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DEBORAH K ROBERTS, COUNTY RECORDER
FLOYD COUNTY IOWA

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Prepared by/Return to: Gloria A. Carr, Floyd County Auditor, 101 S. Main St, Ste. 302, Charles City, IA, (641) 257-6131

CERTIFICATE

STATE OF IOWA }
}SS
FLOYD COUNTY }

I, Gloria A. Carr, Auditor of Floyd County, Iowa do hereby certify that attached hereto and by this reference made a part hereof are true and exact copies of the following:

Legal Notice	Charles City Press Proof of Publication dated 11/19/2014 of the Board of Supervisors public hearing/legal notice with a summary of the amendment of Floyd County Zoning Ordinance #2011-2.
Legal Notice	Charles City Press Proof of Publication dated 12/4/2014 of the Board of Supervisor's 11/25/2014 meeting minutes/legal notice regarding the hearing and first reading of the amendment of Floyd County Zoning Ordinance #2011-2.
Legal Notice	Charles City Press Proof of Publication dated 12/19/2014 of the Board of Supervisor 12/9/2014 meeting minutes/legal notice regarding the second reading and final approval of the amendment of the Floyd County Zoning Ordinance #2011-2.
Ordinance	Floyd County Zoning Ordinance #2011-2 with amendments .

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the County of Floyd, Iowa on this 6th day of January 2015.

Gloria A. Carr
Gloria A. Carr, Auditor
County of Floyd

STATE OF IOWA }
}SS
FLOYD COUNTY }

On this 6th day of January, 2015, before me, a Notary Public in and for the State of Iowa, personally appeared Gloria A. Carr, Auditor of Floyd County, Iowa to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as a voluntary act and deed of said County of Floyd, Iowa.

Tracy Sindt
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
TRACY SINDT
Commission Number 761234
My Commission Expires
12-22-15

✓

01-09000-400-01

Proof of Publication #9

FILED
FLOYD COUNTY, IOWA
2014 NOV 20 PM 12:26

STATE OF IOWA
Floyd County,

I, Christopher J. Hall, Publisher, (Editor) of the CHARLES CITY PRESS, in said county, do hereby state that I certify under penalty of perjury and pursuant to the laws of the State of Iowa that a notice, which is a true copy, has been printed and published each week for 1 consecutive weeks in the regular daily issues of said paper commencing with the issue of Wednesday on the 19th day of November A.D., 2014 and ending with the issue of, _____, 20___.

Christopher J. Hall BY:

RECEIVED
DEC 09 2014

Acknowledgement and charges for above services $ 58.91

Subscribed and sworn to before me this 19th day of November A.D., 2014

Barbara A. Lensing
Notary Public in and for the State of Iowa

BARBARA A. LENSING
Commission Number 145004
My Commission Expires
October 8, 2017

Legal Notice • Legal Notice • Legal Notice • Legal Notice • Legal Notice

Notice of Public Hearing

The Board of Supervisors of Floyd County, Iowa, will meet in the Board Room at the Floyd County Courthouse, Charles City, Iowa, on the 25th day of November, 2014, at 9:30 o'clock a.m., at which time and place a public hearing will be held in regard to Floyd County Ordinance #2011-2 Amended – Floyd County Zoning Ordinance. Ordinance #2011-2 An Floyd County Zoning Ordinance was approved by the Floyd County Board of Supervisors on December 28, 2011 and subsequently amended on February 13, 2012. The following are proposed amendments to Section XVII – Flood Plain Conservation Overlay District 'F-C' of that ordinance:

B. Definitions (added)

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."

FACTORY-BUILT HOME – Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "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.

FLOODWAY - The channel of a river or stream and those portions of the floodplain's 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) feet.

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.

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 on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

RECREATIONAL VEHICLE – A vehicle which is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

E. General Provisions

2. Establishment of Official Floodplain Zoning Map (replace)

The Flood Insurance Rate Map (FIRM) for Floyd County and Incorporated Areas, date January 7, 2015, which was prepared as part of the Flood Insurance Study for Floyd County, is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be part of this section.

J. Shallow Flooding (Overlay) District (SF) (delete entire subsection and renumber/alphabetize remaining section)

Residents or property owners of the County unable to attend the hearing may file any written or oral objections or support of said ordinance with the Floyd County Auditor, 101 S. Main Street, Charles City, IA 50616. During the hearing, the Board will receive oral or written objections or support from any resident or property owner of the County.

This notice is given by order of the Board of Supervisors of Floyd County, Iowa, in accordance with Sections 331.302 and 331.305 of the Code of Iowa.

Floyd County Board of Supervisors
By Gloria Carr, Floyd County Auditor

No. 17008
11/19/14

FILED
FLOYD COUNTY, IOWA
2014 DEC -5 AM 10: 49

STATE OF IOWA
Floyd County,

I, Christopher J. Hall, Publisher, (Editor) of the CHARLES CITY PRESS, in said county, do hereby state that I certify under penalty of perjury and pursuant to the laws of the State of Iowa that a notice, which is a true copy, has been printed and published each week for 1 consecutive weeks in the regular daily issues of said paper commencing with the issue of Thursday on the 4th day of December A.D., 2014 and ending with the issue of, _____, 20___.

Christopher J. Hall

Acknowledgement and charges for above services $ 101.05

Subscribed and sworn to before me this 4th day of December A.D., 2014

Barbara A. Lensing
Notary Public in and for the State of Iowa

BARBARA A. LENSING
Commission Number 145004
My Commission Expires
October 8, 2017

Legal Notice • Legal Notice • Legal Notice

Floyd County Board of Supervisors
Meeting
November 25, 2014, 9:00 AM
UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Board Room of the Floyd County Courthouse with the following in attendance: Supv Schwickerath, Chair, Supv Kamm and Supv Kuhn.

Kamm/Kuhn moved to approve the agenda as presented. Motion carried 3-0.

Public comment: none.

Kamm/Kuhn moved to approve the November 10 and 17, 2014 minutes. Motion carried 3-0.

Kamm/Kuhn moved to approve the following claims: County #1412-1580 and Secondary Roads #16339-16372. Motion carried 3-0.

Kamm/Kuhn moved to approve Tim Laube's application for a Floyd County License – Fireworks Permit for a display on November 29 at Gilbert's Sale Yard for an event held by Gordon Boge. Motion carried 3-0.

Kuhn/Kamm moved to set a zoning hearing for property in T10-R95-S16 on December 23 at 9:30 a.m. Motion carried 3-0.

Kuhn/Kamm moved to set the public hearing for the FY15 budget amendment for December 23 at 9:30 a.m., following the zoning hearing. Motion carried 3-0.

Kamm/Kuhn moved to approve the Annual Urban Renewal Report for Fiscal Year 2013-2014. Motion carried 3-0.

Kuhn/Kamm moved to approve to approve Resolution #26-14 Debt Certification: Whereas, the Floyd County Board of Supervisors is required to certify debt from December 1, 2013 through November 30, 2014, and Whereas, the Floyd County Auditor has reported the following debt has been incurred during said period: Urban Renewal/UR-T1 Projects – PCC Bridge Approaches Project - $192,653.07 and Granular Resurfacing - $77,964.74, less adjustments/interest on bond proceeds - $47,152.12, totaling $223,465.69. Motion carried 3-0.

Kamm/Kuhn moved to approve the Flood Insurance Rate Map (FIRM) for Floyd County and incorporated areas of the County as the Official Floodplain Zoning Map. Motion carried 3-0.

The public hearing for the amendment to Floyd County Ordinance #2011-2 opened at 9:30 a.m. The Auditor reported that she received no written or oral comments in support of or objections to the amendment. The summary of the ordinance was published not less than four days or more than twenty days prior to today's hearing. Jeff Sherman reported on behalf of the Zoning Commission that the commission met on November 10 and voted to recommend that the Board of Supervisors approve the amendment. The publication notice and Commission minutes were provided. The hearing closed at 9:35 a.m. Kamm/Kuhn moved to approve the first reading of amendment to the Floyd County Zoning Ordinance 2011-2. Motion carried 3-0. Kuhn/Kamm moved to hold a second reading of the amendment to the Floyd County Zoning Ordinance 2011-2 on December 9. Motion carried 3-0.

Engineer's report: Duane Folz, Assistant to the County Engineer, provided foreman's notes. Crews are working on cleaning snow and ice from roads. Some mail boxes were moved off of the road surface to allow for better blading of snow.

Future agenda items: jail committee and budget planning.

Kamm/Kuhn motioned to adjourn the meeting. Motion carried 3-0.

ATTEST: Gloria A. Carr
Floyd County Auditor
Roy N. Schwickerath, Chair
Floyd County Board of Supervisors

Publication List

ABC Legal, Services	85.00	1
Adv Syst, Maint	222.42	2
Alliant, Elect	332.00	2
G Arjes, Reimb	31.28	1
Bankers, Bond	190363.75	1
K Birch, Reimb	7173.00	1
Black Hawk, Serv Fee	21.06	1
Black Hills, Util	86.14	1
E Bormann, Audit	351.50	1
Brennan Const, Services	36197.34	2
B Burton, Reimb	41.86	1
REC, Elect	501.47	2
Buy Low, Fuel	69.25	2
Calvary, Burial	300.00	1
CV Printing, Supplies	94.69	2
Central IA, Shelter	1025.83	1
Centrl IA, Supplies	200.23	2
CenturyLink, Phone	2399.06	9
CG Co, Service	34.00	2
CC Electronics, Equip	235.00	2
CC Fam Hlth, Medical	150.00	1
CC Press, Notice	577.92	3
Chatfield, Towing	75.00	1
Circle K, Supplies	97.55	2
Charles City, Services	27818.59	7
Colwell, TJ-Road	352.03	1
mb	75.44	1
uip	608.04	1
ices	1466.15	1
	832.28	4
mb	840.00	1
uip	134.00	1
rv	355.65	1
	761.10	4
	23239.79	1
itodial	8.25	1
ate	950.00	1
Notice	812.89	2
cast	256.50	1
ning	2103.86	1
al	388.80	1
	2000.00	1
Eval	1105.00	1
Reimb	23.92	1
Supplies	113.13	1
	61.83	1
	110.46	1
	223.85	1
opsy	1500.00	1
Serv	124.99	1
ts	17210.15	1
imb	53.36	1
s	218.99	2
mb	165.60	1
imb	76.36	1
mb	133.40	1
aint	303.07	1
	524.01	1
b	32.66	1
n	717.00	1
es	211.33	1
Tests	264.00	1
Fuel	740.49	1
	84.25	1
hb	49.68	1
Reimb	40.48	1
	140.00	1
	375.00	1
	103.50	1
	318.50	1
hones	831.73	5
Fee	306.54	2
	654.48	1
	2900.63	2
	300.00	1
EHPT	72239.88	1
hone	363.09	1
, Serv Fee	36.00	2
vices	51.96	1
	143.18	1
	180.00	1

No. 17022
12/04/14

Page 3 of 104

Proof of Publication

FILED
FLOYD COUNTY, IOWA
2014 DEC 22 AM 10: 22

STATE OF IOWA
Floyd County,

I, Christopher J. Hall, Publisher, (Editor) of the CHARLES CITY PRESS in said county, do hereby state that I certify under penalty of perjury and pursuant to the laws of the State of Iowa that a notice, which is a true copy, has been printed and published each week for 1 consecutive weeks in the regular daily issues of said paper commencing with the issue of Friday on the 19th day of December A.D., 2014 and ending with the issue of, _____, 20___.

Christopher J. Hall

Acknowledgement and charges for above services $ 111.80

Subscribed and sworn to before me this 19th day of December A.D., 2014

Barbara A. Lensing
Notary Public in and for the State of Iowa

BARBARA A. LENSING
Commission Number 145004
My Commission Expires
October 8, 2017

Legal Notice • Legal Notice • Legal

Floyd County Board of Supervisors Meeting
December 9, 2014, 9:00 AM
UNAPPROVED MINUTES

The Floyd County Board of Supervisors met in the Board Room of the Floyd County Courthouse with the following in attendance: Supv Schwickerath, Chair, Supv Kamm and Supv Kuhn.

Kamm/Kuhn moved to approve the agenda as presented. Motion carried 3-0.

Public comment: none.

Kamm/Kuhn moved to approve the November 24, 25 and December 1, 2014 minutes. Motion carried 3-0.

Kamm/Kuhn moved to approve the following claims: County #1581-1699 & 2723, Secondary Roads #16373-16407 and Drain #7. Motion carried 3-0.

Kuhn/Kamm moved to approve the hiring of John Brinkman to the position of Equipment Operator II for the Secondary Roads Dept with a starting wage of $16.88/hour effective December 15, 2014. Motion carried 3-0.

Engineer's report: Duane Folz, Assistant to the County Engineer, provided foreman's notes. Crews are working on brush cutting. Crews were out yesterday morning taking care of icy roads.

Kuhn/Kamm moved to rescind the motion made by the Board of Supervisors on June 11, 1984 regarding term limits for various boards/commissions. Motion carried 3-0.

Kuhn/Kamm moved to approve the following policy: It is the goal of the Board of Supervisors to make public service on county boards/commissions as inclusive as possible in order to receive input from all Floyd County citizens regardless of race, creed, age, gender, sexual orientation, or political affiliation. The Supervisors shall determine on a case by case basis if any county resident should be considered for reappointment notwithstanding the number of terms or length of service any individual may have already served on a county board/commission. In making appointments to the boards/commissions, the Supervisors will consider among other things the willingness, interest, and abilities of the applicant to serve Floyd County as expressed in Floyd County's Board/Commission application form, any special training or characteristics required by the Iowa Code to fulfill specific appointments, and the Supervisor's goal to have a geographical distribution of board/commission members from all parts of Floyd County. In addition, in every appointment the Supervisors will make a good faith effort to comply with the Iowa code Gender Balance law. Motion carried 3-0.

Schwickerath/Kuhn moved to approve the following appointments: Hospital Commission-Myrna Jakoubek and Paula Kingery from January 1, 2015 to December 31, 2017; Health Board-Rosemary Tobin and Dr. Lisa Kapler from January 1, 2015 to December 31, 2017; Magistrate Appointing Commission-Jan Streich, Harlyn Kolb, and Carl "Kip" Hauser from January 1, 2015 to December 31, 2020; Zoning Commission-Guy Carpenter to fill a vacancy ending December 31, 2017, Bob Keyes to fill a vacancy ending December 31, 2015, and Susan Nelson from January 1, 2015 to December 31, 2019. Motion carried 3-0.

Schwickerath/Kamm moved to approve the Amended Floyd County Communications Joint Agreement (28E agreement) between the city of Charles City and Floyd County. Motion carried 3-0.

Kamm/Kuhn moved to approve the second reading of the Floyd County Zoning Ordinance #2011-2 waive the third reading, and adopt the amendment as final. Motion carried 3-0.

Kamm/Kuhn moved to keep the health/dental insurance rates the same for FY16 as they are for FY15 as follows:

Non-Secondary Roads employees:

Single Health/Dental-$563/month-County pays 100%;

Single Health/Family Dental-$611/month-County pays 100% of health and 75% of dental/employee pays 25%;

Family Health/Dental-$1,493.50/month-County pays 75%/employee pays 25%;

Family Health/Dental when husband and wife are employees of County-$1,493.50/month-County pays $1,126/employee pays $367.50;

Secondary Roads:

Single Health/Dental-$563/month-County pays 80%/employee pays 20%;

Single Health/Family Dental-$611/month-County pays 80%/employee pays 20%

Family Health/Dental-$1,493.50/month-County pays 80%/employee pays 20%.

Motion carried 3-0.

Kamm/Kuhn moved to set the 2015 holiday schedule with nine holidays including New Year's Day-January 1, Martin Luther King Jr's Birthday-January 19, Memorial Day-May 25, Independence Day-July 3, Labor Day-September 7, Veteran's Day-November 11, Thanksgiving and the day after-November 26 and 27, and Christmas-December 25. Motion carried 3-0.

Future agenda items: nothing discussed.

Kamm/Kuhn motioned to adjourn the meeting. Motion carried 3-0.

FLOYD COUNTY, IOWA, ZONING ORDINANCE

ORDINANCE NUMBER 2011-2

AN ORDINANCE REPEALING THE FLOYD COUNTY ZONING ORDINANCE, AS ADOPTED ON 13 JUNE 1995, AND ANY AMENDMENTS THERETO; AND ENACTING IN LIEU THEREOF A NEW ORDINANCE ENTITLED THE FLOYD COUNTY, IOWA ZONING ORDINANCE.

ADOPTED BY
THE FLOYD COUNTY BOARD OF SUPERVISORS
ON:
First Reading: October 25, 2011
Second Reading: November 8, 2011
Third Reading: December 27, 2011

AMENDMENTS

(See record of amendment at end of ordinance.)
Amendment #1
Recommended for adoption by the Floyd County Planning and Zoning Commission on February 6, 2012.
Adopted by the Floyd County Board of Supervisors on February 13, 2012.

Recommended for adoption by the Floyd County Planning and Zoning Commission on November 10, 2014. Floyd County Board of Supervisors first reading was November 25, second reading was December 9, and third reading was waived. Adopted by the Floyd County Board of Supervisors on December 9, 2014

EFFECTIVE DATE:
Upon Publication

ORIGINAL ORDINANCE WAS PREPARED WITH ASSISTANCE BY THE
NORTH IOWA AREA COUNCIL OF GOVERNMENTS

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NOTICE

The Ordinance text and the zoning maps are subject to occasional change through amendments to the Ordinance. Information to any specific property may be obtained from the Planning and Zoning Office.

PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with the Floyd County Comprehensive Land Use Plan, as amended, and as permitted and specifically authorized in Chapters 352, Land Preservation and 335, County Planning and Zoning, Code of Iowa, as amended.

This Ordinance is intended and designed to meet the specific objectives of Chapter 335.5, Code of Iowa, as amended, to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion on the street or highway; to secure safety from fire, flood, panic, and other hazards; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements.

This Ordinance is also intended and designed to meet the specific purpose of Chapter 352, Code of Iowa, as amended, to provide local citizens and local governments the means by which agricultural land may be protected from non-agricultural development pressures. This is accomplished by the creation of the Floyd County Comprehensive Plan, as amended, the adoption of this Zoning Ordinance so that land shall be conserved for the production of food, fiber, and livestock, thus assuring the preservation of agriculture as a major factor in the economy of this county and state. It is the intent of this Ordinance, as authorized in Chapters 335 and 352, to provide for the orderly use and development of land and related natural resources in Floyd County, Iowa, for residential, commercial, industrial, and recreational purposes; preserve private property rights; protect significant natural and historic resources and fragile ecosystems of this county including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas; to provide the efficient use and conservation of energy resources; and to promote the protection of soil from wind and water erosion.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF FLOYD COUNTY, IOWA:

SECTION I.
TITLE

This Ordinance, 2011-2, shall be known and may be cited and referred to as the "Floyd County, Iowa, Zoning Ordinance.

SECTION II.
SPECIAL EXEMPTIONS

A. Agricultural Exemption

In accordance with the provisions of Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provisions of this Ordinance shall be construed to apply to land, farmstead, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used:

1. Application. It shall be the responsibility of any person or group claiming that property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes by filing an Agricultural Exemption Application provided by Floyd County.
2. Limitation. This exemption shall not apply to any structure, buildings, dam, obstruction, deposits or excavation in or on the floodplains of any river or stream or Health regulation for on-site wastewater septic systems and wells.
3. Voluntary Compliance. It shall be the policy to seek voluntary compliance of the provisions of this Ordinance for agricultural uses, specifically, the minimum yard requirements of the applicable zoning district.

SECTION III.
INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

SECTION IV.
IOWA OPEN MEETINGS LAW

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

SECTION V.
DEFINITIONS

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

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

1. Abutting: Adjacent to and sharing common property lines (including at a single point), but not including properties separated by a road or road right-of-way or a publicly dedicated and approved easement.
2. Accessory Buildings or Use: A subordinate building, which is subordinate to that of the principal building, or to the use of the premise. An accessory use is one which is incidental to the principal use of the premise. An accessory building shall not be used as a dwelling unit.
3. Administrative Officer: The individual designated by this Ordinance to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance. This person may also be referred to as the "Zoning Administrator".
4. Adult: As used in this title refers to persons who have attained the age of eighteen (18) years.
5. Adult Cabaret: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
6. Adult Media: Magazines, books, videotapes, movies, DVD's, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to hardcore material.
7. Adult Media Store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: 1) Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes, DVD's or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or 2) Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorizes as ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."
8. Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting motion pictures, slides or photographic reproductions which: a) is distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observance by patrons therein, or b) excludes minors by reason of age.
9. Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used predominantly for presenting motion pictures, slides or photographic reproductions which: a) is distinguished or characterized by an emphasis on matters depicting, describing or relating to specified anatomical areas, for observation by patrons therein, or b) excludes minors by reason of age.
10. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, aquaculture, apiculture, horticulture, floriculture, viticulture, fish farm, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine

or other animals. Agriculture includes the marketing of products at road side stands. It may result in the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, and the employment and use of labor.

11. Agricultural Area: An area meeting the qualifications of section 352.6 and designated under section 352.7 of the Code of Iowa.

12. Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways, including all necessary taxi ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

13. Alley or Lane: A dedicated public right-of-way, other than a street which provides only a secondary means of access to abutting property.

14. Animal Hospital: A hospital that deals with the application of medical, surgical, dental, diagnostic and therapeutic principles to pet, domestic, wildlife and livestock animals.

15. Apartment House: A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family. See Dwelling, Multiple.

16. Applicant: Any person, persons, or entity making application in accordance with this ordinance.

17. Automobile Salvage Yard: See Junk Yard.

18. Auto Body Repair: A business establishment engaged in motor vehicle painting, body and collision repair, frame straightening or any combination of the above.

