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ZONING AND SUBDIVISION ORDINANCES - 2

FOR THE UNINCORPORATED AREA OF

MONONA COUNTY, IOWA

ADOPTED MARCH 7, 1978



ORDINANCE NO. 2
(ASSIGNED PER READOPTION)
(AUGUST 19, 1986)

ZONING AND SUBDIVISION ORDINANCE
FOR THE UNINCORPORATED AREA OF
MONONA COUNTY

ADOPTED March 7, 1978

Board of Supervisors

Elmer Savery, Chairman
Lester Bartels
Donald Loomis

June Geadelmann, County Auditor

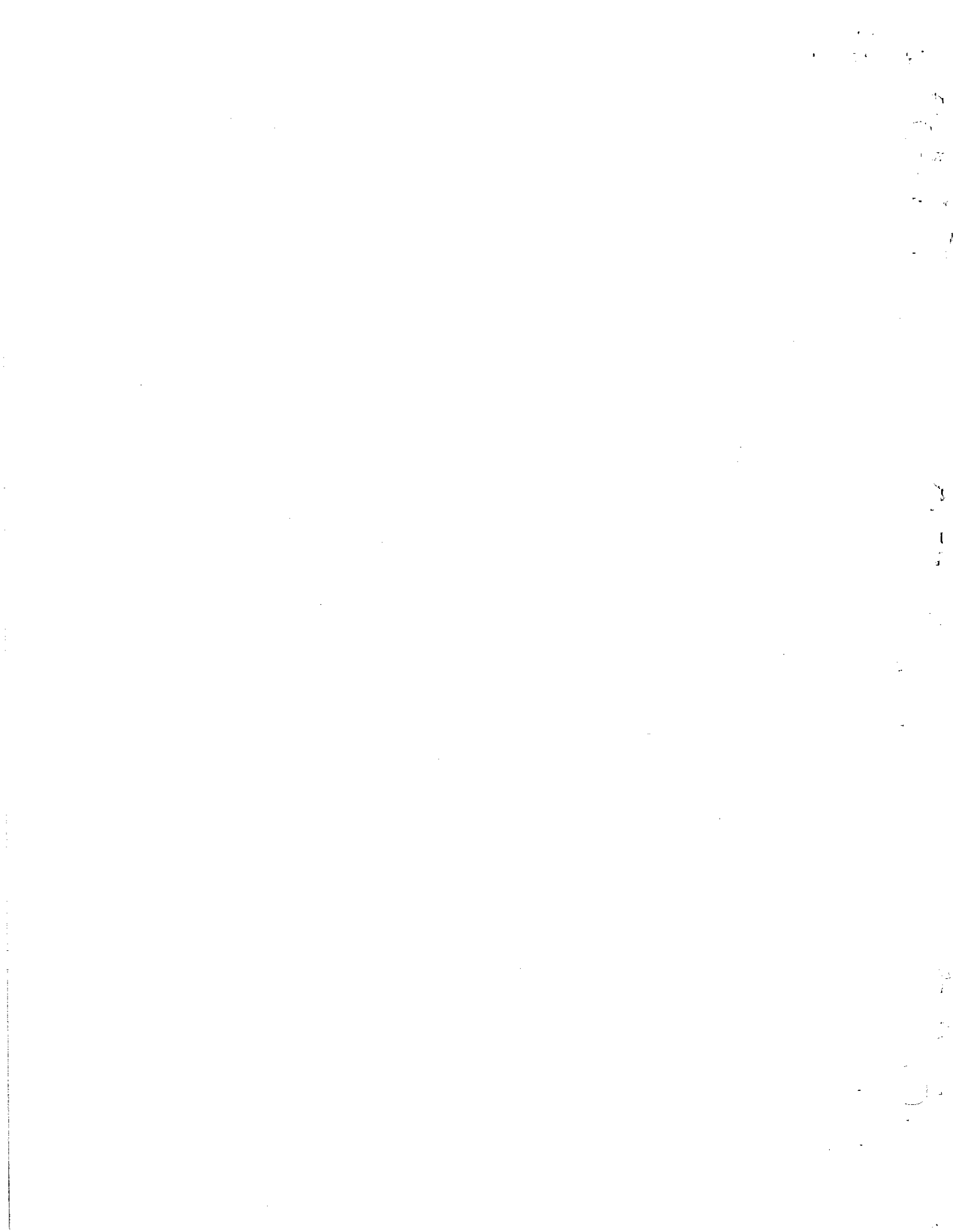
Planning and Zoning Commission

Jack D. Virtue, Chairman
James Alexander
Wm. G. Lehmborg
Leslie Maynard
E. W. Nun
Ned Perrin
Vincent R. Willey

Prepared by

Siouxland Interstate Metropolitan Planning Council

The preparation of this report and documents was financially aided through a Federal grant from the Department of Housing and Urban Development/Iowa Office for Planning and Programming, under the Comprehensive Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.



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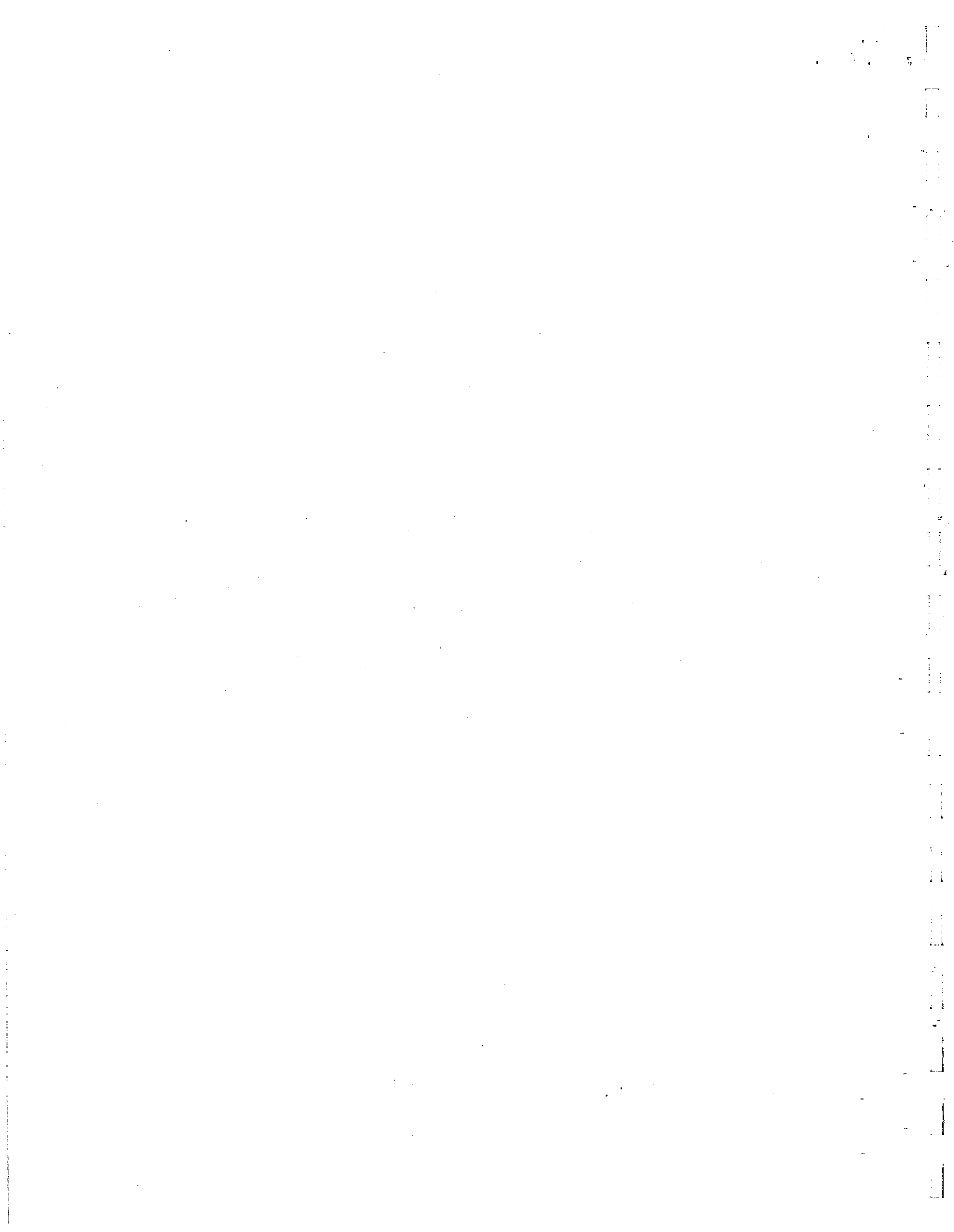
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The Zoning Ordinance Text and especially the Zoning Map are subject to occasional change through Amendments to the Ordinance. Information on Zoning Regulations and District Classifications pertaining to any specific property can be attained from the Zoning Administrator or the Zoning Commission.

