CHAPTER 21

The Zoning Ordinance of Audubon County, Iowa

As proposed for consideration by Audubon County Board of Supervisors on _____

Public Hearing at _____a.m. on _____
Initial consideration _____
Final consideration _____

Article	Title	Page No.
General Provisions		
1	Short Title and Jurisdiction	4
2	Interpretation of Regulations	5
3	Definitions	7
4	Districts Established	19
5	Zoning Map	20
District Regulations		
6	Agricultural District (A-1)	22
7	Restricted Agricultural District (A-2)	25
8	One-Family and Two-Family Residential District (R-1)	27
9	Multiple-Family Residential District (R-3)	30
10	Planned Unit Development District (R-4)	33
11	Commercial District (C-1)	35
12	Light Industrial District (I-1)	38
13	Heavy Industrial District (1-2)	42
14	Reserved	44
15	Floodplain District (F-1)	45
Supplementary District Regulations & Special Provisions		
16	Off Street Parking	60
17	Off Street Loading	62
18	Signs and Billboards	63
19	Additional Area and Height Regulations	66
20	Special Exception Uses	69
21	Nonconforming Uses	72
Administration		
22	Administration	74
23	Violation and Penalty	76
24	Planning and Zoning Commission	77
25	Board of Adjustment	79
26	Changes and Amendments	82
27	Severability Clause	84
28	Repeal of Conflicting Ordinances	85
29	Adoption	86

ZONING ORDINANCE FOR THE UNINCORPORATED PORTION OF AUDUBON COUNTY

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards, courts and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off street parking; to regulate the location, size and number of signs; to divide the County into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Iowa Code Chapter 335; and to be known, and cited as "The Zoning Ordinance of Audubon County, Iowa."

WHEREAS, the Board of Supervisors of Audubon County, Iowa, deem it necessary to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the County; all in accordance with a Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF AUDUBON COUNTY, IOWA THAT:

GENERAL PROVISIONS

ARTICLE 1
SHORT TITLE AND JURISDICTION

21.1.01 SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Audubon County, Iowa," to the same effect as if the full title was stated.

21.1.02 JURISDICTION. In accordance with the provisions of Iowa Code Chapter 335, and amendatory acts thereto, this Ordinance is adopted by Audubon County, Iowa, governing the zoning of all lands within the unincorporated area.

ARTICLE 2

INTERPRETATION OF REGULATIONS

21.2.01 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this Ordinance shall govern.

21.2.02 GENERAL REGULATIONS.

1. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, nor shall any use of the land be changed, which does not comply with all of the district regulations for the district in which the building or land is located.

2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required. No part of a yard or other open space, or off street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or off street parking or loading space required under this Ordinance for another building, structure, or use.

3. Every building hereafter erected or subject to structural alteration shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

4. Terraces and Unenclosed Porches. A paved terrace or an unenclosed porch, even though roofed over, may not be considered in the determination of yard sizes or lot coverage, provided, however, that such terrace or porch shall not be closer than four (4) feet at any point to any lot line.

5. Enclosed Porches. Any enclosed porch shall be considered a part of the building in the determination of the size of yard or lot coverage.

6. Projecting Architectural Features. The space in any required yard shall be open and unobstructed to the sky, except for the ordinary projections of window sills, belt courses, cornices, eaves, and other architectural features, provided, however, that such features shall not project more than two (2) feet into any required yard.

7. Fire Escapes. Open fire escapes may extend into any required yard not more than three and one-half (3 1/2) feet.

8. AGRICULTURAL USES EXEMPT: In accordance with the provisions of Chapter 335, Code of Iowa, as amended, no regulations or restrictions adopted under the provisions of this Ordinance shall be construed to apply to land, farmhouses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes. WHILE SO USED; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.

    a No Zoning Permit or Certificate of Zoning Compliance shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
    b If a tract of land is less than twenty (20) acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
    c It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
    d The following non-agricultural uses and buildings, though customarily found in agricultural areas of the country, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a Construction Compliance Certificate or Occupancy Compliance Certificate, or both, in accordance with the provisions of this ordinance.:

        A. Private golf courses
        B. Private lakes or ponds for recreational use by the general public, or a private club, lodge, or association
        C. Stables or kennels operated as a business, club, or association
        D. Sawmills
        E. Gravel and sand pits and rock quarries
        F. Tourist campgrounds
        G. Private Parks
        H. Private or commercial hunting preserves
        I. Farmstead home occupations
        J. Roadside produce stands
        K. Private dumps, or waste disposal sites

ARTICLE 3

DEFINITIONS

21.3.01 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 number includes 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; and the word "he" includes the word she. The current issue of Webster's Dictionary shall be used where difference in interpretation exist or a definition is absent.

1. Abandoned Farmstead: A tract of land which is/was at one time the location of a farm dwelling and/or related outbuildings, but which has not been reclaimed for row crop or grazing agriculture.

2. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure, such as a garage being an accessory use to a residential structure.

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

4. Alley: A public or private thoroughfare that affords only a secondary means of access to abutting property.

5. Animal Boarding: A nonresidential facility offering care for four (4) or more domestic pet animals for more than twelve (12) hours per day.

6. Apartment: A single room or set of rooms occupied as a dwelling (including independent sleeping, sanitary, and cooking facilities) which is part of multi-family structure.

7. Area Service System: Those public roads outside of municipalities not otherwise classified as defined by Iowa Code Section 309.57.

    A. Area Service Level A: Area Service Level A Roads shall be the highest level of service constructed and maintained in conformance with applicable State Statutes. The type of

surfacing will vary based on Federal Functional, State, and Local Classifications; terrain and traffic count.

B. Area Service Level B: Area Service Level B Roads are area service roads with a reduced level of maintenance from Area Service Level A roads. Area Service Level "B" roads do not provide all weather surfacing.

Area Service B Roads shall not mean what is construed in the normal sense as a driveway or a private lane to a farm building or dwelling.

C. Area Service Level C: Area Service Level C Roads are area service roads with a reduced level of maintenance from Area Service A or B roads and have restricted access.

Area Service C Roads shall not mean what is construed in the normal sense as a driveway or a private lane to a farm building or dwelling.

8. Awning/Canopy: A roof like cover extending over or before a place as a shelter.

9. Basement: A story having more than one-half (1/2) of its height below grade. A basement is not counted as a story for the purpose of height regulations.

10. Billboard: A structure, regardless of the material used, that is erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said sign or billboard is located.

11. Block: Property abutting on at least one (1) street and lying within two (2) or more intersecting or parallel streets or unsubdivided acreage or railroad right-of-way.

12. Boarding, Rooming, or Lodging House, (also Bed and Breakfast or Airbnb): A building other than a hotel where for compensation, and by arrangement, lodging is provided.

13. Buildable Area: The portion of a lot remaining after required yards have been provided.

14. Building (and/or Structure) A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. The principal building on a lot is that structure in/on which the principal use of the lot occurs.

15. Building Code: Audubon County's applicable building code is the state adopted building code, which is the 2015 International Building Code which was adopted by Iowa Administrative Rule 661-200 and 661-301. Iowa Building Codes are referenced in sections:

481—51.50, 60.13; **641**—25, 61; **661**—16, 200.3, 200.4, 201.4, 202, 300, 301, 302, 303, 315, 322, 323, 350, 372, 374, 550, 551, 552, 553, 559 of the Iowa Code.

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

17. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products and other flammable, such as fertilizer.

18. Business: The words business, commercial, and manufacturing when used herein refer to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.

19. Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls. A carport may be attached to another building or be an accessory structure.

20. Club or Lodge (Private): An association of persons for the promotion of a nonprofit objective, who are members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with state and municipal laws.

21. Commission: The Audubon County Planning and Zoning Commission.

22. Confined Animal Feeding Operation (CAFO): A feedlot or animal feeding operation in which animals are confined to a specific area and are regulated by rules and regulations of the Iowa Department of Natural Resources.

23. Construction Change Use Permit: A permit issued by the Zoning Administrator, authorizing the use of land in the manner and for the purpose specified in the application.

24. Corn Suitability Rating: A numeric number that is set by the USDA Soil Conservation Service that is designed to identify the approximate worth of a particular soil type for agricultural production. This rating is used in Iowa for property tax assessments.

25. Cottage: A small single unit structure used for vacation or seasonal occupancy.

26. Day Care, Childcare, or Nursery School: Any private agency, institution, establishment or place, which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for five (5) or more children not related to the owner/operator.

27. Driveway: A traffic way providing access for vehicles to a building on property abutting a public street. A driveway shall not have an average width of more than twenty-four (24) feet in any Agriculture or Residential District, or thirty-six (36) feet in any District other than Agriculture or Residential.

28. Dwelling: Any habitable building, or portion thereof, including manufactured and modular homes converted to real estate, designed or used exclusively for residential purposes with facilities for living, sleeping, cooking and eating, but not including a tent or recreational vehicle. All dwellings shall have a permanent foundation. A mobile home that has been converted to real estate and has a permanent foundation and is attached to normal utilities is considered a dwelling for purposes of this ordinance.

29. Dwelling, Multiple: A residence designed for the occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.

30. Dwelling, Single Family: A detached residence designed for or occupied by only one (1) family and contains independent cooking facilities for the family.

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

32. Electric Power Generating Plant: means any nameplate rated electric power generating plant, in which electric energy is produced from other forms of energy, including all taxable land, buildings, and equipment used in the production of such energy.

33. Essential Services: The erection of a building or structure, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission, treatment, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare.

34. Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, nursing or convalescent home, hotel or motel, as herein defined.

35. Feedlot/Animal Feeding Operation: A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five (45) days or more in any twelve (12) month period, including all structures used for the storage of manure from animals in the operation.

36. Fence: An erection intended to prevent escape or intrusion or to mark a boundary. A fence is composed of posts, wire, boards, steel, aluminum, manufactured plastic, or similar materials. This definition does not pertain to the fencing requirements for junk and salvage yards as may be described elsewhere in this Ordinance.

37. Food Processing, Human: Any of a variety of operations by which raw foodstuffs are made suitable for consumption, cooking, or storage. Food processing generally includes the basic preparation of foods, the alteration of a food product into another form (as in making preserves from fruit), and preservation and packaging techniques.

38. Food Processing, Animal: Animal feed processing is the conversion of diverse raw agricultural feed ingredients into a single, homogenized form of feed, such as mash, pellet, and crumbles, among others.

39. Footing: An enlargement at the lower end of a foundation wall, pier, or column to distribute the load.

40. Foundation: A foundation shall be of concrete, concrete block or treated wood and shall extend into the ground. The foundation shall extend the full perimeter of the structure.

41. Garage, Service: A building or portion thereof, designed, intended, or used for the equipping, servicing, selling, hiring, storing, care, or repair of motor vehicles, and which is operated for commercial purposes.

42. Garage, Private: An enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises.

43. Gasoline Service Stations: Any building or premises used for the retail sale of liquid fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

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

45. Home Occupation: An occupation or a profession conducted in a dwelling unit or on a farm for supplemental income, and which:

    A. Is customarily carried on in a dwelling unit or accessory buildings;

    B. Is owned and operated by a member of the family residing in the dwelling unit;

C. Is clearly incidental and secondary to the use of the dwelling unit for residential or farm purposes;

D. Does not employ more than two (2) person(s) outside the immediate family;

E. Has no exterior display or exterior storage of materials visible from any public road;

F. Has no exterior indication of the home occupation other than the permitted home occupation sign that does not exceed ten (10) square feet in area;

G. Produces no offensive noise, vibration, smoke, excessive congestion, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.

46. Hotel: A building in which lodging or boarding is provided and offered to the public for compensation, and which is open to a transient guest.

47. Incidental: Subordinate in significance and bearing a reasonable relationship with the principal use.

48. Junk Yard (or Landfill): Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

    A. Permitting and Fencing Required: Where permitted by district regulation salvage shall either be located within a rear yard or fully enclosed within a building. In addition, junkyards located within one thousand (1,000) feet of a state, federal, or county highway shall obtain a current "Recycler's License" from the Iowa Department of Transportation. Junk Yards located over one thousand (1,000) feet from a state, federal, or county highway shall be screened from view from a public street by the same screening regulations as provided by the Iowa Department of Transportation when granting a "Recycler's License."

49. Junk Vehicle (Junk Machinery): shall mean any vehicle or portion thereof not in running condition (not able to start or move off the property on its own power) and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Audubon County, or any other vehicle or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Iowa Code Section 657.1 The presence of two (2) or more junk vehicles on the same lot shall cause the lot to be classified as a junk yard.

50. Kennel: Any premises on which four (4) or more licensed dogs capable of breeding that are six (6) months old or older are kept.

51. Lot: 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 herein required. Such lot shall have frontage on a public street and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

52. Lot Area: The area of a horizontal plane bounded by the front, side and rear lot lines.

53. Lot, Corner: A lot fronting on two (2)-intersecting streets.

54. Lot Depth: The mean horizontal distance between the front and rear lot lines.

55. Lot, Double Fronted: An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.
56. Lot, Interior: A lot other than a comer lot.

57. Lot Lines: The lines bounding a lot.

58. Lot Line, Front: In the case of an interior lot, abutting on only one (1) street, the front line is the street line of such lot. In the case of any other lot, the lot has its least dimension.

59. Lot Line, Front Bordering a Lake: If a lot has one or more of its sides bordering a lake the lakeshore side of the lot may become the front lot line.

60. Lot Line, Rear: That boundary line which is opposite and most distant from the front line.

61. Lot Line, Side: Any boundary lines not a front lot line or a rear lot line.

62. Lot of Record: A lot which is a part of a subdivision recorded in the office of the county recorder of Audubon County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

63. Lot Width: The width of a lot as measured at the street right-of-way line.

64. Manufactured Home: A factory-built structure built under authority of 42 U.S.C '5403, 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. A manufactured home must have a permanent foundation and be attached to normal utilities to be considered a dwelling for purposes of this ordinance.

65. 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. A mobile home that has been converted to real estate and has a permanent foundation and is attached to normal utilities may be considered a dwelling for purposes of this ordinance.

66. Mobile/Manufactured/Modular Home Converted to Real Estate: A Mobile/Manufactured/ Modular Home which has been attached to a permanent foundation on real estate, attached to utilities, and the property entered on the tax rolls of the county.

67. Mobile Home Park or Trailer Park: Any lot, site, field, or tract of land under common ownership upon which one (1) or more mobile homes, or manufactured or modular homes that have not been converted to real estate are harbored, either free of charge or for revenue purposes, and shall include any building, or structure used or intended for use as part of the equipment of the mobile home park.

68. Modular Home: A factory-built structure built on a permanent chassis, which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. A modular home that has been converted to real estate and has a permanent foundation and is attached to normal utilities may be considered a dwelling for purposes of this ordinance buildings containing guest rooms primarily for temporary occupancy, and laid out to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include quarters for the use of the operating personnel.

69. Motel, Motor Court, Motor Lodge or Tourist Court: Any building or group of buildings containing guest rooms primarily for temporary occupancy, and laid out to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include quarters for the use of the operating personnel.

70. Non-farm Dwelling: A residential dwelling in the unincorporated areas of the County occupied by parties not involved in agricultural production.

71. Nursing Home (Including Convalescent and Group Homes): A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, but not including penal or disciplinary cases.

72. Offal: The waste or by-product of a process such as: trimmings of a hide; the by-products of milling (as of wheat or barley) used especially for stock feeds; or the internal organs and trimmings of a butchered animal in preparing it for market or consumption.

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

74. Parking Space: A surfaced area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering shall not encroach upon any public right-of-way.

75. Planned Unit Development: A Planned Unit Development (PUD) is a special type of zoning in which the proposed land uses, transportation elements, building densities, arrangements and types are set out in a unified plan. A planned unit development may consist of mixed residential, commercial, office, and public land uses or a single use development. PUDs shall be used as an alternate development tool for those developments that propose a creative and innovative development whose layout is not achievable by the standards under which the property is currently zoned. A PUD is zoning and may dictate different development standards from the traditional zoning ordinance.

76. Porch, Unenclosed: A roofed projection, which is partially enclosed by a building or siding material other than, meshed screens.

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

78. Professional Office: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.

79. Right-Of-Way: A type of easement granted or reserved over the land for transportation purposes, this can be for highway; public footpath, rail transport, canal, as well as electrical transmission lines, oil, and gas pipelines.

80. Roadside Stand: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.

81. Sanitary Sewer System: A public or private sewerage collection system with treatment and disposal facilities operated in accordance with Department of Natural Resources standards and/or county sanitarian.

82. Sexually Oriented Business: Any establishment that is an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, dual purpose business, escort agency, exotic dance service, or semi-nude model studio as defined.

83. Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

84. Sign, Exterior: A sign, which directs attention to a business, profession, service, product or activity, sold or offered upon the premises where such sign is located. An exterior sign may be attached flat against a building or structure, painted on the building or structure, projecting out from a building or structure, or erected upon the roof of a building or structure.

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

86. Split-Level: A story having not more than one-half (1/2) of its height below grade. A splitlevel story is counted as a story for purposes of height regulations.

87. Stable: A non-farm related accessory structure including, but not limited to a corral or paddock for the keeping of hoofed animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale, or lease.

88. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

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

90. Street Line: The right-of-way line of a street, road or highway.

91. Street, Public: A public thoroughfare more than twenty feet in width, including right-of-way.

92. Street Right-Of-Way Line: Lines separating private property from the street or alley existing or dedicated in public ownership. Sometimes referred to as street line.

93. Structural Alteration: 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.

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

95. Trailer Camp or Tourist Ground: Any area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

96. Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance may be authorized only for height of structures and area and size of lots, yards, open spaces, and instances where numbers are involved. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted zoning districts.

97. Yard: An open space on the same lot with a building or structure. 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.

98. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line or right-of-way line and the building or any projection thereof, other than the projection of the usual steps and eaves.

    A. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension, unless the structure can be placed on the lot and meet all required yard requirements, in which case either street side may be the front yard.

    B. If a lot has one or more of its sides bordering a lake, the lake shore side of the lot may become the front yard.

99. Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both comer lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

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

101. Zoning Administrator: The individual appointed by the Board of Supervisors of Audubon County, Iowa to administer and enforce the provisions of this Ordinance.

ARTICLE 4
DISTRICTS ESTABLISHED

21.4.01 For the purpose and intent of this Ordinance Audubon County, Iowa is hereby divided into zoning district classifications as follows:

A-1 Agricultural District
A-2 Restricted Agricultural District
R-1 Single- or Two-Family Residential District
R-2 Reserved
R-3 Multi-Family Residential District
R-4 Planned Unit Development District
C-1 Commercial District
I-1 Light Industrial District
I-2 Heavy Industrial District
F-1 B Flood Plain District

21.4.02 ROAD OR PUBLIC WAY VACATION. Whenever any road, street, or other public way is vacated by the official action of the Board of Supervisors, the Zoning District(s) adjoining each side of such road or public way shall automatically extend to the center of such appropriate regulations of the extended districts.

21.4.03 DISINCORPORATION. All territory which may hereafter become part of the unincorporated area of Audubon County by the disincorporation of any city or town, or any part thereof, shall automatically be classified as lying and being within the (A-1) Agricultural District until such classification shall have been changed by amendment to this Ordinance.

ARTICLE 5
ZONING MAP

21.5.01 BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Audubon County, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Maps shall be identified by the Chairperson of the Board of Supervisors and attested by the County Auditor under the following words:

> "This is to certify that this is the Official Zoning Map referred to in Article 5 of the Audubon County Zoning Ordinance, dated this _____Day of _____, 20___."

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending this Ordinance. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. The County Auditor shall after adoption and publication, record said ordinance. Such amendatory ordinance shall, however, not repeal or reenact said map, but In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map that shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof.

21.5.02 INTERPRETATION OF DISTRICT BOUNDARIES. The scale of the Official Zoning Map and the inability to indicate precise measurements may make interpretation difficult. Therefore, where uncertainty exists as to boundaries of districts the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys or other public rights-of-way shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines; following such city limits;

4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

5. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed as following such centerlines;

6. Boundaries not capable of being determined by the previous paragraphs shall be as measured to the best ability from the Official Zoning Map.

DISTRICT REGULATIONS

ARTICLE 6
AGRICULTURAL DISTRICT (A-1)

21.6.01 INTENT. The Agricultural District (A-1) is applied to those areas of the County where it is desirable to reserve for agricultural use areas suitable for the raising of crops and livestock because of high quality soils, existing or potential drainage, or the overall agricultural character of the area. It is envisioned that intensive agriculture will be contained within the A-1 District; therefore, this district discourages the location of non-agricultural uses that would not be compatible with agriculture and its noise, pollution, and smells.