19. Auto Repair Shop: A shop specializing in repairs and maintenance of automobiles.

20. Auxiliary Dwelling Unit: An additional residential unit containing its own kitchen and bathroom exclusively for occupancy by at least one family member of the primary residential unit. A unit can be a room addition or an attached or detached structure to the existing primary dwelling unit.

21. Basement / Cellar: That portion of a building having more than one-half (1/2) of its height below grade. A basement / cellar are not included in computing the number of stories for the purpose of height measurement.

22. Bed and Breakfast Home: A private residence which provides lodging and meals for guests, in which the host or hostess resides and guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to be a restaurant, hotel or motel, does not require reservations and ordinarily serves food only to overnight guests.

23. Block: An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys and the exterior boundary or boundaries of the subdivision.

24. Board of Adjustment: The Board of Adjustment of Floyd County, Iowa.

25. Board of Supervisors: The Board of Supervisors of Floyd County, Iowa.

26. Boarding House: A building other than a hotel, where for compensation, meals and lodging are provided for three (3) or more persons.

27. Body Piercing Studio: An establishment operated by one or more practitioners, whether organized as a corporation, limited liability corporation, partnership, sole practitioner or other association, where the piercing of the body, including the ears, is conducted in order to display jewelry on a person.

28. Buildable Area: The area of the lot remaining after the minimum open space, flood plain and all easement requirements of the ordinance have been complied with.

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

30. Building, Attached: Any building which is joined to another building at one or more sides by a common wall, except that an accessory building, including a garage, shall be considered as attached to the principal building if connected by a roof and/or within six (6') feet, wall to wall, of the principal building. An attached building shall be considered part of the principal building and shall meet all required principal building setbacks.

31. Building, Detached: A building entirely surrounded by open space and more than six (6') feet from the principal building.

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

33. Building, Principal: A building in which is conducted the main or principal use of the lot in which said building is located.

34. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Floyd County, Iowa.

35. Building Permit: Permit issued by the zoning administrator, allowing the applicant to build; (erect, construct, reconstruct, convert, alter or move.). Synonymous with Zoning Certificate.

36. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than one hundred thousand (100,000) gallons.

37. Business or Commercial: When used in this title, refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices, recreational, or amusement enterprises.

38. Cabin: See "Vacation or Recreational Cabin"

39. Camping Unit: Any recreational vehicle or other vehicle, tent, or other movable shelter used for camping purposes.

40. Car Wash: A building, or portion thereof, containing facilities for the primary purpose of washing motor vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether mechanically operated or by the customer.

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

42. Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

43. Cemetery, Pet: Land used or intended to be used for the burial of domesticated animals and dedicated for pet cemetery purposes.

44. Clinics: A building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.

45. Club: See Lodge.

46. Commercial Feed Operation: A lot, yard, corral, building or other area in which animals are confined and fed and maintained for forty-five days or more in any twelve-month period, and all structures used for the storage of manure from animals in the operation, including confinement buildings and manure storage structures. [See Iowa Administrative Code Environmental Protection 567 (Chapter 65) and any successive IAC provision thereto].

47. Commission/Planning and Zoning Commission: The Floyd County Planning and Zoning Commission.

48. Common Land or Open Space: An area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

49. Common Sewer System: A central sewer collecting system available to each platted lot and discharging into a treatment plant, lagoon or other systems which are approved by the Floyd County Department of Health. The design and location of a sewer system must be approved by the County Board of Health. The above definition is not to be construed to mean individual household, private sewage disposal systems.

50. Common Water System: A central water system available to each platted lot approved by the County Department of Health.

51. Communication Tower, Commercial: A freestanding structure designed to accommodate one (1) or

more communication antennas. Communication towers shall be considered to mean the tower plus the antenna(s) to be affixed to the tower. Communication antenna shall mean a structure intended for use in the wireless transmission or relaying of any portion of the electromagnetic spectrum, including television, radio, telephonic or any other type of communicative transmission which is to be affixed to another building or structure, including the equipment necessary for its use, but not including structures for signal reception only.

52. Conditional Use: A conditional use is the use of the premises that would not be appropriate generally without restrictions throughout the zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if a specific provision for such conditional use is made in this Ordinance.

53. Contiguous: Having a common border or being separated from such common border by an alley, easement, or other publicly dedicated and approved easement and/or roads.

54. Convenience Store: Any retail establishment offering for sale prepackaged food products, household and grocery items, newspapers and magazines and/or sandwiches and other freshly prepared foods and beverages, as well as vehicle fuel and gasoline.

55. Corn Suitability Rating (CSR): An index created by the US Department of Agriculture (USDA) and included as part of the Floyd County Soil Survey, which ranks the productivity of soils and their suitability for row-crop production.

56. County: Floyd County, Iowa

57. County Infraction: A civil offense punishable by a civil penalty and issued by means of a citation.

58. County Road: Any street, other than a highway.

59. Crematory: A crematory is a machine in which cremation of human or animal remains by fire takes place. Crematories are usually found in funeral homes and in cemeteries.

60. Cul-de-sac: A street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.

61. Day Nursery, Nursery School, or Day Care (Public): Any licensed or unlicensed agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for six (6) or more individuals.

62. Deck: A flat floored roofless structure, attached or detached from a building at least two feet (2') above the established ground level.

63. Delicatessen: a store specializing in imported or unusual foods and ingredients such as cooked meats, cheeses, and pickles.

64. Developer: The legal or beneficial owner or owners of a lot of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

65. 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, grading.

66. District: A section or sections of the unincorporated area or portion thereof of Floyd County for which the regulations governing the number and use of buildings and premises or the height and area of buildings are uniform.

67. Drive-in Establishment: An establishment which, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product which may be used or consumed in an automobile on the premises or to be entertained while remaining in an automobile. This term does not include sidewalk or patio cafes where service is provided to tables only.

68. Drive-through Establishments: An establishment which, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product while remaining in an automobile. The service or product received is generally not utilized or consumed on

site.

69. Driveway: A private access road that connects the entrance to a building to a private or public street, road, alley, highway or freeway. All driveways, public and private, shall meet or exceed the current Floyd County driveway policy.

70. Dump: A premises used for the disposal of "clean type" of fill material, such as dirt, rocks and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.

71. Dwelling: Any building or portion thereof which is designed or used for residential purposes, but not including a tent, cabin, trailer or mobile home.

72. Dwelling, Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.

73. Dwelling, Farm: A detached residence designed for or used exclusively and occupied by one family actively engaged in agriculture on land where the dwelling is located following a review by the Floyd County Planning & Zoning Department as to its conformance with Chapter 335.2 of the Code of Iowa.

74. Dwelling, Multiple: A dwelling or portion thereof designed for or occupied by three or more units.

75. Dwelling, Row: Any one of three (3) or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.

76. Dwelling, Single-Family: A detached residence designed for or used exclusively and occupied by one family only.

77. Dwelling, Two-Family: A residence designed for or used exclusively and occupied by two (2) families living independently of each other, with separate housekeeping and cooking facilities for each. Twin homes shall be considered two-family dwellings.

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

79. Earth Home: An earth home is a structure that is below the ground on two (2) or more sides. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be construed or confused with the definition of a basement or cellar.

80. Easement: A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation or a certain person or persons, and within the limit of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees, which interfere with the use of such easements.

81. Educational Institution: An institution for public and private schools including elementary, junior and senior high schools, trade and vocational schools, and institutions of higher education; colleges, including dormitories, sororities, and fraternities.

82. Engineer: An engineer is a licensed engineer authorized and licensed to practice engineering in the State of Iowa.

83. Factory-Built Structure: Any structure which is, wholly or in substantial part, made fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes, modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

84. Factory-Built Housing: A factory-built structure designed for long term residential use. For the purposes of these regulations, factory-built housing consists of three types: mobile homes, modular homes and manufactured homes.

85. Family: A group of individuals who share ties of blood, marriage, adoption, domestic partnership or legal guardianship; a group residing together and consisting of parents, children, and other relatives by blood or marriage; a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage.

86. Farm: An area comprising fifteen (10) contiguous acres, including streets and roads, or more which is

used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property non-contiguous.

87. Farmstead: The buildings and adjacent service areas of a farm, including sites where the buildings may have been removed provided the land has not been cultivated.

88. Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at road side stand or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical and organic fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.

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

90. Feed Lot/Confinement Operation: An animal feeding area on which the principal use is the confinement of livestock, primarily for the purposes of concentrated feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and/or upon which livestock are allowed to graze or feed.

91. Fill: The placing, storing, or dumping of any material such as earth, clay, sand, rubble or concrete upon the surface of the ground which results in increasing the surface elevation.

92. Floor Area: The sum of gross horizontal areas of all floors of a building.

93. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.

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

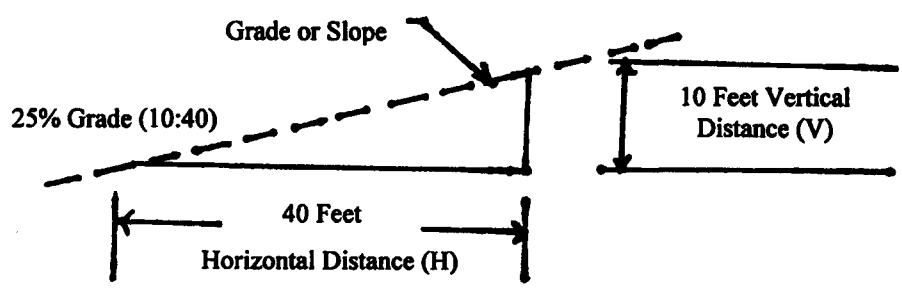
95. Funeral Homes: A funeral home, funeral parlor or mortuary, is a business that provides burial and funeral services for the deceased and their families. These services may include a prepared wake and funeral, and the provision of a chapel for the funeral.

96. Garage, Private: An enclosed structure intended for parking of private motor vehicles of the person(s) residing upon the premises.

97. Garage, Storage: Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, rented or sold.

98. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building (see figure 1).

Figure 1: Grade of Slope



SLOPE CALCULATION = V/H

99. Grain Elevator: A structure or group of related structures whose primary purpose is, but not limited to,

the receiving, selling, processing, storage, drying and transporting of bulk grain. A grain elevator is a business that serves customers commercially and is open to the general public.

100. Greenhouses and Nurseries, Retail: Land, buildings, structures, or combinations thereof for the storage, cultivation and transporting of live trees, shrubs or plants, a portion of which are offered for retail sale on the premises, and including products used for gardening and landscaping.

101. Greenhouses, Private: A structure, accessory to the principal use, for the storage and cultivation of live trees, shrubs or plants for private use.

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

103. Hardcore Material: Any print or electronic media (including but not limited to books, magazines, photographs, films, videocassettes, compact discs, DVD, etc.) that is characterized or distinguished by an emphasis on matter depicting "specified sexual activities" or "specified anatomical areas."

104. Hazardous Waste: A hazardous waste as defined in Chapter 455B.411, Code of Iowa, as amended or designated as such by the Federal Environmental Protection Agency.

105. Health Care Facility: An establishment for provision of care to persons suffering from illness, injury or disability and includes hospital, custodial home, nursing homes, convalescent home, extended care facility and similar facilities.

106. Health Club: A non-medical service establishment intended to maintain or improve the physical condition of persons, and that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

107. Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on 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 Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By 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.

108. Home Industry: Any occupation or activity carried on by a member of the immediate family residing on the premises, where no more than two (2) persons not a member of the family there residing may be regularly employed in addition to the proprietor, and where mechanical equipment or facilities not normally used for purely domestic, household, or agricultural purposes are used.

109. Home Occupation: Any occupation, or profession carried on by a member of the immediate family residing on the premises; in which no person is employed other than a member of the immediate family residing on the premises; in which no goods are sold, and in which no mechanical equipment is used except such as is permissible for purely domestic or household purposes.

110. Hospital: An establishment providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from mental or physical illness, disease, injury or disability and including any related facilities such as laboratories, outpatient care, obstetrical, central service, staff offices or training facilities. "Hospital" does not include establishments that are intended primarily for permanent or long-term care or custodial care.

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

112. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainage ways, sewers, water mains, wells and other works and appurtenances.

113. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use, not including religious institutions.

114. Junk or Salvage: Scrap copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous materials.

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

116. Kennel, Dog (commercial): Any parcel of land on which four (4) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.

117. Kennel, Dog (private): A noncommercial kennel at, in or adjoining a private residence where dogs are kept for hobby of the householder, in using them for hunting or practice training or for exhibiting them in shows of field or obedience trials or for guarding or protecting the householders property. The keeper of a private kennel may keep or maintain no more than five (5) dogs, six (6) months or older. This definition is not applicable to private dog kennels located in an Agricultural 'A' District.

118. Landing Strip (private): a small landing field having only one runway for use by the owner only or by those who the owner authorizes to use.

119. Large Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kilowatts (kW) and which is intended to primarily produce commercial electricity.

120. Livestock: Includes but is not limited to cattle, horses, sheep, swine, poultry or any other animal or fowl, which are being produced primarily for commercial purposes.

121. Loading Space, Off Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking in computation of required off-street parking spaces.

122. Lodge: A building or portion thereof or premises owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose primarily for the exclusive use of members and their guests, but not primarily for profit or to render a service which is customarily carried on as a business.

123. Lot: For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of:
   a. A single lot of record;
   b. A portion of a lot of record;
   c. A combination of complete lots of record; or complete lots of record and portions of lots of record; or of portions of lots of record;
   d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

124. Lot, Area: Total horizontal area within lot lines.

125. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection (see Figure 2).

126. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

127. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot (see Figure 2).

128. Lot, Interior: A lot other than a corner lot (see Figure 2).

129. Lot, Lines: The lines bounding a lot.

130. Lot Line, Front: The line separating the lot from the street on which it fronts.

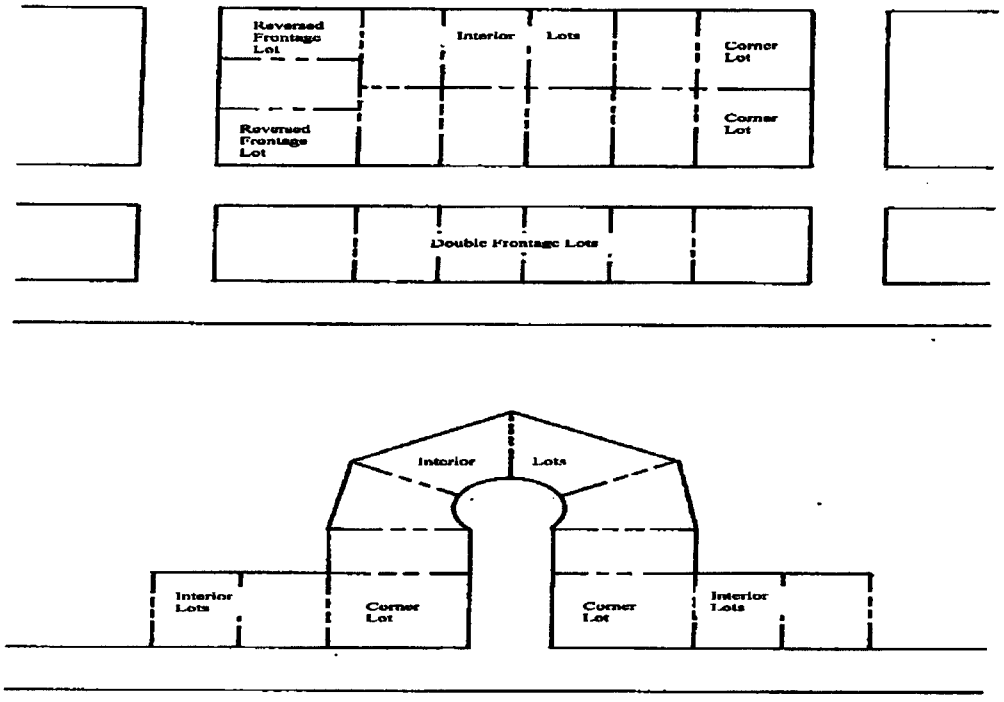
131. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

132. Lot Line, Side: Any lot line other than a front or rear lot line.

133. Lot of Record: A lot, the contract or deed to which that has been recorded in the office of the Recorder of Floyd County, Iowa, prior to adoption of current ordinance.

134. Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear (see Figure 2).

Figure 2: Examples of Lot Definitions



135. Lot, Width: The width of a lot measured at the building line and at right angles to its depth.

136. Lot, Zoning: A single tract of land located within a single block which (at the time of filing for a zoning certificate) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

137. Mausoleum: A mausoleum is an external free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or persons.

138. Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.

139. Massage Establishment: Any establishment having a fixed place of business, which excludes minors by reason of age, where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include: a)persons licensed by the state of Iowa under the provisions of chapter 148, 148A, 148B,150, 152, 153, 157 or 158, Iowa Code, when performing massage therapy or massage services as a part of the profession or trade for which licensed; b) persons performing massage therapy or massage services under the direction of a person licensed as described in item a) of this definition; c) persons performing massage therapy or massage services upon a person pursuant to the written instruction or

order of a licensed physician; d) nurses' aides, technicians and attendants at any hospital or healthcare facility licensed pursuant to chapter 135B, 135C or 145A, Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in item a) of this definition; e) an athletic coach or trainer in any accredited public or private secondary school, junior college or university or employed by a professional or semi-professional athletic team or organization, in the course of his employment as such coach or trainer. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational and athletic facilities for the welfare of the residents of the area.

140. Mortuary: A morgue or mortuary (as in a hospital) is used for the storage of human corpses awaiting identification, or removal for autopsy or burial, cremation or some other post-death ritual. They are usually refrigerated to avoid decomposition.

141. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.

142. Manufactured Home: A factory-built structure built under authority of 42 U.S.C. § 5403, that is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

143. Metes and Bounds Description: The method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.

144. Mini-Warehouse: A building or group of buildings not more than one (1) story or twenty (20) feet in height and not having any dimension greater than one hundred fifty (150) feet per building, containing varying sizes of individualized, compartmentalized and controlled access stalls or lockers for the dead storage of customer's goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or supervisors' quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.

145. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A *"mobile home"* is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.

146. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

147. Modular Home: Any single-family dwelling unit which is manufactured in whole or in components at a place other than at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home or mobile home.

148. Motel and Motor Lodge: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.

149. New Construction (New Buildings, New Mobile Home Parks): Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.

150. Night Club: An establishment located within any building and operated for the purpose of supplying entertainment and/or music, and providing a dance floor containing 300 square feet or more; and having a seating capacity of greater than fifty (50) people at tables; and/or providing meals or refreshments

prepared on the premises; and/or serving alcoholic beverages for consumption on the premises.

151. Nonconforming Use: The lawful use of any building or land that was established prior to or at the time of passage of the Floyd County Zoning Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendments there to with the use regulations of the district in which it is situated.

152. Nursing Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically and mentally disabled or injured persons, not including criminally insane cases, inebriate, or contagious cases.

153. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill or other analogous structure or matter in, along, across, or projecting into any floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

154. Owner: The legal entity holding title to the property, or such representative or agent as is fully empowered to act on its behalf.

155. Parcel: A part of a tract of land.

156. Parking Lot: A parcel of land devoted to unenclosed parking spaces.

157. Parking Space: An area of not less than one hundred eighty (180) square feet (9 feet wide by 20 feet long), plus necessary maneuvering space for the parking of a motor vehicle, together with a surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile. Space for maneuvering, incidental to parking or non-parking, shall not encroach upon any public right-of-way.

158. Patio: Areas adjoining a building often paved, but open to the sky which is less than two feet (2') above the established ground level.

159. Pavement or Paving: A layer of concrete, asphalt or coated macadam used on street, *parking area*, sidewalk, or airport surfacing.

160. Penal Institution: An institution where persons are confined for punishment and to protect the public

161. Plat: In appropriate context, may refer to the parcel of land represented by a plat map or drawing and may be synonymous with the word subdivision.

162. Plat, Final: The map or drawing and its required certifications, on which the subdivision plan is presented in a form which is in compliance with the preliminary plat to be recorded by the County Recorder.

163. Plat, Preliminary: A study, including drawings, indicating the proposed manner of layout and construction of a subdivision and its proposed improvement, which is submitted for consideration to and approval by the Board of Supervisors and others.

164. Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall enclosed by a building or siding material other than meshed screens.

165. Premises: The land together with any buildings or structures located thereon.

166. Principal Use: The main use of land or structures as distinguished from an accessory use.

167. Professional Office: An office for the conduct of the following types of uses: Accountant, architect, attorney, banks, engineer, surveyor, drafting service, designer, real estate, insurance.

168. Public Utilities: Public or quasi-public distributing or operating equipment for related services for telephone, electricity, cable television, gas, sewer and water. For purposes of the Ordinance, a private, common water system and/or a common sewer system may be considered a public utility when a public or quasi-public system is not available and when the creating parties agree.

169. 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; or (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

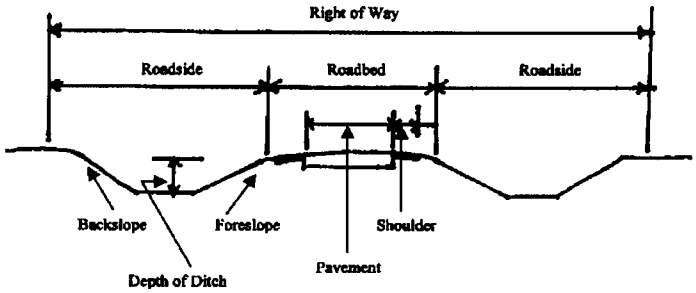
170. Recycling Facility: A site in which waste or materials which otherwise become waste are collected, separated, or processed and reused or returned to use in the form of raw materials or projects. Recycling includes, but is not limited to, the composting of yard waste which has been previously separated from other waste and collected by a sanitary facility, but does not include any form of energy recovery.