ZONING ORDINANCE
FOR THE UNINCORPORATED AREA OF
MONONA COUNTY, IOWA

An ordinance establishing comprehensive zoning regulations for the unincorporated area of Monona County, Iowa, and providing for the administration enforcement, and amendment thereof, in accordance with the provisions of Chapter 358A, Code of Iowa, 1977.

WHEREAS, Chapter 358A, Code of Iowa, 1977, empowers the Board of Supervisors to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of Supervisors deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the County to enact such an ordinance; and

WHEREAS, the Board of Supervisors, pursuant to the provisions of Chapter 358A, Code of Iowa, 1977, has appointed a County Zoning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein; and

WHEREAS, the County Zoning Commission has divided the County into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan, designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to establish adequate provisions for transportation, water, sanitation, schools parks, and other public requirements; and

WHEREAS, the County Zoning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County; and

WHEREAS, the County Zoning Commission has made a preliminary report and held public hearings thereon, and submitted its final report to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings; and

WHEREAS all requirements of Chapter 358A, Code of Iowa, 1977, with regard to the preparation of the report of the County Zoning Commission and the subsequent action of the Board of Supervisors have been met; NOW, THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Monona County, Iowa:

SECTION I. Title.

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

SECTION 2. INTERPRETATION OF STANDARDS.

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

SECTION 3. FARMS EXEMPT.

In accordance with the provisions of Chapter 358A. Code of Iowa, 1977, as amended, no regulation or restriction adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or restrictions which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto. In order for land to be designated as land used for agricultural purposes, such land must be at least forty (40) acres in area, including any portion used for public roads.

SECTION 4. DEFINITIONS.

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, and 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.

Accessory Use or Structure: A use of structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Agriculture: The use of land for purposes of growing the usual farm products, including vegetables, fruit, trees and grains; pasturage; dairying; animal and poultry husbandry; and the necessary accessory uses for treating or storing the produce; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities.

Basement: A story having part but not more than one-half ($\frac{1}{2}$) of its height below grade. A basement is counted as a story for the purpose of height regulations.

Billboard: "Billboard" shall include all structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial

reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

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

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

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.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this ordinance a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

Cellar: That portion of a building having more than one-half ($\frac{1}{2}$) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

Clinic, Medical or Dental: A building or buildings in which physicians, dentists, or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.

Commission: The County Zoning Commission of Monona County, Iowa.

Day Nursery or Nursery School: Any private agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of pre-school age, for compensation.

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

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

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

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

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

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

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

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption no such family shall contain over four (4) persons.

Feed Lot: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs or sheep. A commercial feed lot is a feed lot, as defined by the Code of Iowa in which the number of livestock on feed make it necessary to obtain a permit for the feed lot from the Iowa Department of Environmental Quality, or in which the livestock on feed are owned by someone other than the owner of the feed lot.

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

Gas Station: Any building or premises used for the retail sale of liquified petroleum products for the propulsion of motor vehicles and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

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

Junk Yard: 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; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel, Dog: Any premises on which four or more dogs, six months old or older are kept.

Lot: For the purposes of this ordinance, a lot is a parcel of land of at

least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public road or 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.

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

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

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

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot.

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

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

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

Mobile Home: Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation.

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

Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.

Parking Space: A permanently surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking

of a motor vehicle. Space for maneuvering, incidental to parking, shall not encroach upon any public right-of-way.

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

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

Rooming House: A building where a room or rooms are provided for compensation to three (3) or more persons.

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 a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.

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.

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

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.

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

Street, Public: Any thoroughfare or public way which has been dedicated to the public or deeded to the County for street or road purposes.

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

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, poster panels, wells, water supply storage systems, septic tanks, and disposal systems, including sewage, sanitary, and other, and all parts thereof.

Trailer Park: See "Mobile Home Park".

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

and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upwards. 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.

Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building of any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

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

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

Zoning Administrator: The administrative officer appointed by the Board of Supervisors to administer and enforce the regulations included in this ordinance.

SECTION 5. ESTABLISHMENT OF DISTRICTS.

In order to carry out the purpose and intent of this ordinance the unincorporated area of Monona County, Iowa, is hereby divided into nine (9) zoning district classifications as follows:

AG	Agricultural District
CD	Conservation District
AR	Agricultural-Residential District
R-10	Suburban Residential District
RMH	Mobile Home Park District
CG	General Commercial District
CHS	Highway Service Commercial District
ML	Light Industrial District
MH	Heavy Industrial District

SECTION 6. BOUNDARIES AND OFFICIAL MAP.

The boundaries of these districts are indicated upon the Official Zoning Maps of Monona County, Iowa, which maps are made a part of this ordinance by reference hereto. The Official Zoning Maps and all the notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said maps were all fully described herein. The Official Zoning Maps shall be on file in the office of the Monona County, Iowa Zoning Administrator and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that these are the Official Zoning Maps referred to in Section 6 of the Zoning Ordinance.

If in accordance with the provisions of this ordinance changes are made in the district boundaries or other matter portrayed on the Official Zoning Maps, the resolution number and date of said change shall be recorded by the County Auditor on the Official Zoning Maps.

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

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

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

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

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

Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines;

Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Maps or if not dimensioned, shall be determined by the scale shown on the maps.

SECTION 7. GENERAL REGULATIONS.

- A. Conformance Required. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located. Every building erected or structurally altered shall be located on a lot as herein defined under Section 4 and in no case shall there be more than one dwelling unit on one lot unless otherwise provided in this ordinance.
- B. Street Frontage Required. Except as permitted in Section 20 of this ordinance, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty (20)

feet on at least one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single-family dwellings or for one (1) or more two-family or multiple dwellings.

- C. Accessory Buildings. No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five (5) feet from alley lines; and at least two (2) feet from lot lines of adjoining lots which are in any Residence District, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings may be erected as a part of the principal building or may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed twelve (12) feet in height. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

- D. Corner Lots. For corner lots, platted or of record after the effective date of this ordinance, the front yard regulation shall apply to each street side of the corner lot.

On corner lots platted or of record as of the effective date of this ordinance, the side yard regulation shall apply to the longer street side of the corner lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted to reduce the buildable width of the corner lot facing an intersecting street and of record as of the effective date of this ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

- E. Front Yard. In all residential districts there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed seventy-five (75) feet in any case.

- F. Required Yard Cannot Be Reduced. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. 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.
- G. Permits Previously Issued. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and/or required permits have been granted before the enactment of this ordinance; the construction of which in conformance with such plans shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.
- H. Zoning Districts Dividing Property. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification, and for the purpose of applying the regulations of this ordinance, each portion shall be considered as if in separate and different ownership.
- I. No land shall be occupied or used in any Zoning District which is subject to periodic flooding, undue erosion, or which contains poor drainage facilities. If, in the opinion of the Zoning Administrator any of such problems may exist, he may require the owner or builder to consult with and conform to recommendations of the Monona County Soil Conservation District. However, if the owner or builder agrees to make improvements which will correct these deficiencies, applications for Certificate of Compliance to use the land may be approved.

SECTION 8. NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USE OF STRUCTURES.

Statement of Intent. Within the various districts established by this ordinance or amendments that may later be adopted there exist 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 non-conformities 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. It is further the intent of this ordinance that such non-conformities shall not be enlarged upon, expanded or extended.

- A. Non-Conforming Use of Land, Use of Structures, and Structures in any Residential District.

1. Non-Conforming Use of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes non-conforming under the terms of this ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
 - b. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of this ordinance;
 - c. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.

2. Non-Conforming Use of Structures. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted entirely or in part to a use not permitted by this ordinance in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located;
 - b. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. No such use shall be extended to occupy any land outside such building;
 - c. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of a similar nature within the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use;

- d. In the event that a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land;
- e. Any structure devoted to a use made non-conforming by this ordinance that is destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided it be done within six (6) months of such happening and be built of like or similar materials.

