

Any lot, as defined by this ordinance, determined to have existed prior to the adoption of this zoning ordinance, containing two single-family dwelling units is allowed to be divided into two separate lots exempt from the minimum lot size requirements of Table 4.02; provided, that other

requirements including setbacks, access, floodplain, sanitary sewer facilities and water requirements are met. The new lots must meet the minimum lot size requirements of the Washington County Health Department for such septic systems and/or wells.

#### 7.04 Setback Adjustments

##### A. Lots Adjoining Alleys

In calculating the depth of a required side or rear yard setback for a lot adjoining a dedicated public alley, one-half of the alley may be credited as a portion of the yard. However, no residential structure may be nearer than five feet to the near side of the alley.

##### B. Encroachments on Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs that cover porches, enclosed porches, window sills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project two feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features that have no structural element more than three feet above or below the adjacent ground level may project six feet into a required front yard. However, all such projections must be set back at least three feet from an adjacent side lot line; or 15 feet from any street property line.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of 3 feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
5. Swimming pools shall be subject to the same location and setback requirements as accessory buildings.
6. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines. The spread of a flag when fully extended shall not extend onto public right-of-way.
7. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

##### C. Setbacks on Arterial Streets

Notwithstanding any other provision of this ordinance, the County may require a setback for all buildings built or altered, or off-street parking areas developed along a State or Federally designated highway that exceeds those normally required for the zoning district.

Lots of record under five acres in size; lots of record duly platted and approved prior to the effective date of this Ordinance, or where a properly dedicated and accepted frontage road right-of-way exists are exempt from these provisions and are instead subject to the setback requirements of their respective zoning district.

D. Setback Adjustments

1. Setbacks on Built-Up Blockfaces

These provisions apply if thirty percent or more of the buildings on that blockface have front yard setbacks different from those required for the specific district.

(a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the average front yard setbacks of the adjacent buildings.

(b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the front yard setback of the adjacent building.

(c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the average front yard setback of all existing buildings on the blockface.

(d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.

2. Corner Lots

(a) Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

(b) No setback adjustment shall permit encroachment into the vision clearance triangle.

E. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

F. Vision Clearance Zones

No structure or obstruction, including fences, walls, or landscape materials, shall be built to a height of between 24 inches and 10 feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be a triangle defined by:

1. 20 feet back from the intersection of curb lines and right-of-way edges of alleys.
2. 75 feet from the intersection of the centerlines of intersecting local streets.
3. 90 feet from the intersection of the centerlines of intersecting collector or arterial streets.

#### 7.05 Accessory Buildings and Garages

##### A. Setbacks and Setback Flexibility

Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:

1. Side Yards: An accessory building may be located a minimum of three feet from the side lot line of the property if it is located in an area from six feet behind the rear building line of the principal building to the rear property line and is under 15 feet in height. An additional one foot setback is required for every two feet above 15 feet in height, up to the minimum requirements of the zoning district.
2. Rear Yard: The minimum rear yard setback for accessory buildings shall be 7.5 feet. The sum of the width of the alley and the rear yard setback shall be at least 20 feet if the accessory building is a garage with a vehicular entrance door that is directly oriented toward an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as required by the individual zoning district. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
3. Street Yards: No accessory building shall be located within 20 feet from any street right-of-way line.
4. Garage Setbacks: Any garage that fronts on a public street must be set back at least 20 feet from such street, regardless of the setback requirement within the zoning district. This shall not be interpreted to waive a larger required minimum setback required by the zoning district.

##### B. Height of Accessory Buildings

In the VR district, the maximum height shall be 16 feet for any accessory building. Maximum height for a detached garage and/or other accessory building in the AG, UR, CD or AR Districts shall be 20 feet.

##### C. Other Requirements for Accessory Buildings: Physical Separation, Effects on Other Properties, Hazards, and Sequencing of Construction

1. Separation from Other Buildings: No accessory building shall be placed within five feet of any other building on its own property.

2. Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district, except as modified in this section.
3. Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the line of any principal building on such adjacent lot.
4. Hazards: Any accessory use that creates a potential fire hazard shall be located a minimum of 10 feet from any residential structure. Such uses include but are not limited to detached fireplaces, barbecue ovens, or storage of flammable materials.