171. Religious Institution: A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.

172. Right-of-way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes (see Figure 3).

173. Road: All property intended for use by vehicular traffic, dedicated or intended for public or private road, street, alley, highway, and freeway or roadway purposes or to public easements therefore.

Figure 3: Examples of Road Definitions



174. Roadside Stand: A temporary structure used seasonally for the sale of homegrown agricultural products.

175. Sanitary Landfill: Land utilized for disposing of solid or hazardous wastes in accordance with the rules and regulations of the Department of Natural Resources.

176. Setback: The minimum horizontal distance between a lot line or right-of-way (where applicable) and a building or structure located upon such lot required by the provisions of this chapter.

177. Service Station: Any building or premises used for the retail sale of products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. A service station is neither a commercial garage nor a body or fender shop.

178. Sex Shop: An establishment offering goods for sale or rent and that meets any of the following tests: a) The establishment offers for sale or rent items from any two (2) of the following categories: 1) adult media, 2) lingerie, or 3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten (10%) percent of its stock in trade or occupies more than ten (10%) percent of its floor area; b) More than five (5%) of its stock in trade consists of sexually oriented toys or novelties; and c) More than five (5%) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

179. Sexual Activity Establishment: An establishment which excludes minors by reason of age, used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or involving "specified sexual activities" or "specified anatomical areas." Provided, that the provisions of this definition shall not apply to a theater, concert hall, art center, museum or similar establishment which is primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to "specified sexual activities" or 'specified anatomical areas."

180. Sexually Oriented Business: An inclusive term used to describe the following collectively: adult cabaret; adult motion picture theater; video arcade; bathhouse; massage establishment; adult media store; and/or sex shop.

181. Sexually Oriented Toys or Novelties: The instruments, devices, or paraphernalia either designed as

representations of human genital organs, buttocks or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

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

183. Small Wind Energy System: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility-supplied electricity.

184. Specified Anatomical Areas: shall include less than completely and opaquely covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.

185. Specified Sexual Activities: shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, contact between the mouth of one person and the genitals of another, sodomy, or bestiality; or penetration of body orifices or stimulation of a genital organ by a sex accessory as defined herein; or fondling or erotic touching of human genitals, pubic region, buttock, or female breasts.

186. Special Event: A special event is any temporary occurrence exceeding 200 persons in attendance and conducted or sponsored by a person, organization, entity, or association, involving a display, demonstration, performance, exhibition, or amusement which includes, but is not limited to, festivals, concerts, carnivals, arts and crafts shows, fireworks displays, sporting events, parades, and rallies. Special events exclude regularly scheduled events conducted on property where such events are normally held and exclude auctions held at locations other than auction houses or commercial sale yards.

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

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

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

190. Story, Half: A space under a sloping roof which has the line of intersecting of roof decking and wall face not more than four (4) feet above the top floor level.

191. Street, Road, Drive, Alleys or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision.

192. Street, Road, Alleys, Drive or Entrance (Public): All property intended for use by vehicular traffic, which has been dedicated to the public or deeded to a political subdivision.

193. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

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

195. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards and poster panels. Among other things, fence, fence posts, and flag poles are not considered structures.

196. Tattoo Studio: An establishment or facility in which the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels or other related equipment and/or a facility where the piercing of body parts, other than ears, is performed for purposes of allowing the insertion of jewelry.

197. Tavern: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments commonly known as key clubs, which are open and in which alcoholic beverages are served only to members and their guests.

198. Tower: Any guyed, monopole or self-supporting tower, constructed as a free-standing structure or in

association with a building or other permanent structure, containing one or more antennas.

199. Towing, Wrecker Service: The temporary storage of vehicles towed in conjunction with the towing service.

200. Tract: An aliquot part of a section, a lot within an official plat, or a government lot.

201. Trailer or Mobile Home: See "Mobile Home"

202. Trailer or Mobile Home Park: See "Mobile Home Park or Trailer Park"

203. Transfer Station: A fixed or mobile intermediate solid waste disposal facility for transferring load of solid waste, with or without reduction of volume, to another transportation unit.

204. Travel Trailer: A vehicle customarily used for vacation or recreational purposes defined and licensed in accordance with Section 321.1 (39) (b), Code of Iowa.

205. Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

206. Twin Homes: a building comprising two attached units sharing a common wall on two distinct properties.

207. Vacation or Recreational Cabin: A structure consisting of sleeping rooms, kitchen and living area used as a temporary residence, not to exceed six (6) months at a time, for recreational purposes.

208. Wind Farm: One or more wind turbine generators which are connected to the electrical transmission grid or local distribution grid. Wind farms shall include but are not limited to wind turbine generators, operations and maintenance buildings, meteorological towers, electrical collector systems, communications, roads and substations.

209. Wind Turbine Generator: A device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is connected to the electrical transmission grid or local distribution grid.
   a. Blade: An element of a wind turbine generator which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
   b. Wind Tower: The support structure, above grade, that supports the nacelle and rotor assembly.
   c. Tower Foundation: The tower support structure, above and/or below grade that supports the entire weight of the wind turbine generator.
   d. Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.
   e. Total Extended Height: The height above grade to a blade tip at its highest point.
   f. Total Height: The height from grade to the highest vertical point of the swept arc. In the case of a wind turbine generator with a vertical axis rotor, the height of the blades from grade to the highest vertical point of the wind turbine generator.
   g. Substation: An electrical construction designed to collect and modify electrical energy produced by the Wind Farm.

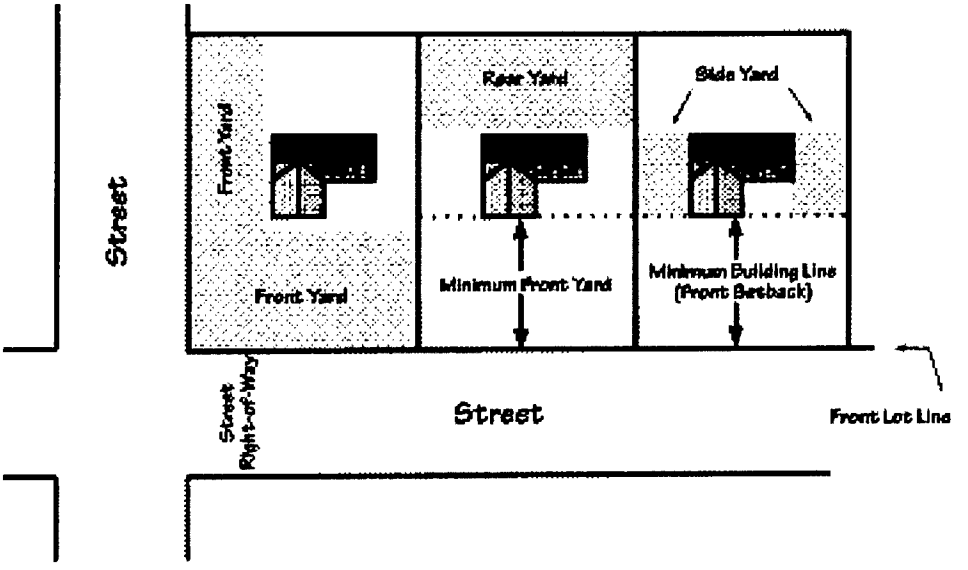
210. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from twenty-four (24) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

211. Yard, Front: A yard extending the full width of the lot and measured between the front lot line and the building (see Figure 4). For the purposes of this Ordinance, "front" shall be determined by the street where the address is derived.

212. Yard, Rear: A yard extending across the full width of lot and measured between the rear lot line and the building or any projection other than steps, unenclosed balconies or unenclosed porches (see Figure 4). On both corner lots and interior lots the opposite end of lot from the front yard.

213. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building (see Figure 4).

Figure 4: Yard Definitions



Building Line and Yards

214. Youth Livestock Project: A livestock project, owned by a single youth, or combination of youth, who are actively participating in a 4-H club or FFA chapter and who resides in Floyd County. The number of animals in the project will be under the guidance of a 4-H leader or FFA advisor and cannot exceed more than two (2) large animals per acre. Horses, cattle, swine, sheep and goats may be raised for sale. Other livestock species may be raised for home use but are permitted to be sold exclusively at the Floyd County Fair 4-H/FFA auction.

215. Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

216. Zoning Certificate: Written authorization, issued by the Zoning Administrator, which indicates a proposed project conforms to this Ordinance. Synonymous with building permit. A Zoning Certificate is not required for any building hereafter erected or structurally altered in an Agricultural District "A" if an Agricultural Building Permit Exemption Application has been applied for and approved by the Floyd County Planning & Zoning Department.

217. Other Terms: All other terms used in these regulations, including all types of permitted uses shall have their normal, most common meaning.

SECTION VI.
ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

A. Establishment of Districts

In order to classify, regulate, and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the unincorporated area of Floyd County, Iowa, is hereby divided into ten (10) classes of districts. The use, heights, and area regulations are uniform in each class of district, and said districts shall be known as:

'A'	Agricultural District
'R-1'	Low Density Residence District
'R-2'	Moderate Density Residence District
'R-MH'	Residential Mobile Home District
'PUD'	Planned Unit Development District
'C-1'	Commercial District
'C-R'	Commercial Recreation District
'I-1'	Light Industrial District
'I-2'	Heavy Industrial District
'F-C'	Flood Plain Conservation Overlay District

B. District Boundaries and Official Zoning Maps

The boundaries of these districts are indicated upon the Official Zoning Maps of Floyd County, Iowa, which maps are made a part of this Ordinance by reference. The said Official Zoning Maps of Floyd County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said maps were all fully described herein. The said Official Zoning Maps shall be on file in the office of the Zoning Administrator of Floyd County, Iowa, and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that these are the Official Zoning Maps referred to in Section VI of this Ordinance. The Official Zoning Maps shall show all amendments or changes and shall indicate the date of each amendment or change. It shall be the responsibility of the Zoning Administrator to see that the Zoning Maps are kept current at all times.

C. Interpretation of District Boundaries

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

1. The district boundaries are either street line or alley lines unless otherwise shown, and where the districts designated on the maps accompanying and made a part of this Ordinance are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district, street and alley right-of-way not included in zoned areas.
2. Where boundaries are indicated so they approximately follow lot lines and are not more than twenty (20) feet distance there from, such lot lines shall be interpreted to be the boundary of the district.
3. Boundaries that approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
4. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines.
7. Where no other indication of the district boundary is made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the maps.

8. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Map; and, as such, said maps or portions of said maps need not be published.
9. As a last resort, the Board of Adjustment may interpret district boundaries.

SECTION VII.
GENERAL REGULATIONS AND PROVISIONS

A. Severance

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

B. Conformance Required

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 that apply to uses within the jurisdiction of this Ordinance.

C. Farmstead

Within an Agricultural district, a farmstead by definition in existence on 13 JUNE 1995 which was the last amendment of this ordinance prior to this amendment, the date Appendix A of the Floyd County Code of Ordinances was adopted, may be severed from the farm. A minimum of one and one half (1.5) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located. If a single family home is proposed to be built on a farmstead, an existing home may be allowed to remain until the new home is either completed or occupied, whichever is a shorter period of time.

D. Required Yard Per Building

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

E. Road Vacation

Whenever any street, road or other public way is vacated by official action of the Board of Supervisors of Floyd County, the zoning district adjoining each side of such street, road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

F. One Principal Building Per Lot

Every building hereafter erected or structurally altered in the R-1, R-2, and R-MH shall be located on a lot as defined herein and in no case shall there be more than one (1) main building on one (1) lot.

G. Requests

All complete petitions for rezoning, special permits, variance, etc., must be in writing stating the exact legal description of land involved, the purpose for which the land is to be used, the disruption expected to be incurred on the area's natural setting, and the methods to be implemented to lessen the severity of disruption on the area and any other accompanying documentation as required by the application and Zoning Administrator. The Zoning Administrator must receive complete petitions and all required documentation at least twenty-one (21) working days prior to a regularly scheduled meeting of the Zoning Commission. A preliminary plat shall be submitted with a petition for rezoning for subdivisions.

H. Water Supply and Sewage Disposal

Every residence, business, trade, or industry hereafter established, which requires water supply and sewage

disposal facilities, shall provide facilities that conform with the Well and Sewage Regulations of the County Department of Health and all other applicable regulations.

I. Street Frontage Required

Except as permitted in this Ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least fifty (50) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street, and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least twenty-four (24) feet wide may be provided for two (2) such single-family dwellings. For more than two (2) dwellings the access easement must be in conformance with the Subdivision Ordinance of Floyd County, Iowa.

J. Accessory Buildings

Minimum lot area, lot frontage, and yard requirements will be determined for each of the zoning district classifications. All accessory buildings shall be placed in the side or rear yard. An unattached accessory building shall maintain a clearance of six (6) feet (wall to wall) between the principal permitted building and the accessory building.

An accessory building that is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard. However, nothing in this Ordinance will prohibit the construction of at least a four hundred forty (440) square foot accessory building on a lot, provided all yard setbacks can be maintained.

K. Corner Lots

The front yard regulation shall apply to each street side. Side and rear yard requirements are determined by direction of front of principal building. The "front" of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

L. Front Yard

In any 'R' district there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots. In computing the average setback, buildings located on reversed corner lots or entirely on the rear half of lots shall be counted. The required setback as computed herein need not exceed fifty (50) feet in any case. For the purposes of this Ordinance, "front" is determined by the street where the address is derived.

M. Required Yard Cannot Be Reduced

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

N. Building Lines on Approved Plats

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

O. Fences

Residential fences are permitted in any yard and may be constructed on the property lines in residential districts except as herein provided. However, fences or walls located in required yards shall not in any case exceed a height of six feet (6'); except such fences or walls shall not exceed a height of four feet (4') in the front yard. Security or screening fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten feet (10') in height.

P. Visibility at Intersections

On any corner lot, there is established a traffic visibility zone at the intersection of two (2) or more streets. The traffic visibility zone shall include that part of a corner lot that is within the area bounded by the intersecting street right of way lines and a diagonal line intersecting said street right of way lines at a distance of twenty feet (20') from the corner (the point of intersection of the right of way lines of 2 intersecting streets). In any traffic visibility zone, no fence, structure, earth bank, hedge, planting or other obstruction shall be erected, planted or maintained which materially impedes vision in the visibility zone between the heights of three feet (3') and ten feet (10') above the established curb grade.

Q. Pending Applications for Building Permits

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

R. Lot Area Computation

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

S. Dwelling Standards

The following standards shall apply to all new dwellings for which building permits have been issued.

1. The dwelling shall be affixed to a permanent foundation system, in accordance with the Iowa Building Code standards;
2. The minimum average dimension of the width or the length of the main body of the dwelling unit shall not be less than twenty-four (24) feet.

T. Home Occupation Standards

The following standards and criteria shall apply to home occupations:

1. Clearly incidental and secondary to the use of the dwelling unit as a residence;
2. Conducted entirely within an existing dwelling unit;
3. Conducted by a member(s) of the family residing within the dwelling unit.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the Floyd County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.

U. Home Industry Standards

The following standards and criteria shall apply to home industries:

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property;
2. Conducted entirely and confined within an accessory building(s) located upon the property;
3. Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employees;
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the Floyd County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.

V. Bulk Requirements

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

Minimum bulk requirements are listed in Table 1

W. Small Wind Energy Systems

The purpose of this regulation is to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility-supplied electricity. This ordinance is in compliance with HF810, enacted in 2009, creating the Small Wind Innovation Zone program. Floyd County finds that wind energy is abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of nonrenewable energy sources.

Distributed small wind energy systems will help diversify the state's energy portfolio. Small wind energy systems also make the electricity supply market more competitive by promoting customer choice. The State of Iowa has enacted a number of laws and programs to encourage the use of small-scale renewable energy systems, including net metering, sales tax exemptions, property tax exemptions, production tax credits, and the Small Wind Innovation Zone program.

Small wind energy systems shall be a permitted use in all zoning classifications provided a conditional use is issued in conformance with and subject to certain requirements as set forth below. Floyd County shall require the installer of the small wind energy system, or the owner of the property upon which the system will be installed, to obtain a building permit for the system.

1. Tower height and setback.
   The base of the small wind energy system tower shall be set back from all property lines, public right of ways, and above ground public utility lines at a distance of not less than 115% of the total extended height of the tower. Towers shall be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission, provided that the tower installation complies with the other applicable setbacks herein provided. As long as the total extended height meets the setback requirements, there shall be no specific height limitation, except as imposed by the Federal Aviation Administration regulations as stated in Section VII W(3).
2. Requirement for engineered drawings/approval and soil studies.
   A small wind energy system of greater than 20 kW, or a small wind energy system mounted on a structure other than a free-standing tower, shall not be erected in Floyd County, unless the plans and specifications for the system have received the stamped approval of an Iowa registered engineer. In lieu of obtaining the stamped approval of an Iowa registered engineer for each small wind energy system of

20 kW or less mounted on a free-standing tower, a manufacturer may submit its standard plans and specifications for a 20 kW system on a free-standing tower, including its soils study and foundations plans for such system, for a one-time review and stamped approval by an Iowa registered engineer as suitable for construction in any soil condition that exists in the State of Iowa. If such one-time stamped approval is obtained, that manufacturer may thereafter construct such small wind energy systems of 20 kW or less in Floyd County, utilizing the approved soils study and foundation plans for the 20 kW small wind energy system, without obtaining and presenting the stamped approval of an Iowa registered engineer for each such installation.

3. Compliance with Federal Aviation Administration Regulations (FAA).
No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

4. Safety.
Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.

5. Sound.
Sound produced by the small wind energy system under normal operating conditions, as measured at the property line, shall: a) not produce sound at a level that would constitute a nuisance; b) shall comply with any local ordinance regulating the volume of sound as a nuisance, if applicable. Sound levels, however, may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe wind storms.

6. Compliance with National Electric Code.
Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the design and manner of installation conforms to the state National Electric Code.

7. Utility Notification.
No small wind energy system shall be installed until evidence has been given that the utility company has authorized interconnection of the small wind energy system to its electric distribution or transmission, under an agreement offered by the utility. Properties not connected to the public utility system shall be exempt from this requirement.

8. Insurance.
A person seeking a building permit to erect a small wind energy system shall provide evidence, in the form of a certificate of insurance satisfactory to Floyd County, showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.

9. Abandonment.
If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the small wind energy system to operating condition. If the owner fails to restore the system to operating condition within the six month time frame, it shall be considered abandoned and the owner shall be required, at the owner's expense, to remove the small wind energy system. A small wind energy system that has been abandoned may be abated as a public nuisance.

10. Signage.
No signs, other than appropriate warning signs, or standard manufacturer's or installer's identification signage, shall be displayed on a wind generator, tower, building, or other structure associated with a small wind energy system, subject to local sign regulation if any.

11. Lighting.
No illumination of the turbine or tower shall be allowed unless required by the FAA.

X. <u>Large Wind Energy Systems</u>

The purpose of this regulation is to promote the safe, effective, and efficient use of large wind energy systems.

Floyd County finds that wind energy is abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of nonrenewable energy sources.

Large wind energy systems will help diversify the state's energy portfolio. Large wind energy systems also make the electricity supply market more competitive by promoting customer choice. Large wind energy systems shall be a permitted use in an Agriculture zoning classification provided a conditional use is issued in conformance with and subject to certain requirements as set forth below. Floyd County shall require the installer of the large wind energy system, or the owner of the property upon which the system will be installed, to obtain a building permit for the system.

1. Tower height and setback.
   The base of the large wind energy system tower shall be set back from all property lines, public right of ways, and above ground public utility lines at a distance of not less than 115% of the total extended height of the tower. Towers shall be allowed closer to a property line that its total extended height if the abutting property owner(s) grants written permission, provided that the tower installation complies with the other applicable setbacks herein provided. As long as the total extended height meets the setback requirements, there shall be no specific height limitation, except as imposed by the Federal Aviation Administration regulations as stated in Section VII W(3).
2. Requirement for engineered drawings/approval and soil studies.
   For all large wind energy systems, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the large wind energy system is within accepted professional standards, given local soil and climate conditions.
3. Compliance with Federal Aviation Administration Regulations (FAA).
   No large wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
4. Safety.
   Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.
5. Sound.
   Sound produced by the large wind energy system under normal operating conditions, as measured at the property line, shall: a) not produce sound at a level that would constitute a nuisance; b) shall comply with any local ordinance regulating the volume of sound as a nuisance, if applicable. Sound levels, however, may be exceeded during short-term events out of anyone's control, such as utility outages and/or severe wind storms.
6. Compliance with National Electric Code.
   Building permit applications for large wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the design and manner of installation conforms to the state National Electric Code.
7. Insurance.
   A person seeking a building permit to erect a small wind energy system shall provide evidence, in the form of a certificate of insurance satisfactory to Floyd County, showing general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.
8. Abandonment.
   If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the large wind energy system to operating condition. If the owner fails to restore the system to operating condition within the six month time frame, it shall be considered abandoned and the owner shall be required, at the owner's expense, to remove the large wind energy system. A large wind energy system that has been abandoned may be abated as a public nuisance.
9. Signage.

No signs, other than appropriate warning signs, or standard manufacturer's or installer's identification signage, shall be displayed on a wind generator, tower, building, or other structure associated with a large wind energy system, subject to local sign regulation if any.

10. Lighting.
No illumination of the turbine or tower shall be allowed unless required by the FAA.

Y. Minor Boundary Changes

The purpose of the minor boundary changes is to prescribe uniform procedures allowing for approval of minor changes to the boundaries of parcels between owners of adjacent parcels of land.