3. Non-Conforming Structures. Where a structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

- a. No such structure may be enlarged or altered in a way which increases its non-conformity;
- b. Should such structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

B. Non-Conforming Use of Land, Use of Structures, and Structures in any District other than a Residential District.

- 1. Non-Conforming Use of Land. The regulations described in Section 8 (A-1), shall also apply to this subsection.
- 2. Non-Conforming Use of Structures. The regulations described in Section 8 (A-2), shall also apply to this subsection with the following exception:

Any structure in any district other than a residential district devoted to a use made non-conforming by this ordinance may be structurally altered or enlarged in conformity with the lot area, lot coverage, frontage, yard, height, and parking

requirements of the district in which located, provided such construction shall be limited to buildings on land owned, of record, by the owner of the land devoted to the non-conforming use prior to the effective date of this ordinance. Such structural alteration or enlargement shall not authorize the substitution of a non-conforming use that is less restrictive than the one to which the structure was devoted at the time of passage of this ordinance.

3. Non-Conforming Structures. The regulations described in Section 8 (A-3), shall also apply to this subsection.

C. Required Repairs.

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

- D. Definition. The word "used" or "occupied" in this Section eight (8) only, shall not include the words "intended, designed, or arranged to be used or occupied", but shall be limited in meaning to an actual physical use or occupation.

SECTION 9. AG DISTRICT REGULATIONS (Agricultural Districts).

Statement of Intent. The AG District is intended and designed to regulate the use of land, buildings and structures and the uses thereof within areas of the County where the soil, topography and other conditions are best suited to the pursuit of agriculture.

It is further intended that the density of dwellings be limited on highly productive agricultural lands. The primary purpose of dwellings in agriculture zoned lands should be subservient to and in connection with the productivity of said lands and that the permitted density should reasonably accommodate the agricultural needs while likewise preserving the essential agricultural character and use of productive lands within the County.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the AG District.

1. Agriculture and the usual agricultural buildings and structures including livestock feed lots, poultry farms, grain storage and grain drying facilities; provided however, that all feed lots and poultry farms meet all of the waste treatment requirements of the Iowa Water Pollution Control Commission and obtain the necessary permits, where applicable; and further provided that no feed lot which requires a permit from the Iowa Department of Environmental Quality or commercial poultry farm shall be located closer than one-half (½) mile (2640) feet to any AR, R-10, or RMH District boundary or to the corporate limits of any city or town.

2. One and two-family dwellings.
 3. Churches, chapels, temples, and similar places of worship.
 4. Public and parochial schools, elementary and secondary, and colleges and universities.
 5. Cemeteries, including mausoleums.
 6. Kennels for the raising, breeding and boarding of dogs or other small animals; providing that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.
 7. Nurseries, greenhouses and truck gardens.
- B. Special Use Permits. The following uses may be permitted in the AG District subject to approval by the Board of Adjustment after notice and public hearing. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:
1. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
 2. That such use shall not impair an adequate supply of light and air to surrounding property;
 3. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
 4. That such use shall not diminish or impair established property values in adjoining or surrounding property; and
 5. That such use shall be in accord with the intent, purpose and spirit of this ordinance and the Comprehensive Plan of Monona County.

The uses subject to the above provisions are as follows:

- a. Mink and chinchilla farms and ranches.
- b. Public or private aircraft landing fields.
- c. Mining and extraction of minerals and raw materials, including sand and gravel pits; subject to approval of the Iowa Natural Resources Council of any such operation located in or on the flood plain of any river or stream.
- d. Public or private sanitary landfills and solid waste disposal facilities.
- e. Private camp grounds, publicly owned parks, playgrounds, golf courses, and recreational areas.

- f. Private non-commercial recreational areas and centers, including country clubs, swimming pools, golf courses, riding stables, private gun clubs, skeet-shooting ranges and similiar uses; but not including miniature golf courses, drive-in theaters and similiar commercial uses.
- g. Automobile race tracks and/or drag strips.
- h. Any public building erected and used by any department of the Township, County, State or Federal Government, not previously allowed as a principal perimitted use.
- i. Public Sewage Treatment Facilities, provided, however, that no part of said facility be less than one thousand feet (1000') from any house or farm yard, and that approval of the Iowa DEQ & State Department of Health for said facility is secured but said approval will in no way be binding upon the Zoning Administrator, Monona County Board of Adjustment, or Monona County Board of Supervisors.
- j. Public water supply
- k. Electrical and natural gas transmission and regulating facilities.

Applications for a spacial use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

C. Permitted Accessory Uses.

- 1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
- 2. Private garage or carport.
- 3. One mobile home as living quarters for the owner or his spouse, or a full-time employee of the owner or his spouse, or the mother, father or children of the owner or his spouse, as long as so used.
- 4. The home office of a physician, dentist, artist, attorney, architect, engineer, teacher or other member of a recognized profession, in his bona fide place of residence.

5. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
 6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 7. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises, or lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.
 8. Church bulletin boards.
 9. Roadside stands for the sale of products grown on the premises.
 10. Signs, not exceeding ten (10) square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.
 11. Beauty parlors, provided that they be conducted solely by resident occupants in their place of abode; provided that not more than one-quarter ($\frac{1}{4}$) of the area of one (1) floor shall be used for such purposes; provided further, that such operation shall not require external alterations to said dwelling.
- D. Bulk Regulations. The following requirements shall be observed, subject to the modifications contained in Section 20.

Lot Area: Dwellings: No dwellings permitted on 1/16 (quarter-quarter) sections containing ninety (90) percent or more Soil Capability Classes I and II land:

one-half ($\frac{1}{2}$) acre minimum and one (1) acre maximum on 1/16 (quarter-quarter) sections containing twenty-five (25) percent or more Soil Capability Classes, I, II and III land, subject to the following density standard: no more than one (1) dwelling per 1/16 (quarter-quarter) section;

one (1) acre minimum for 1/16 (quarter-quarter) sections containing less than twenty-five (25) percent Soil Capability Classes I, II and III land.

AG District

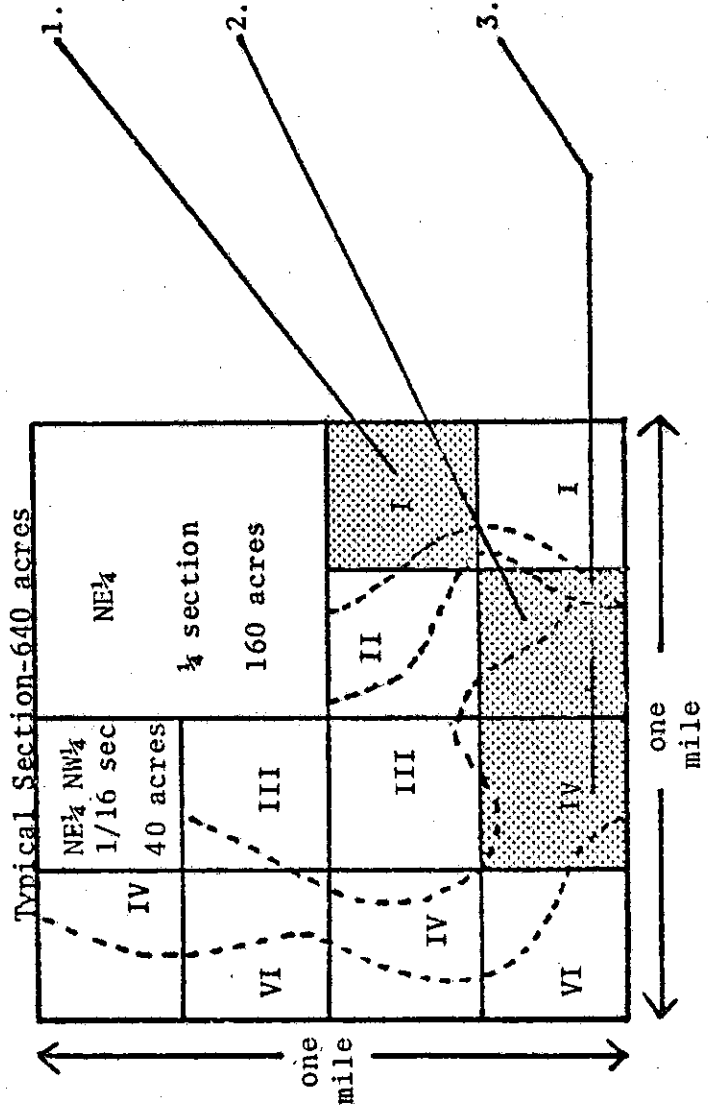
Lot Area Regulations -- Dwellings

AG District Zoning Category	Soil Class Combinations on 1/16 (quarter-quarter) sections	Maximum Dwelling Density per 1/16 section	Lot Area	
			Minimum	Maximum
A	90% or more combined I & II	0	--	--
B	25% or more combined I, II & III	1	½ acre	1 acre
C	less than 25% combined I, II & III	40*	1	no maximum

* Subject to subdivision regulations where applicable

EXAMPLES of Soil Class Combinations

80% Class I	10% Class I	0% Class I
+15% Class II	+10% Class II	+0% Class II
<u>95% indicates Category A</u>	<u>20% (below Category A level)</u>	+10% Class III
+ 5% Class III	+30% Class III	<u>10% indicates Category C</u>
<u>100%</u>	<u>50% indicates Category B</u>	+75% Class IV
	+50% Class IV	+15% Class VI
	<u>100%</u>	<u>100%</u>



Other permitted uses: no minimum required.