21.6.02 PRINCIPAL USES PERMITTED. Only the following uses and structures shall be permitted in the Agricultural District (A-1).

1. Agriculture including the raising of crops and/or animals;

2. Bed and Breakfast establishments;

3. Cemeteries, including mausoleums and crematories, provided that any mausoleum and crematory shall be distanced at least two hundred (200) feet from adjacent property and street and highway lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more;

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

5. Confined Animal Feeding Operations as permitted by Department of Natural Resources rules and regulations for manure management plans and site distances to adjacent uses; ·

6. Drainage and flood control projects;

7. Grain storage bins or facilities;

8. Non-farm single-family dwellings provided that the site meets all of the following criteria:

   A. Is not located within a flood prone area as defined within the Flood District Regulations of this ordinance;

   B. Has direct driveway access to a Class “A” county road or state highway;

9. Nurseries, greenhouses, and truck gardens;

10. Publicly owned and operated buildings and facilities;

11. Reservoir, wells, tower, filter beds, refuse dumps, sewage treatment facilities, and water supply plants. Refuse dumps, filter beds, and sewage treatment facilities shall be thirteen hundred and twenty (1,320) feet from a residential district or as required by the Iowa Department of Public Health. Also, the provisions for drainage, sanitation, and insect control must be approved by the County Board of Public Health;

12. Ethanol plants.

21.6.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

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

2. Essential services;

3. Home occupations;

4. Roadside stands for the sale of agricultural produce grown on the premises;

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

21.6.04 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (A-1) Agricultural District subject to provisions of Articles 20 and 25 of this Ordinance and with the approval of the Board of Adjustment.

1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; the sale of feed supplements; the sale of dry or slurry mix fertilizers; and the storage, distribution or sale of anhydrous ammonia; the sale of agricultural lime and agricultural chemicals; the storage and sale of fuels; the buying and storage of wool or hides; trenching or well drilling; contract farming; farm equipment repair shops; and the sale or display of farm machinery;

2. Airport or landing field;

3. Commercial auction yards and buying stations;

4. Extraction and processing of minerals or raw materials, including limestone, cement, clay, gypsum, and other similar natural materials;

5. Private parks, playgrounds, fairgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, gun clubs, and swimming pools;

6. Sanitary landfill, transfer station, junkyard, or other type of waste disposal area;

7. Commercial kennels for the raising, breeding and boarding of dogs or other small animals provided that all buildings be at least two hundred (200) feet from all property lines.
8. Mining and extraction of minerals and raw materials, including the necessary processing equipment, provided such operation shall be located at least fifty (50) feet from the right-ofway line of any public road and at least three hundred (300) feet from the nearest dwelling or residential district; that off-street parking space be provided for employees and other vehicles stored or used on the site. An application for the special exception shall be accompanied by a plan showing how the affected land would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation.

21.6.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

Lot Area	2 acres
Lot Width	200 ft.
Front Yard Setback	50 ft.
Side Yard Setback	25 ft.
Rear Yard Setback	50 ft.
Maximum Height	2 ½ stories or 35 ft.

ARTICLE 7
RESTRICTED AGRICULTURAL DISTRICT (A-2)

21.07.01 INTENT. The Restricted Agricultural District (A-2) is applied to those areas of the County where agriculture and non-farm land uses meet adjacent to current cities, within environmentally sensitive, scenic, and/or within flood prone areas. Because these areas are often scenic, it is envisioned that they will become desirable locations for non-farm dwellings. Therefore, a scattering of non-farm dwellings will be permitted provided they mitigate their impact to the scenic nature of the area. Finally, any construction within a recognized FEMA flood hazard area must be in accordance with flood area construction standards.

21.07.02 PRINCIPAL USES PERMITTED. Only the following uses and structures shall be permitted in the Restricted Agricultural District (A-2).

1. All Principal Uses Permitted in Agriculture (A-1)

21.07.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

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

2. Essential services;

3. Home occupations;

4. Roadside stands for the sale of agricultural produce grown on the premises;

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

21.07.04 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (A-2) Restricted Agricultural District subject to provisions of Articles 20 and 25 of this Ordinance and with the approval of the Board of Adjustment.

1. Residential

2. Commercial/Business

3. Industrial

4. Commercial Recreation

21.07.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

Lot Area	2 acres
Lot Width	200 ft.
Front Yard Setback	50 ft.
Side Yard Setback	25 ft.
Rear Yard Setback	50 ft.
Maximum Height	2 ½ stories or 35 ft.

If any adjustments are desired to be made by the landowner, lot sizes and setbacks shall be evaluated and determined by the Audubon County Zoning Commission to be consistent with the use of the land. When it is desirable to enhance development, sizes and setbacks may conform to the municipality minimum standards upon consultation with the adjoining municipality. The Commission shall make efforts to set lot sizes and setbacks to be compatible with the adjoining municipality's requirements for similar uses.

21.7.06 RESERVED

21.07.07 DEFAULT LAND USE. The default land use designation in the Restricted Agriculture District is Agricultural. The Zoning District designation as Restricted Agriculture (A-2) does not change when a request to change land use to residential, commercial or industrial is approved by the Board of Adjustment. The Board may approve the change in land use after consultation ·with the adjoining city government, and notification of adjacent property owners. Only the allowed use for the property under consideration will change.

ARTICLE 8
ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT (R-1)

21.8.01 INTENT. The intent of the One- and Two-Family Residential District (R-1) is to provide for low to medium density residential development located within platted subdivisions and with a limited number of institutional and recreational facilities permitted. This district is expected to be located within the unincorporated villages of Hamlin and Ross and where one would expect nonfarm dwellings to concentrate.

21.8.02 PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-1) Residential District.

1. Agriculture and horticulture, provided it its conducted exclusively for the use of occupants of the dwelling located on the premises, provided there are no agriculture uses present which are offensive in odor or which destroy the character of the landscape;

2. Cemeteries adjacent to or an extension of existing cemeteries;

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

4. One (1) family dwellings;

5. Two (2) family dwellings; A single-family dwelling may be converted into a two-family dwelling provided that any exterior stairway to serve the second floor be placed in the rear of the structure to be converted.

6. Private garage used only for interior storage.

7. Private recreation facilities;

8. Schools and colleges having curriculums approved by the State of Iowa.

9. Nurseries, greenhouses, and truck gardens;

21.8.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

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

2. Essential services;

3. Home occupations;

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

21.8.04 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-1) Residential District subject to provisions of Articles 20 and 25 of this Ordinance and with the approval of the Board of Adjustment.:

1. Boarding, lodging, and Bed and Breakfast establishments;

2. Day Care, Child Care, or Nursery School;

3. Private parks, playgrounds, fairgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, gun clubs, and swimming pools. Commercial golf courses may be permitted by the Board of Adjustment after public hearing and recommendation by the Zoning Commission.

4. Mobile home parks subject to the following conditions:

    A. The mobile home park shall be located on a parcel of ground at least five acres in size and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless separated there from by a natural or artificial barrier.

    B. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

    C. Each mobile home space shall be large enough to provide a distance of fifteen (15) feet between any trailer or structure on the space and the lot line, a front yard of 15 feet and a rear yard of 10 feet.

    D. All mobile home spaces shall abut upon a driveway of not less than twenty-five (25) feet in width which shall have unobstructed access to a public street.

    E. Overall density shall not be greater than the lot area per family specified within the district.

    F. All driveways and walkways in the park shall be hard surfaced and lighted at night.

    G. Each park shall provide service buildings to house such toilet, bathing and other sanitary facilities and such laundry facilities as may be prescribed.

    H. An electrical outlet supplying at least 110 volts shall be provided for each trailer space.

I. Adequate sanitary facilities and supply of potable water shall be provided to each mobile home space.

J. No additions shall be built onto any mobile home other than a porch or entryway which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home.

K. The mobile home park shall follow the regulations of the district in which it is located.

21.8.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

	One Unit connected to public water and sewer	One Unit supplied by private well & individual sewerage system	Multiple Units per Lot
Lot Area	8,500 sq. ft.	18,000 sq. ft.	10,000 sq. ft. per unit
Lot Width	65 ft.	65 ft.	65 ft.
Front Yard Setback	25 ft.	25 ft.	25 ft.
Side Yard Setback	Not less than 6 ft., the sum must not be less than 15 ft.	Not less than 6 ft., the sum must not be less than 15 ft.	Not less than 6 ft., the sum must not be less than 15 ft.
Rear Yard Setback	25 ft.	25 ft.	25 ft.
Maximum Height	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.
Maximum Lot Coverage	30% of lot	30% of lot	30% of lot

ARTICLE 9
MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3)

21.9.01 INTENT. The intent of the (R-3) Residential District is to provide for high density residential development located within platted subdivisions and with a limited number of institutional and recreational facilities permitted. This district is expected to be located adjacent to cities, within scenic areas, within the unincorporated villages of Hamlin and Ross where one would expect non-farm dwellings to concentrate.

21.9.02 PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-3) Residential District.

1. Any use permitted in the One- or Two-Family Residential District (R-1).

2. Multiple-family dwellings.

3. Tourist homes, rooming and boarding houses.

4. Clubs and lodges, excepting such clubs or lodges the chief activity of which is a service customarily carried on as a business or primarily for gain.

21.9.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

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

2. Essential services;

3. Home occupations;

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

21.9.04 SPECIAL EXCEPTION USES AND STRUCTURES. T The following uses and structures may be permitted in the (R-3) Multiple-Family Residential District subject to provisions of Articles 20 and 25 of this Ordinance and with the approval of the Board of Adjustment:

1. Boarding, lodging, and Bed and Breakfast establishments;

2. Day nursery or nursery school;

3. Private parks, playgrounds, fairgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, gun clubs, and swimming pools. Commercial golf courses may be permitted by the Board of Supervisors after public hearing and recommendation by the Zoning Commission.

4. Mobile homes parks subject to the following conditions:

   A. The mobile home park shall be located on a parcel of ground at least five acres in size and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless separated there from by a natural or artificial barrier.

   B. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

   C. Each mobile home space shall be large enough to provide a distance of fifteen (15) feet between any trailer or structure on the space and the lot line, a front yard of 15 feet and a rear yard of 10 feet.

   D. All mobile home spaces shall abut upon a driveway of not less than twenty-five (25) feet in width which shall have unobstructed access to a public street.

   E. Overall density shall not be greater than the lot area per family specified within the district.

   F. All driveways and walkways in the park shall be hard surfaced and lighted at night.

   G. Each park shall provide service buildings to house such toilet, bathing and other sanitary facilities and such laundry facilities as may be prescribed.

   H. An electrical outlet supplying at least 110 volts shall be provided for each trailer space.

   I. Adequate sanitary facilities and supply of potable water shall be provided to each mobile home space.

   J. No additions shall be built onto any mobile home other than a porch or entryway which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home.

   K. The mobile home park shall follow the regulations of the district in which it is located.

21.9.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

	One Unit connected to public water and sewer	One Unit supplied by private well & individual sewerage system	Multiple Units per Lot
Lot Area	8,500 sq. ft.	18,000 sq. ft.	10,000 sq. ft. per unit for the first two units, additional 1,500 sq. ft. per additional unit
Minimum Lot Width	65 ft.	65 ft.	65 ft.
Minimum Front Yard Setback	25 ft.	25 ft.	25 ft.
Minimum Side Yard Setback	One quarter the building height, not less than 6 ft. per side	One quarter the building height, not less than 6 ft. per side	One quarter the building height, not less than 6 ft. per side
Minimum Rear Yard Setback	25 ft.	25 ft.	25 ft.
Maximum Height	4 ½ stories or 55 ft.	4 ½ stories or 55 ft.	4 ½ stories or 55 ft.
Maximum Lot Coverage	50% of lot	50% of lot	50% of lot

ARTICLE 10
PLANNED UNIT DEVELOPMENT DISTRICT (R-4)

21.10.01 INTENT. The intent of the (R-4) Planned Unit Development District is to provide regulation flexibility to site a mixed-use complex within an existing (parent) Zoning District. The Planned Unit Develop1nent District is "carved out" of the Parent District through a change in zoning process and development parameter negotiations between the County Zoning Administrative Process and the Developer. A Planned Unit Development is located upon a specific tract of land, is planned and designed as a unit for one or more land use types under the regulations and procedures contained within this Ordinance, and contains design concepts that are approved by the County Board of Supervisors and are made subject to administrative enforcement. When a property owner or developer intends to develop a tract of land that is to involve more than one establishment or a mix of several land use types he/she/they may approach the Board of Supervisors to have a parcel rezoned to Planned Unit Development District. The application shall first be provided to the Planning and Zoning Commission for review and comment. The Planning and Zoning commission shall recommend the project and any special design qualifications they feel the County should establish as enforceable regulations to the approval process. This recommendation is reviewed by the Board of Supervisors and a decision is rendered.

21.10.02 PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the Planned Unit Development District.

Uses and structures permitted under the provisions of the regulations of the Parent District(s) of which this district is made a part of, i.e. a Planned Unit Development District "carved out" of a Residential District may contain land uses permitted within the Parent Residential District and other uses (such as commercial or light industrial) as permitted through Board of Adjustment design standard approval.

21.10.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

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

2. Essential services;

3. Home occupations;

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

21.10.04 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-1) Residential District subject to provisions of Articles 20 and 25 of this Ordinance and with the approval of the Board of Adjustment.:

None.

21.10.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

	Residential PUD	Commercial PUD	Industrial PUD
Lot Area	5 acres	2 acres	10 acres
Lot Width	100 ft.	100 ft.	100 ft.
Front Yard Setback	50 ft.*	50 ft.*	50 ft.*
Side Yard Setback	10 ft.	10 ft.	10 ft.
Rear Yard Setback	50 ft.	50 ft.	50 ft.
Maximum Height	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.	2 ½ stories or 35 ft.

*On lake front lots the front yard shall be the side facing the lake and the minimum may be reduced to twenty- five (25) feet

ARTICLE 11
COMMERCIAL DISTRICT (C-1)

21.11.01 INTENT. The intent of the (C-1) Commercial District is to provide for a limited number of establishments in size and scope, which cater to agricultural needs of the rural agricultural area. Also included are uses located at major highway intersections that cater to a passing traffic as well as establishments located in the unincorporated villages of Ross and Hamlin.

21.11.02 PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (C-1) Commercial District:

1. Any use permitted in R-1, R-3, and R-4.

2. Automobile sales and service, subject to the following provisions:

    A. No repair work is performed outdoors;

    B. Pumps, lubricating or other devises are located at least twenty (20) feet from any street line;

    C. All fuel, oil or similar substances are stored at least thirty-five (35) feet from any street line;

    D. All automobile parts, dismantled vehicles and similar articles are stored within a building

3. Commercial or private campground;

4. Commercial recreation or amusement;

5. Construction/contracting offices with incidental fabrication;

6. Craft stores;

7. Day Care, Child Care, or Nursery School;

8. Eating and drinking establishments, but not including juice bars;

9. Farm service sales and service, including implements;

10. Garden supplies stores;

11. Hay, grain, feed, seed, retail;

12. Livestock buying station;

13. Lumber and building materials;

14. Mobile home sales and service;

15. Motels, and motor lodges;

16. Open-air sales of autos, implements, trucks;

17. Private and public museums;

18. Private clubs;

19. Private parking lots;

20. Professional office;

21. Publicly owned and operated buildings and facilities;

22. Railroads;

23. Retail pet shop and veterinarian;

24. Similar uses to those listed in this section, as allowed by the Audubon County Zoning Administrator;

25. Trucking firms;

26. Vehicle service station and body shop, including incidental fabrication;

27. Warehousing or storage.

28. Baking, confectionary, dressmaking, dyeing, laundry, printing, tailoring, upholstering and similar establishments or business of a similar nature and no more objectionable characters subject to the following provisions:

    A. All goods or products manufactured or processed shall be sold at retail on the premises.

B. All such manufacturing or processing shall be done on the premises, and . not more than five (5) persons shall be so employed at any one time.

21.11.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

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

2. Essential services;

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

21.11.04 SPECIAL EXCEPTION USES AND STRUCTURES. The Board of Adjustment according to Articles 20 and 25 of this Ordinance may permit the following uses and structures in the (C-1) Commercial District.

1. Transmitters, towers, and receiver equipment provided that they are located from public rights-of-way a distance equal to their height.

21.11.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

Lot Area	No Required
Lot Width	No Required
Front Yard Setback	60 ft. on State and Federal 20 ft. on other public roads
Side Yard Setback	5 ft.
Rear Yard Setback	20 ft.
Maximum Height	2 ½ stories or 35 ft.
Maximum Lot Coverage	50%

ARTICLE 12
LIGHT INDUSTRIAL DISTRICT (I-1)

21.12.01 INTENT. The intent of the (I-1) Light Industrial District is to provide space for industrial uses and structures that are able to meet certain performance standards to protect nearby nonindustrial uses from undesirable environmental conditions.

21.12.02 PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (I-1) Industrial District, except those uses which by reason of the emission of odor, excessive congestion, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community;

1. Assembly or fabrication of metal, rubber, cloth, plastic, stone, leather, wood, or similar raw materials;

2. Auto service, assembly, and repair;

3. Beverage bottling or processing;

4. Blacksmith;

5. Contractor's offices and storage of equipment

6. Feed mixing;

7. Fertilizer manufacture, mixing, and storage, but not including the bulk storage of liquid fertilizer or petroleum products under pressure;

8. Food processing, but not including packing or rendering plants;

9. Grain storage elevators;

10. Hatchery;

11. Lumberyards and building material sales and storage;

12. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials;

13. Moving company;

14. Private parking lots;

15. Produce warehouse;

16. Publicly owned and operated buildings and facilities;

17. Railroads;

18. Similar uses to those listed in this section, as allowed by the Audubon County Zoning Administrator;

19. Transfer company;

20. Warehouse or storage;

21. Construction equipment, farm implement, or truck display, sales, service or repair;

22. Motorcycle, boat and recreational vehicle display, sales, service or repair;

23. Truck and freight terminals;

24. Welding, machine and repair shops;

25. Plumbing, heating, air conditioning and sheet metal shops;

26. Any nonresidential building or use which would not be hazardous, obnoxious, offensive, or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants; and further the use must be in conformance with the Iowa Department of Natural Resources, Environmental Protection Agency, and any other applicable laws and regulations;

27. Any Principal Permitted Use allowed in the C-1 Commercial District, but not residential uses, hotels or motels.

21.12.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

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

2. Essential services;

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

4. Living quarters for watchmen or custodians of industrial properties.

21.12.04 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (I-1) District subject to provisions of Articles 20 and 25 of this Ordinance and with the approval of the Board of Adjustment:

1. Dairy products manufacture;

2. Day nursery or nursery schools provided by an employer for the benefit of employees working on the premises;

3. Explosive manufacturer;

4. Gas or ethanol manufacture;

5. Manufacture or smelting of metal, rubber, plastic, stone, leather, or wood products from basic raw materials;

6. Meat packing plants;

7. Salvage or junkyard, or landfill;

8. Sanitary landfill operated by a governmental entity;

9. Stockyard;

10. Transmitters, towers, and receiver equipment provided that they are located from public rights-of-way, dwellings or places of public assembly a distance equal to their height and that they will not interfere with the operation of any airport or landing strip.

11. The bulk storage of liquid fertilizer and petroleum products under pressure; provided that such use is located not closer than 1,000 feet to any existing dwelling other than that of the owner or operator or any park, school, church or place of public assembly; that it is located so that prevailing winds will not cause gases, or odors to create a nuisance or hazard for developed properties in the vicinity; that one (1) parking space for each employee and one (I) space for each company vehicle be provided and at least one (1) loading space be provided.

12. The bulk storage of oils, petroleum products, flammable liquids and chemicals when stored underground in tanks located no closer to any property line than the greatest depth to the bottom of such tanks or above ground in tanks located at least 150 feet from any property line.

13. Concrete or asphalt mixing or batching plants for temporary; use during the construction, repair of maintenance of public roads, highways or other public facilities provided that the area be restored to a suitable condition free of debris.

14. Mining and extraction of minerals and raw materials, including the necessary processing equipment, provided such operation shall be located at least fifty (50) feet from the right-ofway line of any public road and at least three hundred (300) feet from the nearest dwelling or residential district; that off-street parking space be provided for employees and other vehicles stored or used on the site. An application for the special exception shall be accompanied by a plan showing how the affected land would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation.