A minor boundary change shall not be approved unless all of the following conditions are met:

1. The minor boundary change does not create any additional lots or parcels. A deed restriction combining parcels may be required.
2. The applicant submits a survey, minor subdivision plat or minor site plan, meeting the provisions set forth in this ordinance, which demonstrates that all site and structure requirements for the zoning district in which the parcels of land are located can be maintained after the sale or exchange of property.
3. If the minor site plan required in (2) above is not prepared by a licensed land surveyor or engineer, the parcels must be staked to show existing and proposed property lines so that County inspectors may verify dimensions on said site plan.

Z. Uses Not Listed

Uses not specifically listed as principal permitted or accessory uses or conditional uses shall be considered for addition to the Ordinance according to the amendment procedures.

Table 1. Bulk Requirements

"A" Agricultural District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family or Farm Dwelling in the "A" Agricultural District	3 stories or 40 feet	10 Acres, unless CSR is 70 or less on 75% of lot then 1.5 Acres	150 Feet	50 Feet	25 Feet	30 Feet
Other Permitted Structures	25feet	1.5 Acres	150 Feet	50 Feet	25 Feet	30 Feet
Accessory Buildings	25feet	--	--	60 Feet[1]	5 Feet[1]	5 Feet[1]
"R-1" Low Density Residence District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Single Family	2.5 Stories or 35 feet	10,000 sq. ft. if served by common sewer; 43,560 sq. ft. if private on-site sewage system is used	100 Feet	25 Feet	10 Feet	25 Feet
Other Permitted Structures		--	--	35 Feet	10 Feet	35 Feet
Accessory Buildings	18 Feet	--	--	60 Feet[1]	5 Feet[1]	5 Feet[1]
"R-2" Moderate Density Residence District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Single Family	2.5 Stories or 35 feet	6,600 sq. ft. if served by common sewer; or 8,000 sq. ft.	70 Feet	25 Feet	10 Feet	25 Feet
Two Family	2.5 stories or 35 feet	9,000 sq. ft.	80 Feet	25 Feet	10 Feet	25 Feet

"R-2" Moderate Density Residence District **(Continued)**	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Multiple Family	3 stories or 40 feet	10,000 sq. ft.	85 Feet	25 Feet	10 Feet	25 Feet
Mobile Home Park Individual Unit Requirements	35' and/or 2.5 stories	10 Acre 3,000 sq. ft.	300 Feet 25 Feet	50 Feet 10 Feet	50 Feet 10 Feet	50 Feet 10 Feet
Other Permitted Structures	25 feet	1 Acre	100 Feet	30 Feet	20 Feet	40 Feet
Accessory Buildings	1 Story or 18 feet	--	--	60 Feet[1]	5 Feet[1]	5 Feet[1]
"C' Commercial & "C-R" Commercial-Recreational Districts	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Permitted Structures	3 Stories or 45 feet	Shall not be at least twice the gross floor area of the building(s)	100 Feet	25 Feet	If provided, 10 feet	25 Feet
Accessory Buildings	30 feet	--	--	60 Feet[1]	5 Feet[1]	5 Feet[1]
"I" Industrial District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Principal and Conditional Uses	3 Stories or 45 feet, No height limits in I-2	Principal and accessory buildings may not occupy more than 50% of the lot	100 Feet	30 Feet	30 Feet	30 Feet
Accessory Buildings	2.5 Stories or 35 feet, No height limits in I-2	--	--	60 Feet[1]	5 Feet[1]	5 Feet[1]

Notes:

Lot Area Requirements Shall Be Computed Exclusive Of Street, Road, Alley, Or Highway Right-Of-Way.

1 No accessory building shall be erected in any required yard other than a rear yard except as provided herein. Detached accessory buildings in the rear yard shall be a distance of at least five (5') feet from the side and rear lot lines. On a corner lot, accessory buildings and/or structures shall conform to setback regulations for principal buildings on the street side.

Detached accessory buildings located nearer than sixty (60') feet to the front lot line or placed within six (6') feet of the principal building shall be considered to be attached to the principal building, and all yard requirements for a principal building must be complied with.

Accessory buildings which are not a part of the main building shall not occupy more than thirty (30%) percent of the rear yard, however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard, provided all yard setbacks can be maintained.

* All other permitted structure not otherwise listed in Section VIII (G).

SECTION VIII.
USE REGULATION FOR 'A' AGRICULTURAL DISTRICT

Intent: The Agricultural 'A' District is intended to preserve agricultural resources and protect agricultural land from encroachment of urban land uses. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture and that the rural character of these areas be preserved.

In the 'A' Agricultural District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses

1. Farms
2. Private nurseries and greenhouses
3. Private orchards and tree farms
4. Stables, private and public, riding academies and clubs and similar uses
5. Feedlots and confinement facilities for livestock
6. Specialized animal farms including but not limited to fowl, rabbits, mink, chinchilla and bees
7. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers
8. Parks, recreation areas, wildlife preserves and game management areas owned by governmental entities
9. Structures or methods for the conservation of soil
10. Kennels, private, located at least fifty (50) feet from all boundary lines of the property on which located
11. Private airport grass (non-pavement) landing strips and associated facilities, in conjunction with agriculture. This provision shall be authorized only after the recommendation of the County Planning and Zoning Commission and approval of the County Board of Supervisors.
12. Seed and feed dealerships provided, however, there is no evidence of showroom or other commercial activities
13. Home occupations
14. Religious Institutions or other places of worship, including parish houses and Sunday school buildings

B. Permitted Accessory Uses

1. Private garages
2. Vegetable and flower gardens
3. Private greenhouses
4. Tennis courts, basketball courts and swimming pool
5. Roadside stands, offering for sale any agricultural products or other products produced on the premises

The following regulations for accessory buildings or uses shall be observed:

a. No accessory building shall be used for dwelling purposes;

b. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction;

c. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies;

d. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line;

e. Accessory buildings and uses, if less than six (6) feet from principal building, must meet the setback requirements of the district in which they are located. If more than six (6) feet from principal building, and more than sixty (60) feet from the front ROW, the accessory building may be five (5) feet from the rear and/or side lot line. A corner lot, accessory buildings and/or structures shall conform to the setback regulations for principal buildings on the street side.

C. Height Regulations

Shall be those specified in Section VII (Bulk Requirements)

D. Water and Sewer Systems

Subject to approval of the County Department of Health

E. Minimum Lot Area, Lot Frontage, and Yard Requirements for 'A' Agricultural Districts

Shall be those specified in Section VII (Bulk Requirements)

F. Conditional Uses: The following designated activities qualify for Conditional Use Permits in the Agricultural District, subject to such Supplemental Conditions as may be warranted to mitigate any harmful effects of the proposed use.

1. Accessory Dwellings: A secondary farm dwelling may be allowed as an accessory use to the principal dwelling unit, provided that the principal dwelling unit remains occupied:
   a. may be constructed only in the Agricultural zoning districts;
   b. must be built to serve as living quarters exclusively for the family as defined by a group of individuals who share ties of blood, marriage, adoption, domestic partnership or legal guardianship; a group residing together and consisting of parents, children, and other relatives by blood or marriage; a group of individuals residing together who have consented to an arrangement similar to ties of blood or marriage;
   c. shall be located within 250 feet of the primary farm dwellings;
   d. shall be a permanent structure anchored to a permanent foundation;
   e. may not be sold separately from the sale of the entire property, including the principal dwelling unit;
   f. shall comply with all required building setbacks for the principal residential use;
   g. shall be provided an additional parking space;
   h. shall comply with the minimum lot area.

2. Airports and landing strips in accordance with IDOT Land Use guidance for airports
3. Animal Hospitals
4. Auction Houses and Commercial Sale Yards
5. Bed and Breakfast homes
6. Boarding House
7. Campgrounds
8. Cemeteries, including mausoleums, mortuaries, funeral homes and crematoriums
9. Clinics
10. Commercial and private wind generators/wind energy systems
11. Commercial nurseries, greenhouses, orchard and tree farms
12. Communication towers
13. Day Nursery, Nursery School, or Day Care (Public)
14. Educational Institutions
15. Golf courses and country clubs
16. Grain Elevators
17. Group and Family Homes
18. Home Industry
19. Landfills
20. Landscaping business
21. Lodge
22. Mining
23. Recycling facility
24. Special events
25. Transfer station

26. Wineries
27. Wind Farm
28. Any use erected or maintained by the County, State, or Federal Government
29. The keeping of large animals on less than fifteen (10) acres of land by a non-farm, single family residence if the number of large animals is to exceed two (2) large animals per acre or if the subject parcel is less than two (2) acres in size.
30. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances
31. Kennels, commercial, for the raising, breeding or boarding of domesticated animals on parcels of five (5) acres or more. Any buildings or related structures for housing or exercising runways shall be no less than two hundred (200) feet from all property lines

G. District Regulations: The following bulk regulations are established for all Agricultural Districts. All regulations are minimum standards unless otherwise noted.

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Nurseries and greenhouses, orchards and tree farms	10 acres unless CSR is 70 or less on 75% of lot then 1.5 acres	150	50	50	25	25'
Stables, private and public, riding academies and clubs and similar uses	5 acres	150	50	50	25	25'
Residential Uses	1.5 acres*	150	50	30	25	3 stories or 40'
Private Garage	--	___	60	5*	5*	25'
Structures listed in Sec. IX B-4,5	--	___	50	50	25	25'
Structures listed in Sec. IX B-6	--	___	50	60	25	25'
Campgrounds	5 acres	___	200	200	200	25'
Structures and uses listed Sec. IX B-7	2 acres	___	50	50	25	25'

* Accessory buildings and uses, if less than six (6) feet from principal building, must meet the setback requirements of the district in which they are located. If more than six (6) feet from principal building, and more than sixty (60) feet from the ROW, the accessory building may be five (5) feet from the rear and/or side lot line on a corner lot.

SECTION IX.
USE REGULATION FOR 'R-1' LOW DENSITY RESIDENCE DISTRICT

Intent: The 'R-1' Low Density Residence District is intended and designed to provide for single-family dwellings in conjunction with agriculture at a low density, where common utilities are not available and on-site facilities must be utilized. It is further the intent of this district to be applied to land in predominantly agricultural areas for rural residential use, in accordance with the policies of the Floyd County Comprehensive Plan.

In the 'R-1' Low Density Residence District, the following provisions, criteria regulations, and restrictions shall apply:

A. Principal Permitted Uses
   1. Single-family dwellings
   2. Home occupations
   3. Public parks and recreational open spaces
   4. Religious Institutions or other places of worship, including parish houses and Sunday school buildings

B. Permitted Accessory Uses
   1. Accessory buildings and uses customarily incidental to any of the above principal permitted uses.
   2. Roadside stands, offering for sale any agricultural products or other products produced on the premises
   3. Private garages
   4. Vegetable gardens and flower gardens
   5. Tennis courts, basketball courts and swimming pools
   6. The keeping of poultry, pigeons, rabbits and other small animals and fowl (for personal use and for Youth Livestock Projects, but not commercial use)
   7. Greenhouses (private)
   8. The keeping of animals including, but not limited to horses, cattle, sheep and goats on lots of two (2) acres or more (for personal use and commercial use). In addition, that no more than two (2) animals of any one or combination thereof may be kept on such minimum lot, and that one (1) additional animal may be added for each acre over two (2) acres
   9. Youth Livestock Project
   10. The following regulations for accessory buildings or uses shall be observed:
      a. No accessory building shall be used for dwelling purposes;
      b. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction;
      c. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies;
      d. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line;
      e. Accessory buildings and uses, if less than six (6) feet from principal building, must meet the setback requirements of the district in which they are located. If more than six (6) feet from principal building, and more than sixty (60) feet from the front ROW, the accessory building may be five (5) feet from the rear and/or side lot line. A corner lot, accessory buildings and/or structures shall conform to the setback regulations for principal buildings on the street side.

C. Height Regulations

   Shall be those specified in Section VII (Bulk Requirements)

D. Water and Sewer Systems

   Subject to approval of County Department of Health

E. Minimum Lot Area, Lot Frontage, and Yard Requirements for 'R-1' Single Family Residence District

   Shall be those specified in Section VII (Bulk Requirements)

F. Parking and Sign Regulations

See Sections XIX and XX

G. Conditional Uses: The following designated activities qualify for Conditional Use Permits in the R-District, subject to such supplemental conditions as may be warranted to mitigate any harmful effects of the proposed use.

1. Bed and Breakfast homes
2. Boarding Houses
3. Day Nursery, Nursery School, or Day Care (Public)
4. Commercial and private wind generators
5. Communication towers
6. Cemeteries if not on same lot as religious institution
7. Educational Institutions
8. Funeral Homes
9. Golf courses and country clubs
10. Group and family homes
11. Home industry
12. Kennel, Dog (private)
13. Mausoleum
14. Mortuary
15. Nursing Homes
16. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances
17. Special events
18. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances

H. District Regulations: The following bulk regulations are established for all 'R-1' Districts. All regulations are minimum standards unless otherwise noted.

R-1 Residential District	Lot Area per unit (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Single Family	10,000 sq. ft. or 43,560 sq. ft.**	100	25	25	10	35' and/or 2½ stories
Permitted Structures	___	___	35	35	10	35' and/or 2½ stories
Accessory Buildings*	___	___	60	5*	5*	18'
Youth Livestock Project	2 acres	___	35	35	10	35' and or 2½ stories

*Accessory buildings and uses, if less than six (6) feet from principal building, must meet the setback requirements of the district in which they are located. If more than six (6) feet from principal building, and more than sixty (60) feet from the ROW, the accessory building may be five (5) feet from the rear and/or side lot line on a corner lot.
**Must meet Floyd County Health Department Standards for Well and Septic, as well.

I. The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets;
2. On corner lots, there shall be a front yard on each street;
3. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage;
4. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance;
5. Projections into a required yard setback from a permitted structure or accessory building (bay window, building cantilever, roof overhang, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

J. The following exceptions may be made in yard regulations:

1. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer;
2. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural access road; accessory buildings are not obliged to maintain these setbacks.

K. The following regulations for area requirements shall be observed:

1. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements;
2. A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area or as allowed by public health.

L. Off street parking space: See Off-Street Parking Regulations section XIX

M. Sign regulations: See Sign Regulations section XX

SECTION X.
USE REGULATION FOR 'R-2' MODERATE DENSITY RESIDENCE DISTRICT

Intent: The 'R-2' Moderate Density Residence District is intended and designed to provide for mixed residential development within subdivisions in the unincorporated areas of the county by encouraging the maximum use of existing subdivisions, and as an orderly expansion of existing residential development, where common water system is available and a common sewer system may be available at the time of development.

In the 'R-2' Moderate Density Residence District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses

1. Any principal permitted use allowed in the 'R-1' District
2. Two-family and multiple family dwellings
3. Single-family dwelling

B. Permitted Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above principal permitted uses
2. Roadside stands, offering for sale any agricultural products or other products produced on the premises
3. Private garages
4. Vegetable gardens and flower gardens
5. Tennis courts, basketball courts and swimming pools
6. The keeping of poultry, pigeons, rabbits and other small animals and fowl (for personal use and not commercial use)
7. Greenhouses (private)
8. The keeping of animals including, but not limited to horses, cattle, sheep and goats on lots of two (2) acres or more (for personal use and commercial use). In addition, that no more than two (2) animals of any one or combination thereof may be kept on such minimum lot, and that one (1) additional animal may be added for each acre over two (2) acres
9. The following regulations for accessory buildings or uses shall be observed:
   a. No accessory building shall be used for dwelling purposes;
   b. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction;
   c. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies;
   d. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line;
   e. Accessory buildings and uses, if less than six (6) feet from principal building, must meet the setback requirements of the district in which they are located. If more than six (6) feet from principal building, and more than sixty (60) feet from the front ROW, the accessory building may be five (5) feet from the rear and/or side lot line. A corner lot, accessory buildings and/or structures shall conform to the setback regulations for principal buildings on the street side.

C. Height Regulations

Shall be those specified in Section VII (Bulk Requirements)

D. Water and Sewer Systems

Subject to approval by the Floyd County Department of Health

E. Minimum Lot Area, Lot Frontage and Yard Requirements for 'R-2' Multiple Residence District

Shall be those specified in Section VII (Bulk Requirements)

F. Parking and Sign Regulations

See Sections XIX and XX

G. Conditional Uses

1. Bed and Breakfast homes
2. Day Nursery, Nursery School, or Day Care (Public)
3. Boarding Houses
4. Commercial and private wind generators
5. Communication towers
6. Cemeteries if not located on same lot as religious institution
7. Educational Institutions
8. Funeral Homes
9. Golf courses and country clubs
10. Group and Family homes
11. Home industry
12. Kennel, Dog (private)
13. Mausoleum
14. Mortuary
15. Nursing Homes
16. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances
17. Special events
18. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances

H. District Regulations: The following bulk regulations are established for 'R-2' Districts. All regulations are minimum standards unless otherwise noted.

R–2 Residential District	Lot area per unit (square feet)	Average Lot Width (feet)	Front Yard Setback (Feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Single Family	6,600 sq. ft. or 8,000 sq. ft.**	70'	25'	25'	10'	45' and/or 3 stories
Two-Family	9000sq. ft. **	80'	25'	25'	10'	2.5 stories or 35'
Multiple Family	10,000sq. ft.**	85'	25'	25'	10'	3 stories or 40'
Other permitted structures	1 acre	100'	30'	40'	20'	25'
Accessory buildings	—	—	60*	5*	5*	18' or 1 story

*Accessory buildings and uses, if less than six (6) feet from principal building, must meet the setback requirements of the district in which they are located. If more than six (6) feet from principal building, and more than sixty (60) feet from the ROW, the accessory building may be five (5) feet from the rear and/or side lot line on a corner lot.
**Must meet Floyd County Health Department Standards for Well and Septic, as well.

I. The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets;
2. On corner lots, there shall be a front yard on each street;
3. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage;
4. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance;
5. Projections into a required yard setback from a permitted structure or accessory building (bay window, building cantilever, roof overhang, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

J. The following exceptions may be made in yard regulations:

1. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer;
2. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural access road; accessory buildings are not obliged to maintain these setbacks.

K. The following regulations for area requirements shall be observed:

1. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements;
2. A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area or as allowed by public health.

L. Off street parking space: See Off-Street Parking Regulations section XIX

M. Sign regulations: See Sign Regulations section XX

SECTION XI.
USE REGULATION FOR 'R-MH' RESIDENTIAL MOBILE HOME DISTRICT

Intent: The 'R-MH' Mobile Home District is to provide for the location of mobile homes, modular homes, manufactured housing and the development of manufactured housing parks. It is further intended to provide for the placement of such residences on individual subdivided lots.

In the 'R-MH' Mobile Home District, the following provisions, regulations, and restrictions shall apply:

A. Required Uses. Storm safe-rooms shall be required in each 'RMH' Manufactured Housing Residential District constructed after January 3, 2012. However, if the Board of Supervisors determines that a safe place of shelter is available within a reasonable distance of the manufactured home community or mobile home park for use by community or park residents, in lieu of requiring construction of a storm safe-room, a community or park owner shall provide a plan for the evacuation of community or park residents to a safe place of shelter in times of severe weather including tornadoes and high winds. Each evacuation plan prepared pursuant to this subsection shall be filed with, and approved by, Floyd County Emergency Management. If construction of a residential or community safe-room is required, the following requirements shall be met:

1. The size of the safe room shall be larger than the equivalent of seven square feet for each manufactured or mobile home space in the manufactured home community or mobile home park.
2. The safe room will not require a restroom if the shelter is used exclusively as a safe room.
3. The safe room shall meet or exceed the construction specifications in, FEMA Publication 361 *Design and Construction Guidance for Community Shelters,* approved by a licensed professional engineer and presented by the owner of the manufactured home community or mobile home park.
4. The shelter shall be located no farther than one thousand three hundred twenty (1,320) feet from any manufactured or mobile home in the manufactured home community or mobile home park.

For the purpose of this Chapter, "Safe Room" shall mean a single structure or multiple structures designed to provide persons with temporary protection from a tornado or high-speed wind event.

B. Permitted Uses. Premises in each 'RMH' Manufactured Housing Residential District shall be used for Manufactured Housing Parks only.

C. Accessory Buildings or Uses. The following accessory buildings and uses are permitted, provided such buildings and uses are incidental to the principal use.

1. Private garages
2. Home occupations
3. Vegetable and flower gardens
4. Tennis courts, basketball courts and swimming pools
5. Greenhouses (private)
6. Laundry facilities
7. Management office
8. Recreation facilities
9. Storage buildings
10. The following regulations for accessory buildings or uses shall be observed:
    a. No accessory building shall be used for dwelling purposes;
    b. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies;
    c. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line.

D. Conditional Uses. The following designated activities qualify for Conditional Use Permits in the 'RMH' District, as may be warranted to mitigate any harmful effects of the proposed use.

1. Commercial and private wind generators
2. Communication towers
3. Home industries
4. Manufactured housing sales and service
5. Special events
6. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
7. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances

E. Special Provisions.

1. In no instance shall an area not having direct access to a paved Secondary Road or Primary Highway be zoned 'RMH'
2. The maximum overall density shall be eight homes per acre of all land within the mobile home park
3. Manufactured housing parks shall comply with all applicable requirements of the Iowa Department of Public Health and the Floyd County Department of Public Health
4. Manufactured housing subdivisions and the subdivision of manufactured housing parks shall comply with the Bulk Regulations of this article and all other provisions of this chapter including the Site Plan Review Requirements

F. District Regulations: The following bulk regulations are established for all 'RMH' Districts. All regulations are minimum standards for the overall site unless otherwise noted.