Monona County Assessor's records (based on the U.S.D.A. Soil Conservation Service Soil Survey for Monona County) will be utilized by the Zoning Administrator to determine Soil Class Percentages.

- Lot Width: 100 feet for zoning category B 200 feet for zoning category C.
- Front Yard: 75 feet.
- Side Yard: Dwellings: 1 and 1½ stories, total side yard--30 feet; minimum on one side--10 feet. 2 and 3 stories, total side yard--35 feet; minimum on one side--15 feet. other permitted uses--50 feet on each side.
- Rear Yard: 75 feet
- Maximum Height: No limitation
- Maximum Number of Stories: No limitation

- E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 18 and 19, except that an all weather surface may be used one one and two-family dwellings.

SECTION 10. CONSERVATION DISTRICT REGULATIONS

Statement of Intent. The Conservation District is intended to preserve and protect the heavily wooded areas of the County as well as the major river banks and flood plains from adverse future development. It is also intended that development of the flood plains be restricted to minimize the danger to life and property which results from development undertaken without full realization of such danger.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the Conservation District.
1. Agriculture, truck gardening and nurseries, and the usual accessory buildings; but not including commercial livestock feed lots or poultry farms.
 2. Forests and forestry.
- B. Special Use Permits. The following uses may be permitted in the Conservation District subject to approval by the Board of Adjustment after notice and public hearing. In its determination upon the

particular use at the location requested the Board shall follow the same procedures and considerations as required for Special Use Permits in the AG District.

The uses subject to the above provisions are as follows:

1. Publicly owned parks, playgrounds, golf courses, and recreational uses.
2. Any use erected or maintained by a public agency.
3. Private recreational uses including guest ranches, hunting, fishing and skiing resorts and camps; boat docks and marinas; provided however, that water supply and sewage collection and disposal systems shall meet all of the requirements of the Iowa State Health Department and the Iowa Water Pollution Control Commission.
4. Mining and extraction of minerals and raw materials; including plans for final site treatment; provided that in areas subject to flooding prior approval is obtained from the Iowa Natural Resources Council.
5. Public utility structures.
6. Dumping on non-combustible materials for land fill purposes; subject to prior approval of the Iowa Natural Resources Council & Iowa DEQ.

C. Permitted Accessory Uses.

1. Accessory uses customarily incidental to a permitted principal use.
2. Cabin and motel facilities, restaurants and gift shops where accessory to a permitted principal use.
3. Bulletin boards and signs appertaining to the use of the premises or to the lease, hire or sale of a building or premises, or signs appertaining to any material that is mined, grown, or treated within the District; provided however, that such signs shall not exceed 10 square feet in area.
4. Outdoor music festivals and concerts, provided that any assembly of more than 200 persons shall not be permitted without prior approval of the Board of Adjustment.

D. Bulk Regulations. The following minimum requirements shall be observed in the Conservation District.

1. Front Yard: 100 feet.
2. Side Yards: Two side yards, not less than 50 feet each.

- 3. Rear Yard: 100 feet.
- 4. Maximum Height: No limitation.
- 5. Maximum Number of Stories: No limitation.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in sufficient number to accommodate the permitted uses and shall not encroach on any public right-of-way in accordance with Sections 18 and 19.

SECTION 11. AR DISTRICT REGULATIONS (Agricultural-Residential Districts)

Statement of Intent. The AR District is intended and designed to provide for low density residential development in conjunction with agriculture.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the AR District.
 - 1. One and two-family dwellings, but not including a mobile home.
 - 2. Agriculture and the usual agricultural buildings and structures, including nurseries and truck gardens, but not including commercial livestock feed lots and poultry farms.
 - 3. Churches, chapels, temples, and similar places of worship; provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
 - 4. Public and parochial schools, elementary and secondary, and colleges and universities; provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.
 - 5. Publicly owned parks, playgrounds, golf courses, and recreation areas.
 - 6. Electrical and natural gas transmission and regulating facilities.
 - 7. Private non-commercial recreational areas, including country clubs, swimming pools, tennis clubs, golf courses and riding stables.
- B. Permitted Accessory Uses.
 - 1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
 - 2. Private garage or carport.
 - 3. The home office of a physician, dentist, artist, attorney, architect, engineer, teacher or other member of a recognized profession, in his bona fide place of residence.

4. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
 5. Customary home occupations such as the following: handicraft, dressmaking, millinery, laundering, preserving and homecooking.
 6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 7. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.
 8. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises, or subdivision lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.
 9. Church bulletin boards.
 10. Day nurseries and surserery schools.
- C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 20.
1. Lot Area:

One-family dwelling - 1 acre.
Two-family dwelling - 1 acre.
 2. Lot Width:

One-family dwelling - 200 feet.
Two-family dwelling - 200 feet.
 3. Front Yard: 75 feet.
 4. Side Yards:

1 and 1½ stories; total side yard - 30 feet, minimum on one side - 10 feet.
2 and 3 sotries; total side yard 40 feet, minimum on one side - 15 feet.
Churches and schools - 50 feet on each side.
 5. Rear Yard: 50 feet.
 6. Maximum Height:

Principal building - 35 feet.
Accessory building - 12 feet.
 7. Maximum Number of Stories:

Principal building - 3 stories
Accessory building - 1 story

- D. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 18 and 19.

SECTION 12. R-10 DISTRICT REGULATIONS (Suburban Residential Districts).

Statement of Intent. The R-10 District is intended and designed to provide for certain low-density residential areas of the County now developed with one-family and two-family dwellings, and areas where similar residential development seems likely to occur.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-10 District.
1. One and two-family dwellings, but not including a mobile home.
 2. Conversions of one-family dwellings into two-family dwellings in accordance with the lot area, frontage, height and yard requirements of this section.
 3. Churches, chapels, temples, and similar places of worship; provided that all principal buildings be set back a minimum of thirty-five (35) feet from all property lines.
 4. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Monona County public schools; provided that all principal buildings be set back a minimum of thirty-five (35) feet from all property lines.
 5. Publicly owned parks, playgrounds, golf courses, and recreation areas.
 6. Cemeteries.
 7. Agricultural uses, including nurseries and truck gardens; but not including the feeding or raising of livestock or poultry; provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises.
- B. Permitted Accessory Uses.
1. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
 2. Private garage or carport.
 3. The home office of a physician, dentist, artist, attorney, architect, engineer, teacher or other member of a profession, in his bona fide place of residence; provided that: not more

than one assistant shall be regularly employed therein, and no colleagues or associates shall use such office; not more than one-half the area of one floor shall be used for such office; no advertising sign or display shall be permitted except an indirectly lighted name plate not to exceed two (2) square feet in area, attached flat against the building. It is not the intention of this paragraph to include dance studios, music studios, beauty parlors or barber shops.

4. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two (2) per building.
 5. Customary home occupations such as the following: handicraft, dressmaking, millinery, laundering, preserving and homecooking.
 6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 7. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.
 8. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire or sale of a building, premises, or subdivision lots; which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased or construction completed.
 9. Church bulletin boards.
 10. Day nurseries and nursery schools.
- C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 20.

1. Lot Area: One-family dwelling-20,000 square feet.
Two-family dwelling-20,000 square feet.
2. Lot Width: One-family dwelling - 100 feet.
Two family dwelling - 100 feet.
3. Front Yard: 35 feet.
4. Side Yards: 1 and 1½ stories; total side yard - 20 feet, minimum on one side - 8 feet. 2 and 3 stories; total side yard - 25 feet, minimum on one side - 10 feet. Churches and schools - 35 feet on each side.

- 5. Rear Yard: 35 feet.
- 6. Maximum Height: Principal building - 35 feet.
Accessory building - 12 feet.
- 7. Maximum Number of Stories: Principal building - 3 stories
Accessory building - 1 story.

D. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 18 and 19.

SECTION 13. RMH DISTRICT REGULATIONS (Mobile Home Park Districts).

Statement of Intent. The RMH District is intended and designed to provide for certain high density residential areas of the County for the development of mobile home parks, which by reason of their design and location will be compatible with nearby residential and agricultural areas.

A. Principal Permitted Uses. Only the use of structures of land listed in this section shall be permitted in the RMH District.