## 7.06 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

### A. Exceptions to Height Limitations

Except as otherwise provided in this section, the height limitations in this Zoning Ordinance shall not apply to building mechanical equipment, water storage facilities, fire towers, ornamental towers, steeples and spires, telecommunications towers, antennas, chimneys, tanks, elevator bulk-heads, and flag poles, provided that no such structure or appurtenance shall extend into any approach zone, clear zone, or other restricted air space required for protection of any airport. In addition, no structure or appurtenances may be built, which in the event of failure would constitute a hazard or fall onto either public right-of-way or property, or another private property.

### B. Civic Buildings

Buildings housing civic use types may be built to a maximum height of 60 feet. Such buildings located in residential districts shall be set back one foot in addition to required setbacks from each property line for each foot of height over the maximum height of the zoning district.

### C. Conditional Use Permit Approvals

The Board of Adjustment, following the recommendation of the Zoning Officer, may grant an exception from the height limit for a zoning district for a Conditional Use as part of its approval of that use. The limit or extent of this exception shall be a specific part of the Conditional Use Permit.

## 7.07 Fence Regulations

### A. Location Restriction

1. Unless otherwise provided by this Ordinance or other sections of the Washington County Code, on any lot or parcel no fence shall be built outside of the lot's surveyed lot lines.
2. No fence shall be built by a private party on public land without the specific prior approval of the County. Removal of any such fence shall be at the expense of its owner.

### B. Applicability

The regulations contained in this section apply to all fences with a height above grade of 30 inches and over.

C. Sight Obstruction at Street Intersections

No fence or hedge permitted or required by this Section or other sections of the Washington County Zoning Ordinance shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone.

D. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

E. Effect on Adjacent Properties and Drainage

Fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainageways created within easements.

F. Fence Construction on Utility Easements

Any fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

G. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions. With the exception of number 4, Separation from Agricultural Operations below, these provisions apply only to fences constructed between residential properties.

1. Height: The maximum average height of a fence shall be 78 inches. This height limit does not apply to supports, posts, or attached ornaments. The maximum height for any fence outside of a required front yard shall be six feet.

2. Setbacks: All residential fences in front yards shall be a minimum of two feet behind adjacent sidewalks, if applicable.

3. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence. Wire mesh fences may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots.

4. Separation from Agricultural Operations: All residential subdivisions are required to have a fence agreement in compliance with The Washington County Subdivision Ordinance, section 45.54.9.A.

H. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

1. The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight feet.
2. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities, Day Care, and Park and Recreation Use Types, or any other use that provides secured outdoor space for the use of children within Residential Zoning Districts shall be eight feet.
3. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the Washington County.
4. Barbed wire shall not be used in the construction of any fence outside of the I Industrial Zoning District unless specifically provided for elsewhere in this Ordinance. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the barbed wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the Washington County.

**7.08 Appeals**

Denial, revocations, or cancellations of a zoning certificate based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Article 9.01.H.4.

**ARTICLE 8  
DISPLAY AND OUTDOOR ADVERTISING SIGNS**

**8.01 Definition of Terms**

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Washington County Code or in this Zoning Ordinance.

- A. Abandoned Sign: A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
- B. Attached Sign: A sign that is structurally connected to a building or depends upon that building for support.
- C. Directional Sign: A sign that serves only to designate the location or direction of any area or place.
- D. Freestanding Sign: Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
- E. Obsolete Signs: Signs that identify a business or occupant that is no longer in operation at the premises.
- F. Outdoor Advertising Signs (Billboards): A panel for the display of information relating to a business, product, event, or other subject of advertising or publicity. Outdoor advertising signs may advertise on-premise or off-premise businesses or products, but are not included in the sign provisions of Section 8.05. Section 8.06 contains special regulations applicable to outdoor advertising signs permitted in certain zoning districts within Washington County.
- G. Projecting Signs: A sign other than a wall sign that is attached to and projects from a building face.
- H. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
- I. Temporary Signs: Any sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated; are made of materials of relatively low durability; are intended to be removed or replaced within a period of six months or less; or are portable. Temporary signs generally fall into two categories: temporary civic signs and temporary commercial signs.
- J. Wall Sign: A sign attached to and parallel with the side of a building.

- K. Window Sign: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.