Principal Buildings	Site Area	Average Site Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
All uses	10 acres	300	50	50	50	35' and/or 2 ½ stories

G. The following regulations for individual mobile home lots shall be observed:

1. There shall be provided and maintained a minimum distance of twenty-five (25) feet between mobile homes;
2. The individual mobile home lot shall be not less than eighty (80) feet in depth and lot area shall contain not less than four thousand (4,000) square feet in area. However, such minimum lot area may be reduced by an amount equal to an area included in common open space, not including land in individual lots, parking areas, or streets contiguous and immediately available to the individual lot or lots having reduced minimum areas, and, by means of location, size, shape, and landscaping, being designed primarily for the utilization and enjoyment of the inhabitants of the said contiguous lots. However, in no case shall an individual mobile home lot be reduced to an area less than two thousand and five hundred (2,500) square feet.

H. The following regulations for accessory buildings shall be observed:

1. All detached accessory buildings and structures shall maintain a minimum of six (6) feet from the

principal building and from all other accessory buildings on the same lot or parcel;

2. Maintain a minimum of ten (10) feet from any individual side lot line when the accessory building or structure is located beside the principal building; otherwise maintain a minimum of three (3) feet from any side or rear lot line with any overhang not closer than one (1) foot from the lot line.

I. The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets;
2. On corner lots, there shall be a front yard on each street;
3. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage;
4. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance;
5. Projections into a required yard setback from a permitted structure or accessory building (bay window, building cantilever, roof overhang, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

J. Mobile Homes Located Other than in Mobile Home Parks

1. A mobile home may be placed on a farm as the principal dwelling unit provided it is taxed as real property. Also, one (1) mobile home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home is a member of the immediate family (father, mother, son, daughter, sibling or father, mother, son, daughter, or sibling in law) of the property owner and actively engaged in the conduct of agricultural operation of said farm. The preceding provision is not to be construed to permit two (2) mobile homes on one (1) farm.
2. A special use permit, for mobile homes and job trailers used as temporary living quarters and temporary offices during construction, may be issued by the Zoning Administrator. The Zoning Administrator shall determine the expiration date of the permit.
3. A job trailer may be used as a temporary office upon obtaining a permit from the Zoning Administrator. Said permit shall be authorized for a period not exceeding one hundred eighty (180) days.
4. Nothing in this Ordinance shall be construed as permitting a mobile home to be used for permanent commercial, storage, or uses other than for human habitation.

K. Off street parking space: See Off-Street Parking Regulations section XIX

L. Sign regulations: See Sign Regulations section XX

M. Site Plan Requirements. A Site Plan Review shall be required to obtain a building permit in the RMH District. The review shall include proof of compliance with all requirements of the Department of Health of the State of Iowa.

Required as proof of such compliances shall include the following:

1. An approved set of plans showing lot and street layout
2. Sewage and disposal systems
3. Water supply and distribution system
4. Electrical distribution and lighting
5. Method of tie down

When such approved plans have been submitted, the Administrative Officer shall then issue a permit for the construction of such facilities on the approved site.

SECTION XII.
USE REGULATION FOR 'PUD' PLANNED UNIT DEVELOPMENT DISTRICT

Intent: The 'PUD' Planned Unit Development District is intended to encourage a more efficient use of land and public services and greater amenity by allowing, under certain circumstances, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of other use districts for lot-by-lot development. Although 'PUD' developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the Planned Unit Development District and its accompanying guidelines are intended to allow freedom of design in order to promote developments which will be an asset to the County by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations.

Planned unit developments are conceived for use primarily in two (2) situations:

1. Vacant Land: Areas of substantial open land where strict pre-regulation may limit good planning, may restrict the full achievement of the comprehensive plan or may not meet those changes in technology and demand that would be consistent with the best interest of the County, and in
2. Built-Up and Aged Areas: Areas of the County needing rehabilitation and redevelopment, including areas which may be deficient in public facilities and services, where it is believed that private investment should be encouraged to contribute to that redevelopment; and in recognition that such necessary redevelopment cannot be expected to take place in strict accordance with those uniform regulations appropriate to more viable and established areas of the County.

A. Principal Permitted Uses: Each planned unit development shall be comprised of one or more sub-districts which shall be as follows:

'PUD-R' General Residential
'PUD-C' Commercial
'PUD-I' Industrial

In a Planned Unit Development only the following uses are permitted within each sub-district:

1. 'PUD-R': Dwelling units in detached, semi-detached, attached groups of attached or clustered or multi-storied structures, or any combination thereof.
2. 'PUD-C': Any commercial use which by design, used and restriction is compatible with all adjacent uses. Mixed commercial and residential use, located within the same building.
3. 'PUD-I': Any industrial use which by design use and restriction is compatible with all adjacent uses.
4. In each of the above types, the following uses are permitted; Child-care centers, Child-care homes, public and private educational and recreational facilities and accessory buildings and uses customarily incidental to a permitted use.

B. General Provisions

1. Ownership: A tract of land to be developed as a planned unit development shall be under the control of: a single owner, or a group of land owners, acting through a corporation, partnership or joint venture, where each owner agrees in advance to be bound by the conditions and regulations which will be effective within the district and to record such covenants, easements and other provisions of the Floyd County Recorder's Office.
2. Plan Preparation: The applicant is required to have the necessary documents and supporting plans prepared by a registered landscape architect, engineer, architect or certified planner.
3. More than one building may be placed in one platted or recorded lot in any 'PUD'.
4. No building permit shall be granted for any building on land for which a plan for a 'PUD' is in the process of County review or which does not conform to the approved final plan.

5. Occupancy and use of buildings and structures in a 'PUD' may be permitted when the buildings and structures have been completed to the satisfaction of the Zoning Administrator and the access drives and parking areas are sufficiently completed to support emergency vehicles at all times and are kept in a dust free condition. Final surfacing of streets, roadways and parking areas and landscaping may be deferred over winter months upon written application to and approval of the Zoning Administrator.

6. Approval of 'PUD' shall not relieve the owner in any way from complying with the County and State subdivision requirements.

7. Covenants, Easements and Restrictions: The final plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential uses, nonresidential uses and public facilities as are necessary for the welfare of the 'PUD' and are consistent with the best interest of the County.

8. Streets, Utilities, Services and Public Facilities: The uniqueness of each proposal for 'PUD' requires the specifications and standards for streets; utilities and services shall be subject to minor modifications from the specifications and standards established in this and other County ordinances governing their construction. The Board of Supervisors may therefore waive or modify the specifications or standards where it is found that they are not required in the interests of the residents or of the entire County. The plans and profiles of all streets, utilities and services shall be reviewed, modified if necessary and approved by the County Engineer and the Zoning Administrator prior to the final approval of the 'PUD' plan by the Board of Supervisors.

9. Open Space: A primary function of the 'PUD' provision is to encourage development which will preserve and enhance the worthwhile, natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial including but not limited to the following:

   a. The amount and location of common open space shall be consistent with the stated purpose and intent of this Section.

   b. All common open space shall be labeled as such and as to its intent or design functions.

10. Architectural style of buildings shall not solely be a basis for denial or approval of a plan.

    However, the overall appearance and compatibility of individual buildings to other site elements or to surrounding development will be primary considerations in the review stages of the Planning and Zoning Commission and the Board of Supervisors.

11. The Zoning Administrator shall review each planned unit development at least once a year until the development has been completed and shall make a report through the Planning and Zoning Commission to the Board of Supervisors on the status of the development in each 'PUD' District. If development is not progressing according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the Supervisors find that the development has not occurred according to the established development schedule or is not otherwise reasonable in view of the Supervisors, the Supervisors may initiate rezoning to remove the 'PUD' District. In any event, it shall not be necessary for the Supervisors to find the rezoning to a 'PUD' District was in error.

C. Approval Procedure: The following procedures and requirements shall be met for the establishment of a 'PUD' District:

1. Pre-Application Conference: Prior to filing an application for preliminary 'PUD' plan approval, the applicant shall consult with the Zoning Administrator to determine the procedures and requirements governing approval of planned unit developments and shall submit a concept plan. This plan should show the generalized overall plan for development of the proposed 'PUD' area. Included as a part of the overall plan should be the following elements:

   a. Location and size of site;

   b. Street location, other public or private drives and generalized parking areas;

   c. Approximate building location;

d. Existing topography and illustration of existing drainage considerations (proposed grades not necessary at this point);

e. Approximate density and number and types of dwelling units;

f. Existing tree masses and other geologic or environmentally important characteristics;

g. Proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas.

h. The Zoning Administrator shall have thirty (30) days in which to review and comment in regard to the above listed items. At the option of the applicant or Zoning Administrator, the concept plan may be submitted to the Planning and Zoning Commission for review and comment.

2. Preliminary Plan Approval: Following review of and comment upon the concept plan by the Zoning Administrator; the applicant shall submit an application for preliminary plan approval to the Zoning Administrator. Such application shall be deemed a petition for rezoning to a 'PUD' classification.

A fee will be established in addition to the following information, drawings and data, shall accompany the application:

a. The location, size and legal description of the site;

b. The nature of the developer's and landowner's interest in the land proposed to be developed; including an attorney's opinion as to ownership or options to purchase land or lands proposed as part of the development package;

c. The total number of living units and the overall density of the project defined as the number of living units per acre. Note: Existing or proposed public or semi-public parks, Religious Institutions and school lands shall be excluded from any residential density computations for purposes of determining total residential holding capacities;

d. The location and boundaries of proposed land uses, if more than one is proposed;

e. Approximate height and location of buildings and other structures;

f. Form of organization proposed to own and maintain public or private open space;

g. Preliminary layout of the proposed systems for the collection and treatment of sanitary wastes and disposition of storm water;

h. Proposed source and distribution of water facilities;

i. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for utilities;

j. The provisions for parking of motor vehicles including the total number and location of public and private parking spaces;

k. The location and width of proposed public and private streets and thoroughfares;

l. A schedule showing the proposed phasing and time limitations within which applications for final approval of all phases and construction of improvements within phases of the planned unit development are intended to be filed;

m. Generalized preliminary grading plan, but not to include detailed final grades or elevations;

n. Generalized landscaping plan, but not to include detailed planting list or planting plan;

o. Generalized exterior building elevations or facades;

p. Proposed private and public ownership boundaries including proposed private lots for sale as well as common ownership areas;

q. Vicinity map of the area;

r. All maps and diagrams shall be of sufficient scale and size to permit easy interpretation by the Commission, Supervisors and staff;

s. North arrow and graphic scale shall be included on all maps or sketches;

t. Maps shall illustrate the following information for the project area and those adjoining properties within five hundred feet (500') of the proposed project boundaries excluding street or highway right of way:

- Existing zoning
- Existing land use
- Existing ownership
- Proposed land use as illustrated by current comprehensive plan maps
- Any existing or proposed major thoroughfare, abutting or servicing the proposed 'PUD';

u. Names and addresses of property owners within five hundred feet (500') of the subject property;

v. Names, addresses and telephone numbers of each landscape architect, planner, architect, engineer and/or law firm serving the proposed development.

3. The Planning and Zoning Commission shall hold a public hearing, following the public notice method prescribed for zoning change requests, and make recommendation to the Board of Supervisors upon the application for preliminary approval within sixty (60) days following receipt of all required plans and documentation. Prior to Planning and Zoning Commission review, the preliminary plans shall be reviewed by appropriate County departments and public utility companies for review and comment. Comments received shall be transmitted to the applicant at least one week prior to the Commission's hearing. The Board of Supervisors shall take final action on the preliminary plan within a reasonable time following receipt of the Commission's recommendation.

In granting approval of the preliminary plan, the Planning and Zoning Commission and the Board of Supervisors shall determine whether the 'PUD' District regulations and standards have been satisfied based on the preliminary plans and specifications, after making the following findings:

a. That title to the tract to be developed is held by the applicant;

b. That provision for public sewer and water facilities is adequate;

c. That proposed streets will assure a traffic circulation pattern which minimizes through traffic allows for adequate turning and parking and provides ample space for the movement of public and private vehicles or the servicing of the proposed land uses without blocking traffic;

d. That there will not be undue conflicts between pedestrian and vehicular traffic;

e. That the design of open spaces and housing will assure both easy access and privacy;

f. That no structure which contains residential units will be more than two hundred feet (200') from a street, parking area or other right of way on which a fire truck may be operated;

g. That adequate street, parking, walkway and accessory lighting will be provided;

h. That continuity of open space and recreation areas will be maintained;

i. That provision has been made for:

   1. The preservation of existing vegetative, geologic, historic or other environmentally important characteristics of the site;

   2. Where existing landscape materials are inadequate to create an esthetically pleasing atmosphere, additional trees, shrubs and other appropriate plant materials will be added;

j. That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;

k. That in a planned unit development, adequate deed restrictions and covenants are present, running in favor of anyone or more of the following:

   1. The County,

   2. An automatic homeowner's association, or

   3. Individual homeowners, for the proper maintenance, care and preservation of the exterior design, all common structures, facilities, sewer and water utilities, pedestrian and vehicular access and open spaces by the original and all subsequent owners of property within the development;

l. That in addition to other deed restrictions or covenants running in favor of the County, there shall be provision for the free and uninhibited access to all private or common areas by the fire, sheriff or other public safety vehicles and personnel for the customary performance of their respective duties and responsibilities.

If the preliminary plan is approved, the Supervisors shall adopt an ordinance amending the zoning map as designed on the plan and the applicant shall proceed to final plan approval. If the application for preliminary plan is denied, the applicant must submit another application and fee to receive consideration.

4. Final Plan Approval: Within one (1) year following Board of Supervisors approval of the preliminary plan, an application for final plan approval shall be submitted to the Zoning Administrator for approval by the Planning and Zoning Commission and the Board of Supervisors. Such final plan shall include either the entire site included in the preliminary plan or a portion thereof, in accordance with the phasing plan approved. Subsequent final plan submittals shall be submitted in accordance with the approved phasing plan.

   A fee will be established in addition to the following information, drawings and data, shall accompany the application:

   a. A plan with locations of all structures including placement, size and type with topography showing two foot (2') intervals;
   b. Elevations or sections through the site which will best indicate the relationship of the building with the various terrain features and site elements;
   c. Detailed grading and drainage plan at two foot (2') contour intervals;
   d. Utility plan for all public utilities;
   e. Landscape plan prepared by a practicing landscape architect, landscape practitioner or nurseryman;
   f. Deed restrictions, covenants, agreements, bylaws of proposed homeowner's association and other documents controlling the use of property, type of construction or development or the activities of future residents;
   g. The procedures for approving and recording of plats shall be followed if the final plan involves platting or division of land or the platting of public streets;
   h. Any other information which is necessary to fully represent the intentions of the preliminary plan.

5. The Planning and Zoning Commission shall consider the final plan and make recommendation to the Board of Supervisors within sixty (60) days following submission of the required material. The Board of Supervisors shall make its consideration and determination within a reasonable time following receipt of the Commission's recommendation.

   In granting final approval of the application, the Planning and Zoning Commission and the Board of Supervisors shall determine whether the following 'PUD' District regulations and standards have been satisfied based on the final plans and specifications which shall include final forms of all documents, maps, tables and other pertinent information previously submitted and revised to the date of final submittal, after making the following findings;

   a. That the final plan is in substantial conformity to the preliminary plan approved;
   b. That detailed grading plans illustrate:
      1. Proper provision has been made in regard to drainage both on and off the site; and,
      2. Especially that adjoining properties are not adversely affected by improper channelization or concentration of runoff as a result of the proposed grading;
   c. That the applicant has bonded himself / herself and their contractor(s) to provide the public and private improvements shown on the plans including amenities; and
   d. That in a planned unit development, the owner or ownership has at the County's discretion deeded the recreation space to the County for the County to maintain or has covenanted with the County that it will be maintained, such covenant to be binding on all future ownership.

6. Changes: Changes in the final plan involving the location and alignment of structures not to exceed ten feet (10')(3m) in any direction and other minor revisions in the shape of structures may be authorized by the Zoning Administrator for good cause shown, provided the changes are within the maximum allowable floor area limits, are in harmony with the intent of the concept statement as to uses and

densities of use and the architectural style has been approved in writing by the PUD's homeowner association or other ownership body. All other changes shall be made only after public hearings by the Commission and Board of Supervisors, upon notice as provided in subsection XIV C-1 and any changes approved by the Board of Supervisors shall be by resolution as an amendment to the final plan.

D. Site Size

1. A Planned Unit Development project in a Residential District shall contain an area of not less than eighty thousand (80,000) square feet.

SECTION XIII.
USE REGULATION FOR "C-1" COMMERCIAL DISTRICT

Intent: The 'C-1' District is intended to provide space for a wide variety of retail stores, offices and related activities which serve the entire county or may even have a regional impact. This district is characterized by much of the commercial frontage along major transportation arteries.

A. Permitted Uses. Premises in the Commercial District shall be used for the following purposes only:

1. Animal hospital (no exterior kennels or corrals)
2. Antique shop
3. Apparel shop
4. Appliance store, sales and service
5. Art supply shop and galleries
6. Auction houses or commercial sale yards
7. Automobile accessory and new parts store
8. Automobile sales
9. Bait shops
10. Bakery
11. Barber shop
12. Beauty parlor
13. Bicycle sales and repair shop
14. Book store
15. Business and computer machine retail store
16. Camera shop
17. Candy retail shop
18. Car wash
19. Carpenter shop
20. Cemeteries
21. Clinics
22. Clothing repair, seamstress
23. Commercial Dog Kennel
24. Commercial recreation facilities including bowling alleys, billiard and pool halls, theater (indoor), skating rinks, ballrooms and dance studios, game arcades, tennis courts, swimming pools, handball courts, archery, and gymnasiums
25. Commercial parking lots
26. Contractors' equipment, interior storage
27. Construction Businesses
28. Convenience stores/ gasoline stations excluding body repair or used parts wrecking and storage
29. Crematory
30. Day nursery, nursery school, or day care (public)
31. Delicatessen
32. Drapery shop
33. Department store
34. Drive-in eating establishment and Drive-through eating establishment
35. Drug store
36. Electrical supply store
37. Fabric Stores
38. Firearm shops
39. Fish markets
40. Florist and retail nursery shop
41. Fruit and vegetable market
42. Funeral Homes
43. Furniture store
44. Furniture upholstery shop
45. Gift shops
46. Greenhouses & Nurseries, Retail

47. Grocery stores
48. Hardware store
49. Health Club
50. Hobby or craft store
51. Home Improvement Stores
52. Healthcare Facility
53. Hotel
54. Household appliance sales and repair
55. Jewelry and watch repair shops
56. Laboratory, dental or medical
57. Landscaping supply shop
58. Lawnmower repair shop
59. Laundromat
60. Livestock Auction Barns
61. Locksmith
62. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises
63. Mausoleum
64. Mortuary
65. Motel and Motor Lodge
66. Music store and studios
67. Newspaper or printing shop
68. Night Club
69. Paint and wallpaper store
70. Pet shops
71. Photographic studio, printing and developing establishments
72. Plumbing, heating, or electrical contractor shops
73. Post office substation
74. Professional offices
75. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers
76. Radio and television sales and service
77. Restaurant, cafe, and soda fountain
78. Religious Institutions
79. Sexually Oriented Business subject to Section XIV (J)
80. Shoe repair shops
81. Shopping Centers
82. Single-family and multi-family dwellings are permitted when physically a part of a retail, office, recreation or service establishment and are on the 2nd story or above
83. Sporting goods store
84. Tack shop
85. Tailor shop
86. Tattoo/Body piercing
87. Taverns and night clubs, provided that principal building is located at least three hundred (300) feet from any "R" Residential District
88. Taxidermy
89. Toy store
90. Travel bureau or agency
91. Variety store
92. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances
93. Any similar commercial use or professional office use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XIV of this Ordinance

B. Accessory Buildings or Uses. The following accessory buildings and uses are permitted, provided such buildings and uses are incidental to the principal use.

1. Residential uses when located above a commercial structure.
2. Private garages
3. The following regulations for accessory buildings or uses shall be observed:
   a. No accessory building shall be used for dwelling purposes;
   b. Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction;
   c. Accessory buildings may not occupy more than thirty (30) percent of the yard it occupies;
   d. Where a garage is entered from an alley, it must be kept fifteen (15) feet from the alley line;
   e. Accessory buildings and uses, if less than six (6) feet from principal building, must meet the setback requirements of the district in which they are located. If more than six (6) feet from principal building, and more than sixty (60) feet from the front ROW, the accessory building may be five (5) feet from the rear and/or side lot line. A corner lot, accessory buildings and/or structures shall conform to the setback regulations for principal buildings on the street side.

C. Conditional Uses: The following designated activities qualify for Conditional Use Permits in the 'C-1' District, subject to such Supplemental Conditions as required by Section XXIII (E) and such additional conditions as may be warranted to mitigate any harmful effects of the proposed use.

1. Bed and breakfast homes
2. Commercial wind generators
3. Communication towers
4. Lodge
5. Special events

D. District Regulations: The following bulk regulations are established for all 'C' Commercial Districts. All regulations are minimum standards unless otherwise noted.

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback*** (feet)	Maximum Height
Permitted structures	No requirement****	100'***	25'	25'	If provided 10'**	3 stories or 45'

* Must meet Floyd County Health Department Standards for Well and Septic, as well.

** No side yards are required where dwellings are installed above a commercial structure. If side yards are provided where not required, they must be at least ten (10) feet wide. All dwellings must be located on the second story and above only. First story is reserved for commercial businesses.

*** Where two or more principal permitted buildings are on the same lot, the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest building.

**** A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area and an average width of not less than one hundred (100) feet and shall not be at least twice the gross floor area of the building(s).

E. The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets.

2. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
3. Where a lot is located next to an 'R' District, the side or rear yard required in that 'R' District shall be provided along the boundary line.
4. There may be two or more related commercial, multi-family, hotel, motel, or institutional buildings on a lot, provided that:
   a. the required yards be maintained around the group of buildings;
   b. shall be separated by a horizontal distance that is at least equal to the height of the highest building.
5. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance.
6. Projections from a permitted structure or accessory building into a required yard setback (bay window, roof overlap, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings.