15. Privately operated campgrounds, youth or summer camps, gun clubs, ski slopes, boat docks, race courses, recreational vehicle riding areas and similar outdoor recreation activities, provided that the applicant submit a plan for the proposed development showing proposed uses of land, traffic patterns and circulation, parking, drainage, erosion control and proposed measures to ensure that the development and/or use will be compatible with surrounding uses.

21.12.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

Lot Area	No Required
Front Yard Setback	30 ft.
Side Yard Setback	15 ft. or 30 ft. when adjacent to agricultural or residential district
Rear Yard Setback	30 ft.
Maximum Height	6 stories or 75 ft.
Maximum Lot Coverage	100%

ARTICLE 13
HEAVY INDUSTRIAL DISTRICT (I-2)

21.13.01 INTENT. The intent of the (I-2) Heavy Industrial District is to provide space for industrial uses and structures that are able to meet certain performance standards to protect nearby nonindustrial uses from undesirable environmental conditions.

21.13.02 PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (I-2) Heavy Industrial District, except those uses which by reason of the emission of odor, excessive congestion, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community; Any use, except any residential use, and except those uses listed below that require approval of the Board of Adjustment.

21.13.03 PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted.

1. Accessory uses customarily incidental to any permitted principal use;

2. Living quarters for watchmen or custodians of industrial properties.

21.13.04 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in the Heavy Industrial District (I-2) by the Board of Adjustment as provided for in Articles 20 and 25 of this Ordinance.

1. Acid manufacture;

2. Cement, lime, gypsum, or plaster of Paris manufacture;

3. Distillation of bones;

4. Explosive manufacture or storage;

5. Fat or oil rendering;

6. Fertilizer manufacture and storage;

7. Gas manufacture;

8. Garbage, offal, or dead animals reduction or dumping;

9. Glue manufacture;

10. Refining of petroleum or petroleum products;

11. Smelting of tin, copper, zinc, or iron ores;

12. Stockyards or slaughter of animals;

13. Junkyards; provided they are surrounded by a solid fence at least eight (8) feet high located within the set back lines, and the junk must not be piled higher than the fence. A solid fence means a fence consisting of impermeable material so as not to be seen.

14. Transmitters, towers, and receiver equipment provided that they are located from public rights-of-way a distance equal to their height.

15. Mining and extraction of minerals and raw materials, including the necessary processing equipment, provided such operation shall be located at least fifty (50) feet from the right-ofway line of any public road and at least three hundred (300) feet from the nearest dwelling or residential district; that off-street parking space be provided for employees and other vehicles stored or used on the site. An application for the special exception shall be accompanied by a plan showing how the affected land would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation.

16. Electric power generating plant.

21.13.05 BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 19 of this Ordinance:

Lot Area	No required
Lot Width	No required
Front Yard Setback	40 ft.
Side Yard Setback	5 ft. abutting anything except residential 30 ft. when abutting residential zone
Rear Yard Setback	20 ft. abutting anything except residential 30 ft. when abutting residential zone
Maximum Height	2 ½ stories or 45 ft.
Lot Coverage	100% of the lot may be covered

ARTICLE 14
RESERVED

ARTICLE 15
FLOODPLAIN DISTRICT

21.15.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

1. STATUTORY AUTHORIZATION. The Legislature of the State of Iowa has in Iowa Code Chapter 364, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents. Therefore, the Board of Supervisors of Audubon County, Iowa ordains as follows:

2. FINDINGS OF FACT

    A. FLOOD LOSSES RESULTING FROM PERIODIC INUNDATION. The flood-prone areas Audubon County, Iowa are subject to inundation which results 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.

    B. GENERAL CAUSES OF THE FLOOD LOSSES. These flood losses are caused by (1) the cumulative effect of development in any flood-prone area prone areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Section 1.2.1 of this article; to establish or maintain the County's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(a) by applying the provisions of this ordinance to:

    A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

    B. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

    C. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

21.15.02 GENERAL PROVISIONS

1. LANDS TO WHICH ORDINANCE APPLIES. This ordinance shall apply to all lands within the jurisdiction of Audubon County that have been identified by the county as having the presence of flood-prone areas. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Audubon County Supervisors or its duly designated representative under such safeguards and restrictions as the or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the County, and as specifically noted in Section 4.

2. FLOODPLAIN ADMINISTRATOR. The Audubon County Zoning Administrator is hereby designated as the Floodplain Administrator under this ordinance.

3. COMPLIANCE. No development located within the flood-prone areas of this County shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

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

5. INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, 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 the Iowa Code.

6. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on the County's knowledge of past flooding. Larger floods may occur on rare occasions or the flood heights may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodplain or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of Audubon County, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

21.15.03 ADMINISTRATION.

1. FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED). A floodplain development permit shall be required for all proposed construction or other development, including the placement

of factory-built homes, so that it may be determined whether such construction or other development is proposed within flood-prone areas. No person, firm, corporation, or unit of government shall initiate any development or substantial- improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

2. DESIGNATION OF FLOODPLAIN ADMJNISTRATOR. The Audubon County Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

3. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR. Duties of the Floodplain Administrator shall include, but not be limited to:

    A. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;

    B. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

    C. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

    D. Issue floodplain development permits for all approved applications;

    E. Notify adjacent communities and Iowa Department of Natural Resources (DNR) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA); and

    F. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished.

4. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

    A. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;

    B. Identify and describe the work to be covered by the floodplain development permit;

C. Indicate the use or occupancy for which the proposed work is intended;

D. Indicate the assessed value of the structure and the fair market value of the improvement;

E. Give such other information as reasonably may be required by the Floodplain Administrator;

F. Be accompanied by plans and specifications for proposed construction; and

G. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

21.15.04 PROVISIONS FOR FLOOD HAZARD REDUCTION GENERAL STANDARDS

1. No permit for floodplain development shall be granted for new construction, substantialimprovements, and other improvements, including the placement of factory-built homes, within any flood-prone area unless the conditions of this section are satisfied.

2. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of factory-built homes, and other developments within flood- prone areas shall require:

   A. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

   B. Construction with materials resistant to flood damage;

   C. Utilization of methods and practices that minimize flood damages;

   D. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

   E. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and Wastewater treatment facilities and water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 1 00-year flood level.

F. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within flood-prone areas are required to assure that:

1) All such proposals are consistent with the need to minimize flood damage;

2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

3) Adequate drainage is provided so as to reduce exposure to flood hazards.

3. Storage, material, and equipment

A. The storage or processing of materials within flood-prone areas that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year level.

B. Storage of other material or equipment may be allowed if such material or equipment is elevated a minimum of one (1) foot above the 100-year flood level and not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

4. AGRICULTURAL STRUCTURES. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet- flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

5. ACCESSORY STRUCTURES. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet- flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

6. FACTORY-BUILT HOMES. All factory-built homes to be placed within flood- prone areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, factory-built homes must 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. RECREATIONAL VEHICLES. Require that recreational vehicles placed on sites within flood-prone areas:

    A. Be on the site for fewer than 180 consecutive days, or

    B. Be fully licensed and ready for highway use*; or

    C. Meet the permitting and anchoring requirements for factory-built homes of this ordinance.

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

21.15.05 FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES.

1. ESTABLISHMENT OF APPEAL BOARD. The Board of Adjustment as established by Audubon County shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

2. RESPONSIBILITY OF APPEAL BOARD. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in paragraph 5 of this section. 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 Floodplain Administrator in the enforcement or administration of this ordinance.

3. FURTHER APPEALS. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to a court of record as provided in Iowa Code Section 335.18.

4. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA. In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

    A. The danger to life and property due to flood damage;

    B. The danger that materials may be swept onto other lands to the injury of others;

    C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

D. The importance of the services provided by the proposed facility to the County;

E. The necessity to the facility of a waterfront location, where applicable;

F. The availability of alternative locations, not subject to flood damage, for the proposed use;

G. The compatibility of the proposed use with existing and anticipated development;

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,

K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

5. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

A. Generally, variances may be issued for new construction and substantial- improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below highest adjacent grade, providing items 2 through 5 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

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

D. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a 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 laws or ordinances.

E. The County shall notify the applicant in writing over the signature of a County official that (1) the issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

6. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES. Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in 5.4 and 5.5 of this section. In order to minimize flood damages during the 100year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood proofed.

A. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the floodplain exists

for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.

B. Use of the varied structures must be limited to agricultural purposes in flood-prone areas only.

C. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest adjacent grade, must be built with flood-resistant materials in accordance with paragraph 21.15.04(2)(B) of this section.

D. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with paragraph 4.2.2 of this section. All of the building's structural components must be capable of resisting specific floodrelated forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

E. Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with paragraph 21.15.04(2)(E) of this section.

F. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with the NFIP regulations.

G. Major equipment, machinery, or other contents must be protected from any flood damage.

H. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

I. The County shall notify the applicant in writing over the signature of a County official that (1) the issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

J. Wet-flood proofing construction techniques must be reviewed and approved by the County and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

7. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES.

Any variance granted for an accessory structure shall be decided individually based on a caseby-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in 21.15.05(D) and 21.15.05(E) of this section. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood proofed.

A. Use of the accessory structures must be solely for parking and limited storage purposes in flood-prone areas only.

B. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below highest adjacent grade, must be built with flood-resistant materials in accordance with paragraph 21.15.04(2)(B) of this article.

C. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with paragraph 21.15.04(2)(A) of this article. All of the building's structural components must be capable of resisting specific

flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

D. Any mechanical, electrical, or other utility equipment must be located above highest adjacent grade or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with paragraph 21.15.04(2)(E) of this article.

E. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with the NFIP regulations.

F. Equipment, machinery, or other contents must be protected from any flood damage.

G. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

H. A County shall notify the applicant in writing over the signature of a County official that (1) the issuance of a variance to construct a structure below highest adjacent grade will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below highest adjacent grade increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

I. Wet-flood proofing construction techniques must be reviewed and approved by the County and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

21.15.06 PENALTIES FOR VIOLATION. Pursuant to Iowa Code Section 331.302 and Iowa Code Chapter 335, upon conviction of a violation of the provisions of this ordinance, including but not limited to failure to comply with any requirements of the ordinance or conditions and safeguards' established in connection with granting of variances under this ordinance, the violator shall be fined an amount of at least fifty dollars but not to exceed five hundred dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine, or in addition to a fine. The violator shall be ordered to pay court costs and expenses incurred by Audubon County. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Audubon County or other appropriate authority or individual from taking such other lawful action as is necessary to prevent or remedy any violation.

21.15.07 AMENDMENTS. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to

reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in Audubon County. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

21.15.08 DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance it's most reasonable application.

1. "100-year Flood" see "base flood. "

2. "Accessory Structure" means the same as "appurtenant structure."

3. "Actuarial Rates" see "risk premium rates."

4. "Administrator" means the Federal Insurance Administrator.

5. "Agency" means the Federal Emergency Management Agency (FEMA).

6. "Agricultural Commodities" means agricultural products and livestock.

7. "Agricultural Structure" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

8. "Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

9. "Appurtenant Structure" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

10. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

11. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

12. "Building" see "structure."

13. "Chief Executive Officer" or "Chief Elected Official" means the official of the County who is charged with the authority to implement and administer laws, ordinances, and regulations for that County.

14. “County" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

15. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

16. "Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

17. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the factorybuilt 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 floodplain management regulations adopted by a County.

18. "Expansion to an Existing Manufactured Home Park or Subdivision" means 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 the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

19. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

20. "Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see "flooding").

21. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

22. "Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

23. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

24. "Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

25. "Historic Structure" means 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 quality 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 either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

26. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

27. "Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vel1icle."

28. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

29. "Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

30. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot 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 floodplain management regulations adopted by the County.

31. "(NFIP)" means the National Flood Insurance Program (NFIP).

32. "Participating Community" also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.

33. "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

34. "Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

35. "Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be selfpropelled 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.

36. "Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

37. "Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.

38. "Start of Construction" includes substantial-improvements, and means the date the Change Use Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor 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 a building, whether or not that alteration affects the external dimensions of the building.

39. "State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

40. "Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. "Structure" for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

41. "Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

42. "Substantial-Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial-damage," regardless of the actual repair work performed. The term does not, however, include either (I) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

43. "Variance" means a grant of relief by the County from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the County.

44. “Vio1ation means the failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

ARTICLE 16

OFF-STREET PARKING

21.16.01 INTENT. After the effective date of this Ordinance there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein:

21.16.03 GENERAL PROVISIONS:

1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this Ordinance shall provide accessory parking as required under this section;

2. All off-street parking spaces required by this Ordinance shall be located on the same lot of the use it serves or on some land adjacent to, or within five hundred (500) feet of the principal use lot. Each parking space shall be at least ten (10) feet by twenty-two (22) feet;

3. All yard area except the required front yard for residential districts may be used for offstreet parking. The portion of a driveway crossing through the front yard may be used to satisfy the off-street parking requirements of this Ordinance;

21.16.04 OFF-STREET PARKING REQUIREMENTS. At the time of construction, alteration, moving in, enlargement of a structure or building, or change in the use of the land, off-street parking spaces shall be provided, constructed, and maintained for all uses as follows:

1. Residential- Two (2) spaces per dwelling unit;

2. Hotel/Motel- One (1) space per lodging unit;

3. Nursing homes, retirement centers, rest homes, or similar uses - One (1) space for every eight hundred (800) square feet of floor area in said building;

4. Places of public assembly such as auditoriums, theaters, stadiums, funeral homes, churches, community hall, public buildings, etc.- The greater of one (1) space for every five (5) seats or one (1) space per five hundred (500) square feet of gross floor area;

5. Retail sales and service uses such as stores, restaurants, taverns, banks, professional offices, etc. - One space for every five seats or one space per two hundred (200) square feet of gross floor area;

6. Manufacturing, wholesaling, warehousing, and similar uses - One (1) space per four hundred (400) square feet of t1oor space or one (l) space per employee in the largest working shift, whichever provides the greater total number of parking spaces, plus one space for each company vehicle; floor area.

ARTICLE 17
OFF-STREET LOADING

21.17.01 REQUIREMENTS. At the time of construction, alteration, or enlargement of a structure or building off-street loading areas shall be provided and maintained for all uses as follows:

1. A one thousand (1,000) square foot off-street loading area shall be provided for each use, building, or structure of a size between five thousand (5,000) and twenty thousand (20,000) square feet;

2. For larger uses, buildings, and structures a one thousand (1,000) square foot off- street loading area shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof.

3. Where the off-street loading space borders a Residential District it shall be set back five (5) feet and shall be effectively screen planted.

ARTICLE 18

SIGNS & BILLBOARDS

21.18.01 REQUIREMENTS. Billboards and signs that are located in conjunction with principal permitted uses are allowed subject to the following regulations:

1. Agricultural District:

    A. On or within six hundred and sixty (660) feet of the right of way of a Federal-aid highway or where it would encroach thereon;

    B. Along a highway within five hundred (500) feet of the center point of an intersection of such highway at grade with another highway.

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

    D. Within three hundred (300) feet of a house, church or school, except by written approval of the owner thereof.

    E. Less than fifteen hundred (1,500) feet apart except back-to-back or end-to-end and no more than two (2) billboards facing in one direction.

    F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State or by any County, municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

    G. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants or on poles maintained by public utilities.

2. Residential Districts

    A. Signs for service clubs or churches are permitted, but shall not exceed three (3) square feet in area displaying the emblem of the club or church and information on the time and location of meetings or services. No set back or other yard requirements need be provided;

    B. Service Organization signs are permitted, but shall not exceed three (3) square feet in area;

C. Signs for home occupations are permitted, but shall not exceed three (3) square feet in area.

3. Commercial and Industrial Districts:

A. Signs are permitted provided that they are either attached flush to the building, painted on the building, hang from an attached canopy, attached to the roof, are murals, or are attached to the building;

(1) Roof signs shall not exceed ten (10) feet in height and shall provide a six (6) foot clearance from the building roof and three (3) foot setback from the building edge;

(2) Wall signs shall not exceed six hundred (600) square feet, or twenty (20) percent of the total wall area, which ever is greater; shall not obstruct the public view;

B. One (1) free standing or post sign referring to a use or uses conducted on the premises may be erected in any yard abutting a public street; however, such sign shall not obstruct the public view.

C. Outdoor advertising signs and billboards are permitted, provided that the yard and height requirements for a principal structure are met. Said signs shall not exceed five hundred (500) square feet in area or thirty-five (35) feet in height.

D. Ground signs shall not exceed three hundred (300) square feet in area and shall not interfere with vehicle operator's vision for two hundred (200) feet.

21.18.02 SIGNS FOR SPECIAL EXCEPTION USES. In all cases where a use is permitted as a special exception, signs will be allowed only through Board of Adjustment approval.

21.18.03 INFORMATIONAL SIGNS. Informational and directional signs will be permitted in all districts.

21.18.04 REAL ESTATE SIGNS. Real estate signs advertising for sale, rental, or lease only, the premises, lot or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed fifty (50) square feet in area in all Nonresidential Districts and five (5) square feet in area in any Residential District.

21.18.05 INTERMITTENT FLASHING TYPE SIGNS. No intermittent flashing type signs are permitted. No moving, flashing, rotating, illuminated signs or colored lights that may be confused with traffic lights are permitted.

21.18.06 SIGNS FOR PLANNED UNIT DEVELOPMENTS. Signs located within Planned Unit Development (R-3) Districts shall be approved as part of the County/Developer Design Standards Agreement.

ARTICLE 19

ADDITIONAL AREA AND HEIGHT REGULATIONS

21.19.01 INTENT. The regulations set forth in this Article qualify, supplement or modify the area and height regulations set forth elsewhere in this Ordinance.

21.19.02 LOT WIDTH. Any lot of record at the time of passage of this Ordinance having less width than herein required may be used as provided in this Ordinance with its side yards reduced to ten percent of the lot width, to the eve drop.

21.19.03 YARDS.

1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district or that required by the Audubon County Board of Health for septic tank and private well use;

2. Buildings on through lots shall provide the required front yard on both streets;

3. The required side yard on the street side of a comer lot shall be not less than fifty percent (50%) of the front yard required on the lots to the rear of the comer lot, and no accessory building shall project beyond the required front yard on either street;

4. On a comer lot in any district no fence, wall, hedge, tree, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the ground shall be erected, placed, or maintained within the triangular area formed by connecting the rightof-way lines at points which are twenty-five (25) feet distant from the intersection of the rightof-way lines, and measured along the right-of-way lines;

5. The Zoning Administrator may vary the front yard setback in instances where a portion of the block has been previously developed and the setbacks used do not conform to those set for the District. In these instances the Zoning Administrator will measure two hundred (200) feet in each direction of the proposed use and require for the proposed use a setback that is the average of those existing within the four hundred (400) foot distance.

6. The Zoning Administrator may vary the side yard setback in instances where an existing lot of record is less than one hundred (100) feet. The following table shall be used in determining minimum lot side yards on existing lots of record:

Lot Width	Side Yard Requirement
100 feet or Greater	10 feet
75 to 99 feet	7 feet
50 to 74 feet	5 feet
35 to 49 feet	5 feet between eaves of both buildings
Less than 34 feet	Variance Request to Board of Adjustment

21.19.04 USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley rightof-way shall be used for display purposes or to provide any parking or loading space required by this Ordinance.

21.19.05 TEMPORARY BUILDING. Temporary building(s) with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.

21.19.06 ACCESSORY BUILDINGS. Accessory buildings and uses customarily incidental to that of the main building may be erected or established is permitted, provided they comply with the following:

1. No accessory building shall be located within ten (10) feet of any side or rear lot line;

2. No accessory building is permitted within the limits of the front yard;

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

4. Any open unenclosed uncovered steps, ground level patios, eaves not more than two (2) feet in width, or concrete slab driveways may project into a required yard;

5. Accessory buildings attached to, or connected to the principal building by a breezeway shall be considered to be a part of the principal building and must meet the yard requirements of the principal building.

21.19.07 BUILDING HEIGHT. Certain items are exempt from the maximum building height. They are:

1. Television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations including, but not limited to, FAA or zoning.

21.19.08 BUILDINGS TO HAVE ACCESS. Every principal use building hereafter erected shall be on a lot or parcel having frontage upon a public street or road, or have an exclusive unobstructed private easement or access of right-of-way at least twenty (20) feet wide to a street; and there shall be only one (1) principal use for each easement, unless permitted through a Planned Unit Development design standard agreement or a special consideration provided by the Audubon County Subdivision Ordinance.