## 8.02 General Provisions

The following general provisions shall apply to display and outdoor advertising signs:

- A. Nothing in this Chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a non-conforming use under the terms of this ordinance; provided however, the following signs shall be made to conform with the provisions of this Chapter or shall be removed by the owner upon written notice of the Zoning Officer, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:
  - 1. Any sign which is in a state of serious disrepair or is no longer functional;
  - 2. An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned;
  - 3. Any sign which is in violation of the provisions of Subsection 8.02.B, 8.02.C;
  - 4. Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment;
  - 5. Any portable sign that is not permanently anchored or secured to either a building or the ground;
  - 6. Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.

If within thirty (30) days said order is not complied with, the Zoning Officer may cause such sign to be removed at the expense of the owner.

- B. No sign shall closely resemble or approximate the shape, form and color of any official traffic sign, signal or device. No sign shall be erected at any location where it may, by reason of its size, location, content, coloring or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of motorists, by detracting from the visibility of any traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign or be visible for any adjacent street. Lights resembling an emergency light or such words as "Stop", "Look", "Danger" or any other words, phrases, symbols or characters, which in any manner interfere with, mislead or confuse traffic shall not be used in connection with any sign.

- C. No sign other than an official traffic, street, or related sign approved for placement by the County Engineer or other public officer in the performance of his public duty, shall be placed on or over any street or public property.
- D. Off-site signs are prohibited in all districts except as specifically permitted in this Article; provided however, such signs may be permitted by the *Board of Adjustment* when unusual or compelling circumstances may require.
- E. Two (2) or more signs may be mounted on the same sign standard or structure provided that the combined surface areas of such signs shall not exceed the maximum area permitted for a single sign, except as specifically permitted in this Article.
- F. Illuminated signs shall not be of an intermittent flashing type.
- G. Signs which are displayed inside or upon a window facing the outside and which are intended to be seen from the exterior shall be permitted subject to the same conditions and restrictions as wall signs.
- H. These regulations shall not apply to any sign that is visible only from the premises upon which it is erected, such as on walls of courts or malls in shopping centers.
- I. These regulations shall not apply to signs which are accessory to the use of any kind of operable vehicle, provided the sign is painted or attached directly to the body of the vehicle.

### 8.03 Signs Permitted in All Districts

Signs hereinafter designated shall be permitted in all zoning districts:

- A. The following temporary signs shall be permitted:
  - 1. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to advertise the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Such sign shall not extend higher than eight (8) feet above grade level nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building. Such sign shall be removed within seven (7) days after the disposition of the premises.
  - 2. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted per lot frontage to identify the architects, engineers, contractors, or other individuals involved in construction of the building on the premises on which the sign is displayed. Such sign may also announce the character of the building enterprise or the purpose for which the building is intended, but shall not include product advertising. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a protective barricade surrounding the construction. Such sign shall be removed within seven (7) days following completion of construction.

3. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision to identify and/or provide information regarding such subdivision. One additional such sign shall be permitted at an auxiliary entrance provided such auxiliary entrance fronts on a separate street from the main entrance. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line. Such sign shall be removed upon completion of the sale of ninety (90) percent of the lots located within the subdivision.
  4. One (1) non-illuminated sign not to exceed nine (9) square feet in area shall be permitted for each dwelling which is used for display or as a model home. Such sign shall not extend higher than four (4) feet above grade level and shall only be located within the front yard of the lot containing such dwelling. Such sign shall be removed when a display or model home is no longer so used.
  5. Political campaign signs shall be permitted to announce candidates seeking public political office or pertinent political issues.
  6. Seasonal decorations shall be permitted when pertaining to recognized national holidays and national observances.
  7. Signs which contain or consist of banners, balloons, pennants, ribbons, streamers, spinners or other similarly moving devices shall be permitted on the premises of an establishment having a grand opening or other special event.
- B. One (1) non-illuminated sign not to exceed fifty (50) square feet in area shall be permitted at the entrance to a recorded subdivision. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such subdivision. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.
- C. One (1) sign or nameplate not to exceed fifteen (15) square feet in area shall be permitted to identify the occupant of the premises or a permitted use. Such sign shall not extend higher than six (6) feet above the grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
- D. Non-illuminated community direction signs shall be permitted at a county road intersection when such signs are placed, controlled and maintained by a cooperative neighbor organization, and approved by the County Engineer. The County Engineer shall not approve such sign unless there is an adequate shoulder to permit short-term standing, and unless the visual clearance at the intersection will not be impaired by the sign or such standing. Each participating neighbor may place upon such community direction sign one (1) "arrow" sign, not to exceed one (1) square foot in area, show his name, the distance to his property, and indicating the direction.
- E. Community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial or commemorative plaques, signs indicating scenic or historical points of interest, and all other similar signs, including

all signs erected by or upon the order of a public officer in the performance of his public duty, shall be permitted when such signs are of a noncommercial nature and in the public interest.