- 1. Any use permitted in the R-10 District.
- 2. Mobile home parks, in accordance with the provisions of this section, regulations of the Monona County Board of Health and applicable State statutes.

B. Permitted Accessory Uses.

- 1. Accessory uses permitted in and as limited in the R-10 District.
- 2. Service buildings as required by State statute.
- 3. One indirectly lighted sign may be erected facing each public street or road on which the mobile home park fronts, showing the name of the mobile home park and other information pertinent thereto; provided that such sign shall not have an area or more than twenty (20) square feet.

C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 20.

- 1. For any permitted use except a mobile home park, the minimum requirements shall be the same as those set out for the R-10 District.
- 2. For any mobile home park the requirements shall be as follows:
 - a. The minimum total area shall be five (5) acres;
 - b. Each yard abutting on a public street or road shall be considered a front yard and shall be a minimum of fifty (50) feet;

- c. All other yards, whether side or rear, shall be a minimum of fifty (50) feet when adjacent to any other "R" district and thirty (30) feet when adjacent to an "A", "C" or "M" district;
 - d. The minimum lot space for each mobile home shall be 3,000 square feet and shall measure at least forty (40) by seventy-five (75) feet;
 - e. Mobile homes shall be located on each space so that there will be at least a twenty (20) feet clearance between each mobile home, a five (5) foot open space between the mobile home including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary; and a ten (10) foot open space at the rear of the mobile home.
- D. Plan Required. Each petition for a change to the RMH zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yard, parking facilities, lighting and landscaping. Facilities for water supply and sewage treatment shall meet the requirements of the Iowa State Health Department and the Iowa Water Pollution Control Commission. The plan shall be considered by the Zoning Commission and the Board of Supervisors, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of this ordinance. All changes to the RMH classification shall be made in accordance with the provisions of Section 26 of this ordinance.

SECTION 14. CG DISTRICT REGULATIONS (General Commercial Districts).

Statement of Intent. The CG District is intended to provide for the normal business and commercial uses required to serve the general needs of the County.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the CG District.
 - 1. Any use permitted in the R-10 District.
 - 2. Retail business, service establishments or recreational uses such as the following:
 - a. Animal hospitals, veterinary clinics, and kennels.
 - b. Antique shops.
 - c. Apparel shops.
 - d. Art Shops.
 - e. Automobile accessory stores.
 - f. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots); including as incidental to these major uses all repair work in connection with their own or customers' vehicles.

- g. Bakeries or baker outlets.
- h. Banks, savings and loan associations and similar financial institutions.
- i. Barber shops and beauty parlors.
- j. Bicycle shops.
- k. Billiard parlors and pool halls.
- l. Book stores.
- m. Bowling alleys.
- n. Camera Stores.
- o. Carpenter and cabinet making shops.
- p. Car wash.
- q. Commercial swimming pools, skating rinks, golf driving ranges, miniature golf courses and similar recreational uses and facilities.
- r. Clothes cleaning and laundry pick-up stations.
- s. Collection office of public utility.
- t. Confectionery stores, including ice cream or snack bars.
- u. Dairy stores.
- v. Department stores.
- w. Dance halls.
- x. Dance studios.
- y. Drug stores.
- z. Dry goods stores.
- aa. Florist shops.
- bb. Funeral homes and mortuaries.
- cc. Furniture stores.
- dd. Gas stations.
- ee. Garage for general motor vehicle repair including body and fender work, but not including automobile, tractor or machinery wrecking and used parts yards.
- ff. Gift shops.
- gg. Grocery stores, including supermarkets.
- hh. Hardware stores.
- ii. Hotels and motels.
- jj. Household appliances - sales and repair.
- kk. Jewelry stores and watch repair shops.
- ll. Launderettes, coin-operated dry cleaning establishments, and dry cleaning or pressing establishments using only non-flammable solvents.
- mm. Lawn mower repair shops.
- nn. Locker plant for storage and retail sales only.
- oo. Leather goods stores.
- pp. Lumber yards.
- qq. Monument sales yards.
- rr. Music stores.
- ss. Music studios.
- tt. Office buildings.
- uu. Paint and wallpaper stores.
- vv. Pet shops.
- ww. Photographic studios, printing and developing establishments.
- xx. Plumbing and heating shops.

- yy. Printing and lithographing shops.
- zz. Public auction rooms.
- aaa. Radio and television sales and repair shops.
- bbb. Restaurants, including drive-in restaurants.
- ccc. Sheet metal shops.
- ddd. Sporting goods stores.
- eee. Tailor and dressmaking shops.
- fff. Taverns and night clubs, including private clubs.
- ggg. Theaters, including drive-in theaters.
- hhh. Toy stores.
- iii. Upholstering shops.
- jjj. Used car sales lots.
- kkk. Variety stores.

3. Combinations of the above uses.

4. Hospitals, medical and dental clinics.

5. The office of a doctor, dentist, osteopath, chiropractor, optometrist or similar profession.

6. Business and professional offices including the following: law, engineering, architecture, real estate, insurance, accounting and bookkeeping and similar uses.

7. Outdoor advertising signs and billboards, provided that the yard and height requirements for a principle structure are met.

8. Recreational Vehicle Parks.

a. Location. Recreational Vehicle Parks and their accessory buildings may be located only in the following districts: CG (General Commercial District), CHS (Highway Service Commercial District), ML (Light Industrial District) and are to be used only for temporary parking of recreational vehicles, further described as a vehicle designed as a temporary dwelling and not exceeding eight (8) feet in width and not exceeding thirty-two (32) feet in length, for a period of time not to exceed thirty (30) days during any one (1) calendar year.

b. Minimum requirements for Park.

Front Yard:	Same as district.
Side yard:	Thirty-five (35) feet and shall be screened from adjacent property access by planting screen not less than ten (10) feet in width, or by an unclimable fence wall.
Rear yard:	Thirty-five (35) feet and shall be screened from adjacent property access by planting screen not less than ten (10) feet in width, or by an unclimable fence wall.

Minimum area: Two (2) acres.
Drives: Twenty-five (25) feet in width with an asphaltic or portland cement binder pavement or similar surface, as approved by the County Engineer.
Service Building: A common service building providing an office, laundry facilities, and accessory supplies may be included in the "parks" provided such building shall be located within the central "park" area and shall be restricted to the use of the park occupants.

c. Space requirements for each recreational vehicle.

Minimum: Twenty (20) feet by fifty-five (55) feet.
Off-driveway parking: One (1) parking space for and within the area of each space.
Minimum Front Yard: Ten (10) feet.
Minimum Rear Yard: Five (5) feet.
Minimum Side Yard: Five (5) feet.
Vehicle Separation: The minimum distance between any two (2) recreational vehicles shall be not less than ten (10) feet.

- d. Site plan requirements. A site plan of the park prepared at a scale of not less than 1"=100' shall be submitted with an application for Zoning Compliance for review and consideration by the Zoning Administrator. All drainage and public utility facilities shall be shown; and proposed methods of storm water removal waste removal, and water distribution shall be stated on the plan.
All points of ingress and egress must be clearly shown.
All provisions of the Monona County Zoning Ordinances not in conflict will apply.

B. Permitted Accessory Uses.

1. Accessory uses permitted in the R-10 District.
2. Storage of merchandise incidental to the principal use.
3. Exterior signs located on the street frontages of principal buildings referring only to a use or uses located within such building, and attached or integral thereto, provided that:
 - a. Such signs shall not have an aggregate surface area in excess of twenty-five (25) percent of the total surface area of the building elevation to which they are attached;

- b. Signs which project out from the building more than eighteen (18) inches must be at least twelve (12) feet above grade and may project a maximum of six (6) feet;
- c. No sign shall project more than four (4) feet above the roof line or parapet where one exists.

4. One free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, provided however:

- a. That such sign shall not have a surface area in excess of one hundred (100) square feet on any one side and not more than two sides of said sign shall be used for advertising purposes;
- b. The bottom of the surface area of such sign shall not be less than twelve (12) feet above the ground surface upon which it is erected.

C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 20.

- 1. Lot Area: Same as required in the R-10 District for residential uses. No minimum requirements for any other permitted uses.
- 2. Lot Area Per Dwelling Unit: Same as required in R-10 District.
- 3. Lot Width: Same as required in R-10 District for residential uses. No minimum requirement for any other permitted uses.
- 4. Front Yard: 50 feet.
- 5. Side Yards: Same as required in R-10 District for residential uses. No minimum requirement for any other permitted uses, except when adjoining any "R" district or street right-of-way line, in which case twenty-five (25) feet.
- 6. Rear Yard: 40 feet.
- 7. Maximum Height: 45 feet.
- 8. Maximum Number of Stories: 3 stories.