ARTICLE 20

SPECIAL EXCEPTION USES

21.20.01 PROCEDURES AND REQUIREMENTS. Allowable special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance. In granting a special exception use permit, the Board of Adjustment may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.

21.20.02 APPLICATION FOR SPECIAL EXCEPTION USE PERMIT. A property owner or his authorized agent may initiate an application for a special exception use permit by filing an application with the Zoning Administrator upon forms prescribed for the purposes. A site plan and other such plans shall accompany the application and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the Board of Supervisors.

21.20.03 PROCEDURE. The Board of Adjustment shall not grant a special exception permit unless and until the following procedures have been fulfilled:

1. The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given to the public hearing as required by State Statute by publication in a newspaper of general circulation in the County. If feasible, notice of the public hearing will be mailed to property owners within two hundred (200) feet of the exception request;

2. The Board of Adjustment shall determine that it is empowered under this Ordinance to grant the special exception as described in the application, and that granting of the special exception will not adversely affect the public interest;

3. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Article 23 of this Ordinance;

4. The concurring vote of three (3) members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a commenced;

5. The Board of Supervisors may, after a decision of the Board of Adjustment is made, vote to delay the implementation of such decision for a period of thirty (30) days. The Board of Supervisors may not overturn a decision of the Board of Adjustment. During the thirty (30) day period, the Board of Adjustment may or may not reconsider its decision.

21.20.04 STANDARDS. The Board of Adjustment shall not grant a special exception use permit unless such Board shall find:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;

2. That the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

3. That the establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district;

4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

6. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material;

7. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled;

8. The use shall not include vibration which is discernible without instruments on any adjoining lot or property;

9. The use shall not involve any malodorous gas or matter which is discernible on any adjoining property;

10. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, irritation, or excessive pollution;

11. The use shall not involve any direct or reflected glare which is visible form any adjoining property or from any public street, road or highway;

12. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are initiated to limit traffic hazards and congestion;

13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments;

14. That the use will not be in major conflict with the Comprehensive Land Use Plan.

21.20.05 HEIGHT. The Board may grant special height exceptions following the procedures described in 20.03 of this article:

1. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet, provided, that 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.

2. 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.

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

4. Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.

5. In any district no structure shall be erected which exceeds the maximum heights permissible under the rules of the Federal Aviation Administration and further provided that no structure shall be erected within seven hundred fifty (750) feet of the projected centerline of a runway for a distance of five hundred (500) feet from the boundary of the airport.

21.20.06 REAR YARD AREA. When a lot is not served by an Iowa Department of Natural Resources-approved sanitary sewerage system, the rear yard area shall not be less than six thousand (6,000) square feet. This exception shall in no way alter or change the minimum front, side and rear yard requirements.

ARTICLE 21

NONCONFORMING USES

21.21.01 INTENT. Within the various districts established by this ordinance or amendments that may later be adopted there exists structures and uses of land and structures which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under the provisions of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

21.21.02 NONCONFORMING LOTS OF RECORD IN ANY RESIDENTIAL DISTRICT. A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall not be obtained through any action other than that of the Board of Adjustment described in this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

21.21.03 NONCONFORMING USES OR STRUCTURES IN ANY RESIDENTIAL DISTRICT. Existing structures or premises devoted to a use not permitted by this Ordinance in the district which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

1. The use is changed to a use permitted in the district in which such structure or premises is located;

2. A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made;

3. If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

21.21.04 NONCONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN A RESIDENTIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to nonconforming uses in a commercial, industrial, or agricultural district, subject to the following exception:

1. Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such

construction shall be limited to buildings on a lot of record (or a combination of lots of record in the same ownership) prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance;

2. If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

21.21.05 PERMITTED STRUCTURES AND USE OF LAND AND STRUCTURES MADE NONCONFORMING BY THE REQUIREMENTS OF THE BULK REGULATIONS. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

21.21.06 REPLACING DAMAGED BUILDINGS. No nonconforming building or structure damaged by fire, flood, explosion, war, riot, or act of God to the extent of sixty percent (60%) of its value may be restored, reconstructed, or used except in conformity with the regulations of the district in which it is located. If damage is less than sixty percent (60%) of its value, the structure may be restored as before provided that reconstruction is started within one (1) year of such happening.

21.21.07 USES UNDER SPECIAL EXCEPTION PROVISIONS. Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

ARTICLE 22

ADMINISTRATION

21.22.01 ADMINISTRATOR. The Board of Supervisors of Audubon County, Iowa shall appoint a Zoning Administrator, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointed office in the County or in another governmental agency.

21.22.02 CHANGE USE PERMITS. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance. Nothing in this part shall prevent the continuance of a nonconforming use as herein before authorized, unless discontinuance is necessary for the safety of life or property.

21.22.03 APPLICATION FOR CHANGE USE PERMIT. Change Use Permits 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. Permits shall be kept on file in the offices of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Change Use Permits shall be issued to applicants within ten (10) days after an application is made. Permits will be valid for one hundredeighty (180) days. If construction is not completed within that time period a new permit must be obtained. Failure to timely complete construction may be grounds for denial of an additional permit.

21.22.04 PLATS. Each application for a Change Use Permit shall be accompanied by either a dimensioned drawing or plat drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required. yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.

21.22.05 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMIT. Change Use Permits issued on the basis of plans and applications, approved by the Zoning Administrator, authorize only use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article 23.

21.22.06 FEES. Before receiving a Change Use Permit, the owner or his agent shall pay to the County the permit fee as provided by resolution of the Board of Supervisors.

21.22.07 SPECIAL EXCEPTIONS. A Change Use Permit for a special exception may be issued by the Zoning Administrator upon the order of the Board of Adjustment.

ARTICLE 23

VIOLATION AND PENALTY

21.23.01 Pursuant to Iowa Code Section 331.302 and Iowa Code Chapter 335, upon conviction of a violation of the provisions of this ordinance, including but not limited to failure to comply with any requirements of the ordinance or conditions and safeguards established in connection with granting of variances under this ordinance, the person, firm, partnership, corporation, or other violator shall be fined an amount of at least fifty dollars but not to exceed five hundred dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine, or in addition to a fine. The violator shall be ordered to pay court costs and expenses incurred by Audubon County. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Audubon County or other appropriate authority or individual from taking such other lawful action as is necessary to prevent or remedy any violation

Additionally, any person, firm, partnership, or corporation who is convicted of disobeying, omitting, neglecting, or refusing to comply with or who is resisting the enforcement of any provision of this Ordinance shall likewise be fined an amount of at least fifty dollars but not to exceed five hundred dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine, or in addition to a fine. The violator shall be ordered to pay court costs and expenses incurred by Audubon County. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Audubon County or other appropriate authority or individual from taking such other lawful action as is necessary to prevent or remedy any violation. Each day that a violation is permitted to exist constitutes a separate offense.

21.23.02 RESTRAINING ORDER. In case any building or structure is erected, constructed reconstructed, altered, repaired, converted, or maintained, or any building, structure of land is used in violation of this Ordinance, the County Board of Supervisors, in addition to other remedies may have any proper action or proceedings commenced in the name of Audubon County, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 24

PLANNING AND ZONING COMMISSION

21.24.01 CONFIRMATION. The existing Planning and Zoning Commission is hereby confirmed. The Commission shall consist of five (5) members to be appointed by the Board of Supervisors. The five members of the first Commission appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired time of any member whose term becomes vacant. The Board of Supervisors may remove members of the Planning and Zoning Commission from office for cause upon written charges and after a public hearing. The Board of Supervisors shall fill vacancies, for the unexpired term of the member.

21.24.02 OFFICERS. The Commission shall elect at its first meeting of any year, one of its members to act as chairperson and another as vice-chair, who shall perform all the duties of the chairperson during their absence or disability.

21.24.03 MEETINGS/QUORUM. Meetings of the Commission shall be open to the public. Three (3) members of the Commission shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place. An affirmative vote of three (3) members of the Commission will be required for the exercise of powers or functions conferred or imposed on the commission.

21.24.04 VACANCIES. Vacancies caused by resignation or otherwise shall be filled by a successor appointed by the Board of Supervisors in the same manner as the original appointee for the remainder of the original term.

21.24.05 POWERS AND DUTIES. The Commission shall have and exercise the following powers and duties:

1. Adopt Rules and Regulations. The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

2. Comprehensive Plan. The Commission shall have full power and authority to make such surveys, studies, maps, plans, or plats of whole or any portion of the County outside the corporate limits of the cities, which in the opinion of the Commission bears relation to a comprehensive plan, and shall submit such plan to the Supervisors with its studies and recommendations, and it may be published.

A. Preparation. For the purpose of making a comprehensive plan for the physical development of the County, the Commission shall make careful and comprehensive studies of present conditions and future growth of the County and with due regard to its relation to the neighboring territory. The plan shall be made with the general

purpose of guiding and accomplishing coordinated, adjusted, efficient, and harmonious development of the County, which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, process of development.

B. Public Hearing. The Commission shall hold at least one public hearing before adopting a Comprehensive Plan, any part of it, or substantial amendment thereof, thereon. Notice of said public hearing(s) shall be given by one publication in a newspaper(s) of general circulation in the County not less than seven (7) or more than twenty (20) days before the date of the hearing.

C. Amendments. The Commission may recommend to the County Supervisors, from time to time, as conditions require amendments, supplements, changes or modifications in the comprehensive plan prepared by it. When the Comprehensive Plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the Commission for its recommendations. If the Commission disapproves of the proposed change, the County Supervisors may adopt it only by the affirmative vote of at least two (2) of the members of said Board of Supervisors.

3. Review and Comment on Plats. All plans, plats or re-plats of subdivision or re-subdivision of land in the unincorporated land of the County, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the County, shall first be submitted to the Commission and its recommendations obtained before approval by the County Supervisors.

4. Zoning. The Commission shall have and exercise all powers and duties and privileges in preparing and amending the County Zoning Code as provided by Iowa Code Chapter 335.

ARTICLE 25

BOARD OF ADJUSTMENT

21.25.01 CONFIRMATION. The existing Board of Adjustment is hereby confirmed. The Board shall consist of five (5) members to be appointed by the Board of Supervisors.*a majority of whom shall reside within the county but outside the corporate limits of any city*ics 335.11* The five members of the first Board appointed shall serve terms of one (I), two (2), three (3), four (4), and five (5) years respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired time of any member whose term becomes vacant. The Board of Supervisors may remove members of the Board of Adjustment from office for cause upon written charges and after a public hearing. The Board of Supervisors shall fill vacancies, for the unexpired term of the member.

21.25.02 PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. The Board shall elect its own Chair, who will serve for one (1) year. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Zoning Administrator. The presence of three (3) members shall constitute a quorum.

21.25.03 HEARINGS, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. Such appeal shall be taken within thirty (30) days of that grievance by filing with the Administrator from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeals, give public notices thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent or attorney. A fee to be determined by resolution of the Board of Supervisors shall be paid to the Zoning Administrator at the time the notice is filed.

21.25.04 STAY ON PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board

of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and upon due cause shown.

21.25.05 POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

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

2. Special Exceptions: To hear and decide only such exceptions as the Board of Adjustment specifically authorized to pass on by the terms of this Ordinance and as provided for in Article 20.

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

    A. A written application for a variance is submitted demonstrating:

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

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

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

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

    B. A public hearing shall be held, with the notice of such hearing being provided according to state statute. If feasible, notice of the public hearing shall be mailed to property owners within two hundred feet of the proposed variance.

C. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

D. 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,

E. The application for a variance shall be accompanied by a fee to be determined by resolution of the Board of Supervisors.

F. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.

G. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 23 of this Ordinance.

21.25.06 DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

21.25.07 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person(s), board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by Iowa Code Chapter 335. The Board of Supervisors may vote to delay a decision of the Board of Adjustment for thirty (30) day period, but such vote may not overrule a decision of the Board of Adjustment. During the thirty (30) day delay the Board of Adjustment may, or may not review its previous decision.

ARTICLE 26
CHANGES AND AMENDMENTS

21.26.01 This Ordinance and the districts created by said Ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning Commission shall have thirty (30) days in which to submit its report to the Board of Supervisors. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment. The Board of Supervisors shall hold a public hearing before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published according to state statute. Such notice shall include the time and place for the public hearing. In the case of a written protest against a change or repeal which is filed with the County Auditor and signed by the owners of twenty percent (20%)or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is indicated within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective unless it receives the favorable vote of at least sixty percent (60%) of all the members of the Board of Supervisors.

21.26.02 APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES. Any person may submit to the Board of Supervisors an application requesting a change in the zoning district boundaries as shown on the official zoning map.

1. Such application shall be filed with the Zoning Administrator accompanied by a fee as determined by resolution of the Board of Supervisors and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

    A. The legal description and local address of the property;

    B. The present zoning classification and the zoning classification requested for the property;

    C. The existing use and proposed use of the property;

    D. The names and addresses of the owners ofal1 property within two hundred (200) feet of the property for which the change is requested; is no longer valid;

    E. A statement of the reasons why the applicant feels the present zoning classification is no longer valid;

F. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two hundred feet thereof, including streets, alleys, and other physical features;

2. Upon receipt of the application by the Zoning Administrator a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following;

   A. Whether or not the current district classification of the property to be rezoned is valid;

   B. Whether there is a need for additional land zoned for the purpose requested;

   C. Whether the proposed change is consistent with the current land use plan, considering such factors as:

      (1) Whether the rezoning would result in a population density or development which would in tum cause a demand for services and utilities in excess of the capacity planned for the area;

      (2) Whether the rezoning would result in traffic in excess of the capacity of existing or planned streets in the vicinity.

   D. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

3. The Commission shall hold a public hearing (the notice of which shall be according to state statute) and report its determinations and recommendations to the Board of Supervisors within thirty (30) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. If feasible, notice of the public hearing will be mailed to all property owners within two hundred (200) feet of the proposal.

ARTICLE 27
SEVERABILITY CLAUSE

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

ARTICLE 28
REPEAL OF CONFLICTING ORDINANCES

This Ordinance repeals an Ordinance adopted on April 15, 1969 and all amendments thereto. All ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE 29
ADOPTION

This ordinance shall be in effect from and after its final passage, approval, and publication as required by law.

CHAPTER 22

TOWER PLACEMENT REGULATIONS

TOWER PLACEMENT REGULATIONS

Section	Title	Page Number
22.01	Title and Purpose	88
22.02	Definitions	88
22.03	Height Limitations	89
22.04	Application Requirements	90
22.05	Applicable Conditions	91
22.06	Inspection	93
22.07	Abatement	93

22.01. TITLE AND PURPOSE. This Ordinance is Tower Placement Regulations, Audubon County Zoning Ordinance Placement of Towers and Antennas. A tower may be permitted upon determination that all of the applicable conditions in this Ordinance are met.

22.02 DEFINITIONS.

1. WIND FARMS: One or more wind turbine generators which are connected to the transmission of a local distribution grid. Wind farms shall include, but are not limited to: wind turbine generators, operations and maintenance building, meteorological towers, collector grids, roads and substations.

2. WIND TURBINE GENERATOR (WTG): A wind turbine generator is a device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid.

3. BLADE: An element of a wind turbine which acts as a part of fan airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

4. WIND TOWER: The tubular structure, above grade, that supports the nacelle and rotor assembly.

5. TOWER FOUNDATION: The tower support structure, below grade, that supports the entire weight of the wind turbine.

6. TOTAL HEIGHT: The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.

7. SUBSTATION: An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.

8. PARTICIPATING LANDOWNER: Any landowner under lease, easement, or other property agreement(s) with the developer, owner, or operator of a Wind Farm.

9. NON-PARTICIPATING LANDOWNER: Any landowner not under agreement with the developer, owner, or operator of a Wind Farm.

10. HUMAN-OCCUPIABLE RESIDENCE: Any building that is (I) used as a place of habitation for humans on a permanent and frequent basis and is occupied by humans at the time of application, (II) not readily mobile and has a permanent foundation, (III) connected to a permanent source of electricity, a permanent private water supply or a public water supply system, and a permanent domestic sewage disposal system, whether private, semipublic, or public, and (IV) assessed and taxed as real property.

22.03 HEIGHT LIMITATIONS. Towers are a permitted conditional use in the following districts with the specified height limitations:

1. Residential (R-1, R-3). Freestanding tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires a special exception.

2. Commercial (C-1), Free standing or guyed tower with heights not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires a special exception.

3. Industrial (1-1), Free standing or guyed tower with heights not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires a special exception.

4. Agricultural (A-1, A-2), Free standing or guyed tower with height not exceeding 750 feet is permitted conditional use; height exceeding 750 feet requires a special exception.

5. If a special exception of additional tower height is required, total height will not exceed 110% of the maximum height permitted in the county as a conditional use. Applicant must demonstrate that additional height above that permitted by this Ordinance is necessary for service to residents of the County.

6. Telecommunications towers erected on existing structures other than telecommunication towers shall be allowed in any district, provided the height of the tower does not exceed one-third of the height of the existing structure and the total of the existing structure and the tower does not exceed 200 feet.

7. All tower height allowances outlined in the preceding Sections are subject to approval from the Audubon County Airport Authority if located within the airport flight path.

22.04 APPLICATION REQUIREMENTS. The applicant for a conditional use permit for construction of a tower or placement of a commercial telecommunication antenna on an existing structure other than a tower previously permitted shall file an application with the County Zoning Administrator accompanied by a fee of $100.00. The application shall include the following documents:

1. A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structure, including accessory structure; photographs or elevation drawing depicting design of proposed structure, parking, fences, and landscape plan; and existing uses on abutting parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;

2. A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the county;

3. A report from a structural engineer containing the following:

   A. A description of the tower, including a description of the characteristics and material;

   B. Documentation to establish that the tower has sufficient structure integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

   C. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.

4. If applicant is other than the site owner, written authorization from site owner; there shall be in the form of a written lease, easement, licenses, or other agreements between the site owner and the applicant, and written authorization form the site owner for the applicant for the application:

   A. Identification of the owners of all antennas and equipment to be located at the site;

   B. Evidence that the applicant contacted owners of all existing or approved towers within one-half radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on existing or approved landowner towers;

C. Evidence that a valid FCC license for the proposed activity has been issued, if required;

D. A line-of-sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts; if locations near urban area are dictated necessary;

E. A written agreement to remove the tower and/or antenna within 365 days after cessation of use.

F. Additional information as required to determine that all applicable conditions of this Ordinance have been met.

5. Documentation that the proposed tower site and height have been approved by the appropriate Airport Commission, if the tower is within a defined flight path and exceeds height limitations associated with the airport that could be impacted.

22.05 APPLICABLE CONDITIONS. An applicant must show that all of the following applicable conditions are met:

1. Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.

2. Applicants must show that all applicable health, nuisance, noise, fire and safety code requirements are met.

3. Reserved.

4. For towers on county property, applicant must file with the county zoning administrator a written indemnification of the county and proof of liability insurance or other proof of financial ability to respond to a claim up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the County Attorney. This information shall be updated annually by the applicant. ·

5. Land use regulations, visibility, fencing, screening, landscaping, parking access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height shall apply to the tower.

6. For free-standing or guyed towers, setback on all sides shall be a distance equal to the height of the tower.

7. To limit climbing access to the tower, a fence six (6) feet in height with a locking portal, or an anti-climbing device may be required around the tower base. Fencing around the tower base is not required if the tower is a self-contained, lattice or tubular tower.

8. All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.

9. The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.

10. The placement of all Wind Turbine Generators (WTG's) shall comply with the following:

A. Setback distance with respect to property lines shall not apply to wind turbines located within a wind farm where the property line nearest to any given wind turbine define and separate properties belonging to two or more participating landowners.

B. With respect to wind turbines all setback and separation distance shall be defined relative to the nearest surface of the wind turbine support tower as measured at the ground level.

C. WTGs shall not be located less than 1750 feet from any human-occupiable residence located on non-participating landowner property, except upon the written agreement of the landowner to reduce said setback distance. In no event shall a WTG be located less than 1250 feet from any human-occupiable residence. WTGs shall not be located less than 1250 feet from any human-occupiable residence located on participating landowner property.

D. A through C should be contained in an agreement with property owners (see previous page).

11. The following setback and separation distance shall apply to Wind Turbine Generators.

A. WTGs shall not be located less than 1750 feet from any human-occupiable residence located on non-participating landowner property, except upon the written agreement of the landowner to reduce said setback distance. In no event shall a WTG be located less than 1250 feet from any human-occupiable residence. WTGs shall not be located less than 1250 feet from any human-occupiable residence located on participating landowner property.