- F. Off-site signs not to exceed three (3) square feet in area shall be permitted to display the emblem of a service club or of a church, and information on the time and location of meetings or services. More than one (1) such sign may be mounted on a common sign standard or structure, provided such standard or structure shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.
- G. Integral signs for churches or temples, or names of buildings, dates of erections, monumental citations, commemorative tablets and other similar signs shall be permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are attached.
- H. Official flags, insignias, and emblems of the United States, the State of Iowa, and municipal and other bodies of established government; and flags which display the recognized symbol of on-site business firms and enterprises, religious, charitable, public and nonprofit organizations shall be permitted provided that no single flag shall exceed fifty (50) square feet in area.

#### 8.04 Signs in Agricultural and Residential Districts

The following signs shall be permitted in the "AG", "UR", "CD", "AR" and "VR" Districts or platted residential subdivisions:

- A. On-site and off-site signs not to exceed thirty-two (32) square feet in area shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm premises.
- B. One (1) non-illuminated sign not to exceed fifteen (15) square feet in area shall be permitted to identify a home occupation, home professional office or rural enterprise business. Such sign shall not extend higher than six (6) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
- C. One (1) sign not to exceed fifteen (15) square feet in area shall be permitted per lot frontage of a lot upon which is located any building or buildings containing not less than three (3) nor more than nine (9) dwelling units. A similar sign not to exceed twenty-four (24) square feet in area shall be permitted for each lot frontage upon which is located any building or buildings containing ten (10) or more dwelling units. Such signs shall denote only the name and/or the name and address of the management thereof, or allied information. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.
- D. One (1) sign not to exceed fifty (50) square feet in area shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material, and shall indicate only the name of such mobile home

park. Such signs shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line.

- E. One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a church, school, institution, or public building or use. Such signs shall not extend higher than eight (8) feet above grade level and shall be mounted flat against the wall of the building. In addition, one (1) bulletin board not to exceed fifty (50) square feet in area shall be permitted for each premise. Such bulletin board shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.
- F. One (1) sign not to exceed twenty (20) square feet in area shall be permitted per lot frontage to identify a permitted conditional use, or a legally established nonconforming use, which did not have any signs prior to the effective date of adoption or amendment of this ordinance. Such sign shall not extend higher than eight (8) feet above grade level, nor closer than fifteen (15) feet to any property line unless mounted flat against the wall of the building.

#### 8.05 Signs in Commercial and Industrial Districts

The following signs shall be permitted in the "C" and "I" Districts:

- A. One (1) free-standing sign not to exceed eighty (80) square feet in area, plus one (1) square foot in area for each additional linear foot of lot frontage over eighty (80) feet shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of two hundred (200) square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two (22) feet. Such sign shall not extend higher than forty-five (45) feet above grade level, nor closer than fifteen (15) feet to any property line unless the bottom of the sign face is higher than twelve (12) feet above grade level.
- B. One (1) projecting sign not to exceed twenty-four (24) square feet in area shall be permitted per lot frontage. Such sign shall not extend lower than eight (8) feet, nor higher than the roof or parapet line of the wall to which it is attached, and shall not extend more than six (6) feet beyond the wall to which it is attached.
- C. One (1) roof sign not to exceed twenty (20) percent of the surface area of any one (1) given wall of the building to which it is attached, shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of two hundred (200) square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two (22) feet. All roof signs shall adhere to the height requirements of the district in which they are located. The back of such sign shall be effectively shielded from public view by a building wall, by backing the sign against another sign face, by grouping such signs in clusters to conceal the exposed backs, or by painting the exposed back a neutral color.
- D. The maximum area of all wall signs shall not exceed twenty (20) percent of the surface area of the wall to which they are attached, provided that in no case shall such signs exceed a maximum of two hundred (200) square feet in area per wall. Such signs shall be mounted flat against the wall of the building; shall be restricted to remain within the outline of the

wall to which they are attached; and shall not exceed more than one (1) foot out from the wall.