F. The following exceptions may be made in yard regulations:
   1. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3½) feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
   2. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural access road; accessory buildings in all districts are not obliged to maintain these setbacks.
   3. If side yards are provided where not required, they must be at least ten (10) feet wide.

G. The following regulations for area requirements shall be observed:
   1. A lot not served by a public community sewer and a public water supply shall have an area of not less than forty thousand (40,000) square feet of buildable area and an average width of not less than one hundred (100) feet and shall not be at least twice the gross floor area of the buildings.

H. Off street parking space: See Off-Street Parking Regulations Section XIX

I. Sign regulations: See Sign Regulations Section XX

J. Sexually Oriented Business: Adult media store, Adult cabaret, adult mini-motion picture theater, adult motion picture theater, lingerie modeling studio, massage parlor or sexual activity establishment, subject to these restrictions:
   1. These uses shall not be located within one thousand feet (1000') of each other, nor shall they be located within one thousand feet (1,000') of an educational institution, religious Institution or place of worship, daycare or childcare center, government buildings or residential zoning district. The distance between establishments shall be the shortest distance measured in a straight line from the boundary of the zoning lots containing such uses. The distance between the adult cabaret, adult mini-motion picture theater, adult motion picture theater or lingerie modeling studio and the protected use or residential zoning district shall be measured from the nearest property line of such protected use or district boundary of such zoning district, to the nearest public entrance door of the premises of the adult cabaret, adult mini-motion picture theater, adult motion picture theater or lingerie modeling studio along the street right of way line providing the nearest direct route usually traveled by pedestrians between such points.
   2. All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.
   3. In new construction, and whenever else it is considered feasible by the Zoning Administrator, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semipublic areas.

4. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or from other public or semipublic areas.

K. Water and Sewer Systems: Subject to the approval of the Floyd County Health Department

SECTION XIV.
USE REGULATION FOR 'C-R' COMMERCIAL RECREATION DISTRICT

Intent: The Commercial Recreation 'C-R' District is intended to reserve or protect appropriately located commercial recreation facilities within or proximate to the county's scenic natural recreation areas; to provide space for appropriate community facilities; and to permit the location of certain commercial uses in recreation areas where such uses are clearly incidental to the recreation use or facility.

In the 'C-R' Commercial Recreation District, the following provisions, regulations and restrictions shall apply:

A. Principal Permitted Uses

1. Commercial horse stables, riding academies and clubs, provided that no structure shall be closer than fifty (50) feet to any property line.
2. Commercial campgrounds and recreational vehicle parks, including incidental retail sales of merchandise on the site, parks, recreation areas, wildlife preserves and game management areas.
3. Commercial recreation facilities including bowling alleys, billiard and pool halls, theater (indoor), skating rinks, ballrooms and dance studios, game arcades, tennis courts, swimming pools, handball courts, archery, amusement parks, drive-in movie theaters, fairgrounds, sports arenas, stadiums, and gymnasiums.
4. Conservation Areas
5. Hotels, motels, motor lodge, restaurants, recreational gaming facilities and exhibition centers with liquor sales.
6. Health Club
7. Night Club
8. Resorts and guest ranches, including incidental retail sales of merchandise on the site.
9. Commercial golf courses, country clubs and appurtenant pro shops, restaurants and liquor sales.
10. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers.
11. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances.
12. Any similar commercial recreational use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XIV of this Ordinance

B. Permitted Accessory Uses

1. Accessory uses and structures normally incidental and subordinate to one of the permitted principal or conditional uses, unless otherwise excluded

C. Height Regulations, Minimum lot Area, Lot Frontage and Yard Requirements

'C' Commercial & 'C-R' Commercial-Recreational Districts	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Permitted Structures	3 Stories or 45'	Shall not be at least twice the gross floor area of the building(s)	100 Feet	25 Feet	10 Feet	25 Feet
Accessory Buildings	30'	--	--	60 Feet*	5 Feet*	5 Feet*

* No accessory building shall be erected in any required yard other than a rear yard except as provided herein.

Detached accessory buildings in the rear yard shall be a distance of at least five (5') feet from the side and rear lot lines. On a corner lot, accessory buildings and/or structures shall conform to setback regulations for principal buildings on the street side.

Detached accessory buildings located nearer than sixty (60') feet to the front lot line or placed within ten (10') feet of the principal building shall be considered to be attached to the principal building, and all yard requirements for a principal building must be complied with.

D. Water and Sewer Systems

Subject to the approval of the Floyd County Department of Health

E. Conditional Uses

The following conditional uses shall be permitted in a 'C-R' District, subject to such Supplemental Conditions as may be warranted to mitigate any harmful effects of the proposed use.

1. Gun clubs, rifle ranges and skeet or trap shooting, provided no shooting activity shall be located closer than one thousand three hundred twenty (1,320) feet from any dwelling nor closer than one (1) mile from any 'R' District or platted residential subdivision and further provided that shooting be so conducted that no fired ammunition leaves the range premises
2. Race tracks, strips or trails used for racing of horses, automobiles, motorcycles, snowmobiles or ATV's
3. Airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Agency and when situated on a site containing not less than thirty (30) acres
4. Employee living quarters which are incidental to a permitted principal or conditional use and not for rent or otherwise used as a separate dwelling
5. Special events
6. Caretaker dwelling or living quarters when dwelling or living quarters are a part of the recreational establishment, e.g. parkland with a park ranger's dwelling
7. Lodge
8. Commercial wind generators
9. Communication Towers

F. District Regulations

The following bulk regulations are established for all Commercial Recreation 'C-R' Districts. All regulations are minimum standards unless otherwise noted.

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
Recreational Facilities	5 acres	300'	50'	50'	25'	3 stories or 45'

SECTION XV.
USE REGULATION FOR 'I-1' LIGHT INDUSTRIAL

Intent: Premises in each 'I-1' District shall be used for any use except residential and those permitted and conditional uses. The 'I-1' District is intended and designed to provide for uses, with exterior storage or industrial character, which due to their size and nature would not be compatible with general rural development patterns of Floyd County. The district is further intended to permit the normal operation of industries, subject to prescribed regulation needed to control congestion and to protect non-industrial uses.

In the 'I-1' Light Industrial District, the following provisions, regulations, and restrictions shall apply:

A. Permitted Uses. Premises in the Industrial District shall be used for the following purposes only:

Retail, service, or light industrial establishments such as the following:

1. Agricultural retail/service outlets
2. Animal hospital, veterinary clinic or commercial kennel; providing an exercising runway shall be at least six hundred and sixty (660) feet from any 'R' District, incorporated boundary line or dwelling other than the lessee or owner of the site
3. Automobile sales, including automobile repair
4. Auto accessory parts
5. Body and Fender repair
6. Bulk storage and pumping of agricultural chemicals and fertilizers
7. Car wash
8. Clothes dry cleaning and/or dyeing establishments
9. Commercial or wholesale seed processing and storage
10. Convenience stores, including automobile repair
11. Creamery, bottling, ice manufacturing and cold storage plant
12. Dairy retail store
13. Distribution, storage or manufacture of food products
14. Exterminator sales
15. Service station
16. Hatcheries
17. Laboratories, experimental or testing
18. Locker plant and storage for retail sales only
19. Lumber yards and home improvement stores
20. Machine Shop
21. Manufacture of cosmetics and pharmaceutical products
22. Manufacture or assembly of electrical appliances, devices and motors
23. Manufacture of insulation
24. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay
25. Milk distributing station other than a retail business conducted on the premises
26. Mini-Warehouse, warehouse and storage facilities
27. Monument sales yard
28. Printing and/or publishing houses
29. Recycling facility
30. Rental of equipment commonly used by contractors

31. Sales auction (automotive, livestock, or furniture and/or appliances)
32. Sawmill, planing mill, including manufacture of wood products
33. Tire shop, including vulcanizing and re-treading
34. Towing, Wrecker Service, provided temporary storage of vehicles is in an enclosed building or properly screened from public view
35. Transfer Station
36. Truck Terminal
37. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances
38. Any similar manufacturing or industrial use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XV of this ordinance1

B. Conditional Uses:

None of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a conditional use permit.

1. Any principally permitted use in the 'C' Commercial District except that all residential uses are prohibited
2. Coal, coke, wood and other raw material storage yards
3. Junk, salvage, or scrap metal yards. Junk, metal or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or solid fence, not less than six (6) feet in height, completely obscuring the activity. Such junk yards must comply with the fifty (50) foot setback requirements for all junk and scrap metal and must screen such material from any road
4. Manufacture, refining, extraction, and pumping of chemicals, fertilizers, or petroleum products
5. Residential corrections facility; These uses shall not be located within one thousand feet (1000') of each other, nor shall they be located within one thousand feet (1,000') of an educational institution, religious institution or place of worship, daycare or childcare center, government buildings or residential zoning district. The distance between establishments shall be the shortest distance measured in a straight line from the boundary of the zoning lots containing such uses
6. Commercial wind generators
7. Communication Towers
8. Special Events

C. District Regulations: The following bulk regulations are established for all 'I' Industrial Districts. All regulations are minimum standards unless otherwise noted.

Principal Buildings	**Lot Area (square feet)**	**Average Lot Width (feet)**	**Front Yard Setback (feet)**	**Rear Yard Setback (feet)**	**Side Yard Setback* (feet)**	**Maximum Height**
All permitted uses	Principal buildings may not occupy more than 50% of the lot	100'	30'	30'	30'	3 stories or 45'

* Where two or more principal permitted buildings are on the same lot, the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest building.

Accessory Buildings	Lot Area	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
All accessory uses and buildings	--	60'	5'	5'	2.5 stories or 35'

D. The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets
2. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage
3. There may be two or more related commercial or industrial buildings on a lot, provided that:
   a. the required yards be maintained around the group of buildings;
   b. shall be separated by a horizontal distance that is at least equal to the height of the highest building.
4. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance
5. Projections from a permitted structure or accessory building (bay window, roof overlap, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings

E. The following exceptions may be made in yard regulations:

1. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer.
2. Principal structures must maintain a minimum of a thirty (30) foot setback distance from an agricultural access road; accessory buildings in all districts are not obliged to maintain these setbacks.

F. The following regulations for area requirements shall be observed:

1. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.
2. A lot not served by a public community sewer and a public water supply shall have an area of not less than 40,000 square feet of buildable area and an average width of not less than one hundred fifty feet.

G. Off street parking space: See Off-Street Parking Regulations section XIX

H. Sign regulations: See Sign Regulations section XX

I. Performance Standards for 'I-1' Light Industrial District

1. Sewage wastes. Users in any industrial district shall meet all applicable IDNR and Floyd County Health Department requirements and standards for sewage wastes.
2. Storage. The open storage of materials other than junk, waste products, salvage or wrecked automobiles may be permitted in the 'I-1' District, if at least 30 feet from any street right- of-way line and not less than 20 feet from any other lot line, except that the storage of livestock feed, coal and similar materials shall not be closer than 300 feet to any 'R' District and shall be handled so as to effectively control dust. All combustible material shall be stored in such a way, including, where necessary, access drives, so as to permit free access of firefighting equipment.

SECTION XVI.
USE REGULATION FOR 'I-2' HEAVY INDUSTRIAL

Intent: Premises in each 'I-2' District shall be used for any use except residential and those permitted and conditional uses. The 'I-2' Heavy Industrial District is designed to accommodate large, relatively self-contained and isolated areas intended to be used for industrial activities whose potential nuisance or hazard generation is moderately high.

A. Permitted Uses. Premises in the Heavy Industrial District shall be used for the following purposes only:

1. Any use listed as a conditional use in the 'I-1' Light Industrial District; except residential correctional facilities, commercial wind generators, communication towers, and special events
2. Any other use not in conflict with any provision of the Zoning Ordinance regulating nuisances and not listed in Section XVI(B)
3. Acid manufacture or wholesale storage of acids
4. Asphalt plants and redi-mix plants
5. Cement, lime gypsum or plaster of Paris manufacture
6. Extraction of gravel, sand or other raw materials
7. Fertilizer manufacture
8. Gas manufacture
9. Glue manufacture
10. Junk yards and auto graveyards
11. Petroleum refining
12. Penal institutions
13. Power generation plant
14. Prisons
15. Smelting of tin, copper, zinc or iron ores
16. Stockyards or slaughterhouses
17. Tannery
18. Transmission power generation plant
19. Essential governmental structures and uses other than sanitary landfills or uses similar in their scope or effect, when operating requirements necessitate locating in the district; provided that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances

B. Conditional Uses

1. Activities involving the manufacture, storage or utilization of materials or products which explode
2. Fat rendering or distillation of bones
3. Garbage, waste materials, offal, dead animal or refuse dumping, incineration or storage
4. Any other heavy industrial type use deemed a potential nuisance or hazard not listed as a principal permitted use
5. Residential Correctional Facilities
6. Commercial wind generators
7. Communication Towers
8. Special Events

C. Prohibited Uses

The following uses are specifically prohibited from the 'I-2' Heavy Industrial District.

1. Dwelling units and lodging rooms other than watchmen's quarters

D. District Regulations: The following bulk regulations are established for all 'I-2' Districts. All regulations are minimum standards unless otherwise noted.

Principal Buildings	Lot Area (square feet)	Average Lot Width (feet)	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback* (feet)	Maximum Height
All permitted uses	Principal buildings may not occupy more than 50% of the lot	100'	30'	30'	30'	none**

* Where two or more principal permitted buildings are on the same lot, the buildings shall be separated by a horizontal distance that is at least equal to the height of the highest building.

** There is no height limitation except where buildings are erected within two hundred feet (200') of a residence or business district, in which case buildings or structures shall not exceed seventy five feet (75') in height.

Accessory Buildings	Lot Area	Front Yard Setback (feet)	Rear Yard Setback (feet)	Side Yard Setback (feet)	Maximum Height
All accessory uses and buildings	--	60'	5'	5'	none*

* There is no height limitation except where buildings are erected within two hundred feet (200') of a residence or business district, in which case buildings or structures shall not exceed seventy five feet (75') in height.

E. The following regulations for yards shall be observed:

1. On lots fronting on two non-intersecting streets, a front yard shall be provided on both streets
2. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage
3. There may be two or more related commercial or industrial buildings on a lot, provided that:
   a. the required yards be maintained around the group of buildings;
   b. shall be separated by a horizontal distance that is at least equal to the height of the highest building.
4. Those parts of existing buildings that are in violation of these yard regulations may be repaired, remodeled, enlarged and structurally altered, provided they do not encroach further into the yard that is not in compliance
5. Projections from a permitted structure or accessory building (bay window, roof overlap, etc.) shall be limited to a maximum of two (2) feet over the foundation or footings

F. The following exceptions may be made in yard regulations:

1. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet when so placed as to not obstruct light and ventilation, may be permitted by the Administrative Officer
2. Principal structures must maintain a minimum of a 30 foot setback distance from an agricultural access road; accessory buildings in all districts are not obliged to maintain these setbacks

G. The following regulations for area requirements shall be observed:

1. Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements

2. A lot not served by a public community sewer and a public water supply shall have an area of not less than two (2) acres of buildable area and an average width of not less than one hundred fifty (150) feet

H. Off street parking space: See Off-Street Parking Regulations section XIX

I. Sign regulations: See Sign Regulations section XX

J. Performance Standards for 'I-2' Heavy Industrial District

1. Sewage wastes. Users in any industrial district shall meet all applicable IDNR and Floyd County Health Department requirements and standards for sewage wastes

2. Storage. The open storage of materials other than junk, waste products, salvage or wrecked automobiles may be permitted in the 'I-2' District, if at least thirty (30) feet from any street right- of-way line and not less than twenty (20) feet from any other lot line, except that the storage of livestock feed, coal and similar materials shall not be closer than three hundred (300) feet to any 'R' District and shall be handled so as to effectively control dust. All combustible material shall be stored in such a way, including, where necessary, access drives, so as to permit free access of firefighting equipment

SECTION XVII.
FLOOD PLAIN CONSERVATION OVERLAY DISTRICT 'F-C'

Intent - Statutory Authority, Findings of Fact and Purpose

A. 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.

B. Definitions

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

BASE FLOOD - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-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."

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

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 the effective date of the first floodplain management regulations adopted by the community.

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 Ordinance 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 floodplain's, including but not limited to emergency preparedness plans, flood control works, flood proofing 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 floodplain's 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) feet.

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 <u>all</u> the following criteria are met:

a. The enclosed area is designed to flood or equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of SECTION XVII(D)5a and;

b. The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage;

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least three (3) feet 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 the effective date of the first floodplain management regulations adopted by the community.

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 on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

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 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 which do not trigger a 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. Repairing wells or septic systems which are subject to permits and inspections;

f. Repairing wells or septic systems which are subject to permits and inspections.

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 development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, of 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.

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 damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 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, of which the cost 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 the effective date of the first floodplain management regulations adopted by the community 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 a community 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.

C. Findings of Fact

1. The flood hazard areas of Floyd County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
2. 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. This section relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

D. Statement of Purpose

It is the purpose of this section to protect and preserve the rights, privileges and property of Floyd County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in SECTION XVII (C)1 with provisions designed to:

1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. 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.
3. 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.
4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

E. General Provisions

1. Lands to Which this Section Apply
The provisions of this section shall apply to all lands within the jurisdiction of Floyd County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in SECTION XVII(F).

2. Establishment of Official Floodplain Zoning Map
The Flood Insurance Rate Map (FIRM) for Floyd County and Incorporated Areas, date January 7, 2015, which was prepared as part of the Flood Insurance Study for Floyd County, is hereby adopted by

reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be part of this section.

3. Rules for Interpretation of District Boundaries
The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning 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 section.

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

5. Abrogation and Greater Restrictions
It is not intended by this section to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provision of this section shall prevail. All other Flood Plain Management ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

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

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

8. Severability
If any section, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

F. Establishment of Zoning (Overlay) Districts

The floodplain areas within the jurisdiction of this section are hereby divided into the following districts; (i) Floodway District (FW), (ii) Floodway Fringe District (FF), (iii) General Floodplain District (FP) and (iv) Shallow Flooding District (SF). The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this section is granted after due consideration by the Board of Adjustment.

G. Floodway (Overlay) District (FW)

1. Permitted Uses

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

a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

b. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

d. Residential uses such as lawns, gardens, parking areas and play areas.

e. Such other open-space uses similar in nature to the above uses.

2. Conditional Uses

The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in SECTION XVII K(3). Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

a. Uses or structures accessory to open-space uses.

b. Circuses, carnivals, and similar transient amusement enterprises.

c. Drive-in theaters, new and used car lots, roadside stands, signs and billboards.

d. Extraction of sands, gravel and other materials.

e. Marinas, boat rentals, docks, piers and wharves.

f. Utility transmission lines and underground pipelines.

g. Other uses similar in nature to uses described in SECTION XVII G (1) or (2) which are consistent with the provisions of SECTION XVII G (3) and the general spirit and purpose of this section.

3. Performance Standards

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

a. No use shall be permitted in the Floodway District that would result in any increase in the 100 year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

b. All uses within the Floodway District shall:

   1. Be consistent with the need to minimize flood damage.

   2. Use construction methods and practices that will minimize flood damage.

   3. Use construction materials and utility equipment that are resistant to flood damage.

c. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

d. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

e. Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.

f. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

g. Watercourse alterations or relocations (channel changes and modifications) 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.

h. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

i. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

H. Floodway Fringe (Overlay) District FF

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

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

a. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.

b. Use construction methods and practices that will minimize flood damage.

c. Use construction materials and utility equipment that are resistant to flood damage.

3. Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of three (3) feet above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 3.0 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 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.

4. Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of three (3) feet above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are flood proofed shall be maintained by the Administrator.

5. 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.

6. 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 three (3) feet 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.

7. 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 three (3) feet 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 three (3) feet 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.

8. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of three (3) feet 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.

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

10. 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.

11. 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 section. 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.

12. 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 flood proofed to at least three (3) feet 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.

13. Recreational Vehicles

a. Recreational vehicles are exempt from the requirements of SECTION XVII (H) 6 of this section 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 XVII (H) 6 of this section regarding anchoring and elevation of factory-built homes.

14. 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.

I. General Floodplain (Overlay) District FP

1. Permitted Uses

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

a. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

b. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

d. Residential uses such as lawns, gardens, parking areas and play areas.

2. Conditional Uses

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

3. Performance Standards

a. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District SECTION XVII G.

b. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District SECTION XVII H.

J. Administration

1. Appointment, Duties and Responsibilities of Zoning Administrator

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

Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

a. Review all floodplain development permit applications to assure that the provisions of this section will be satisfied.

b. 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.

c. Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been flood proofed.

d. 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.

e. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

f. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

h. Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Commission of potential conflict.

2. Floodplain Development Permit

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.

Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

a. Description of the work to be covered by the permit for which application is to be made.

b. 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.

c. Indication of the use or occupancy for which the proposed work is intended.

d. Elevation of the 100-year flood.

e. 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 flood proofed.

f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

g. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

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 section and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons for disapproval. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.

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 section. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this section, prior to the use or occupancy of any structure.

3. Conditional Uses, Appeals and Variances

Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

Conditional Uses - Requests for Conditional Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

Variance - 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.

a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

c. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d. 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 over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for every $100 of insurance coverage and (ii) such construction increases risks to life and property.

e. All variances granted shall have local approval and the approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board of Adjustment

a. Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to

parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

b. Decisions. The Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in SECTION XXIII(G)4b.

(1) 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:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.
(b) The danger that materials may be swept on to other land or downstream to the injury of others.
(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
(e) The importance of the services provided by the proposed facility to the County.
(f) The requirements of the facility for a floodplain location.
(g) The availability of alternative locations not subject to flooding for the proposed use.
(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
(l) 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.
(m) Such other factors which are relevant to the purpose of this section.