B. Any wind turbine within a wind farm shall be located not less than 500 feet from the nearest non-human-occupiable residence, principal, or secondary structure.

C. Any wind turbine within a wind farm shall be located not less than the total height from a road right-of-way line.

D. Any wind turbine within a wind farm may be located straddling the property lines separating two participating properties.

E. Any wind turbine within a wind farm shall be located not less than the total height from property lines abutting non-participating properties.

22.06 INSPECTION. At least every 24 months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standard for Steel Antenna Support Structured." A copy of such inspection record shall be provided to the county upon request.

22.07 ABATEMENT. In the event the use of any tower has been discontinued for a period of 365 consecutive days, the tower shall be declared abandoned by the County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional 365 days within which to:

1. Reactivate the use of the tower, or

2. Dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the manner as a property tax, pursuant to Iowa Code Section 331.384(1).

3. Exceptions to this standard shall include circumstances associated with:

A. Forced majeure (i.e. extraordinary events, circumstances beyond control, acts of nature, etc.) or

B. Submittal of a certification of non-abandonment by the turbine owner of the county.

CHAPTER 23

FLOODPLAIN MANAGEMENT

CHAPTER 24

SOLAR ENERGY STANDARDS

SOLAR ENERGY STANDARDS

Section	Title	Page Number
24.01	Purpose	96
24.02	Regulatory Framework	96
24.03	Definitions	96
24.04	Regulatory Requirements	99
24.05	Site and Structure Requirements	101
24.06	Abatement	103

24.01 PURPOSE. The purpose of this Section is to provide a regulatory means for the construction and operation of solar energy installations that are small (50 kW or less) or large (50 kW or greater) in Audubon County, subject to reasonable restrictions, which will preserve the public health, safety, and welfare. Audubon County adopts these provisions to promote the efficient use of the County's solar energy resources.

24.02 REGULATORY FRAMEWORK.

Small solar energy facilities (50 kW or less) may be constructed in any zoning district as either a principal or accessory use. Small solar energy installations that are constructed as an accessory use to a principal permits use, and meet the setback, height, and power output requirements of this section shall not require permitting. All small solar power energy facilities that are constructed as a principal permitted use, or small solar power energy facilities that do not meet height, or power requirements of this section, shall require Special exception Approval.

Large solar energy facilities (50 kW or greater) may only be constructed in areas that are zoned "A-1" Agricultural District, "A-2" Restricted Agricultural District, "C" Commercial District, "I1" Light Industrial District, and "I-2" Heavy Industrial District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission.

Solar Energy Installations: are permitted accessory use in all zoning classifications subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below will require approval of a Special exception permit.

24.03 DEFINITIONS. For the purpose of interpreting this Ordinance, certain items 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 singular; and the word "shall" is always mandatory.

1. Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

2. Building-Integrated Solar Energy Systems: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

3. Concentrating Solar Power (also called concentrated solar power, concentrated solar thermal, and CSP) are systems that: generate power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area. Electricity is generated when the concentrated light is converted to heat, which drives a heat engine (usually a steam turbine) connected to an electrical power generator or powers a thermochemical reaction.

4. Grid-intertie Solar Energy System: A solar energy system that is connected to an electric circuit served by an electric utility company.

5. Ground-Mount: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

6. Interconnection Agreement: A contract with a utility for distributed generated systems and how they can connect to the grid.

7. Off-grid Solar Energy System: A solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

8. Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

9. Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

10. Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

11. Renewable Energy System: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

12. Roof-Mount: a solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the structure they are mounted to.

13. Roof Pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

14. Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

15. Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

16. Solar Daylighting: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

17. Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

18. Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

19. Solar Energy System, Attached: A Solar Energy System which requires support by another structure, whether roof or otherwise, and does not connect directly to the ground.

20. Solar Energy System, Building-Integrated: A Solar Energy System which is used to replace conventional building materials in parts of the building envelope such as the roof, awnings, skylights, or facades which may include roof membrane, solar shingles, façade modules, or glazing.

21. Solar Energy System, Commercial: A Solar Energy System which is intended to produce electricity for sale to a rate regulated or non-regulated utility or for use off site.

22. Solar Energy System, Freestanding: A Solar Energy System which is completely self supported.

23. Solar Energy System, Interconnected: A Solar Energy System which produces electricity and is capable of distributing surplus electricity to the public or other properties outside the control of the system's owner, even if the system is temporarily or automatically disconnected by a switch or other mechanical device.

24. Solar Energy System, Passive: A Solar Energy System which does not produce electricity and does not use activity mechanical systems for energy transfer.

25. Solar Hot Air System: (also referred to as Solar Air Heat or Solar Furnace) An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

26. Solar Hot Water System: (also referred to as Solar Thermal) A system that includes a solar collector and heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

27. Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

28. Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

24.04 REGULATORY REQUIREMENTS. A solar energy system may be permitted upon determination that all of the applicable conditions of this ordinance are met.

1. Height. Active solar energy systems must meet the following height requirements:

    A. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district, and shall not exceed ten (10) feet above roof height.

    B. Ground or pole mounted solar energy systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

2. Set Back. Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except that it may be located in a required front yard when meeting the minimum setback from all property lines.

    A. Roof-mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which they system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

    B. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the required setback when oriented at minimum design tilt.

3. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to ensure maximum sunlight upon which the panels are mounted.

4. Approved Solar Components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

5. Plan Approval Required. Large solar energy systems shall require administrative plan approval by the zoning administrator. Plans shall be presented when a zoning compliance permit is requested. Minor solar energy systems that are attached to homes and meet the requirements do not require prior approval. Solar energy systems that do not meet the requirements in section 24.02 of this ordinance require permitting.

6. Compliance with Building Code. All active solar energy systems shall be consistent with the State of Iowa Building Code and solar thermal systems shall comply with HVAC related requirements of the Electric Code.

7. Compliance with State Electric Code. All photovoltaic systems shall comply with the Iowa State Electric Code.

8. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.

9. Utility Notification. All grid-connected solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

10. Solar Access. Audubon County allows for solar resources.

11. Solar Easements Allowed. Audubon County allows solar easements to be filed, consistent with Iowa State Code 564A7. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access.

12. Solar Farm or Utility scale solar installations.

    A. Concentrating solar power (CSP) systems or plants that use mirrors to concentrate the energy from the sun to drive traditional steam turbines or engines to create electricity shall be prohibited.

    B. A site plan shall be submitted and reviewed prior to the approval of a solar farm or utility scale solar installations larger than 50 kW, and shall require approval of a Special exception permit.

13. The application for a solar farm or utility scale solar installation larger than 50 kW shall include the following information on the site plan or in narrative form, supplied by the solar farm/garden or utility scale solar installation owner, operator or contractor installing the structure(s):

    A. Number, location and spacing of solar panels/arrays.

    B. Planned location of underground or overheated electric lines.

    C. Project development timeline, which indicates how the applicant will inform adjacent property owners and interested stakeholders in the community.

    D. Interconnection agreement.

    E. Decommissioning plan.

24.05 SITE AND STRUCTURE REQUIREMENTS.

1. Setback. Setbacks for all structures (including solar arrays) must adhere to the minimum accessory setback standards for the zoning district where the project is located; greater setbacks may be recommended absent a solar access easement agreement.

2. Screening. A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.

3. Utility Connections. Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.

4. Grading plan. A grading plan shall be submitted for solar farm/garden or projects over 50 kW and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, drainage, tree removal, etc.).

5. Glare minimization. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard.

6. Aviation Protection. For solar farms located within 1,000 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

7. Compliance with local, state and federal regulations. Solar Farms and Utility scale solar installations and smaller solar installations shall comply with applicable local, state and federal regulations.

8. Appurtenant structures. All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.

9. Special Flood Hazard Area (SFHA) Regulations. Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of SFHA regulations.

10. Signage. Warning signs, or manufacturer's, operator's or installer's identification signage, may be displayed.

11. Fencing/security. A security fence must be installed along all exterior sides of the solar energy installations larger than 50 kW and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.

12. Permitting.

    A. Floodplain Permit. Solar Energy Systems which are to be located within a floodplain requires a Floodplain Consultation from the Iowa Department of Natural Resources. Documentation from the consultation either in the form of a permit or statement of no permit required is required.

    B. Utility Permit. Any Solar Energy System or wire from a system crossing a County right-of-way shall obtain approval and a utility permit from the County Engineer.

    C. Any solar facility within 20,000 feet of an airport or as required by FAA needs documentation of approval.

12. For solar energy installations over 50 kW on county property, applicant must file with the county zoning administrator a written indemnification of the county and proof of liability insurance or other proof of financial ability to respond to a claim up to $1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the County Attorney. This information shall be updated annually by the applicant.

13. For solar energy installations over 50 kW, the County will require an irrevocable line of credit, bond, or cash escrow, held in trust in favor of Audubon County, to recover the costs associated with the removal of a solar installation and appurtenant facilities. The amount of irrevocable letter of credit, bond, or cash escrow shall be set by the Board of Adjustment prior to Special

exception approval and shall remain in effect until released by Audubon County. The issuer of the irrevocable letter of credit or bond shall be suitable to the County.

24.06 ABATEMENT. In the event the use of any Solar Energy System has been discontinued for a period of 365 consecutive days, the system shall be declared abandoned by the County Zoning Administrator. Upon such abandonment, the Solar Energy System owner shall have an additional 365 days within which to:

1. Reactivate the use of the Solar Energy System, or

2. Dismantle and remove the Solar Energy System. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the manner as a property tax, pursuant to Iowa Code Section 331.384.

3. Exceptions to this standard shall include circumstances associated with:

    A. Forced majeure (i.e. extraordinary events, circumstances beyond control, acts of nature, etc.) or

    B. Submittal of a certification of non-abandonment by the Solar Energy System owner of the county.

CHAPTER 25

SUBDIVISION REGULATIONS

SUBDIVISION REGULATIONS

Article	Title	Page Number
1	General Provisions	105
2	Definitions	109
3	Sketch Plat Applications	118
4	Preliminary Plat Applications	121
5	Final Construction Plan and Inspection of Improvements	127
6	Final Plat Applications	131
7	Design Standards	135
8	Parcel and Lot Size Requirements	147
9	Fees	149
10	Enforcement and Legal Status Provisions	150

ARTICLE 1
GENERAL PROVISIONS

25.1.01 Title. This Ordinance shall be known, cited and referred to as the "Audubon County, Iowa, Subdivision Ordinance".

25.1.02 Purposes and Objectives. This Subdivision Ordinance is adopted to establish rules, regulations and minimum standards for property splits, ~~property line adjustments~~ and for the design, development and improvement of all new subdivisions and re-subdivisions within the County. All in accordance with and as permitted by the provisions of Iowa Code Chapter 354, as amended, and Chapter 21 – Zoning Regulations of the Audubon County Code of Ordinances.

The purpose and objective is to promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the present and future citizens of Audubon County, Iowa. It shall be administered in order to insure the orderly growth, development, conservation, and protection of Audubon County, Iowa. It shall provide adequate provisions for public utilities, services and circulation. It shall cause the cost of design and installation of improvements required for a subdivision to be borne by the developer, rather than by a direct or indirect burden upon property owners beyond the limits of the subdivision.

The division of agricultural land in which use is not changed shall be exempt from this Ordinance concerning sewer/septic and water requirements.

25.1.03 Jurisdiction. The provisions of this Ordinance shall apply to all of the unincorporated territory of Audubon County, Iowa. This jurisdiction includes the entire unincorporated area of Audubon County unless the County has entered into a 28E Agreement with a municipality concerning the review of subdivision plats and procedures.

25.1.04 Sketch Plat Procedure. A sketch plat application indicating the proposed division of property, ~~property line adjustment or~~ proposed subdivision shall be submitted, along with the required fee, to the Audubon County Zoning Administrator's Office. After tentative approval of the sketch plat application by the Audubon County Zoning Administrator, the owner of the property shall proceed with the plat of survey and/or the preliminary plat application. After approval of the preliminary plat by the County Board, the owner/developer shall then proceed with the preparation of the construction plan, if required, and the final plat.

A complete description of these processes and the associated fees can be found in the following sections of this Ordinance: Article 3 – Sketch Plat Application; Article 4 – Preliminary Plat Application; Article 5 – Final Construction Plans; Article 6 – Final Plat Application. The Schedule of Fees for these processes can be obtained from the Audubon County Zoning Administrator's office or the County Website.

25.1.05 Plats in Unincorporated Areas Within Two (2) Miles of the Corporate Limits of Cities: In the event a subdivision lies in the County and also lies within the area of review established by a City pursuant to Iowa Code Section 354.9, as amended, the procedures for review and approval of the preliminary and final plat shall be the same as established by this Ordinance, unless the County and City have entered into a 28E agreement which identifies the standards and conditions for the approval of plats in said subdivision.

Such a plat shall be considered to have been approved and authorized for filing with the Audubon County Zoning Administrator and County Recorder only after it has been approved by the County Board, as prescribed by this Ordinance, and by the City Council of that city.

25.1.06 Application of Regulations. The regulations set forth by this Ordinance shall apply to all property splits and subdivisions of land, as defined herein, located within the jurisdiction of the County.

1. No plat of any subdivision within the application of this Ordinance has any validity until the plat has been prepared, approved and acknowledged in the manner prescribed in this Ordinance.

2. No person shall split, adjust and/or subdivide any tract or parcel of land for the purpose of sale, transfer or lease with the intent of evading the provisions of this Ordinance. All such described actions shall be subject to all the requirements contained in this Ordinance.

3. No permit, license or certificate shall be issued by a department, official or public employee of the County vested with such duty or authority, for any use, building or other purpose on a parcel or tract which is not a lot of record at the effective date of this Ordinance or which has not been approved and recorded in accordance with the provisions of this Ordinance. Any permit, license or certificate issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.

4. No public improvements shall be made by the County Board with County funds, nor shall any County funds be expended for road maintenance, road improvements, or any other services in any area that has been subdivided after the effective date of this Ordinance, unless such subdivision and roads have been approved in accordance with the provisions of this Ordinance and the road accepted by the County Engineer as a public road.

25.1.07 Classification of Divisions. Except as provided in Section 25.1.08 below, whenever any division of a tract or parcel into two (2) or more parcels is proposed and before any contract is made for the sale of any part thereof, the owner of the land, or his authorized agent, shall apply and secure approval for the particular type of proposed division, as follows:

1. The procedure for approval of a major subdivision, as defined in Section 25.2.03(68)(a) below, shall consist of:

    a. Sketch Plat Application, as described in Article 3.

    b. Preliminary Plat Application, as described in Article 4.

    c. Final Construction Plans, as described in Article 5.

    d. Final Plat Application, as described in Article 6.

2. The procedure for approval of a minor subdivision, as defined in 25.2.03(68)(b) below, shall consist of:

    a. Sketch Plat Application, as described in Article 3.

    b. Preliminary Plat Application, as described in Article 4.

    c. Final Plat Application, as described in Article 6.

3. The procedure for approval of a property split, as defined in Section 25.2.03(55) below, shall consist of a Sketch Plat Application, as described in Article 3.

25.1.08 Exemptions. Regulations or restrictions adopted under the provisions of this Ordinance shall not be construed to apply in the following instances or transactions:

1. The division of land into burial lots in a cemetery.

2. A conveyance of land or interest therein for use as right-of-way by a public utility subject to State or Federal regulations, where such conveyance does not involve the creation of any new public or private road or easement of access.

3. A conveyance of land or interest therein to adjoining property owners of vacated right of-way by a public utility subject to State or Federal regulation, where such conveyance does not involve the creation of any new parcel.

4. A conveyance of land to the State or County for right-of-way or other public use when such acceptance is in the public interest and not for the purpose of circumventing these regulations.

5. A conveyance of land in forty-acre aliquot parts.

6. Court order.

25.1.09 Variances. Where in the case of a particular proposed subdivision, it can be shown that extraordinary hardships or practical difficulties may result from strict compliance with the provisions of this Ordinance and/or the purposes of this Ordinance may be served to a greater extent by an alternative proposal, the Board of Adjustment may approve variances from the provisions found in Chapter 21 – Zoning Ordinance of Audubon County Iowa, Article 25, Section 5(3).

25.1.10 Vacation Procedures. The provisions concerning the vacation of plats shall be as set forth in Iowa Code Chapter 354, as amended.

25.1.11 Interpretation of Standards. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, covenants, or other provisions of law, the most restrictive, or that imposing the higher standards, shall govern.

ARTICLE 2
DEFINITIONS

25.2.01 Conflicts. For the purpose of this Ordinance, certain terms and words are hereby defined in this Chapter. If a conflict exists with these definitions, those in the Zoning Ordinance shall prevail.

25.2.02 Construction of Terms. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.

1. Tense: Words used in the present tense include the future tense.

2. Number: Words used in the singular include the plural, and words in the plural include the singular.

3. Shall, Must And May: The word "shall" and “must” are mandatory; the word "may" is permissible.

4. Gender: The masculine shall include the feminine and the neuter.

5. Person: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

6. Used Or Occupied: The word "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

7. Headings: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, said heading shall not be deemed to affect the scope, meaning or intent of such context.

25.2.03 Definitions

1. Abutting: A common boundary. Land areas separated by a public or private road, highway, alley or way, or by a waterway or body of water shall not be construed as abutting herein.

2. Alley: A dedicated public right-of-way, other than a road, which provides only a secondary means of access to abutting property.

3. Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fractional parts one-half (1/2), one-quarter (1/4), one-half (1/2) of onequarter (1/4) or one quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.

4. Auditor’s Plat: A subdivision plat required by either the auditor or the assessor, prepared by a surveyor under the direction of the auditor.

5. Block: An area of land within a subdivision that is entirely bounded by public roads or lands, streams, unplatted lands or a combination thereof.

6. Board of Adjustment: The board of adjustment shall have the following powers:

   a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

   b. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

   c. To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

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

8. Building Setback Line: The required minimum horizontal distance between right-ofway line in the front, rear or side lines of the parcel or tract and the front, rear or side lot line of the building or any lot improvements. Setback may also be referred to as required yard.

9. Common Land Or Open Space: An area of undivided land or water, or combination thereof, which is owned jointly by all property owners of the subdivision, but not specifically assigned, planned for passive or active recreation, pedestrian access, and the enjoyment and benefit of the owners and occupants of the individual building sites of said development.

10. Common Sewer System: A central sewer collecting system available to each platted lot and discharged into a treatment plant, the construction and location of which is approved by the appropriate County and/or State agency, and which does not include individual septic systems.

11. Common Water System: A central water system available to each platted lot from one single source approved by the appropriate County and/or State agency.

12. Comprehensive Plan: A general plan for the improvement and development of Audubon County, Iowa, as adopted by the County Board. This document may also be referred to as the Land Use Plan.

13. Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title of land, including any form of deed or contract.

14. County: Audubon County, Iowa.

15. County Assessor: The County Assessor of Audubon County, Iowa.

16. County Auditor: The County Auditor of Audubon County, Iowa.

17. County Board: The Board of Supervisors of Audubon County, Iowa.

18. County Engineer: The County Engineer of Audubon County, Iowa.

19. County Infraction: A civil offense punishable by a civil penalty.

20. County Recorder: The County Recorder of Audubon County, Iowa.

21. County Treasurer: The County Treasurer of Audubon County, Iowa.

22. Design Standards And Specifications: All requirements and regulations relating to the design and layout of subdivision as set forth in this Ordinance.

23. Department Of Natural Resources: The Department of Natural Resources for the State of Iowa.

24. Developer: The owner or his authorized agent of the land to be subdivided. Consent shall be required from the legal owner of the premises.

25. Easement: A grant by the property owner to the public, a corporation, or persons of the use of a portion of a tract or parcel of land for a specific purpose or purposes.

26. Easement Of Access: An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway, which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private road.

27. Final Construction Plans: The maps and detailed drawings of a subdivision which show the specific location and design of improvements to be installed in the subdivision in accordance with the provisions of this Ordinance.

28. Final Plat: The map or drawing of a subdivision in its final form which is submitted with its accompanying material to the County for approval and which, if approved, will be submitted to the County Recorder for recording.

29. Forty Acre Aliquot Part: One-quarter of one-quarter of a section.

30. Frontage: That portion of a tract or parcel abutting upon a road.

31. Government Lot: A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

32. Grade: The slope of a road or other surfaces specified in percentage terms.

33. Grantee: One to whom a grant is made.

34. Grantor: The person by whom a grant is made. A transferor of property.

35. Licensed Professional Engineer: A licensed professional engineer authorized and licensed by the State of Iowa.

36. Licensed Land Surveyor: An Iowa licensed land surveyor who engages in the practice of land surveying pursuant to Iowa Code Chapter 542B, as amended.