D. Off-street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 18 and 19.

SECTION 15. CHS DISTRICT REGULATIONS (Highway Service Commercial Districts).

Statement of Intent. The CHS District is designed to provide for the general

commercial needs of the highway traveling public. It is intended that this district be located only along major Federal and State highways.

A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the CHS District.

1. Retail, service or recreational uses, such as the following:

- a. Automobile accessory stores.
- b. Barber shops and beauty parlors.
- c. Bowling alleys.
- d. Car wash.
- e. Drug stores.
- f. Gas stations, including minor automobile repairs as accessory but not principal use.
- g. Gift shops.
- h. Grocery stores.
- i. Miniature golf courses and golf driving ranges.
- j. Motels and motor hotels.
- k. Offices, business and professional.
- l. Restaurants, including drive-in restaurants.
- m. Self-service laundry and dry cleaning establishments.
- n. Swimming pools.
- o. Taverns, bars and nightclubs.
- p. Travel and tourist information centers.
- q. Truck stops, including minor repairs as accessory but not principal permitted use.

2. Combinations of the above uses.

B. Permitted Accessory Uses.

1. Accessory uses customarily incidental to a principal permitted use.
2. Any exterior or roof sign; provided no such sign shall project more than eight (8) feet above the roof line.
3. One free standing or post sign referring only to a use or uses conducted on the premises may be erected in any yard abutting a public street, road or highway, provided however:
 - a. That such sign shall not have a surface area in excess of two hundred (200) square feet on any one side and not more than two sides of said sign shall be used for advertising purposes;
 - b. The bottom of the surface area of such sign shall not be less than twelve (12) feet above the ground surface upon which it is erected.

C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 20.

1. Lot Area: No minimum requirement.
2. Lot Width: No minimum requirement.
3. Front Yard: 50 feet.
4. Side Yards: No minimum requirement.
5. Rear Yard: 40 feet.
6. Maximum Height: 45 feet.
7. Maximum Number of Stories: 3 stories.

D. Off-Street Parking and Loading. Spaces for off-street parking and shall be provided in accordance with the provisions of Section 18 and 19.

SECTION 16. ML DISTRICT REGULATIONS (Light Industrial Districts).

Statement of Intent. The ML District is intended and designed to provide areas of the County suitable for activities and uses of a light industrial nature. It is not intended that any new residential development be permitted in the ML District.

- A. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the ML District.
1. Any use permitted in the CG District, except that no new residential uses shall be permitted, unless accessory to a permitted principal use.
 2. Bag, carpet and rug cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
 3. Blacksmith, welding or other metal working shops.
 4. Carting, express, hauling or storage yards.
 5. Concrete mixing, concrete products manufacture.
 6. Contractors equipment storage yard, rental of equipment to contractors, storage yard for delivery vehicles.
 7. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing and cold storage plant.
 8. Enameling, lacquering or japanning.
 9. Flammable liquids, underground storage only, not to exceed 50,000 gallons.

10. Laboratories - experimental, film or testing.
11. Machine shop.
12. Manufacture of musical instruments and novelties.
13. Manufacture or assembly of electrical appliances, instruments and devices.
14. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
15. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilating equipment.
16. Manufacture of wood products not involving chemical treatment.
17. The manufacturing, compounding, processing, packaging, or treatment of cosmetics, pharmaceuticals and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour and the rendering or refining of fats and oils.
18. The manufacture, compounding, assembling or treatment of of articles or merchandise from previously prepared materials such as bone, cloth, cork, fibre, leather, paper, plastics, metals or stones, tobacco, wax, yarns and wood.
19. Sawmill, planing mill; including manufacture of wood products.
20. Storage and sale of livestock feed and grain providing dust is effectively controlled; storage and sale of liquid or solid fertilizers.
21. Truck terminals or yards.
22. Wholesale storage and warehouse establishments.

B. Permitted Accessory Uses.

1. Signs permitted in and as limited by the CG District.
2. Accessory uses customarily incidental to a permitted principal use.

- C. Required Conditions. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with the regulations of the Iowa Water Pollution Control Commission and the Iowa Air Pollution Control Commission.

D. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 20.

1. Front Yard: 75 feet.
2. Side Yards: None required, except when adjacent to any "R" District, or street right-of-way line; in which case twenty-five (25) feet.
3. Rear Yard: Fifty (50) feet, provided however, that for every foot the front yard is increased over seventy-five (75) feet, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.
4. Maximum Height: 75 feet; provided however, that no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.
5. Maximum Number of Stories: No limitation.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 18 and 19.

SECTION 16A. PLANNED DEVELOPMENT DISTRICT.

Statement of Intent. The planned development district is intended to be appended to the General Commercial District, Highway Service Commercial District, or the Light Industrial District and to provide for business and commercial uses which because of their size or location or design concept are not adequately provided for in the General Commercial District, Highway Service Commercial District, or the Light Industrial District. This district is designed to serve both the general rural and also urban needs of the County.

- A. Principal Permitted Uses. Only the use of structures or LAND PERMITTED BY THE ZONING CLASSIFICATION TO WHICH THE PLANNED development district classification is appended shall be permitted.
- B. Permitted Accessory Uses. Only the use of structures or land permitted by the zoning classification to which the planned development district classification is appended shall be permitted.
- C. Bulk Regulations. The minimum requirements where the planned development district is appended shall be no less than the minimum bulk requirements of the district to which it is appended; provided,

however, that the Zoning Commission may recommend and the Board of Supervisors may with or without the recommendation of the Zoning Commission require minimum bulk requirements more stringent than those controlling the districts to which the planned development district is appended.

D. Special Provisions.

1. The entire parcel of land in a planned development district shall be considered as one lot.
2. The Zoning Commission and/or the Board of Supervisors may require such reasonable information to be provided to them as shall enable them to make a decision upon the petition of those desiring the zoning change. Such information may include but not be limited to the following:
 - a. Market Surveys.
 - b. Evidence as to need.
 - c. Topographical studies.
 - d. Plans for water supply and sewage disposal both present and future.
 - e. Order of development of various parts of the parcel.
 - f. An approximate cost of the various segments of the parcel when developed.
 - g. Traffic counts both prior to the zoning application and anticipated in the event the application is granted. Data available from the County will be furnished to the applicant upon request but all other cost relating to traffic surveys will be borne by the applicant.
3. The planned development district may be appended to a petition for zoning change to General Commercial, Highway Service Commercial, Highway Service Commercial, or the Light Industrial either at the time of the original filing of the petition or thereafter consistent with the Monona County Zoning Ordinance as it now exists or is hereafter amended.

E. Procedure. Petitioners requesting a planned development district shall submit a site plan, with dimensions, of the proposed development as an exhibit accompanying the petition for the change in zoning and the site plan shall show the following:

1. All land and its use and ownership within 1,000 feet of the district to be rezoned.
2. Proposed landscaping stating types of grass and shrubs or other material used in said landscaping and in respect to shrubs, the size thereof at planting and a description including size of the shrub and trees at maturity.
3. A description and an artist's conception of the outside of the buildings to be built.

- a. A description of the material used for surfacing parking areas and drives within the district.
 - b. A description of the exterior lighting to be provided.
 - c. A description of the manner in which solid and liquid waste will be disposed.
 - d. Such other information as may be desired and useful to the Zoning Commission and Board of Supervisors.
4. The location of driveways and the points of ingress and egress, including access roads and routes of access to main highways.
 5. A showing of compliance of State and Federal laws and regulations relating to the Project shall be made prior to approval by the Board of Supervisors.
- F. The site plan as finally approved shall be binding upon the petitioner his heirs, successors or assigns, and shall be a perpetual covenant running with the land inuring to the benefit of the public and shall be part of the Zoning Ordinance.
- G. Time of Essence. It is not the purpose of this zoning classification to promote speculation but rather to promote the orderly uses of land in Monona County, Iowa, and time is therefore of essence in the granting of this zoning classification. To this end the following maximum time requirements are hereby established.
1. Site development by way of grading, filling or otherwise, shall be completed within eight (8) months of the effective date of the zoning change.
 2. Water mains and sewage disposal facilities shall be completed within twelve (12) months of the effective date of the zoning change.
 3. A start on at least sixty per cent (60%) of the buildings proposed, measured by square footage, shall be made within two (2) years of the change in classification and be completed within three (3) years of the effective date of the zoning change.
 4. Variances to the above requirements may be granted by the Board of Adjustment as by law provided.
- H. Minor Changes. It is recognized that during the course of construction in a planned development district that unanticipated facts may arise which would necessitate changes in construction which would not affect the total concept of the particular planned development district. It is the intent of this ordinance to make it possible to effectuate such minor changes as expeditiously as possible but still protecting the public interest.
1. Procedure. Any petitioner wishing for minor changes in a particular planned development district will make application

for such to the Monona County Board of Supervisors on forms provided by the Board of Supervisors and shall attach thereto the site plan as it pertains to the minor change...In said application, the petitioner will state the original way or manner or requirement as shown in the site plan, the facts which necessitate a change and the proposed change and estimated cost thereof. The Supervisors may or may not refer the application to the Zoning Commission for their opinion. Public notice of the proceedings, and notification of adjacent property owners shall be given before acting on any minor change request.