#### 8.06 Outdoor Advertising Signs and Billboards

The following regulations shall govern the placement of outdoor advertising signs and billboards:

- A. The regulations governing outdoor advertising signs and billboards shall comply with all State and Federal regulations.
- B. Outdoor advertising signs and billboards shall only be allowed in the "C" Commercial and the "I" Industrial Districts. The maximum size of any outdoor advertising sign is 672 square feet.
- C. All outdoor advertising signs and billboards shall be setback from any existing or proposed right-of-way line of any street, county road, or highway as shown on the official street plan, at least as far as the required front yard setback for the district in which it is located; except at any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred (100) feet from the established right-of-way line of each such street." The setbacks for signs meeting the Iowa Department of Transportation's criteria as a private directional signs placed adjacent to Interstate right-of-way shall be not less than ten (10) feet from said right-of-way.
- D. No outdoor advertising sign or billboard which faces the front or side lot line of any lot in AR or VR Districts or platted residential subdivision used for residential purposes shall be permitted within one hundred (100) feet of such lot line.
- E. No outdoor advertising sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred (300) feet thereof.

**ARTICLE 9  
ADMINISTRATION AND ENFORCEMENT**

**9.01 Administration and Enforcement**

**A. Generally**

1. Requests for Enforcement

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

2. Penalties for Violation

- a. Any person who fails to perform an act required by this Ordinance or who commits an act prohibited by this ordinance shall be guilty of a county infraction punishable by a civil penalty as provided by Chapter 3 of the Code of Ordinances for Washington County, Iowa.
- b. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- c. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

3. Enforcement

- a. If any building, structure or sign is erected, constructed, reconstructed, altered, repaired, converted or maintained; or if any building, structure, sign or land is used in violation of this ordinance, the Washington County Attorney, in addition to other remedies, shall institute any proper action or proceedings in the name of the county to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

**B. Zoning Officer**

1. Position Created; Appointment; Supervision

There is created the position of Zoning Officer who shall be appointed by the Board of Supervisors.

2. Powers and Duties

The Zoning Officer shall exercise the following powers and duties:

- a. The Zoning Officer shall exercise all enforcement powers under Section 9.01, including but not limited to the investigation of complaints of zoning violations, issuance of notices and county infraction citations to violators, and the preparation and submission of reports to the County Attorney of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement, for such legal action as the facts of each report may require.
- b. The Zoning Officer shall determine the use type for any use pursuant to Article 3.02. A.
- c. In all cases in which the county commences court action, the Zoning Officer shall cooperate with the County Attorney by performing such additional investigative work as the County Attorney shall require.
- d. The Zoning Officer or the officer's designee shall attend the meetings of the Planning and Zoning Commission and the Zoning Board of Adjustment as requested by those bodies, shall investigate and review all cases presented to the Board of Adjustment, and shall advise that body on those cases upon request.
- e. If the County Attorney, after analysis of the report, institutes legal proceedings, the Zoning Officer will cooperate fully with the County Attorney in the perfecting of such proceedings.

**C. Certificates of Zoning Compliance**

1. Administration and Enforcement

If the Zoning Officer finds that any of the provisions of these regulations are being violated, the officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Officer shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

2. Certificates of Zoning Compliance for New, Altered or Nonconforming Uses

a. Required for Land and Buildings

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

b. Required for Change of Use

No change of use shall be made in any building or part thereof erected or structurally altered without a Certificate of Zoning Compliance being issued therefore by the Zoning Officer. No permit shall be issued to make a change unless the changes are in conformity with this ordinance.

c. Fee

Prior to the issuance of a Certificate of Zoning Compliance, the applicant shall pay to the County Treasurer a fee in the amount set forth in the schedule of fees adopted by the Board of Supervisors by resolution.

d. Fee Exemption for Federal Property

Application for a Certificate of Zoning Compliance for property wholly owned by the federal government may be made without paying the fee described in this section.

e. Nonconforming Uses

- 1) Nothing in this division shall prevent the continuance of a nonconforming use as authorized, unless discontinuance is necessary for the safety of life or property.
- 2) A Certificate of Zoning Compliance shall be required of all nonconforming uses. Application for Certificate of Zoning Compliance for nonconforming uses shall be filed with the Zoning Officer, accompanied by affidavits of proof that such nonconforming use was established legally prior to the establishment of this ordinance.

f. Time Limits; Records

Certificates of Zoning Compliance shall be applied for prior to the construction or occupancy of a building or property and shall be issued within ten days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file and available for public inspection in the office of the Zoning Officer.

g. Issuance

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a Certificate of Zoning Compliance, and no building or premises shall be occupied until that certificate and permit is issued.