37. Lot: A tract of land represented and identified by number or letter designation on an official plat.

38. Lot Frontage: That portion of a tract or parcel of land which abuts a road. Each side of a lot so abutting a public or private road shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the road right- of-way line.

39. Lot Improvements: Any building, structure, place, work of art, or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in this Ordinance.

40. Lot Lines: The property lines bounding a tract or parcel.

    A. Front Lot Line: The lot line separating the front of the tract or parcel from the road; however, for purposes of determining tract or parcel requirements, the right-of-way line shall be used. In the case of a corner lot, that part of the tract or parcel having the narrowest frontage on any road shall be considered the front lot line. As required by the Audubon County E911 Board, structures shall be addressed where the driveway intersects the existing private easement road, existing private road or public road. Front yards and driveway entrances shall not be relocated without prior approval.

    B. Rear Lot Line: The lot line which is opposite from the front lot line.

    C. Side Lot Line: Any lot line other than a front or rear lot line. A side lot line separating a tract or parcel from a front or rear lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

41. Lot Measurements: For the purposes of this Ordinance the following lot measurements shall apply:

    A. Lot Area: The gross horizontal area within the lot lines of a lot. For the purpose of calculating "minimum lot area", the area contained within a road or highway right-ofway easement or easement of access shall not be included.

    B. Lot Depth: The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.

    C. Lot Width: The horizontal distance between the side lot line as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback. In the case of a "flag" or "cul-de-sac" lot, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the front most portion of the proposed principal structure.

42. Lot Of Record: A lot which is part of a subdivision recorded in the Office of County Recorder, or an Audubon County Zoning Administrator's Subdivision lot, a tract, or a parcel, the description of which has been so recorded in the Office of County Recorder prior to the effective date of this Ordinance.

43. Lot Types: For the purpose of this Ordinance the following types of lots are defined:

    A. Corner Lot: A lot located at the intersection of two (2) or more roads, having the road right-of-way abut the front and one (1) or more side lines of the lot. A lot abutting on a curved road or roads shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

    B. Double Frontage Lot: A lot, other than a corner lot, having frontage on two (2) or more nonintersecting roads.

    C. Flag Lot: An interior lot which is generally located behind other lots and which would be a land-locked area of land if not for a narrow strip of land, used exclusively for access purposes, connecting the area with a public or private road. The minimum bulk requirements for a flag lot, excluding the strip, shall be the same as required for other lots. The width of the strip shall be a minimum of sixty-six (66) feet. The strip shall be owned by the lot owner.

    D. Interior Lot: A lot having no road frontage with access only via easement.

44. Metes and Bounds Description: A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

45. Nonresidential Subdivision: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.

46. Owner: The holder of legal title including holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees, and the like. Whenever a statement of ownership is required by this Ordinance, full disclosure of all legal and equitable interests in the property is required.

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

48. Paved Surface: a surface paved with asphalt, concrete, concrete pavers, brick or similar durable materials. Low-impact development technologies which provide a hard surface while allowing for water penetration shall be classified as paved areas. Paved areas do not include gravel, crushed rock, seal coat, and similar nonbound materials.

49. Pedestrian Walkway: A strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

50. Performance Guarantee: A contract between the County and a developer which assures that the developer will bear the cost of all required infrastructure improvements and maintenance to said improvements.

    A. Performance Bond: A kind of insurance, in the form of a bond payable to the County, in the amount determined necessary by the County Engineer to complete the required improvements in the event the developer fails to do so.

    B. Escrow Account: A bank account that the developer deposits either cash, a note, a bond, or some other instrument readily convertible to cash in the amount determined necessary by the County Engineer to complete the required improvements in the event that the developer fails to do so. An escrow account is payable to the County on demand.

    C. Letter Of Credit: A letter of credit secured by the developer from a bank or other institution or from a person with resources sufficient to cover the cost of the required improvements if the developer fails to do so. The amount of the letter of credit shall be determined by the County Engineer and shall be payable to the County on demand.

51. Plat: A subdivision as it is represented by a formal document of maps or drawings, and writing.

52. Plat Of Survey: The graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor, in accordance with Iowa Code Chapter 354, as amended.

53. Preliminary Plat: A map or drawing which show the proposed layout and construction of a subdivision and its proposed improvements in sufficient detail to indicate its workability and which is submitted with its accompanying material to the Audubon County Zoning Administrator for approval, but is not drafted in final form for recording.

54. Property-Line Adjustment: A division of one (1) or more lots or parcels where no additional lots or parcels are created. No part of the divided lot or parcel of land will be transferred to anyone other than the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.

55. Property Split: A division of a tract or parcel. No more than three parcels shall be created per forty-acre aliquot part that exists on or after Feb. 1, 1999, the original date of this Ordinance. This provision shall not be construed so as to prohibit approval of a property line adjustment.

56. Proprietor: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement or lien interest.

57. Protective Covenants: Contracts entered into between private parties and which constitute restrictions of all private property within the subdivision for the benefit of property owners against the lessening of property values.

58. Public Improvement: Any road surface material, curbs, gutters, sidewalks, water or sewer systems, storm sewers or drainage systems, lot or road grading, road lighting, road signs, plantings or other items constructed for the welfare of the property owners and the public or which may affect an improvement for maintenance and operation, or which may affect an improvement for which County responsibility is established. All such improvements shall be properly bonded.

59. Qualified Observer: An individual certified by the Iowa Department of Transportation as an observer in the major phase of construction that they are inspecting.

60. Quarter-Quarter Section: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately forty (40) acres in size.

61. Repeat Offense: A recurring violation of the same section of Chapter 25 –Subdivision Regulations of the Audubon County Code of Ordinances.

62. Resubdivision/Replat: Any subdivision of land which has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land. Resubdivision/replats shall follow the same procedure as set forth for a minor or major subdivision, whichever may be applicable.

63. Right-Of-Way: The land or water area, the right to possession of which is secured or reserved for public purposes.

64. Road: The entire width between the boundary lines of every way intended for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities. The term "road" shall include street, avenue, circle, drive, highway, lane, place, thoroughfare, or any other similar designation.

    A. Arterial Road: Any road serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of the County, which forms part of a network of through roads, or which provides service and access to abutting properties only as a secondary function.

    B. Collector Road: Any road designed primarily to gather traffic from local roads and carry it to the arterial system.

    C. County Road: Any road, other than a highway, which is not located within a platted subdivision approved by the County.

    D. Cul-De-Sac: A road having one (1) end connection with a public or private road and being terminated at its other by a vehicular turnaround.

    E. Dead-End Road: A local road having only one (1) outlet connecting to another road.

    F. Highway: An officially designated Federal or State numbered highway, or other major street or road designated by the County as a thoroughfare.

    G. Local Road: A road designed primarily to provide access to abutting properties and to discourage through traffic.

    H. Marginal Access Road: A local road which is parallel with an adjacent highway or arterial road and which provides access to abutting properties and provides protection from fast, through traffic on the highway or arterial road.

    I. Private Road: A private road is a road or driveway that is closed to the general public. It is on a privately owned property and can only be used by the owner (or owners) or those with specific permission. A private road is used by a group of owners; only they, and those to whom they give permission, can use the road.

    J. Public Road: All land between right-of-way lines dedicated to and accepted by a governmental agency.

65. Road Right-of-Way Line: A dividing line between a tract or parcel of land and the contiguous road. The boundary line of a road.

66. Sketch Plat: A sketch drawing which depicts the proposed division of a tract or parcel of land, which meets the requirements of this Ordinance.

67. Soil And Water Conservation District: The Soil and Water Conservation District Office for Audubon County, Iowa.

68. Subdivision: A subdivision shall be when a tract of land is subdivided by repeated or simultaneous division into three or more parcels, any of which may be described by metes and bounds description for which no plat of survey is recorded. This section is intended to meet the definition as set forth in Iowa Code § 354.6

    A. Major Subdivision: All subdivisions not classified as either a minor subdivision, parcel split; including but not limited to, any size subdivision requiring new public roads, or the extension of any public facilities, or the creation of any public improvements.

    B. Minor Subdivision: A subdivision of land in which all new lots front on and have direct access from an existing public or private road and wherein no new public roads are to be created or sought to be dedicated or contemplated to project through the proposed subdivision.

No new lot created in either a major or minor subdivision shall conflict with any provisions or portion of this Ordinance.

69. Subdivision Plat: The graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.

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

71. Vacation: To make void or annul.

72. Zoning Ordinance: The rules, regulations and minimum standards which apply to the use of property within specific areas of Audubon County.

ARTICLE 3
SKETCH PLAT APPLICATION

25.3.01 Discussion of Requirement. Before preparing a sketch plat, the developer may discuss with the Audubon County Zoning Administrator the requirements and procedure for approval of a property split.

25.3.02 Application for Sketch Plat Approval. An application for sketch plat approval shall be filed with the Audubon County Zoning Administrator, along with the required fee. The application shall be accompanied by such information and documentation as shall be prescribed by this Ordinance.

The application shall contain the following information and documentation:

1. The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.

2. The name of the road adjacent to the subject property or properties.

3. The legal description of the subject property or properties.

4. The present and proposed use of the subject property or properties.

5. A statement of any existing easements affecting the subject property.

6. A statement indicating the source of water supply and sanitary sewer disposal types along with the distance to the nearest public water and public sewer.

7. A copy of the sketch plat, as described in Section 25.3.3 below.

8. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

9. For a property split or a subdivision, each parcel shall have an approved entrance in accordance with the Audubon County Entrance Policy.

10. A statement whether the subdivision will be constructed without paved roads, if the subdivision intends to permanently have rock roads, or if the subdivision will have paved roads in the future and the timeline to pave the subdivision roads.

25.3.3 Contents of the Sketch Plat. The sketch plat may be drawn as a freehand sketch at a legible scale. The sketch plat shall show the following:

1. North arrow and the scale of the document.

2. General location of the property by section, township and range.

3. The approximate location of property lines, existing right-of-ways and known easements.

4. The approximate location, dimension and area of all existing and proposed parcels.

25.3.04 Sketch Plat Approval for a Subdivision. The Audubon County Zoning Administrator and County Engineer shall review the application and determine the appropriate subdivision classification. Within one (1) year from the day the Audubon County Zoning Administrator approves the sketch plat, the developer shall file a preliminary plat application with the Audubon County Zoning Administrator. If the developer fails to file the preliminary plat application within the one (1) year time period, the sketch plat shall be deemed void.

25.3.05 Sketch Plat Approval of a Property Split. Following such review of the sketch plat for a property split, the Audubon County Zoning Administrator shall either approve the sketch plat with or without specified conditions to be accepted by the developer as a condition of such approval or disapprove the sketch plat. The Audubon County Zoning Administrator shall notify the developer, in writing, of the decision.

1. After final approval of the sketch plat application, any revision of the sketch plat shall require the submission of a new sketch plat application and fee.

2. Approval of the sketch plat shall signify the general acceptability of the proposed property split with respect to compliance with the requirements of this Ordinance. A plat of survey shall be prepared for as follows:

    A. In the event a forty-acre aliquot part is proposed to be divided into two (2) parcels, it shall be required that only the parcel being conveyed have a plat of survey prepared of it; however, as allowed by Iowa Code Section 354.4, as amended, at the discretion of the Audubon County Zoning Administrator an order may be given to require both parcels to have a plat of survey prepared of them.

    B. In the event a forty-acre aliquot part is proposed to be divided into three (3) parcels simultaneously or accumulatively, it shall be required that all three (3) parcels in that forty-acre aliquot part have a plat of survey prepared of them.

    C. In the event a tract or parcel was divided into two (2) parcels prior to Feb. 1, 1999 **(will be changed to adoption date)**, the original date of this Ordinance, and it is proposed that one (1) of the two (2) parcels be divided to become two (2) parcels, resulting in no more than three (3) parcels within the boundaries of the forty-acre aliquot part, only the two (2) new parcels shall be required to have a plat of survey prepared of them.

3. Within one (1) year from the day the Audubon County Zoning Administrator approves the sketch plat for a property split, the developer shall complete the plat of survey and file it with the County Recorder. If the developer fails to file the plat of survey within the one (1) year time period, the sketch plat shall be deemed void.

4. Disapproval of the sketch plat shall signify the general unacceptability of the proposed property split with respect to compliance with the requirements of this Ordinance. The Developer may file a request for a variance. Such a request should describe how full compliance with ordinance requirements constitutes an undue hardship. The developer shall file the variance application with the Audubon County Zoning Administrator and pay the required fee. The variance application shall be presented to the Board of Supervisors within twenty (20) days of receipt. After consideration of the request and any relevant information, the Board of Supervisors will either approve or deny the variance as set forth in Section 25.1.9 above.

ARTICLE 4
PRELIMINARY PLAT APPLICATION

25.4.01 Application for Preliminary Plat Approval. The developer shall file the preliminary plat application with the Audubon County Zoning Administrator for submission to the County Board. The application and required fee shall be accompanied by the following information and documentation:

1. The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.

2. The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the proposed subdivision.

3. The proposed name of the subdivision.

4. The street address or general location and legal description of the subject property.

5. The existing and proposed uses of the subject property.

6. A statement of proposed method of water supply, of sanitary sewage treatment and of disposal of storm waters from the subject property.

A. In the event private water wells are to be the proposed method of water supply, as provided in Section 25.7.12 below, the developer shall submit test well results as evidence of the availability of water on the site.

B. In the event onsite wastewater treatment and disposal systems are to be the proposed method of sanitary sewer treatment, as provided in Section 25.7.13 below, the developer shall submit percolation (perc.) test results as evidence of the suitability of the soil for onsite wastewater treatment and disposal systems on the site.

C. A plan of care for the water, sanitary sewer, and storm water utilities. Audubon County will not assume responsibility for the utilities; therefore, the proprietor shall submit a plan of operation/maintenance for each utility.

7. A statement of the manner in which it is proposed to finance improvements.

8. A statement of the general nature and type of improvements proposed for the subdivision, and in what manner the developer intends to provide for their installation, e.g., actual construction, monetary guarantee, etc. The statement shall indicate the approximate completion time of such improvements.

9. Two (2) blackline/blueline print copies and an electronic copy (PDF) of the preliminary plat as described in Section 25.4.2 below.

10. Two (2) blackline/blueline print copies and an electronic copy (PDF) of the plans showing the typical cross sections and center line profiles, with approximate grades, of all proposed public roads.

11. One (1) blackline/blueline print copy and an electronic copy (PDF) of the Erosion and Sedimentation Control Plan, approved by the Soil and Water Conservation District. The plan shall show the design for reducing erosion and controlling sediment on the subdivision site during and after construction. The plan shall be prepared in accordance with this Ordinance and the standards and specifications of the Soil and Water Conservation District. Said plan shall have attached thereto a statement by the developer that the construction and/or development will be done in accordance with the plan.

12. Department of Natural Resources' National Pollutant Discharge Elimination System (NPDES) permit required.

13. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

25.4.02 Contents of the Preliminary Plat. The preliminary plat shall be prepared by a professional engineer at a convenient scale of not less than one (1) inch equals one hundred (100) feet; however, those areas of more than one hundred (100) acres may be at a scale of one (1) inch equals two hundred (200) feet. The preliminary plat shall show the following:

1. The name of the proposed subdivision and an identification clearly stating that the document is a preliminary plat.

2. The date of the document, north point and the scale of the document.

3. The names and addresses of the owner of the land, the developer, if other than the owner, and the licensed land surveyor who prepared the preliminary plat.

4. A description of the subject property, giving the location and dimensions of all boundary lines to be expressed in feet and decimals of a foot, with reference to section or quarter section lines.

5. The following existing conditions shall be shown on the preliminary plat:

A. The location, right-of-way width, surfacing width and names of all existing public or private roads and easements of access, and utility easements within the subdivision and within two hundred (200) feet thereof.

B. The location of any existing permanent buildings within the proposed subdivision and existing buildings in projected alignment of any proposed public roads outside of the proposed subdivision and within two hundred (200) feet thereof.

C. The location of pertinent features such as water bodies, wetlands, wooded areas, isolated preservable trees, rock outcroppings, parks, cemeteries, bridges and other permanent structures.

D. The location of all existing sanitary and storm sewers, culverts, water mains, gas lines and other underground installations within or immediately adjacent to the proposed subdivision.

E. The location of water courses, drainage ditches, floodways, any easements and areas subject to flooding. Proposed subdivisions located within areas subject to flooding shall include a contour line depicting the boundary of one hundred (100) year flood as shown in the Audubon County, Iowa, Flood Plain Study prepared by the Federal Emergency Management Agency.

F. Contour lines or spot elevations related to some established bench marks or mean sea level or other datum having the following intervals:

Major Subdivision

(1) Ten (10) foot contour intervals for ground slopes of ten (10) percent or more.

(2) Five (5) foot contour intervals for ground slopes of less than ten (10) percent.

(3) Spot elevations where the ground is too flat for contours.

Minor Subdivision

(4) Five (5) foot contour intervals.

(5) Spot elevations where the ground is too flat for contours.

G. The location, elevation and description of the bench mark controlling the survey.

H. Existing and Proposed Zoning

6. The following information with respect to the manner in which the subject property is to be developed shall be included on the preliminary plat:

A. The location, dimensions, identification number and lot area of all proposed lots.

B. The location, right-of-way width, surfacing width and names of all proposed public roads.

C. The approximate location, width and purpose of all proposed easements.

D. The approximate location and type of all proposed utilities.

E. The location, dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

F. The location and width of all proposed building setback lines.

G. Indication of the use of all proposed lots, if other than single-family dwellings.

H. Proposed street grades (if applicable).

I. Typical cross-section of streets from right-of-way to right-of-way including surfacing width and material, shoulder width, backslope, foreslope, ditch width and depth.

7. A vicinity map showing the general location of the subdivision within the boundaries of the County.

8. A certificate to be signed by the County Engineer stating an opinion of compliance with Chapter 25 – Subdivision Regulations of the Audubon County Code of Ordinances.

9. A certificate for approval of the County Board to be signed by the Chairperson and attested by the Audubon County Zoning Administrator.

10. If applicable, a certificate for approval complies with this Ordinance of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the city.

25.4.03 Application Acceptance. The application shall be considered as officially filed after it has been examined by the Audubon County Zoning Administrator and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.

25.4.04 Distribution of Preliminary Plat. The Audubon County Zoning Administrator shall transmit copies of the preliminary plat to the County Engineer, the appropriate school district superintendent, the Soil Conservation District, the appropriate fire department, the County Sheriff and such other official body or agency as may be

directed by the County Board. The County Engineer shall retain the two (2) copies of the typical cross sections of the roads for review.

25.4.05 Review of Preliminary Plat. Comments and recommendation shall be filed with the Audubon County Zoning Administrator as soon as practical, but normally within fifteen (15) working days. Copies of the Audubon County Zoning Administrator's comments and recommendations, as well as those of the responding individuals and agencies shall be submitted to the County Board.

25.4.06 Review of Preliminary Plat by Soil and Water Conservation District. The preliminary plat shall not be approved unless it includes a complete plan for soil erosion and sedimentation control, developed in accordance with the technical standards and specifications of the Soil Conservation District and approved by the Soil and Water Conservation District. The developer shall attach a statement to the erosion and sedimentation control plan certifying that construction and/or development will be done in accordance with the plan.

Within fifteen (15) working days of receipt of the plan, the Soil Conservation District shall notify, in writing, the developer and the Audubon County Zoning Administrator that the erosion and sedimentation control plan has been approved, approved subject to modifications, or disapproved. If disapproved, the Soil and Water Conservation District shall submit to the Audubon County Zoning Administrator, with a copy to the developer, a statement setting forth reasons for disapproval, and indicating in what way this plan fails to conform to the technical standards and specifications of the Soil and Water Conservation District. In addition, the Soil and Water Conservation District may submit written comment on the other materials submitted for its review.

The date of approval of the erosion and sedimentation control plan by the Soil and Water Conservation District shall be its effective date. Any improvements pursuant to the development of the land from that date forward shall be undertaken in conformance with the plan.

The developer and subsequent landowners shall be liable for the successful implementation and completion of this plan. Any changes in the plan will require approval of the Soil and Water Conservation District.

25.4.07 Department of Natural Resources NPDES General Permit #2. The developer shall be responsible for obtaining approval from the Department of Natural Resources in the form of a NPDES General Permit #2 for storm water discharge. The developer and subsequent landowners shall be liable for the successful implementation and completion of the requirements of this permit. Any changes in the plan will require approval of the Department of Natural Resources.