(2) 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:

(a) Modification of waste disposal and water supply facilities.
(b) Limitation of periods of use and operation.
(c) Imposition of operational controls, sureties, and deed restrictions.
(d) 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.
(e) Flood proofing measures. Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing

measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

5. Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

K. 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 6 (six) 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.

   c. 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.

2. Except as provided in SECTION XVIII any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

L. Penalties for Violation

Violations of the provisions of the Flood Plain Conservation Overlay District or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates the provisions of the Flood Plain Conservation Overlay District or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned. Each day such violation continues, shall be considered a separate offense. Nothing herein contained prevents Floyd County from taking such other lawful action as is necessary to prevent or remedy violation.

SECTION XVIII.
NONCONFORMING USES

A. General Intent

Within the districts established by this Ordinance, or amendments that may later be adopted, there exist lots, structures, buildings, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

1. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which substantial improvements have been made.
3. Any use in existence at the time of adoption of this Ordinance which was not an authorized "nonconforming use" under the previous Zoning Ordinance shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

B. Nonconforming Use of Land

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

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of the parcel, or land, in question than was occupied at the effective date of adoption or amendment of this Ordinance.
2. If any such nonconforming use of land ceases for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located, unless an extension is granted by the Commission.
3. No such nonconforming use shall be moved in whole, or in part, to any other portion of the lot or parcel that was not occupied by such use at the effective date of adoption or amendment of the Ordinance

C. Nonconforming Use of Structures

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, which would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
2. Any nonconforming use of a structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification.
4. When a nonconforming use of a structure, building or premises (including mobile homes) is discontinued or abandoned for one (1) year, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless an extension is granted by the Commission.

D. Nonconforming Structures

Where a nonconforming structure exists at the effective date of adoption or amendment of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structures be destroyed by any means to an extent of fifty (50) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

E. Nonconforming Lots of Record/Remnant Sites

In any district in which a single-family dwelling is permitted, notwithstanding limitations imposed by other provisions of this Ordinance a single-family dwelling and customary accessory buildings may be erected on a lot of record, herein defined, provided the yard area (minimum of one and one half (1.5) acre) and setback requirements are met.

F. Nonconforming Status Exemption

The following exemptions shall apply to any use that would be deemed nonconforming by the provisions of this section, subject to the following provisions:

1. In an 'A' Agricultural District existing dwellings and customary accessory buildings, including mobile homes, which were lawful prior to the adoption of this Ordinance or amendments thereof that would be declared nonconforming shall qualify for an exemption that shall permit said use to be enlarged, extended, reconstructed, replaced, or structurally altered.
2. Any use for which a special permit has been issued.

G. Repairs and Maintenance

All nonconforming structures may be repaired for normal maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Said maintenance or restoring shall not be valued at fifty (50) percent or more of the structure's value prior to construction.

H. Certification of Nonconforming Uses

All nonconforming uses and structures shall be recorded and identified in the official nonconforming use file maintained by the Zoning Administrator. The file shall include, but not limited to, the property location and identification and the current use of the structure or land. Nonconforming uses not included may be subsequently added to the file when accompanied by an affidavit of proof that such nonconforming use was legally established prior to the effective date of this Ordinance.

SECTION XIX.
PROVISIONS FOR OFF-STREET PARKING & LOADING

A. In the 'C' Commercial and 'I' Industrial Districts in connection with every industrial, commercial, business, trade, institutional, recreational, or similar uses, off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule shown in Table 2; however, no parking area required hereunder shall be less than one thousand (1,000) square feet in area except in the case of dwellings and retail stores and shops under one thousand (1,000) square feet. A parking space shall contain not less than one hundred eighty (180) square feet plus necessary maneuvering for the parking of a motor vehicle. Space for maneuvering, incidental to parking or un-parking, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be of a surface material approved by the County Engineer.

B. Where a parking lot does not abut on a public or private street, road, alley, or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided however, such easement of access or access drive shall not be located in any agricultural or residential district, except where serving a permitted use in an agricultural or residential district.

C. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. No part of any parking space shall be closer than five (5) feet to any established highway, road, street, or alley right-of-way line. In case the parking lot adjoins a 'R' Residential District, it shall be set back at least five (5) feet from the 'R' Residential District boundary and shall be effectively screen planted.
2. All required off-street parking area, including any commercial parking lot, for more than ten (10) vehicles shall be surfaced with an Asphaltic or Portland cement binder pavement or such other surfaces so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading and unloading and parking or storage of self-propelled vehicles.
3. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any 'R' District.

D. In any 'R' Residential District abutting a 'C' Commercial or 'I' Industrial District, off-street parking lots shall be permitted in accordance with Table 2 and the following requirements:

1. Off-street parking lots located in an 'R' Residential District shall provide front and side yards in accordance with the district in which it is located. Provided further that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area. Provided further that where a contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line.
2. Off-street parking lots in any 'R' Residential District shall provide a permanent fence of shrubbery screen on all side yards of the abutting 'R' Residential District. Such screening to be located in the provided side yard.
3. Off-street parking lots on any 'R' Residential District for more than five (5) vehicles shall be constructed with an all-weather, dust free surface. Such surfacing shall be approved by the County Engineer. Provided further that such parking lots shall be maintained in an orderly manner free from refuse or debris.
4. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.
5. No portion of a front yard or corner side yard shall be used for off-street parking in the 'R-1', 'R-2' and 'PUD-R' districts. In the single and two-family residential districts, no portion of a required front yard or corner side yard shall be used for off-street parking except upon an improved driveway providing access to a garage, carport or parking area for a dwelling.

Table 2. Parking Requirements

USE	PARKING REQUIREMENT
Automobile body and repair establishments	1 space for each employee or manager and 1 space for each repair or service stall
Automobile sales establishment	2 spaces for each employee or manager and 2 spaces for each service stall
Automobile service stations	1 space for each employee or manager, 2 spaces for each service stall; 5 spaces per stall for a car wash operation in conjunction with said station. Space provided in service stalls or at gas pumps shall not be used to satisfy off street parking requirements.
Banks, business and professional office buildings	1 space for each three hundred (300) square feet of floor area
Boarding Houses, Lodging Houses, sororities, fraternities and dormitories	1 space for each 2 beds
Bowling Alleys	6 spaces for each lane
Car Washes	Spaces equal to 5 times the capacity of the facility and one space for each employee or manager
Childcare centers	1 space for each employee at peak employment shift and at least 2 stacking spaces. More stacking spaces may be required at the discretion of the Zoning Board of Adjustment.
Religious Institutions, Auditoriums and Theaters	1 space for each 6 seats
Clinics, Medical, Dental and Veterinary	3 spaces for each doctor and 1 space for each 2 staff members
Commercial Retail Sales and Service establishments	1 space for each 200 sq. ft. of floor area
Community Center, Library and Museum	11 plus 1 for each 300 sq. ft. in excess of 2,000 sq. ft. of floor area
Dwelling, one and two family	2 spaces for each dwelling unit
Dwelling, multi-family	1 1/2 spaces for each dwelling unit
Senior citizen multiple family dwellings	1 space for each 2 dwelling units
Furniture and Appliance stores	1space for each 600 square feet of floor area
Funeral Home or Mortuary	1 for each 100 sq. ft. of floor area
Hospitals	1 space for each 2 beds; 1 space for each 2 employees; 1 space for each doctor based on the maximum number of doctors on duty at one time.
Hotel	1 space for each 2 dwelling units; 1 space for each 2 employees; and spaces equal to 30% of the capacity of any restaurant, tavern and/or cocktail lounge operated in conjunction with said hotel.
Laundromats	1 space for each 200 square feet of floor area
Lumberyards and building supply stores	1 space for each 2 employees and one space for each 300 square feet of floor area of office space
Manufacturing, industrial and wholesale establishments	1 space for each 2 employees of the largest shift, plus 1 space for each 250 square feet of office space
Mobile Home Parks	2 spaces for each dwelling unit
Motels	1 space for each dwelling unit, 1 space for each manager on duty, 1 space for each staff member; and space equal to 30% of the capacity of any restaurant, tavern or cocktail lounge operated in conjunction with the motel
Private Club or Lodge	Spaces equal to 30% of the capacity in persons of such clubs or lodges.

Recreational amusement establishments, swimming pools, golf courses, etc.	Spaces equal to 30% of the capacity of said facility
Restaurants, Fast food type	1 space for each 100 square feet of floor area
Restaurants, Sit down type, taverns, cocktail lounges	Spaces equal to 30% of the capacity of said restaurant, tavern or lounge
Schools, Elementary and junior high schools, preschools	1space for each staff member
Schools, High schools, trade schools and colleges	1 space for each staff member and 1 space for each 3 students
Shopping Centers	4 1/2 space for each 1,000 square foot of floor area
Sports arenas, football stadiums, gymnasiums	1 space for each 5 seats
Transfer and storage companies	1 space for each 2 employees and 1 space for each vehicle maintained on the premises
In the case of any use which is not specifically mentioned either herein or through the process outlined in Section XXIV (K), the provisions for a similar use mentioned shall apply.	1space for each 300 square feet of floor area

SECTION XX.
OUTDOOR ADVERTISING, SIGNS AND BILLBOARDS

A. Intent: The purpose of this sections is to promote, preserve and protect the health, safety and general welfare of the county, to alleviate the congestion of public streets, to provide for the promotion of traffic safety, to conserve the value of buildings and to enhance and protect the appearance of the county by providing reasonable regulations and standards relating to the type, placement and physical dimensions of signs as hereafter set forth. This chapter recognizes and subscribes to the right of businesses to advertise and the right of advertising companies to pursue their business, subject to the reasonable regulations herein set forth for the purposes and reasons heretofore indicated.

This section shall apply to all on premises signs and off premises signs within the county. All signs erected, repaired, altered, relocated or maintained within the County.

B. Definitions

1. Abandoned and/or obsolete sign: A sign which, for more than ninety days (90), does not display any advertisement, copy or message or any sign which identifies or advertises a business, lessor, service, owner, product or activity which is no longer available at the indicated location or no longer available on the premises or for which no legal owner can be found.
2. Abandoned and/or obsolete sign structure: A sign support, frame, pole or structure which, for more than ninety days (90), does not meet current zoning regulations because of height, size or location, and which does not support a non-abandoned/obsolete sign or no sign.
3. Animated sign: A sign which uses movement or change of light to depict action or to create a special effect or scene. It does not include message center or time and temperature signs.
4. Attached sign: A sign attached to any building or habitable structure.
5. Banner sign: A sign made of fabric or other non-rigid materials with no enclosing framework.
6. Billboard: "Billboard" as used in this Ordinance shall include all structures regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
7. Campus Complex: An agglomeration of industrial, commercial or professional office parcels that may, because of proximity of location or arrangement of buildings, be considered a single premise by the zoning administrator for the purpose of allowing a multitenant sign.
8. Changeable copy sign: A sign on which copy is changed manually in the field, such as a reader board with changeable letters or changeable pictorial panels.
9. Civic Banners: A temporary sign erected by a government agency on rights of way or other county property.
10. Clearance (of a sign): The vertical distance between the prevailing, natural surface grade and the lowest point of any sign, including framework and embellishments, extending over that grade.
11. Crop field sign: A sign used to designate seed crop, herbicide, fertilizer or any type of crop input.
12. Detached Sign: A sign supported by poles, uprights, and braces or otherwise not attached to any building or accessory structure.
13. Directional/Information Sign: An on premise sign giving directions, instructions, or facility information, e.g., parking or exit and entrance signs, and which may contain the name or logo of an establishment but no other advertising copy.
14. Double Head Sign: An off premises sign that contains two (2) sign faces when viewed head on. A double head sign may be a side by side or double decker sign.
15. Façade, Primary: A single exterior wall of a building that faces the front line of the lot or the exterior wall of a building that contains the primary entrance to the building. The designation of a primary façade shall be at the discretion of the owner.

16. Façade, Secondary: A single exterior wall of a building other than the primary façade. The designation of a secondary façade shall be at the discretion of the owner.
17. Face (of a sign): The area of a sign on which the copy is placed.
18. Festoons: A string of ribbons, tinsel, small flags, pinwheels or similar devices.
19. Flashing sign: A directly or indirectly illuminated sign which contains an intermittent flashing light source. This does not include message center or time/temperature signs.
20. Flyer sign: A temporary sign or poster affixed to a utility pole, fence, etc.
21. Height (of a sign): The vertical distance measured from the highest point of the sign or sign structure to the prevailing natural surface grade beneath the sign, whichever is less.
22. Illegal sign: A sign erected without a permit required by this section, or in violation of any of the limitations, prohibitions or requirements of this section.
23. Illegal sign structure: A sign structure erected without a permit required by this section, or in violation of any of the limitations, prohibitions or requirements of this section.
24. Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
25. Incidental sign: A small sign, emblem or decal informing the public of goods, facilities, or services available on the premises.
26. Maintenance: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic size, design, or structure of the sign.
27. Message center: An electronically or computer controlled reader board where different copy changes are shown on a lamp bank or other electronic displays.
28. Monument sign: A detached sign mounted directly on the ground or with no more than three feet (3') of clearance from the ground.
29. Multitenant sign: A sign within a shopping center, strip mall or campus complex depicting multiple tenants or the name of the shopping center.
30. Nonconforming sign: A. A sign which was erected legally, but which does not comply with subsequently enacted sign regulations and restrictions, or B. A sign which does not conform to the sign code requirements but for which a variance has been issued.
31. Nonconforming sign structure: A) A sign structure which was erected legally, but which does not comply with subsequently enacted sign regulations and restrictions, or B) A sign structure which does not conform to the sign code requirements but for which a variance has been issued.
32. Off Premises Advertising Sign: A sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located. An off premises sign shall be considered a principal use in the zoning districts in which it is allowed.
33. On Premises Advertising Sign: A sign which directs attention to a business, profession, product, service, or activity conducted, sold or offered on the same premises where the sign is located. An on premises sign shall be considered an accessory use in the zoning districts in which it is allowed.
34. Pole sign: A detached sign with more than three feet (3') of clearance from the ground.
35. Portable sign: A sign that, by its construction or nature, may be, or is intended to be freely moved from one location to another. The removal of the wheels or undercarriage does not place the sign in another category.
36. Projecting sign: An attached sign supported by uprights, braces, or other devices or otherwise attached to a building or structure and projecting perpendicular to the face of the building.
37. Public sign: A temporary or permanent sign erected and maintained by the county, state or federal government for traffic control or direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.
38. Roof sign: An attached sign erected, constructed or maintained wholly or partially upon or over the roofline of any building with the principal structural support on the roof or building structure.
39. Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

40. Sign: An object, device, graphic design or part thereof, visible outdoors used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by any means including words, letters, figures, designs, fixtures, colors, motion, illumination, illuminated neon tubing and projecting images.

41. Sign Area: A.) Detached on premises signs, attached on premises signs with frames, and off premises signs: For a sign composed of one face, the sign area is the area enclosed by one continuous line, connecting the extreme points or edges of the sign. The area shall be determined using the largest sign area or silhouette, but excluding the necessary supports or uprights. For a sign composed of more than one face: the sign area is the areas enclosed by a continuous line connecting the extreme points or edges of each face and shall be totaled. The area shall be determined using the total sign area or silhouette, but excluding the necessary supports or uprights. For a sign composed of two (2) faces constructed back to back, or at less than a forty five degree (45°) angle to each other: the sign area shall be determined using the sign area or silhouette of the largest face, but excluding the necessary supports or uprights. For a sign composed of two (2) faces constructed at more than a forty five degree (45°) angle to each other: the sign area shall be determined using the total area of all faces, but excluding the necessary supports or uprights. B.) Attached on premises signs without frames: The sign area is the area including all lettering, wording and accompanying design or symbols together with any background. For a sign composed of individual letters or figures: the sign area is that of the smallest rectangle or other geometric shape that encompasses all the letters or symbols.

42. Sign Permit: A permit granted by the county for the erection, construction, enlargement, relocation or conversion of any on premises or off premises sign for which a permit is required.

43. Sign separation: The horizontal distance between sign faces when measured along the centerline of a public right of way from a point on the centerline of the public right of way at a right angle to the center of one sign face to a point on the centerline of the same public right of way at a right angle to the center of another sign face.

44. Single head sign: An off premises sign that contains a single sign face when viewed head on.

45. Street frontage: The length of the property line of any one premise abutting the public right of way.

46. Swinging Sign: A sign installed on an arm, mast or spar that is by design intended to allow the sign to swing due to wind action.

47. Traffic visibility zone: The triangle bounded by a street right of way and any driveway or alley right of way with sides of ten feet (10') from the point of intersection of said rights of way or driveway. Between the heights of three feet (3') and ten feet (10') the visibility zone must be free from obstruction.

48. Transient sign: A sign, banner, pennant, placard, valance or advertising display or sign constructed of light fabric, plastic, cardboard, wallboard, plywood, paper or other light materials, with or without frames, intended to be displayed for a limited period of time, e.g., garage sale, rummage sale, real estate, open house, product sign, vendor sign and similar types of signs.

49. Wall sign: An attached sign that is inscribed or painted directly on a wall of any building or structure.

50. Window sign: A temporary on premises sign installed in, on, or behind a window and intended to be viewed from the outside.

C. Permitted Signs: The following signs are allowed and are exempted from the sign permit requirements.

Crop field signs in Agricultural Districts.	Sign's up to six (6) square feet are allowed per crop, herbicide, fertilizer or crop input. One (1) sign up to thirty two (32) square feet is permitted designating the test plot. Crop field signs are allowed between May 1st and December 1st.
Transient signs in Residential zoning districts.	One (1) transient sign of up to six (6) square feet is allowed. Multiple transient signs with a cumulative area of no more than twelve (12) square feet are allowed if there is a valid building permit issued for the premises. The height of any sign shall not exceed six feet (6') Transient signs may be placed in the required setbacks but not within the traffic visibility zone. Transient signs may be placed for no more than ninety (90) days in any calendar year.

Transient signs in commercial, industrial zoning districts.	On zoning lots with up to two hundred feet (200') of street frontage along a single street, multiple transient signs with a cumulative area of no more than eight (8) square feet are allowed. Multiple transient signs with a cumulative area of no more than sixteen (16) square feet are allowed if there is a valid building permit issued for the premises. The height of any sign shall not exceed seven feet (7'). Transient signs in commercial and industrial districts shall meet the required setbacks of the zoning district.
Directional/informational signs.	One (1) sign per street access, not to exceed four (4) square feet in sign area for each sign. Such sign may be illuminated but shall not flash.
Holiday decorations.	
Public signs.	Traffic control signs, directional, warning or information signs authorized by federal, state or municipal governments.
Balloons, festoons and other promotional devices.	In a commercial or industrial area. Such device may be used for no more than thirty (30) days in any calendar year. In a residential area. Such devices may be used for no more than ten (10) days in any calendar year.
Temporary window signs.	
Signs not intended to be viewed from any public right of way.	
Civic banners.	
Signs not requiring a permit.	No sign shall be illuminated unless otherwise provided herein No sign shall be located in, on, under or over any public right of way. The sign area shall not be applied to the total sign area allowed by the zoning district. Signs are not subject to the setback requirement unless specifically stated herein. Signs shall not be placed in the traffic visibility zone. Signs must be constructed of a rigid material, or erected tightly so as to appear of a rigid material, and securely mounted without the use of guywires, ropes, strings or cords.

D. Prohibited Signs: The following signs are prohibited in all zones

Prohibited Signs
Abandoned and/or obsolete signs and sign structures.
Signs imitating or resembling official traffic or government signs or signals.
Signs bearing or containing statements, words, or pictures that describe or depict specified anatomical areas or specified sexual activities.
Other signs which are not expressly permitted by this section or violate or advertise activities that violate county, state or federal law.
Any nonpublic sign located in, on, under or over any public right of way unless meeting requirements of this section.
Flashing signs. This does not include message centers or time/temperature signs.
Off premises advertising signs that are either roof signs or wall signs.

E. Campus Complex

1. A campus complex may be designated by the Zoning Administrator in the industrial or commercial zoning districts where several parcels are so located and arranged that they give an appearance to the general public of an institutional or commercial center. A designation of a campus complex allows the various parcels to be considered a single premise for the purpose of meeting the requirements for a multitenant sign.

2. The designation of several parcels as a campus complex allows a single sign structure to support the detached signs of the various parcel. The formula for determining detached signage allowances in the zoning district shall be applied to each individual parcel. A single sign structure, located on any one of the parcels, may be used to support the various detached signs of each individual parcel. In no case shall more total or individual signage be allowed under the campus complex designation than would be allowed using the signage requirements of each individual premise.

3. A sign designating the name of the campus complex may be attached to the campus complex sign structure. The total sign area allowed on the campus complex sign structure, including the sign designating the name of the campus complex, shall not exceed the signage allowed below.

F. Performance Standards:

General Regulations	1. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress or to prevent free passage from one part of a roof to another part thereof or access thereto. 2. Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the building or fire prevention codes. 3. Signs shall not be suspended by chains, hooks or cables or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections. 4. Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible. 5. Detached signs shall be self-supporting structures and be permanently attached to sufficient foundations. 6. Attached signs must derive their principal and total support from the building to which they are attached. 7. All projecting signs must be constructed so as to provide a minimum height above grade as follows: ten feet (10') above any pedestrian walkway; fourteen feet (14') above any vehicular way. 8. All off premises signs hereafter erected or remodeled shall bear a permanent, legible identification plate stating the name of the owner of the sign or corporation responsible for the construction or erection.
Electrical standards.	1. Electrical service to on premises and off premises signs shall be concealed to the greatest extent feasible. 2. No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed or allowed so as to direct or reflect any artificial light onto any structure or adjoining property or to constitute a hazard to the safe operation of vehicles upon a street or highway.
Maintenance standards.	1. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, representable and good structural and aesthetic condition at all times, including replacing of defective parts and lettering, repainting, cleaning and other acts required for the maintenance of such sign. 2. The ground area around any detached sign shall be kept free and clean of weeds, trash and other debris. 3. Any violation of this section shall be considered a public nuisance.
Encroachment standards.	1. Signs attached parallel to the face of a building may encroach into a right of way up to fifteen inches (15") in the commercial district provided they maintain a minimum clearance of ten feet (10') below the sign. 2. Canopy and awning signs shall be considered to be attached on premises signs and are allowed, required they meet the requirements of this section. 3. Detached signs are not allowed to encroach into a right of way.