**D. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance**

Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative officials authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of the County Code, and punishable as provided by Section 9.01.A.2 hereof.

**E. General Procedural Requirements**

1. Decision Maker and Administrative Bodies

The Zoning Officer, the Planning and Zoning Commission, and/or the Zoning Board of Adjustment will consider, review and decide all development applications for permitted uses according to the provisions of this Zoning Ordinance.

**F. Amendments**

1. Authority

The Board of Supervisors may, from time to time, on its own action or upon application, after public notice and hearings as provided by law and after report by the Planning and Zoning Commission, amend the boundaries or regulations established under this ordinance, provided that any such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

2. Conditions

The Board of Supervisors may impose conditions on a property owner seeking to change zoning district boundaries, which conditions 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 the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

3. Procedures

Amendment procedures shall be as follows:

- a. Whenever any person desires to amend zoning boundaries as to any property in the county, an application requesting such amendment and clearly describing the property and its boundaries as to which the amendment is desired shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall make a timely report to the Board of Supervisors of such applications filed. The Planning and Zoning Commission shall forward such application, with report and recommendations to the Board of Supervisors for vote thereon, within a reasonable time after the filing of the application. Reasonable notice of the proposed amendment to zoning boundaries, as established by the Planning and Zoning Commission, shall be given to the owners and occupants of the property included in the area of the proposed amendment and within 500 feet of the exterior boundaries of the property proposed for amendment. If the applicant owns other land adjoining the property proposed for amendment, then notice shall also be given to the owner of the next property beyond the applicant's property. The notice required by this paragraph is a courtesy notice and any failure of such notice to be given or received shall not affect the validity of the amendment.
- b. Notice. Notice of the time and place of the public hearing before the Board of Supervisors shall be provided in accordance with the Code of Iowa. The change in regulation, restriction, or boundary shall be adopted in compliance with public hearing requirements of the Code of Iowa.

- c. Protest. In case of a protest against a proposed change signed by the owners of twenty percent or more either of the area included in the proposed change, or of the area immediately adjacent to the proposed change and within five hundred feet of the boundaries of the proposed change, the amendment shall not become effective except by the favorable vote of at least sixty percent of all of the members of the Board of Supervisors.
- d. Whenever any application for an amendment to zoning boundaries shall have been denied by the Board of Supervisors, no new application seeking the same relief covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until one year shall have elapsed from the date of filing the first application.

4. Filing Fees for Zoning District and Text Amendments

Fees for filing amendments shall be charged as follows:

- a. The owner of the property affected by a proposed change in zoning text, district classification or boundaries shall pay to the County Treasurer a fee in the amount set in the schedule of fees adopted by the Board of Supervisors by resolution.
- b. Where an amendment is initiated by application by any person, the required fee and notice costs shall be paid at the time the application is filed with the county. Where an amendment is initiated by the Board of Supervisors on behalf of one or more owners of affected property, the required fee and notice costs shall be paid prior to consideration of the amendment by the Planning and Zoning Commission. No further action shall be taken as to any proposed amendment for which a fee and notice costs are required until the fee and notice costs have been paid. Under no conditions shall the required fee and notice costs be refunded upon failure of a proposed amendment to be enacted into law.
- c. The fee described in this subsection shall not be required when the amendment is initiated at the request of the federal government for property wholly owned by the federal government. This exemption shall not apply to the notification costs as established by the Planning and Zoning Commission.

**G. Nonconforming Development and Uses**

1. Purpose

The purposes of the Nonconforming Development regulations are:

- a. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
- b. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts.
- c. To allow for the reasonable continuation of legally established uses which do not meet current use regulations for their respective zoning districts.

d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

2. Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

3. Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt from the minimum lot area and lot width requirements of each zoning district, per Section 7.03.A. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Ordinance.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

4. Nonconforming Structures

These regulations apply to buildings and structures which were constructed legally under regulations in effect before the effective date of this Ordinance.

a. Continuation

A lawful nonconforming structure existing on the effective date of this section may be continued, repaired, maintained, or altered, subject to the provisions of this section.

b. Additions or Enlargements to Nonconforming Structures.