25.4.08 Public Hearing by County Board. Before taking final action on each preliminary plat application, the County Board shall hold a public hearing thereon. Notice of a public hearing on a proposed subdivision shall include the time and place of

said public hearing and the place where the contents of the request may be examined, and shall be given in the following manner:

1. A notice of the public hearing shall be given by one (1) publication in the designated newspapers in the County, not less than four (4) nor more than twenty (20) days prior to the date of the public hearing.

2. The County Board may recess a hearing in order to serve notice upon other property owners or persons that the County Board determines may be interested in the application or to obtain additional information. Upon recessing for this purpose, the County Board shall announce the time and date when the County Board will resume the hearing.

25.4.09 County Board Action. The County Board shall either disapprove the preliminary plat or shall, by resolution, approve the preliminary plat with or without specified conditions to be accepted by the developer as a condition of such approval. Adoption of such a resolution shall require an affirmative vote of at least a majority of those voting.

25.4.10 Record of Approval. Any resolution adopted by the County Board approving a preliminary plat shall be given an official resolution number and shall be entered into the minutes of proceedings of the County Board.

1. Following County Board action, the Audubon County Zoning Administrator shall notify, in writing, the developer of the County Board's decision.

2. If the preliminary plat is approved by the County Board, the Audubon County Zoning Administrator shall return a signed blackline/blueline print copy of such plat to the developer.

25.4.11 Effect of Approval of Preliminary Plat. Approval of the preliminary plat shall not constitute final acceptance of the subdivision by the County Board, but shall signify merely the general acceptability of the proposed subdivision. Such approval shall be deemed to be authorization to proceed with the preparation of the final construction plans and the final plat.

25.4.12 Effective Period of Preliminary Plat Approval. Within one (1) year from the day the County Board approves a preliminary plat, the developer shall apply for final plat approval, or the first part thereof if phased. If the subdivision is phased, the developer shall apply for final plat approval of the second phase within two (2) years, the third phase within three (3) years, the fourth phase and the balance thereof within five (5) years from the date the preliminary plat was approved by the County Board. If the developer fails to apply for final plat approval within the appropriate time period, the preliminary plat, or remaining phase(s) thereof, shall be void unless the developer requests an extension of time prior to the date originally required for submission of the final plat, or any part thereof if phased.

25.4.13 Extension of Time Limitations. The County Board may grant an extension of time of not more than two (2) years from the date required for submission of a final plat or any part thereof if phased. If a developer applies for an extension of time of submission of any part of a

phased subdivision, which is subsequently granted by the County Board, equal extensions are automatically granted for each of the remaining phases. A developer may apply only once for an extension of time, whether or not the preliminary plat is phased. If the County Board refuses to grant an extension of time, the developer shall apply for approval of the final plat, or the appropriate phase thereof if phased, to the County Board within the appropriate time originally required or sixty (60) days from the day the extension request is denied by the County Board, whichever is longer.

ARTICLE 5
FINAL CONSTRUCTION PLAN AND INSPECTION OF IMPROVEMENTS

25.5.01 Required Improvements. Upon County Board approval of a preliminary plat and prior to application for final plat approval, the developer shall:

1. Construct and install the required improvements, or;

2. Post a performance guarantee for the total cost of the improvements, or;

3. Construct and install a portion of the improvements and post a performance guarantee for the remainder of the improvements not completed.

25.5.02 Submission of the Final Construction Plans. The developer shall have a licensed professional engineer prepare the final construction plans for the proposed required improvements containing the data and information specified in Section 25.5.03 below. Four (4) blackline/blueline print copies of such plans shall be certified by a licensed professional engineer and submitted to the County Engineer along with the required final construction plan fee.

1. In the event the developer chooses to construct and install the required improvements, as specified in Section 25.5.01(1) above, said final constructions plans shall be submitted to the County Engineer at least sixty (60) calendar days prior to the date when the construction will commence.

2. In the event the developer chooses to post a performance guarantee for the total cost of the required improvements, including private utility costs, as specified in Section 25.5.01(2) above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the final plat is submitted for approval. Said final construction plans, upon submittal to the County Engineer, shall be accompanied by a detailed engineering estimate of cost for all improvements, estimated and certified by the developer's licensed professional engineer. These estimates will be utilized by the County Engineer for review and determination of the amount of the performance guarantee. The amount of the performance guarantee shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer.

3. In the event the developer chooses to construct and install a portion of the required improvements and post a performance guarantee for the remainder of the improvements not completed, as specified in Section 25.5.01(3) above, said final construction plans shall be submitted to the County Engineer at least thirty (30) calendar days prior to the date when the construction will commence. At the time of the submittal of the plans, the developer shall notify the County Engineer of his intent to post a performance guarantee for remaining improvements and shall submit the cost estimates for the remaining portion, as specified in Section 25.5.02(2) above.

4. In the event one (1) year has lapsed since the issuance of the performance guarantee and construction of the required improvements has not been completed, it shall be the responsibility of the developer to resubmit the detailed engineering estimates of cost and a new performance guarantee as required in Section 25.5.02(2) above.

5. The developer shall provide a list of the names of the individual qualified observers that will be utilized in the construction of the improvements and that will be on the job site fulltime during the major phases of work. An Iowa Department of Transportation certification shall be required for each named individual.

25.5.03 Contents of Final Construction Plans. The final construction plans for required lot or public improvements shall contain the following data and information:

1. Plans, details, specifications, calculations and cost estimates for road and sidewalk construction, profiles indicating existing topography and elevation, curb and sidewalk elevations, intersection control elevations, and paving geometries for each road with a typical cross section.

2. The profiles of grade lines shall be shown to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals ten (10) feet vertical. This information shall be shown on standard plan and profile sheets unless otherwise required by the County Engineer.

3. Plans, profiles, details, specifications, calculations and cost estimates of proposed storm drainage improvements.

4. Plans, profiles, details, specifications and cost estimates of proposed water distribution systems, water supply facilities and water hydrants, if any.

5. Plans, profiles, details, specifications and cost estimates of proposed sewage systems and sewage treatment facilities, if any.

6. Grading plans for all lots and other sites within the subdivision, including details and specifications for soil erosion and sedimentation control.

7. The County Engineer may require such additional plans, specifications and drawings as may be necessary for an adequate review.

8. All plans shall be based on United States Geodetic Survey (U.S.G.S.) datum elevations with two (2) monumented benchmarks.

9. All plans for utilities shall be prepared by or at the direction of the utility company involved with the improvements.

10. All utility permits shall be submitted to the County Engineer.

25.5.04 Review of Final Construction Plans. The County Engineer shall review the final construction plans in order to determine whether such plans are consistent with the approved preliminary plat and comply with the design standards and specifications described in Article 7 of this Ordinance.

If such plans are consistent and do comply, the County Engineer shall submit a notice to the County Board that the plans so conform and comply, and shall return one (1) signed copy of the approved final construction plans to the developer. In the event that such plans do not conform and comply, the County Engineer shall notify the developer of the specific manner in which the plans do not conform or comply, and the developer may then correct such plans. If such plans are not corrected, the County Engineer shall transmit a notice to the County Board as to the items of nonconformity or noncompliance.

25.5.05 Construction of Improvements. No improvements shall be constructed nor shall any work preliminary thereto be done until such time as the final construction plans have been approved by the County Engineer.

25.5.06 Inspection. It is the responsibility of the developer to oversee the construction operations of the required improvements to assure that the work performed is in accordance with the final construction plans. Therefore the developer shall provide:

1. Full time construction inspection by a qualified observer during all major phases of the construction, including but not limited to grading, paving, concrete work, seeding, structures, pipe culverts and bridges. Daily progress and inspection reports must be maintained and submitted weekly to the County Engineer.

2. Results of quality control testing, in accordance with the Iowa Department of Transportation or other approved standards, shall be submitted to the County Engineer.

25.5.07 Final Inspection. Upon completion of all improvements within the area covered by the final plat, the developer shall notify the County Engineer, who shall thereupon conduct a final inspection of all improvements installed. If such final inspection indicates there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements as installed from the final construction plans, the County Engineer shall notify, in

writing, the developer of such defects, deficiencies or deviations and the developer shall, at his sole cost and expense, correct such defects, deficiencies or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the developer shall again notify the County Engineer that the improvements are again ready for final inspection.

25.5.08 Acceptance of Improvements. Prior to acceptance of the required improvements by the County Engineer, the developer shall provide:

1. A certification by the developer's licensed professional engineer that the work was completed in accordance with plans and specifications and meets all applicable County standards.

2. Two (2) sets of "as built" blackline/blueline print copies will be required to be submitted to the County Engineer prior to acceptance of the project.

25.5.09 Report to County Board. If a final inspection indicates that all improvements as installed contain no defects, deficiencies or deviations the County Engineer shall certify to the County Board, within fifteen (15) working days from the completion of inspection, that all improvements have been installed in conformity with the final construction plans. The receipt of such notification by the County Board shall constitute the date on which the one (1) year period, specified in Section 25.5.10 below, shall commence.

25.5.10 Maintenance Bond. The developer shall warrant the design, materials and workmanship of all required improvements, installations and construction for a period of four (4) years for pavement and two (2) years for pipe from and after completion. Such warranty shall be by a bond or other acceptable collateral, which shall assure the expedient repair or replacement of defective improvements under warranty and shall indemnify the County from all costs or losses resulting from or attributed to such defective improvements on the major phases of construction which includes but is not limited to grading, paving, concrete work, seeding, structures, pipe culverts and bridges.

ARTICLE 6
FINAL PLAT APPLICATION

25.6.01 Application for Final Plat Approval. Following the approval of the preliminary plat in the case of a minor subdivision, or of the preliminary plat and final construction plans in the case of a major subdivision, the developer, if he/she wishes to proceed with the subdivision, shall file, upon the form provided, an application for final plat approval with the Audubon County Zoning Administrator for submission to the County Board. The application shall contain and be accompanied by the required fee as well as the following information and documentation:

1. The names, addresses and telephone numbers of the owner of the land and the developer, if other than the owner.

2. The names, addresses and telephone numbers of all professional consultants advising the developer with respect to the subdivision.

3. The approved name of the subdivision.

4. The performance guarantee, if required, as described in Section 5 of this Ordinance. If the required improvements have been completed in lieu of a performance guarantee, then a certificate signed by the County Engineer approving the installation of any required improvements.

5. Copies of the final plat of the following types and sizes, all of which shall bear the original signatures on the required certificates, as described in Section 25.6.2, below.

A. One PDF electronic copy and two (2) blackline/blueline print copies of the final plat, at a size of not less than 11" x 17". One (1) additional film copy and two (2) print copies shall be submitted when the subdivision is located within two (2) miles of a city that exercises it extraterritorial subdivision plat review authority pursuant to Section 25.1.5 above.

B. One (1) reduced print copy which is either 8 1/2" x 11" or 8 1/2"x 14".

6. A statement from the mortgage holders or lien holders, if any, as required by Iowa Code Section 354.11, as amended.

7. An opinion by an attorney-at-law, as required by Iowa Code Section 354.11, as amended.

8. A certificate to be signed by the County Treasurer, as required by Iowa Code Section 354.11, as amended.

9. Such other and further information as the County Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

10. A statement by the person preparing the application attesting to the truth and correctness of all information and documentation presented with the application.

25.6.02 Contents of the Final Plat. The final plat shall be prepared by a licensed land surveyor at a convenient scale of not less than one (1) inch equals one hundred (100) feet. The final plat shall show the following:

1. The approved name of the subdivision.

2. The date of the document, north arrow and the scale of the plat. The scale shall be clearly stated and graphically illustrated by a bar scale on each plat sheet.

3. The names and addresses of the owner of the land, the developer, if other than the owner, and the engineering firm or surveying firm that prepared the final plat.

4. The location by section, township, range, county and state as well as including descriptive boundaries of the subdivision.

5. The exact location and layout of lots and public roads with accurate dimensions in feet and decimals of feet, interior angles, length, and radii, arcs and intermediate tangents of all curves, and all other information necessary to reproduce the plat on the ground.

6. The location of all existing public or private roads and new public roads within the subdivision.

7. The names and width of all existing public or private roads and new public roads within the subdivision.

8. The lot number and area of each lot within the subdivision. The data on the area of each lot may be shown in a table format on the plat page on which said lot is drawn.

9. The location of all easements shall be denoted, clearly identified, and if already on record, the recorded reference of such easement. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easements, with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certification of dedication.

10. A statement by the proprietors and their spouse, if any, as required by Iowa Code Section 354.11, as amended, shall accompany the final plat.

11. A certificate signed by a licensed land surveyor, as required by Iowa Code Chapter 355, as amended.

12. A certificate to be signed by the County Engineer approving the final plat with respect to public improvements, if any. If no public improvements are included, this certification may be omitted.

13. A certificate for approval of the County Board to be signed by the Chairperson and attested by the Audubon County Zoning Administrator.

14. If applicable, a certificate for approval of the City Council to be signed by the Mayor and attested by the City Clerk, along with other appropriate certificates as may be required by the City.

25.6.03 Application Acceptance. The application shall be considered as officially filed after it has been examined by the Audubon County Zoning Administrator and found to contain the information and documentation essential for proper review. Lack of complete information and documentation shall be deemed cause for refusal of official filing.

25.6.04 Review of Final Plat. Copies of the County Engineer's comments and recommendations shall be submitted to the County Board.

25.6.05 Public Hearing by County Board. The County Board shall consider the proposed final plat at public hearing. Notice of the public hearing shall be given as specified in Iowa Code Chapter 21, as amended.

25.6.06 County Board Action. The County Board shall, within forty-five (45) working days from the date of application for acceptance of final plat approval, either disapprove the final plat or shall, by resolution, approve the final plat and accept the dedication of all public roads, easements, parks and other public grounds for public use.

Adoption of a resolution shall require an affirmative vote of at least a majority of those voting.

25.6.07 Record of Approval. Any resolution adopted by the County Board approving a final plat shall be given an official resolution number and shall be read in the minutes of proceedings of the County Board.

1. The Audubon County Zoning Administrator shall notify, in writing, the developer of the County Board's decision.

2. If the final plat is approved by the County Board, the copies of the final plat with attached documents, as set forth in the Audubon County, Iowa Final Plat Application, shall be provided to the County Recorder to be recorded in accordance with the provisions of Iowa Code Chapter 354, as amended. The County Recorder shall distribute the copies of the final plat with attached documents to the County Assessor, Audubon County Zoning Administrator and all other necessary parson(s).

25.6.08 Recording Final Plat. Approval of the final plat by the County Board shall be null and void if the final plat is not recorded with the County Recorder within ninety (90) days after the date of approval, unless an extension is requested by the developer within that time and granted by the County Board. Recording fees shall be paid by the developer.

25.6.09 Failure to Construct Required Improvements. In the event a developer has posted a performance guarantee in lieu of actual construction of required improvements, the County Board may review the development of the subdivision thirty (30) days prior to the expiration of the performance guarantee and may direct the County Engineer to proceed with the execution of the performance guarantee in order to assure that the required improvements are completed.

ARTICLE 7
DESIGN STANDARDS

25.7.01 Conformance to Applicable Rules and Regulations. No subdivision shall be approved and accepted by the County unless it conforms to the minimum requirements contained herein. In addition to these requirements, all subdivisions shall comply with the following:

1. All other applicable laws, rules and regulations of the appropriate local jurisdictions.

2. The Comprehensive Land Use Plan and all other applicable plans adopted by the County. Chapter 21 - Zoning Ordinance, Chapter 23 – Flood Plain Regulations all of the Audubon County Code of Ordinances as well as any other applicable County Ordinances.

3. All applicable standards established and regulations adopted by the County Engineer and all officers, departments and boards of the County.

4. All applicable laws, rules and regulations of the State and its duly constituted agencies.

5. Approval may be withheld if a subdivision is not in conformity with the above laws, rules and regulations, ordinances and the purposes of this Ordinance, as established in Section 25.1.02 above.

25.7.02 Land Suitability. No land shall be subdivided which is found to be unsuitable for development by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare of the future residents of the subdivision or the residents of the County, until such time as conditions causing the unsuitability are corrected. The following general standards shall apply:

1. The County Board may, when it deems it necessary for the health, safety or welfare of the present or future residents of the area, if necessary to the conservation of water, drainage and sanitary facilities, prohibit the development of any property which lies within the one hundred (100) year floodplain of any river or stream.

2. Residential subdivisions shall provide all lots with a means of vehicular access that is a minimum of one (1) foot above the base flood elevation.

3. Whenever a subdivision is submitted for an area which is subject to ponding or poor drainage, the County Board may approve such subdivision provided the developer fills the affected area of the subdivision to an elevation sufficient to place the elevation of the roads and lots at a minimum of one (1) foot above the elevation of the maximum probable flooding, as determined by the developer's engineer, and approved by the County Engineer. Such subdivision shall provide for an overflow area along the bank of any stream or watercourse, in a width which shall be sufficient in times of high water to contain or move the water, and

no fill shall be placed in the overflow area nor any structure be erected or placed therein. The boundaries of the overflow area shall be subject to the approval of the County Engineer. Development should be discouraged in areas of extreme ponding or poor drainage.

4. Whenever a subdivision is intended to be served by individual septic systems, the County Board may disapprove such subdivision if any of the following conditions exist:

A. Lands altered or filled with non-earth materials.

B. Soils having a percolation rate of slower than one (1) inch per sixty (60) minutes.

C. Lands drained by farm drainage tile or farm ditch systems.

D. Lands having rock, impervious clay or groundwater closer than thirty-six (36) inches to the final grade of the ground.

5. Whenever a subdivision is submitted for an area where soil types indicate problems of erosion and sedimentation control, sanitary waste disposal and similar problems, the County Board may approve the subdivision provided the developer submits plans to correct and alleviate such unsatisfactory conditions.

6. The County Board, in applying the provisions of this Section, shall in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the developer the opportunity to present evidence regarding suitability. Thereafter, the County Board may affirm, modify or withdraw its determination of unsuitability.

25.7.03 Preservation of Archeological Sites. Archeological sites shall be preserved as required by the Iowa Code.

25.7.04 Parks and Open Spaces. In all residential subdivisions wherein the majority of the lots have a lot area of ten thousand (10,000) square feet or less there may be usable common open space dedicated or reserved for common open space land. Said open space land shall be developed as follows:

1. A minimum area of ten thousand (10,000) square feet, plus an additional two thousand (2,000) square feet for each lot over fifteen (15), dedicated or reserved as usable, common open space.

2. The land areas reserved for common open space need not be contiguous to each other, but no parcel dedicated or reserved for common open space shall be less than ten thousand (10,000) square feet in size.

3. The length of the common open space shall not be more than five (5) times the width of the common open space;

4. The common open space shall be easily accessible to all property owners within the subdivision;

5. Common open space land shall be clearly designated on the subdivision plat as to character of use and development and that it is intended for the private use of the residents of the subdivision.

6. The following may be included in or considered part of common open space:

A. Environmentally sensitive land such as stream beds, marshes, and steep slopes; provided however, a minimum of fifty (50) percent of the land must be level ground that is contiguous and suitable for active recreation;

B. Bikeways, provided that right-of-way width is at least thirty (30) feet in width and there is a paved surface at least ten (10) feet wide, six (6) inches thick Portland Cement Concrete (PCC) or Hot Mix Asphalt (HMA), on a well drained subsoil base. A pervious or semi-pervious surface will also be allowed for bikeways, subject to the approval of the County Engineer. Such surface will require a well-graded subsurface to allow for sufficient drainage, along with a geo-textile fabric under the traveled surface. Other approved products include pervious PCC and HMA. The provisions of 25.7.4(c) above, shall not apply to bikeways.

7. The following shall not be included in or considered part of the common open space:

A. Areas reserved for the exclusive use or benefit of an individual tenant or property owner,

B. Dedicated roads, common wells, sewer treatment facilities, open drainage ditches, drainage storage areas, other public right-of-ways, and other areas deemed unsuitable open spaces;

C. Vehicular drives, parking, loading and storage area.

8. Suitable provisions for maintenance and upkeep of open space shall be provided through a home owners association, deed covenants, or through other similar provisions as may be approved by the County Board.

25.7.05 Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage pattern of the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

25.7.06 Lots. The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in building on all lots and in providing driveway access to buildings on such lots from an approved road.

1. The lot size, width, depth, shape and orientation, and the minimum front yard setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall comply with the minimum standards of this Ordinance.

2. Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both roads.