- 1-1. Penalty. In the event that a petitioner under a planned development district fails to adhere to his site plan or to any of the requirements of the ordinance, then at any time after such violation and upon publication and notice of time and place of hearing thereon, the Board of Supervisors may revoke the zoning change and, if revoked, the zoning classification of the parcel involved shall revert to its classification prior to its designation as a planned development district. Said notice shall be made as provided by the Iowa Rules of Civil Procedure.
- 1-2 Penalty. As insurance for faithful performance the petitioner for a planned development district classification may be required to furnish a bond with his application in the amount of ten per cent (10%) of the estimated cost of the buildings to be erected thereon and should the petitioner fail to comply with his site plan or with these zoning ordinances then in that event his bond will be forfeited to the County and placed in the general fund. Such bond shall not be forfeited until hearing upon such forfeiture shall be had before the Board of Supervisors.
- 1-3 Penalty. Any other penalty provided by these ordinances or the laws of the State of Iowa including criminal penalties.

SECTION 17. MH DISTRICT REGULATIONS (Heavy Industrial Districts).

Statement of Intent. The MH District is intended and designed to provide areas of the County for activities and uses of a heavy industrial character. Since this is the least restrictive of any district, almost any use is permissible which does not conflict with other ordinances or regulations of Monona County or the State of Iowa. In addition, no residential uses are permitted except farm dwellings in areas used for agriculture.

- A. Principal Permitted Uses. A building or premises may be used FOR ANY PURPOSE whatsoever provided the regulations listed in subparagraphs 1, 2 and 3 below are met:
 1. No zoning certificate shall be issued for any use in conflict with any ordinance of Monona County or law of the State of Iowa regulating nuisances.
 2. No zoning certificate shall be issued for any dwelling, school,

hospital, clinic, or other institution for human care, except where incidental to a permitted principal use.

3. The following uses and uses of a like or similar nature shall be considered permitted principal uses only in the MH District:
 - a. Abattoirs, slaughter houses, meat packing plants and stock-yards.
 - b. Acid manufacture or wholesale storage of acids.
 - c. Anhydrous ammonia storage.
 - d. Automobile, tractor or machinery wrecking and used-part yards; provided that any wrecking operation is carried on within a building completely enclosed with walls and roof or within a yard completely enclosed with a wall or fence, reasonably maintained, at least six (6) feet high completely obscuring the activity. Said wall or fence need be no higher than fifteen (15) feet, in any event. There shall be only one opening in the wall or fence facing any public street for each two hundred (200) feet of length.
 - e. Cement, lime, gypsum or plaster of paris manufacture.
 - f. Distillation of bones.
 - g. Explosive manufacture or storage.
 - h. Fat rendering.
 - i. Fertilizer manufacture.
 - j. Garbage, offal or dead animal reduction or dumping.
 - k. Gas manufacture and cylinder recharging.
 - l. Glue, size or gelatin manufacture.
 - m. Junk, iron or rags, storage or baling, and wastepaper yards, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence not less than six (6) feet in height, completely obscuring the activity.
 - n. Petroleum or its products, refining or wholesale storage of, and asphalt plants.
 - o. Rubber goods manufacture.
 - p. Smelting of tin, copper, zinc or iron ores.
 - q. Transmitting stations.
 - r. Wholesale storage of gasoline or other flammable liquids.

B. Required Conditions.

1. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed.
2. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with the regulations of the Iowa Water Pollution Control Commission and the Iowa Air Pollution Control Commission.

3. All principal or accessory structures housing a use permitted only in the MH District shall be located at least two hundred (200) feet from any "AR", "CD" or "R" District boundary.
- C. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 20.
1. Front Yard: 100 feet.
 2. Side Yards: None required, except when adjacent to any street right-of-way line, in which case twenty-five (25) feet.
 3. Rear Yard: Fifty (50) feet, except that where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
 4. Miximum Height: No limitation; provided, however, that no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.
 5. Maximum Number of Stories: No limitation.
- D. Off-street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Sections 18 and 19.

SECTION 18. OFF-STREET LOADING SPACES REQUIRED.

- A. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet.
1. Each loading space shall be not less than twelve (12) feet in width and forty (40) feet in length.
 2. Such space may occupy all or any part of any required yard or open space, except where adjoining an "R" District, it shall be set back five (5) feet and effectively screen-planted.

SECTION 19. OFF-STREET PARKING AREA REQUIRED.

A. In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.

1. Automobile sales and service garages - fifty (50) percent of gross floor area.
2. Banks, clinics, business and professional offices - fifty (50) percent of gross floor area, but in no case less than ten (10) spaces.
3. Bowling alleys - five (5) spaces for each lane.
4. Churches and schools - one (1) parking space for every thirty (30) square feet of principal auditorium, including balcony, if any. Where no auditorium is involved, one (1) parking space for each staff member.
5. Dance halls, assembly halls - two hundred (200) percent of floor area used for dancing, or assembly.
6. Dwelling - one (1) parking space for each family or dwelling unit.
7. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.
8. Furniture and applicance stores, household equipment, or furniture repair shops - one hundred (100) percent of floor area.
9. Hospitals. one (1) space for each five (5) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.
10. Hotels, motels, lodging houses - one (1) space for each bedroom.
11. Manufacturing plants - One (1) parking space for each three (3) employees on the maximum working shift, but in no case less than one (1) space for each five hundred (500) square feet of gross floor area.
12. Nursing, convalescent and retirement homes - one (1) space per eight (8) beds, plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.
13. Restaurants, taverns and night clubs - two hundred (200) percent of gross floor area.

14. Retail stores, shops, super markets, etc., over two thousand (2,000) square feet floor area - two hundred fifty (250) percent of gross floor area.
 15. Retail stores, shops, super markets, etc., under two thousand (2,000) square feet floor area - one hundred (100) percent of gross floor area.
 16. Theaters, assembly halls with fixed seats and sports arenas - one (1) space for each five (5) seats.
 17. Wholesale establishments or warehouses - one (1) space for each two (2) employees, but in no case less than one (1) space for each one thousand (1,000) square feet of gross floor area.
- B. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.
- C. Where a parking lot does not abut on a public or private street, road, alley or easement of access, there shall be provided an access drive not less than ten (1) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any agricultural or residence district, except where serving a permitted use in an agricultural or residence district.
- D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
1. No part of any parking space shall be closer than five (5) feet to any established street right-of-way line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen-planted.
 2. All required off-street parking areas, shall be surfaced with an asphaltic or portland cement binder pavement or similar surface, as approved by the County Engineer, so as to provide a durable and dustless surface. They shall be graded and drained to dispose of all surface water accumulation within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
 3. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any "R" District.
- E. Off-street parking areas in residential districts shall be provided

on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of this section; except that no required off-street parking or loading areas shall be located in any required front yard in a residence district.

SECTION 20. EXCEPTIONS AND MODIFICATIONS. The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations:

- A. Use of Existing Lots of Record. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of this ordinance irrespective of its area or width; provided, however:
 1. The sum of the side yard widths of any such lot or plot shall not be less than thirty (30) percent of the width of the lot, but in no case less than ten (10) percent of the width of the lot for any one side yard.
 2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet.
- B. Structures Permitted Above the Height Limit. The building height limitations of this ordinance shall be modified as follows:
 1. Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of Monona County; provided, however, that no such structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.
- C. Area Requirements.
 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 frontage requirements shall be as follows, or the minimum required for the particular district, whichever is the greater:
 - a. Lot area - twenty thousand (20,000) square feet; lot width at building line - one hundred (100) feet; provided, however, that where a public water supply system is available these requirements shall be fifteen thousand (15,000) square feet, and eighty (80) feet respectively.
 - b. The above requirements shall not apply in subdivision developments, providing private water supply and sewage collection

and disposal systems, which have been approved by the Iowa State Department of Health and the Iowa Water Pollution Control Commission.