1) A lawful nonconforming structure may be added to or enlarged if the addition satisfies one or more of the following conditions:

a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback and height requirements.

b) The addition projects no further into a required side yard setback than the existing building.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.

d. Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Amortization of Nonconforming Development

The following non-conformances must be brought into compliance with the provisions of this ordinance within specified periods.

- 1) Fences, walls, and foliage which violate the vision clearance provisions of this ordinance shall be made conforming within one year of the effective date of the ordinance.
- 2) Nonconforming salvage services, or similar uses, to provide minimum six foot opaque screening from street rights-of-way and adjacent residential uses within two years of the effective date of the ordinance.

5. Nonconforming Uses

a. Continuation of Nonconforming Uses

- 1) Any nonconforming use lawfully existing on the effective date of these regulations may continue, subject to the limitations of this section.
- 2) Whenever the use of a premise becomes nonconforming through a subsequent change in the zoning ordinance or zoning district boundaries, such use may be continued or changed to another nonconforming use of the same or lesser intensity with the approval of the Zoning Officer.

b. Change and Amortization of Nonconforming Uses

- 1) A nonconforming use may be changed to another nonconforming use of the same or lesser intensity, as measured by the category of use type. For the purpose of measuring nonconforming use rights, the intensity of uses ascends from agricultural to residential to office to commercial to industrial and transportation. For example, a nonconforming commercial use in a residential district may be converted to another commercial use permitted in all of the same zoning districts as the original use. However, the use may not be converted to another use that is more restricted in the Use Matrix, Table 4.01.

c. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may be added to or enlarged provided such addition meets the requirements of Article 9.01.G.4.b and complies with all Washington County Health Department regulations.

d. Abandonment of Nonconforming Use

- 1) If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve months, any subsequent use must conform to all use regulations applicable to the property's zoning district.
- 2) If a structure housing a nonconforming use converts to a conforming use, it forfeits any further claim to nonconforming use rights.

e. Nonconforming Uses and Conditional Use Permits

A lawful pre-existing use which would require a Conditional Use Permit in its zoning district shall be considered an approved conditional use. A Certificate of Zoning Compliance must be obtained and the use shall be subject to the regulations governing lapses or revocation of Permits, set forth in this Article.

**H. Board of Adjustment**

1. Established; Composition; Terms

A Board of Adjustment is established, which shall consist of five members. The terms of office of the members of the Board of Adjustment and the manner of their appointment and removal shall be as provided by Iowa Code. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Not less than three of the five members of the Board of Adjustment shall be residents of the unincorporated area outside of any city.

2. Meetings

The meetings of the Board of Adjustment shall be held at the call of the chair and at such other times as the board may determine. Such chair, or in the chair's absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

3. Procedure for Appeals

- a. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Zoning Officer or of any other administrative officer in the enforcement of this ordinance. Each appeal shall be taken within a reasonable time as provided by the rules of the board. The Zoning Officer and any other officer whose decision is the subject of the appeal shall

forthwith transmit to the board all papers constituting the record upon which the action appealed from is taken.

- b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer certifies to the board, after notice of appeal shall have been filed, that, because of the facts stated in the certificate, a stay would, in the Zoning Officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by a court of record on application on notice to the Zoning Officer and on due cause shown.
- c. The board shall fix a reasonable time for the hearing on the appeal, shall give public notice thereof as well as due notice to the parties in interest, and shall decide the appeal within a reasonable time. At the hearing any party may appear in person or by agent or by attorney. Before an appeal is filed with the Zoning Board of Adjustment, the appellant shall pay a fee to the County Treasurer in the amount set forth in the schedule of fees adopted by the Board of Supervisors by resolution.

4. Powers and Duties

The Board of Adjustment shall have the power and duty to:

- a. Hear and decide appeals taken pursuant to Article 9.01.H.3.
- b. Grant a variance in the regulations of this ordinance that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the regulations will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. To establish unnecessary hardship a property owner must show all of the following elements:
  - 1) The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use.
  - 2) The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood.
  - 3) The use to be authorized by the variance will not alter the essential character of the locality of the land in question.

No appeal for a use variance shall be considered by the board unless a proposed amendment to rezone the subject property to a district classification permitting such use has been considered and denied by the Board of Supervisors within the preceding year, provided that this requirement shall not apply to appeals for area variances.