3. Where lots are more than double the minimum required by this Ordinance, the County Board may require that such lots be arranged so as to allow further subdivision as well as the opening of future roads where necessary to serve such potential lots in compliance with the provisions of this Ordinance.

4. Depth and width of lots reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated.

5. Every lot shall abut and have access to a public road.

6. In general, side lot lines shall be at right angles to road lines, or radial to curving road lines, unless a variation from this requirement will give a better road or lot layout.

7. Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from arterial roads or to overcome specific disadvantages of topography and orientation.

8. Right-of-way lines shall not be less than 33 feet.

25.7.07 Water Supply and Sewage Disposal. Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the requirements and standards of the appropriate State, County or local agency.

For the purpose of providing adequate sewage disposal in areas serviced by onsite wastewater treatment and disposal systems, soil characteristics shall be highly instrumental in determining lot area. The minimum lot area for various land uses shall be determined by the following factors:

1. The ability to situate a private water well on the lot in accordance with Iowa Administrative Code Chapter 567-49, as amended.

2. The ability to situate two (2) onsite wastewater treatment and disposal systems on the lot in accordance with Iowa Administrative Code Chapter 567-69, as amended. The area dedicated for the second system is provided as a back up when the first system fails.

3. The ability to provide adequate off-street parking and off-street loading.

In the event the above-referenced features can be accommodated in the minimum lot area outlined above, said lot area shall be accepted as stated; however, in the event the abovereferenced features cannot be accommodated in the specified minimum lot area outlined above, said lot area shall be increased to a size that can accommodate the above-referenced features.

25.7.08 Road Layout and Design. The arrangement, character, extent, width, grade and location of all roads shall be designed with consideration of and in relationship to existing and planned roads, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such roads. The layout and design of roads in all subdivisions shall conform to the following:

1. Private roads may be permitted, if they meet all applicable standards. If constructed, private roads shall provide a maintenance plan which includes snow removal.

2. The road and alley layout shall provide access to all lots and parcels of land within the subdivision.

3. Road jogs of less than one-hundred fifty (150) feet shall be avoided.

4. Cul-de-sacs that exceed one-thousand (1000) feet in length shall, in addition to complying with the road standards required by this Chapter, be constructed as follows:

    A. Rural Section paved surface shall be twenty-four (24) feet in width, if the road has curb and gutter, the minimum width is twenty-six (26) feet.

    B. Two (2) foot rocked shoulders, with a two (2) percentage grade cross slope; and

    C. Ten (10) foot grassed shoulders, with a four (4) percent cross slope.

5. Proposed roads shall be adjusted to the contour of the land so as to produce useable lots and roads of reasonable gradients.

6. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector roads.

7. No dead-end roads or alleys will be permitted except at subdivision boundaries with local fire chief approval.

8. Thoroughfare and collector roads in a subdivision shall extend through to the boundaries thereof.

9. Alleys may not be permitted in residential areas, but shall be required in commercial and industrial areas.

10. Intersections of road center lines shall be between eighty (80) degrees and one hundred (100) degrees.

11. Intersection of more than two (2) roads at a point shall not be permitted.

12. Where parkways or special types of roads are proposed, the County Engineer may approve special standards for the design of such parkways or streets.

13. Proposed roads that are extensions of or in alignment with existing roads shall bear the name of the existing road.

14. Minimum right-of-way shall be provided as follows:

A. Thoroughfares: 100 feet

B. Collector Road: 80 feet

C. Local Roads: 80 feet

D. Cul-de-sacs: 110 feet in diameter

E. Alleys: 20 feet

15. Minimum width of surfacing to be provided shall be as follows:

A. Thoroughfares: 24 feet paved with two rock shoulders with a minimum width of 5 foot

B. Collector Roads: 24 feet paved with two rock shoulders with a minimum width of 5 foot

C. Local Roads

(1) With no on-street parking: 24 feet paved with two rock shoulders with a minimum width of two foot

(2) With on-street parking on one (1) side: 34 feet paved

(3) With on-street parking on both sides: 44 feet paved

D. Cul-de-sacs: 90 feet in diameter

E. Alleys: 10 feet

F. Sidewalks: 4 feet

16. No road grade shall be less than 0.6% percent and shall not exceed the following limits:

A. Thoroughfares: 6 percent

B. Collector Roads: 8 percent

C. Local Roads: 10 percent

A flat zone, fifty (50) foot in length with no more than two (2) percent road grade, shall be provided where two roads intersect.

17. The length of blocks shall be not less than five-hundred (500) feet and not more than one thousand two-hundred fifty (1,250) feet in length.

18. Blocks shall be sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than two-hundred twenty (220) feet, except where a single tier of double frontage lots parallel with a Limited Access Highway, a thoroughfare, drainage course, or other barrier. The width of said single tier frontage lots shall not be less than one-hundred (100) feet.

19. The entire width of right-of-way shall be clear and kept clear of obstacles including but not limited to fences, sprinkler systems, security systems, gates, trees, and bushes.

25.7.09 Road Standards. Road standards including but not limited to right-of-way widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon, in addition to the requirements of Section 25.7.08, above, the standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the County Engineer.

1. Curb and gutter type construction of roads shall be required by the County Engineer in subdivisions wherein lot density and topography has the potential of creating erosion, drainage and/or stormwater management problems. Curbs and gutters shall be Portland Cement Concrete (PCC).

2. All pavements shall meet or exceed the structural equivalency of seven (7) inches of Portland Cement Concrete (PCC) or seven (7) inches of Hot Mix Asphalt (HMA), based on current AASHTO "Guide for Design of Pavement Structure". HMA shall be laid with a maximum two (2) inch surface course lift.

3. All pavements shall meet or exceed minimum smoothness standards required by the county engineer.

4. Roads that exceed one thousand (1000) feet in length shall use a slip form paver when furnishing Portland Cement Concrete (PCC).

25.7.10 Access to Arterials. Where a subdivision borders on or contains an existing or proposed arterial road, the County Board may require that access to such roads be limited by one of the following means:

1. The subdivision of lots so as to back onto the arterial road and front onto a parallel local road. No access shall be provided from the arterial road and screening shall be provided in a strip of land along the rear property line of such lots.

2. A series of cul-de-sac or loop roads, entered from and designed generally at right angles to such parallel road, with the rear lines of their terminal lots backing onto the arterial road.

3. A marginal access road, separated from the arterial road by a buffer or grass strip and having access thereto at suitable points.

4. Where the County Board determines that driveway access directly from an arterial road is necessary for several adjoining lots, the County Board may require that such lots be served by a combined access driveway in order to limit possible traffic hazard on such road. Where possible, driveways shall be designed and arranged so as to avoid requiring vehicles to back into traffic on arterial roads.

25.7.11 Limited Access Highways. Limited access highways where located as to affect the subdivision of adjoining lands shall be treated as follows:

1. In residential subdivisions, a buffer strip of at least twenty-five (25) feet in depth, in addition to the minimum lot depth of the lot required by this Ordinance, shall be provided adjacent to the limited access highway. This strip shall be part of the platted lots and shall be designated on the final plat-"This strip is reserved for screening. The placement of structures hereon is prohibited."

2. In nonresidential subdivisions, the nearest road extending parallel or approximately parallel to the limited access highway shall, whenever practicable, be at a sufficient distance there from to ensure suitable depth for the commercial or industrial sites.

3. Roads parallel to a limited access highway when intersecting a road which crosses the limited access highway at grade shall, to the extent practical, be at a distance of at least one hundred fifty (150) feet from such right-of-way. Such distance shall be determined with consideration of the minimum distance required for further separation of grades by means of appropriate approach gradients.

25.7.12 Water Supply. The developer shall make provisions to assure that an approved, adequate supply of potable water exists for every lot of a plat, division or subdivision of land or can be provided during the development of every lot in the division as follows:

1. Where an adequate public water supply system is within one thousand (1000) feet of a two (2) lot division or within two thousand five hundred (2500) feet of a subdivision of three (3) or more lots, the developer shall provide a complete public water supply system, including all valves and other appurtenances and a service connection to each lot throughout the entire subdivision.

   Such system shall extend into and through the division or subdivision to the boundary lines and shall be connected to a public water system. Such water supply system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.

   If water is supplied through a public water supply system, a soft hose fill station may be required. If not required in the subdivision from the public water system, the local fire department will be made aware of a soft hose fill station in the area.

2. Where an adequate public water supply system is reasonably accessible, the developer may provide a rural water system, including all valves and other appurtenances and a service connection to each lot throughout the entire subdivision.

3. Where an adequate public water supply system is not reasonably accessible, the developer may provide a complete common water supply. Such water supply system shall be designed and constructed in accordance with the standards and requirements of the Iowa Department of Natural Resources.

4. Where an adequate public or common water supply system is not reasonably accessible or not required, private water wells shall be used for the purpose of providing a private water supply system.

   Prior to construction of a residential structure, the developer shall demonstrate the availability of water on the lot or provide the necessary easements for access to an adequate water supply. Each test hole shall be numbered and its location shown on the preliminary plat as applicable. The well number shall correspond with the Iowa Department of Natural Resources Water Well Supply generated well number. All tests shall be performed in accordance with Iowa Administrative Code Chapter 567-49, as amended.

25.7.13 Sanitary Sewer. The developer shall make provisions to assure that an approved, sanitary means of sewage disposal exists for every lot in the subdivision or can be provided during the development of every lot in the subdivision as follows:

1. Where an adequate public sanitary sewer system is within one thousand (1000) feet, if practicable or accessible, the developer shall provide a complete public sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall extend into and through the subdivision to the boundary lines and shall connect to a public sanitary sewer system. Such sanitary sewer system shall be designed and constructed in accordance with the standards and specifications of the appropriate State and local authorities.

2. Where an adequate public sanitary sewer system is not reasonably accessible, the developer may provide a complete common sanitary sewer system, including all appurtenances and a service connection to each lot throughout the entire subdivision. Such system shall be designed and constructed in accordance with the standards and requirements of the Department of Natural Resources.

3. Where an adequate public or common sanitary sewer system is not reasonably accessible or not required, onsite wastewater treatment and disposal systems may be used for the purpose of providing a private means of sewage disposal for each lot in the subdivision.

    A. The developer will be required to make one (1) or more soil boring tests and/or preliminary percolation tests within the boundaries of the subdivision. Each test hole shall be numbered and its location and results shown on the preliminary plat as applicable. All tests shall be performed in accordance with the Iowa Administrative Code Chapter 567-69, as amended.

    B. Onsite wastewater treatment and disposal systems, if approved, may be installed at the expense of the developer, or at the expense of a subsequent lot owner at the time development of the lot takes place.

25.7.14 Storm Sewer. Adequate storm sewer systems shall be planned and constructed as required throughout the subdivision to carry off storm water from all inlets and catch basins and be connected to an approved outfall. There shall be provided storm-water sewers or a surface drainage system to serve adequately the area being subdivided considering but not limited to the use of existing drainage channels whenever possible. The design of the drainage system shall consider the storm drainage area of which the subdivision is a part and existing watercourses. All storm drainage facilities shall be constructed based upon criteria established by the County Engineer. Each Storm Sewer system shall be designed to handle a storm with Q10 runoff and accommodate a storm with Q100 runoff. The County shall only be responsible for maintenance of storm water sewer structures which lie within the County Road right-of-way.

25.7.15 Easements. Easements shall be provided for utility service, including storm sewer drainage structures, where necessary. Easements for sanitary sewer, storm sewer facilities and

water supply and distribution lines shall be at least twenty (20) feet in width and other easements shall be at least ten (10) feet in width. All easements shall be established where practicable at the rear of each lot and along such other lot lines to provide continuity of alignment from block to block. Drainage easements may also be established along the side lot line of a lot; however, the combined width of such easements shall be equally divided between adjoining lots within any proposed subdivision.

1. All utility distribution lines for telephone, electric, natural gas and cable television service to be installed shall be placed underground within easements or dedicated public right-of-ways. The installation of such facilities shall be made in compliance with the applicable orders, rules and regulations of the State of Iowa, now or hereafter effective, and the owner or developer of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities. It shall be the responsibility of the appropriate utility company to obtain the necessary permits from the County Engineer prior to the installation of the said utility distribution lines.

2. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, or other body of water, appropriate dedications or easement provisions, with adequate width or construction to accommodate observed, computed or anticipated storm water drainage through and from the subdivision, shall be made. The width of the easement or dedication shall be dependent on the area of land drained by the watercourse and to allow access to the structure for construction and maintenance equipment.

3. A screen planting easement may be required between residential and commercial or industrial lots. If such easement is to be used for public utilities, additional width may be required to assure that maintenance of the utilities would not be detrimental to the plantings.

4. Parks situated in the interior of blocks shall have direct and public access to surrounding roads by an easement at least twenty (20) feet wide. Maintenance shall be covered by the protective covenants.

25.7.16 Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to deny access from adjacent property to such road.

25.7.17 Subdivision Name. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the County, the name of an incorporated farm, nor the registered trade name of a business. Said name of the subdivision shall be approved by the Audubon County Zoning Administrator.

25.7.18 Road Names. The proposed names of all new roads shall be shown on the preliminary plat and such names shall be sufficiently different in sound and in spelling from other road names in the County so as not to cause confusion. Proposed names shall be submitted to the Audubon County E911 Board for review. The County Board reserves the right to alter or change the proposed name of any road at any time prior to the approval of the final plat. Proposed roads

which are in alignment with other already existing and named roads shall bear the names of such existing roads. The name of a proposed road which is not in alignment with an existing road, shall not duplicate the name of any existing road, irrespective of the use of the suffix road, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or other similar suffix.

25.7.19 Road Regulatory Signs. At the time of final plat approval, the developer shall pay the County the total cost, including installation, for all road regulatory signs, including road name signs, required by the County Engineer along all roads and at all intersections within or abutting the subdivision.

25.7.20 Pedestrian Walkways. Pedestrian walkways may be required by the County Board through the center of blocks of more than six hundred (600) feet in length where deemed essential to provide circulation or access to schools, parks, shopping centers, transportation, or other community facilities. A pedestrian walkway shall have a width of not less than ten (10) feet. A sidewalk, constructed in accordance with the requirements of Section 25.7.21 below, for sidewalk improvements, shall be placed along the entire length of such walkway.

25.7.21 Sidewalks. Whenever provided, sidewalks shall be constructed of Portland Cement Concrete (PCC) in accordance with the design standards and specifications approved by the County Engineer. Sidewalks shall be a minimum of four (4) feet in width and four (4) inches in depth and shall be located within the road right-of-way, parallel to and within two (2) foot of the lot line.

1. Sidewalks may be provided for all roads in nonresidential subdivisions.

2. Sidewalks shall be required on either side of all roads in subdivisions where the majority of the lots are ten thousand (10,000) square foot or less.

25.7.22 Entrances into Individual Lots. All individual driveway entrances shall be placed and constructed in accordance with the Chapter 4 - Entrance and Driveway of the Audubon County Code of Ordinances. It shall be the financial responsibility of the developer to pay for the material and labor required to install individual driveway entrance tubes along County roads, when so required by the County Engineer. This expense may be borne by a subsequent lot owner at the time development of the lot takes place.

Site numbers shall be posted at all individual driveway entrances in accordance with E911 regulations of Audubon County.

25.7.23 Monumentation. The developer's licensed land surveyor shall cause to be placed permanent reference monuments in the subdivision as required in Iowa Code Chapter 355, as amended.

25.7.24 Self-Improved Restrictions. The County Board shall have the right to agree with the developer regarding the type and character of the development to be permitted within the

subdivision, and may require that certain minimum regulations regarding this matter be incorporated in any protective covenants. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to be the most appropriate character of development in the property to which is subdivided.

ARTICLE 8
PARCEL AND LOT SIZE REQUIREMENTS

25.8.01 Residential Parcel And Lot Size Requirements:

The minimum residential parcel and lot sizes shall be as follows:

1. Minimum Lot Size

- **a.** 2 acres without water and sewer
- **b.** 25,000 square feet with well and public sewer
- **c.** 10,000 square feet with both public water and sewer

2. Minimum Front Yard Setback

- **a.** 50 feet without water and sewer
- **b.** 35 feet with both public water and sewer

3. Minimum Side Yard Setback

- **a.** 10 feet without water and sewer
- **b.** 10 feet with both public water and sewer

4. Minimum Rear Yard Setback

- **a.** 25 feet without water and sewer
- **b.** 25 feet with both public water and sewer

5. Minimum Lot Width

- **a.** 150 feet without water and sewer
- **b.** 80 feet with both public water and sewer

25.8.02 Commercial/Industrial Lot Size Requirements. The minimum lot size for a commercial or industrial lot shall be as follows:

2. Minimum Front Yard Setback

a. 30 feet

3. Minimum Side Yard Setback

a. 15 feet adjacent to commercial or industrial district

b. 30 feet adjacent to agricultural or residential district

4. Minimum Rear Yard Setback

a. 30 feet

ARTICLE 9
FEES

25.9.01 Filing Fees Required. A filing fee, in accordance with the established fee schedule, shall be charged for each application to assist in deferring the cost of administrative review and legal publication. The applicant shall be held responsible for submitting the required filing fee upon submission of the completed application. No action shall be taken on any application until the required fee is paid in full.

25.9.02 Fee Schedule. The cost of each application fee can be found in the Schedule of Fees adopted by Resolution by the Board of Supervisors.

25.9.03 Payment of Fees. All fees mentioned above shall be made payable to the County Treasurer. The fee shall be attached to the respective application submitted to the Audubon County Zoning Administrator.

25.9.04 Fee Refund. Whether the request is granted or denied by the Audubon County Zoning Administrator, County Engineer or County Board, the applicant shall not be entitled to a refund of the fee.

ARTICLE 10
ENFORCEMENT AND LEGAL STATUS PROVISIONS

25.10.01 Notice to Abate Violation. Whenever the County Board or County Engineer finds that a violation of this Ordinance has occurred, the County Engineer shall cause to be served upon the property owner, as shown by the records of the Audubon County Zoning Administrator, a written notice to abate the violation within a reasonable time after notice.

25.10.02 Contents of Notice to Abate. The notice to abate shall contain:

1. A description of what constitutes the violation of the Ordinance.

2. A statement of the act or acts necessary to abate the violation.

3. A reasonable time within which to complete the abatement.

4. A statement that if the violation is not abated as directed and no request for hearing with the officer ordering the abatement is made within the time prescribed, the County will proceed with other action as outlined in this Chapter.

25.10.03 Method of Service of Notice to Abate Violation. The notice to abate violation may be served by certified mail to the property owner as shown by the records of the Audubon County Zoning Administrator.

25.10.04 Request for Hearing and Appeal. Any person ordered to abate a violation of this Ordinance may request a hearing before the officer ordering the abatement. The officer shall conduct a hearing as to whether a violation exists. A person ordered to abate a violation shall request a hearing in writing and deliver said request to the officer ordering the abatement within the time stated in the notice. If the person fails to request a hearing, it will be conclusively presumed that a violation exists and it must be abated as ordered in the notice.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a violation exists. If the officer finds a violation exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. A person ordered to abate a violation may appeal the hearing officer's decision to the County Board by requesting a hearing in writing and delivering said request to the Audubon County Zoning Administrator. If the person fails to appeal the hearing officer's decision, it will be conclusively presumed that a violation exists and it must be abated as ordered in the hearing officer's written decision. A person ordered to abate a violation may appeal the decision of the County Board by filing an action in the Iowa District Court for Audubon County.

25.10.05 Violations and Penalties. Any person who violates, disobeys, omits, neglects, refuses or fails to comply with this Ordinance shall be deemed guilty of committing a county infraction

as defined in Chapter 2 – Sanctions for Violating Ordinances of the Audubon County Code of Ordinances.

1. Each and every day that the violation is permitted to exist after notification shall constitute a separate offense.

2. Each and every violation (including each and every lot or parcel sold) or noncompliance with the separate provisions of this Ordinance shall constitute a separate offense.

3. The owner of the land, and any agent, engineer, land surveyor, contractor, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided herein.

4. Enforcement of a county infraction shall be pursuant to Iowa Code Section 331.307, as amended.

5. Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including, but not limited to, criminal prosecution, an order for abatement or injunctive relief.

6. Nothing herein contained shall prevent the County from taking such other lawful action as necessary to prevent or remedy any violation.

25.10.06 Other Legal Remedies. In addition to the penalties described above, the County Board or other proper local authorities of the County, as well as any owner of real estate within the jurisdiction of the County affected by the regulations, may institute any appropriate action or proceedings to prevent any 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 said premises.