G. Signs allowed by District

District	Signs Allowed:	Sign Types Allowed:	Sign Area Allowed:	Height Restrictions	Setbacks	Additional Regulations
A	Signs not requiring permits On Premises advertising signs	Attached and Detached	Residential uses: 6 square feet Other uses: 32 square feet	Detached: 6' Attached: shall not be above first floor.		May be illuminated but not flash. No moving, rotating or animated parts.
R-1, R-2*	Signs not requiring permits On Premises advertising signs	Attached and Detached	Residential uses: 6 square feet Other uses: 32 square feet	Detached: 6' Attached: shall not be above first floor.		Non-residential uses may be illuminated but not flash. Residential uses may not be illuminated. No moving, rotating or animated parts. Residential uses are allowed attached signs only.
C-1* C-R*	Signs not requiring permits On Premises advertising signs	Attached and Detached	Attached: One (1) pole or ground sign not to exceed 20% of the area of primary façade. Secondary façade signage shall not exceed 10% Detached: 1 square foot of sign per foot of lot width with a minimum of 30 square feet and a maximum of 250 sq. feet.	Attached: Not to exceed 125% of the height of roofline Detached: Not exceed 35'. Signs within 100' of a residential district shall not exceed 25'	One (1) sign structure is permitted on each premise for each street frontage. Where an individual street frontage exceeds 300', one (1) additional sign structure may be permitted.	Signs may be illuminated, but shall not flash. Time / temperature and message centers are allowed, Signs shall not have moving, rotating or animated parts.

District	Signs Allowed:	Sign Types Allowed:	Sign Area Allowed:	Height Restrictions	Setbacks	Additional Regulations
I-1, I-2*	Signs not requiring permits On Premises advertising signs	Attached and Detached	Attached: Not to exceed 10% of the area of primary façade. Secondary façade signage shall not exceed 10% Detached: 1 square foot of sign per foot of lot width with a minimum of 30 square feet and a maximum of 250 square feet.	Attached: Not to exceed 125% of the height of roofline Detached: Not exceed 35'. Signs within 100' of a residential district shall not exceed 25'	One (1) sign structure is permitted on each premise for each street frontage. Where an individual street frontage exceeds 300', one (1) additional sign structure may be permitted.	Signs may be illuminated, but shall not flash. Time/temperature and message centers are allowed, Signs shall not have moving, rotating or animated parts. Commercial uses in an industrial district for which a conditional use permit has been issued by the zoning board of adjustment are subject to the sign requirements of the C district for such time as the conditional use permit is valid.
District	**Signs Allowed:**	**Sign Types Allowed:**	**Sign Area Allowed:**	**Height Restrictions**	**Setbacks**	**Additional Regulations**
PUD	Signs not requiring permits On Premises advertising signs	Attached and Detached	Maximum sign area allowed for detached and attached signs shall be determined through the PUD approval process	Maximum sign heights allowed for detached and attached signs shall be determined through the PUD approval process	Setback requirement for detached signs shall be determined through the PUD approval process	Signs may be illuminated, but shall not flash. Time/temperature and message centers are allowed, Signs shall not have moving, rotating or animated parts. If the PUD site plan does not explicitly identify signage placement or size, the following limits shall be followed. PUD-R shall follow R district regulations, PUD-C shall follow C district regulations and PUD-I shall follow "I" district regulations.

*Portable signs: 1. A portable sign, up to thirty two (32) square feet, shall be allowed for up to thirty (30) days. No portable sign shall be permitted for the ensuing sixty (60) days. 2. Portable signs shall not be erected or maintained on any public right of way. 3. Portable signs shall be set back no less than ten (10') feet from any lot line. 4. Portable signs may be internally illuminated, but shall not flash. 5. Portable signs may not displace any required parking.

H. Off Premises Advertising Signs:

Allowed Districts	Sign types allowed	Sign area allowed	Height Restrictions	Setbacks	Additional Regulations
C-1, C-R I-1, I-2	Detached only, single head signs shall be allowed in C-R district, double head signs are allowed in I-1 and I-2 districts. Signs may have sign faces erected back to back in all allowed districts provided the minimum separation distances are met.	Sign faces shall not exceed three hundred (300) square feet.	Signs in the C-R, I-1 and I-2 districts shall not exceed thirty five (35') feet. Signs located within seventy five feet (75') of a residential zone shall not exceed a height of twenty five (25') feet.	Signs shall meet the setbacks of the zoning district.	Sign faces shall have a minimum separation of six hundred feet (600') The face of an off premise sign shall be located no less than seventy five (75') feet from any residential zoning district or any lot containing a government building, Religious Institution, or educational institution.

I. Nonconforming signs and sign structures:

1. On and off premises signs legally erected and in existence on the adoption date of this ordinance and which do not conform to the provision of this section shall be deemed a nonconforming sign and may continue in existence until the sign is deemed abandoned and/or the sign is destroyed in excess of fifty percent (50%) of value.
2. On and off premises sign structures legally erected and in existence on the adoption date of this ordinance and which do not conform to the provisions of this section shall be deemed a nonconforming sign structure and may continue in existence until the sign structure is deemed abandoned and/or the sign structure is destroyed in excess of fifty percent (50%) of replacement cost at time of destruction.

J. Public Nuisance Declared:

1. The owner of any sign that appears unmaintained at first glance is responsible for the maintenance of such sign upon public or private property in violation of this chapter. Any owner, occupant or person in possession of real property within the county upon which one or more signs that appear unmaintained at first glance are found to be responsible for permitting such unmaintained sign upon such property in violation of this section. No person shall be charged with more than one violation of this section for any one sign. The owner of an unmaintained sign and the owner of real estate upon which such unmaintained sign are found may both be charged. Each day the owner of an unmaintained sign and the owner, occupant or person in possession of real property within the county is found in violation of this section and permits the violation to continue after the notice period provided in Section XX (J-3) shall be a new violation of this section.
2. Upon discovery of any unmaintained sign upon private property within the county, any sheriff or law enforcement officer, or other county officer, official or employee having authority or responsibility for enforcement of any provisions of this code, may notify in writing the owner of said unmaintained sign, and the owner of the property upon which it is located that: 1. the unmaintained sign constitutes a violation under the provisions of this section. 2. The owner must abate the violation by removing or repairing same in accordance with the terms of subsection J-3 of this section. 3. Failure to remove or

repair same shall be sufficient cause for removal and disposal by the county and assessment of costs. In the alternative, the county may cause to be issued to the owner of the unmaintained sign, or to the owner of the property on which the unmaintained sign is found, a citation for a municipal infraction setting forth the violation of this section and seeking an order of removal on conviction. The notice provided by this section relates only to the abatement of a violation of this section and is not an element of a violation, provided, however, that a second and/or any subsequent citation shall not be issued until after the notice provided herein.

3. The owner of the unmaintained sign which violates the provisions of this chapter, or the owner of the property upon which it is located, shall within ten (10) days after service of a written notice from any county officer, official or employee having authority or responsibility for enforcement of any provisions of this code, remove or repair same.

4. If the owner of an unmaintained sign or the owner of the property upon which it is located, shall fail to remove or repair same in accordance with the requirements of subsection J-3 of this section, any county officer, official or employee having authority or responsibility for enforcement of any provisions of this code, may abate such violation by causing same to be removed to a place of safekeeping and the cost of removal and storage shall be charged to the owner of the unmaintained sign, or to the owner of the property upon which it was located.

A violation of any of the provisions of this section may be charged as a municipal infraction or a misdemeanor.

SECTION XXI.
EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT, AND AREA REGULATIONS

The district regulations as set forth in this section shall qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

A. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to height not exceeding sixty (60) feet and Religious Institutions and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from side and rear yard lines heretofore established an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.

B. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

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

D. Accessory buildings may be built in a required rear yard, set back sixty (60') feet from front yard lot line, but shall not occupy more than thirty (30) percent of the rear yard. However, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard, provided all yard setbacks can be maintained.

E. No basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed. This variation is not to be construed to prohibit earth-sheltered subterranean dwellings.

F. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard and except for the ordinary projections of sills, belt course, cornices, cantilevers, bay windows and ornamental features projecting not to exceed twenty-four (24) inches.

G. For the purpose of side yard requirements, a two-family group house or multiple dwelling shall be considered as one building occupying one lot.

H. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period the work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.

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

J. The Board of Adjustment shall review, may modify, and may, by special permit, issue a special exemption to the following uses. Said use may be located in any zoning district but otherwise restricted by other provisions of this Ordinance:

   1. Municipal, state or federal government buildings.
   2. Commercial, amusement or recreational development for temporary periods.

K. In any district, in which a single-family dwelling and its customary accessory building may be erected on a lot of record or remnant site a single-family dwelling may be constructed provided the yard area (minimum of one and one half (1.5) acre) and setback requirements are met.

SECTION XXII.
ZONING CERTIFICATES

A. Zoning Certificate Required

Zoning Certificates shall be required in accordance with the following.

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a Zoning Certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.
2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, unless such changes are in conformity with the provisions of this Ordinance and a Zoning Certificate is issued therefore by the Zoning Administrator.
3. Nothing in this section shall prevent the continuance of a nonconforming use as here in before authorized, unless discontinuance is necessary for the safety of life or property.
4. In accordance with this section, zoning certificates shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Zoning Certificates shall be issued to complying applicants after application is made. The appropriate records and copies of Certificates shall be maintained as a matter of public record.
5. A Zoning Certificate shall become null and void twelve (12) months after the date on which it is issued unless within such twelve (12) month period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

B. Zoning Certificates Not Required

1. A Zoning Certificate is not required for any building hereafter erected or structurally altered in an Agriculture District "A" if an Agricultural Building Permit Exemption Application has been applied for and approved by the Floyd County Planning & Zoning Department.

C. Zoning Certificate Application Procedure

Applicants for a Zoning Certificate shall be required to provide the following:

1. A building permit application.
2. A sketch, drawing, or plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon or used, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and a vicinity map of the lot to be built upon or used.
3. Such information as may be necessary to provide the enforcement of this Ordinance.

SECTION XXIII.
ADMINISTRATION AND ENFORCEMENT

A. Organization

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

B. Basis of Regulations

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

C. Compliance

No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a Zoning Certificate and without full compliance with the provisions of this ordinance and all other applicable county and state regulations.

D. Board of Supervisors

1. Jurisdiction. The Board of Supervisors of Floyd County, Iowa, shall discharge the following duties under this Ordinance:

   a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.

   b. Appoint members of the Board of Adjustment as provided for in this Ordinance.

   c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.

   d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.

   e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.

   f. To decide all matters upon which it is required to pass under this Ordinance, or by Statute or Regulation.

   g. Any changes to the Agricultural Building Permit Exemption Application form shall be made only after the passage of a resolution by the Floyd County Board of Supervisors. The Board of Supervisors must conduct one public hearing and publish notice of the proposed changes in accordance with Iowa Code Section 331.305 Publication of Notice.

E. Board of Adjustment

1. Creation. The Board of Adjustment, as established under applicable provisions of the Iowa State Statutes, is the Board of Adjustment referred to in this Ordinance.

2. Appointment-Terms-Removal. The Board of Adjustment shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years. A majority of the members of the Board of Adjustment shall be persons residing within the unincorporated areas of the county. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member affected. Immediately following their appointment the members of the Board of Adjustment shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and

regulations or organization and procedure consistent with County Ordinances and state laws. The Board of Adjustment shall keep written records of its proceedings that shall be open at all times to public inspection.

3. Powers and Duties. The Board of Adjustment is hereby vested with the following powers and duties:

   a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. The Board of Adjustment will also interpret this Ordinance, as is necessary.

   b. To hear and decide all applications for conditional uses and temporary use permits in the manner prescribed in this Ordinance.

   c. To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.

4. Meetings and Rules. Immediately following their appointment the members of the Board of Adjustment shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with County Ordinances and state laws. The Board of Adjustment shall keep written records of its proceedings that shall be open at all times to public inspection.. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. Meetings requiring action will require that the Board of Adjustment hold at least one (1) public hearing, notice of which shall be given by local newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action.

   The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent, or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be filed in the office of the Zoning Administrator.

   The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title.

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

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

F. Conditional Uses

1. Purpose. The development and administration of this Ordinance is based upon the division of the County into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at a particular location. Such conditional uses fall into two categories:

   a. Uses publicly operated or traditionally affected with a public interest;

   b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. Initiation of Conditional Uses. Any person(s) having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an

exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

3. Application for Conditional Uses. An application for a conditional use shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or date prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the conditional use is sought and stating the grounds on which it is requested.

4. Hearing on Application. Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed conditional use. Notice of time and place of such hearing shall be published not less than seven (7) days no more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Floyd County. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.

5. Authorization. For each conditional use application the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

6. Standards. No conditional use shall be granted by the Board of Adjustment unless such Board shall make the following written findings of fact:

   a. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

   b. That the conditional use will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;

   c. That the establishment of conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

   d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

   e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

   f. That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment; and

   g. That the conditional use shall conform to the Floyd County Comprehensive Plan.

7. Conditions and Guarantees. Prior to the granting of any conditional use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section XXIII(F)6(f) above. In all cases in which conditional uses are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.

8. Reapplication for and Revocation of Conditional Uses.

   a. Reapplication for Conditional Use after Denial. No application for a conditional use that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

   b. Revocation of a Conditional Use. In any case where the conditional use has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

G. Variances

1. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary

the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

2. Application for Variances. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.

3. Hearing on Application. Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance request. Notice of time and place of such hearing shall be published not less than seven (7) days no more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Floyd County. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.

4. Standards for Variances. The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:

   a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

   b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from a literal enforcement of the Ordinance.

   c. Special conditions and circumstances do not result from the actions of the applicant.

   d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

   e. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   f. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the surrounding landowners, or otherwise detrimental or contrary to the public welfare.

   g. The Board of Adjustment shall make a finding that granting a variance will be in conformance with the Floyd County Comprehensive Plan.

   h. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under this Ordinance.

   i. Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.

   j. If a variance is sought to permit building within five (5) feet or less of a property line, the request must be accompanied by a certified survey.

5. Reapplication for Variances after Denial. No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

H. Other Powers of the Board of Adjustment.

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

1. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in this Ordinance leaves a reasonable doubt as to the boundary between two (2) Zoning Districts,

the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.

2. Temporary Uses and Permits. The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use is of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

I. Planning and Zoning Commission

1. Creation. The Planning and Zoning Commission of Floyd County, as established under the applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance.

2. Membership. The Planning and Zoning Commission shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years. A majority of the members of the Planning and Zoning Commission shall be persons residing within the unincorporated areas of the county. Members of the Planning and Zoning Commission may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for only the unexpired term of the member affected. Immediately following their appointment the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with County Ordinances and state laws. The Commission shall keep written records of its proceedings that shall be open at all times to public inspection.

3. Powers and Duties. The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:

   a. Make such surveys, studies, maps, plans, or charts for the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Board of Supervisors, and may publish its studies and recommendations.

   b. Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the County, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the County.

   c. Make careful and comprehensive studies of present conditions and future growth of the County with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

   d. Hold at least one (1) public hearing before the adoption of any such comprehensive plan, notice of which shall be given by local newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. The adoption of the plan shall be by resolution of the Commission carried by the affirmative vote of a simple majority of the members.

   e. Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Planning and Zoning Commission disapproves the proposed change it may be adopted by the Board of Supervisors only by the affirmative vote of at least two-thirds (2/3) of the Board of Supervisors members.

   f. Recommend to the Board of Supervisors changes in the zoning regulations or districts, per Section XXIII (L).

   g. File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the Board of Supervisors.

   h. Hold at least one (1) public hearing prior to any action item, pertaining to this Ordinance, that is to be reviewed by the Board of Supervisors, notice of which shall be given by local newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. A formal recommendation from the Planning and Zoning Commission to the Board of Supervisors shall then be made. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing.

J. Zoning Administrator

1. Designation of Zoning Administrator. The Zoning Administrator shall be designated by the Floyd County Board of Supervisors.

2. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce this Ordinance and in addition thereto and in furtherance of said authority, shall:

   a. Issue all permits and collect applicable fees.

   b. Process all applications for variances, conditional uses, and rezoning for referral to the Board of Adjustment and Planning and Zoning Commission.

   c. Respond to complaints of alleged violations to the Ordinance.

   d. Provide and maintain a public information service relative to all matters arising out of this Ordinance.

   e. Provide proper forms to the public for the zoning process.

   f. Review site plans for conformance with the Ordinance.

   g. Carry out the administrative duties for both the Planning and Zoning Commission and the Board of Adjustment.

   h. Shall act as the Secretary to the Planning and Zoning Commission and the Board of Adjustment.

   i. Insure that public notices of hearings are properly advertised in local newspapers, and that notice is provided to the parties of interest.

K. Secretary of the Planning and Zoning Commission and the Board of Adjustment

1. Jurisdiction. The Secretary of the Planning and Zoning Commission and the Secretary of the Board of Adjustment shall be the Zoning Administrator.

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

L. Amendments to this Ordinance

1. Procedure. The regulations, restrictions, zoning designation and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearings first before the Planning and Zoning Commission and then the County Board of Supervisors. The notice of the time and place of the hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice. Land owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action. Following the hearings, the County Board of Supervisors shall conduct the necessary readings regarding the Ordinance amendment, as outlined in the Code of Iowa.

   In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the Board of Supervisors against such change signed by the owner of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed five-hundred (500) feet there from, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed five hundred (500) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Board of Supervisors.

   As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors may impose conditions on a property owner

which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

M. Applications for Rezoning, Variances, Conditional uses and/or Conditional Uses

Applications shall contain the following items:

1. The name of the applicant/owner(s) or designated agent.
2. The legal description and local address, if available, of the property to be rezoned.
3. The present zoning classification and the zoning classification requested for the property.
4. The existing use and proposed use of the property.
5. The names and addresses of the property owners within five hundred (500) feet of the property in question.
6. A statement of the reasons why the applicant feels the present zoning classification should be changed or why a variance or conditional use is necessary.
7. A plat, or copy thereof, showing the locations, dimensions, and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features.
8. Assurances that all applicable fees are paid.
9. When requesting rezoning, notice shall be given indicating that rezoning shall constitute an official amendment to the Official Zoning Map(s), thus requiring publication of the address and legal description of the property in question.
10. The signature of the property owner(s) and designation of agent in the absence of the owner(s) presence at the public meeting.
11. Subdivision reviews must contain all documents required by the County Recorder pursuant to Iowa Code Chapter 354.
12. No application for rezoning that has been denied wholly or in part by the Board of Supervisors shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Supervisors.

SECTION XXIV.
VIOLATION AND PENALTY

Violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of conditional uses or variances) shall constitute a municipal infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars ($100), with the exception of provisions identified in Section XVII.M Flood Plain Conservation Overlay District 'F-C', Penalties for Violation. Each day such violation continues, shall be considered a separate offense. Nothing herein contained shall prevent Floyd County from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION XXV.
ENFORCEMENT AND FEES

A. Enforcement

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

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

B. Fees

Fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted by resolution by the County Board of Supervisors. A copy of the Schedule of Fees shall be on file in the Zoning Administrator's office. The following fees will be charged by the County.

1. Rezoning application fee.
2. Variance application fee.
3. Conditional Use application fee.
4. Subdivision review fee.
5. Building permit fees.

SECTION XXVI.
REPEALER AND SEVERABILITY

A. Repealer

All ordinances, including the existing Floyd County Zoning Ordinance, as adopted on 17 APRIL 1970, and all amendments thereto, resolutions, or any part thereof, in conflict with all or any part of this Ordinance are hereby repealed.

B. Severability

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

SECTION XXVII.
EFFECTIVE DATE

This Ordinance, adopted as 2011-2 Amended, Floyd County, Iowa Zoning Ordinance, shall be in full force and effect upon publication.

Motion by Supervisor Kamm and seconded by Supervisor Kuhn to approve the final reading of Floyd County Ordinance 2011-2 Amended, Floyd County, Iowa Zoning Ordinance.

Vote taken resulted as follows: Ayes – Kuhn, Kamm, Schwickerath

Passed and approved on this 9th day of December, 2014.

ATTEST: Gloria A. Carr

Gloria A. Carr, Floyd County Auditor

Roy N. Schwickerath, Chair
Floyd County Board of Supervisors

Amendment Date	Explanation of Amendments
02/13/2012	Section VII – General Regulations and Provisions W.1. Tower height and setback Changed last sentence in paragraph referencing section VII W(4) to VII W(3). W.7. Utility Notification Changed "No small wind energy system…under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board." to "…under an agreement offered by the utility." X.1. Tower height and setback Changed last sentence in paragraph referencing section VII W(4) to VII W(3).
12/09/2014	Section XVII-Flood Plain Conservation Overlay District 'F-C' Section B Definitions: added definitions for Basement, Factory-Built Home, Factory-Built Home Park, Floodway, Historic Structure, New Factory-Built Home Park or Subdivision, and Recreational Vehicle Section E General Provisions: replaced Flood Insurance Rate Map, effective 1/7/2015. Section J Shallow Flooding (Overlay) District (SF) was deleted