- c. Permit the exceptions to the district regulations set forth in subsection 9.01.4.d of this Article, provided all exceptions granted by the Zoning Board of Adjustment shall be found to meet the following standards:
  - 1) Exceptions shall by their design, construction, and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property;
  - 2) Exceptions shall not impair an adequate supply of light and air to adjacent property;
  - 3) Exceptions shall not unduly increase congestion in the public streets;
  - 4) Exceptions shall not increase public danger of fire and safety; and
  - 5) Exceptions shall not diminish or impair established property values in surrounding areas.
  
- d. The Zoning Board of Adjustment may permit:
  - 1) Exceptions to any setback, area, length, width, height, yard, size or projection limitation or to the minimum required number of off-street parking or loading spaces; provided such an exception may be granted only where:
    - a) Such exception does not exceed 50 percent of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building and such addition extends no further into the required yard than the existing building;
    - b) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;
    - c) The exception is reasonably necessary due to practical difficulties related to the land in question;
    - d) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and
    - e) The exception is in harmony with the essential character of the neighborhood of the land in question.
  
- e. Hear and decide applications for Conditional Use Permits in accordance with Article 4.10 of this ordinance. In order to approve a Conditional Use Permit, the Board of Adjustment must find that any structure or use of land to be allowed by the Conditional Use Permit shall by its design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property; shall not unduly increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas, and shall have no significant detrimental impact of the use and enjoyment of adjoining properties. The Board

may make approval of Conditional Use Permits subject to conditions, revisions or alterations of submitted plans as it deems appropriate to address these considerations.

5. Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review of such decision by the Washington County District Court in the manner provided by the laws of the State of Iowa. 6.

6. Decisions; Review of Use Variance

- a. In exercising the powers mentioned in Section 9.01.H.4., the Zoning Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Officer. The concurring vote of three of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance; provided, however, that the action of the board shall not become effective until it has filed a written decision in the board office describing the action taken, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this Section. Decisions shall be filed promptly following the board's action and shall be open to public inspection.
- b. Every variation and exception granted or denied by the Zoning Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith. In granting any appeal, variance, exception or other relief within its jurisdiction, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the relief is granted, shall be deemed a violation of this ordinance subject to enforcement under Sections 9.01.A.2 and 9.01.A.3.
- c. If any application for a variance or exception shall have been denied by the Zoning Board of Adjustment, no new application for the same relief shall be considered for two years by the board unless the board shall find that conditions have changed.
- d. Any taxpayer or any officer, department, board or bureau of the county or any persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. All decisions of the board, except decisions granting use variances shall be final immediately upon filing. Each decision granting a use variance shall be referred to the Board of Supervisors for review pursuant to Iowa Code provisions. The Board of Supervisors shall review such decision within 30 days after the decision is filed. After such review, the Board of Supervisors may remand the decision to the board for further study. If the Board of Supervisors does not act to review the decision within 30 days after it is filed, the decision

shall become effective on the 31st day. If the Board of Supervisors declines to remand a decision, that decision shall become final on the date of the Board of Supervisors' action. If the Board of Supervisors remands a decision to the board, the effective date of the decision is delayed for 30 days from the date of remand.

- e. Upon remand of a decision from the Board of Supervisors, the matter shall be placed on the agenda for further study at the first board meeting after such Board of Supervisors action. If, for any reason, the board does not hold a regularly scheduled meeting during such 30-day period, it shall be required to hold a special meeting and consider an act upon the remanded decision within such 30-day period. At such meeting the board shall act to either affirm its earlier decision or grant a rehearing. A rehearing shall be treated in the same manner as an original appeal, except that no fee shall be payable. If the board grants a rehearing, its initial decision shall be deemed to have been withdrawn. The board decision on rehearing is not reviewable by the Board of Supervisors and shall be final upon filing.

#### 9.02 Severability Clause

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

#### 9.03 Effective Date

This ordinance (10-1) shall be in full force and effect **July 1, 2010** after its final passage, approval, and publication as provided by the Code of Iowa.

The Zoning Ordinance of Washington County, Iowa is hereby passed and approved by the Washington County Board of Supervisors on this 2<sup>nd</sup> day of March, 2010.

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JAMES R. MIKSCH, Chairperson  
Washington County Board of Supervisors

Attest:  
March 02, 2010

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WILLIAM C. FREDRICK  
Washington County Auditor