- D. Double Frontage Lots. Buildings on through lots extending through from street to street shall provide the required front yard on both streets.
- E. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for the ordinary projections of sills, belt courses, roof overhang, cornices and ornamental features projecting not to exceed twenty-four (24) inches, and in case of wells, water supply storage systems, septic tanks, and disposal systems, including sewage, sanitary, and other, all parts of which shall be not less than thirty (30) feet from the right-of-way.
- F. Mixed-Use Yard Requirements. In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.

SECTION 21. BOARD OF ADJUSTMENT: PROCEDURE.

- A. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members appointed by the Board of Supervisors. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute.
- B. Meetings. The meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.
- C. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of Monona County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days of the decision by filing with the Zoning Administrator and with the Board 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 from is taken.

An appeal stays all proceedings in furtherance of the action

appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

The Board shall fix a reasonable time for the hearing on the appeal, given public notice 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 or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of ten dollars (\$10) to the County Treasurer to cover the costs of the hearing and the preparation and mailing of notices.

SECTION 22. BOARD OF ADJUSTMENT: POWERS AND DUTIES.

The Board shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in enforcement of this ordinance.
- B. To grant a variation from the terms of this ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would result in unnecessary hardship; provided, however, that all variations granted under this clause shall be in harmony with the general purpose and intent of this ordinance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 28 of this ordinance.

Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- C. To permit the following exceptions to the district regulations set forth in this ordinance, provided all exceptions shall by their design

construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:

1. To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
 2. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this ordinance, but in no case shall such extension of the district boundary line exceed fifty (50) feet in any direction
- D. To issue special permits and decide such matters as may be required by other Sections of this ordinance.

SECTION 23. DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's decision, shall be filed in the office of the Board, and shall be open to public inspection.

Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of Monona County, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

SECTION 24. CERTIFICATE OF ZONING COMPLIANCE. 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

certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this ordinance; provided, however that no permit shall be required for agricultural uses.

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 therefor 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 non-conforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

Applications for Certificates of Zoning Compliance shall be filed with the Zoning Administrator and upon approval shall be issued within seven (7) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. A permit fee of five dollars (\$5) shall be charged for the issuance of a Certificate of Zoning Compliance.

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

A Certificate of Zoning Compliance shall be required of all non-conforming uses. Application for a certificate for non-conforming uses shall be filed with the Zoning Administrator within twelve (12) months from the effective date of this ordinance, accompanied by affidavits of proof that such non-conforming use was legally established prior to the effective date of this ordinance.

SECTION 25. PLANS.

Each application for a Certificate of Zoning Compliance shall be accompanied by a plan in duplicate 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. A record of applications and plans shall be kept in the office of the Zoning Administrator.

SECTION 26. AMENDMENTS.

The Board of Supervisors may, from time to time, on its own action or on petition, after public notice and hearings as provided by law; and after report by the County Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Supervisors.

- A. Procedures. Whenever any person, firm or corporation desires that any amendment, or change be made in this ordinance, including the text and/or map, as to any property in the County, and there shall be presented to the Board of Supervisors a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) percent of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty (50) percent of the area of all real estate lying outside of said tract but within five hundred (500) feet of the boundaries thereof, it shall be the duty of the Board of Supervisors to vote upon such petition within a reasonable time after the filing of the petition.

Prior to voting or holding a public hearing upon the petition as submitted, the Board of Supervisors shall refer the petition to the County Zoning Commission requesting their comments and recommendations. The Commission, after public hearing, shall advise the Board of Supervisors of their recommendations and the vote thereon.

In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent of more of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least two-thirds (2/3) of all members of the Board of Supervisors. Whenever any petition for amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established shall have been denied by the Board of Supervisors, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of the filing of the first petition.

- B. Filing Fees. Before any action shall be taken as provided in this section, the owner or owners of the property proposed or recommended to be changed in the district regulations or district boundaries shall pay to the County Treasurer the sum of thirty dollars (\$30) to cover the costs of the procedure. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

SECTION 27. ZONING ADMINISTRATOR.

There is hereby created the position of Zoning Administrator who shall be appointed by the Board of Supervisors. The Zoning Administrator shall administer and enforce the provisions of this ordinance and shall have the following powers and duties, in connection therewith:

- A. He shall issue all permits and certificates required by this ordinance.

B. If he shall find that any of the provisions of this ordinance are being violated; he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.

The Board of Supervisors, may, by resolution, delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the County, or of any city, town or governmental subdivision within the County or may combine the powers and duties of this office with any other office or position.

SECTION 28. VIOLATION AND PENALTIES.

The violation of any of the provisions of this ordinance shall constitute a misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon conviction shall be subject to a fine of not more than one hundred dollars (\$100) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

SECTION 29. SEVERABILITY CLAUSE.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 30. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 31. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved by the Board of Supervisors of Monona County, Iowa,
the 7 day of March, 1978.

Donald E. Loomis
Chairman

Attest

June Geadelmann
Auditor

State of Iowa
County of Monona

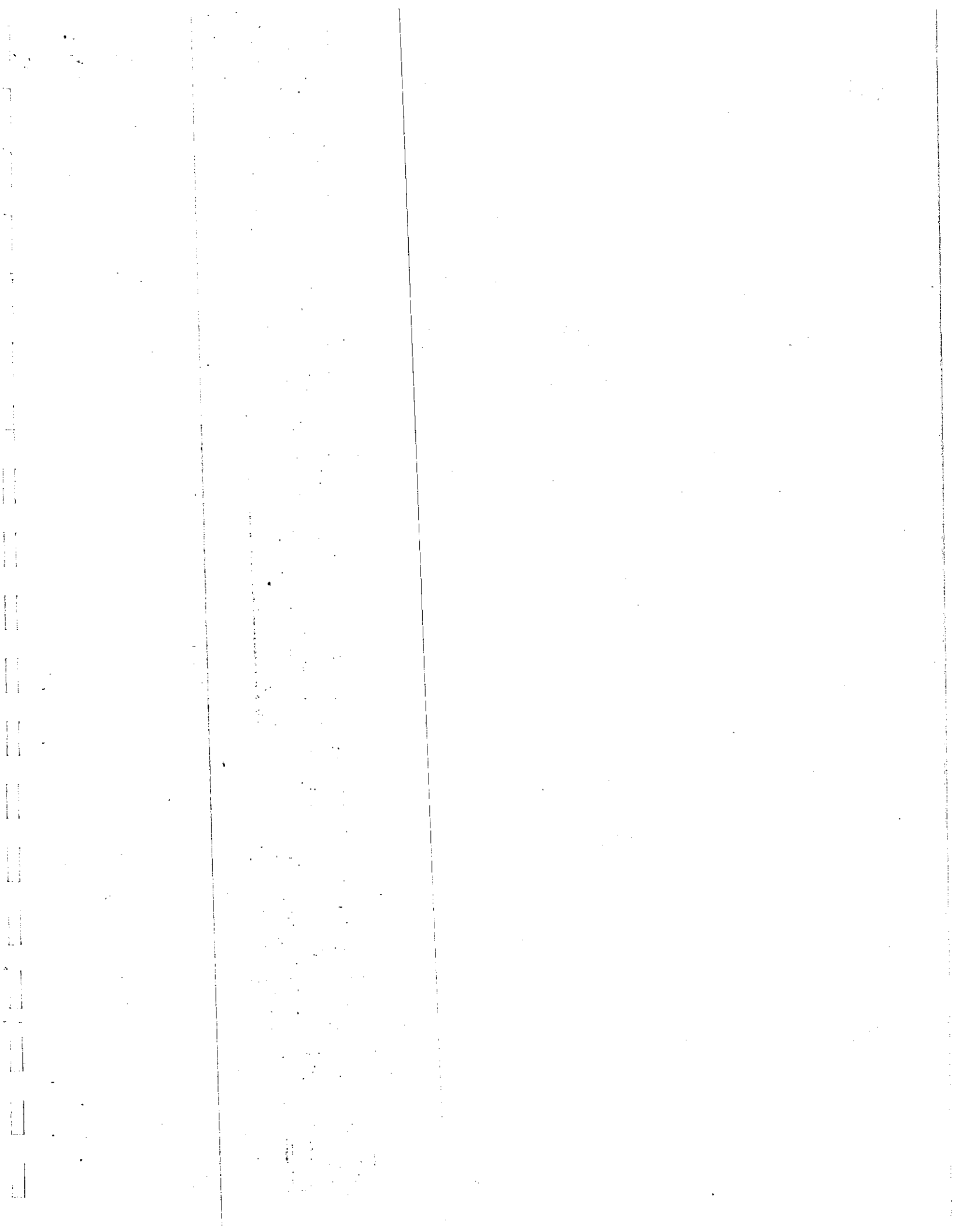
This instrument was acknowledged before me on March 7, 1978 by
Donald E. Loomis and June Geadelmann.

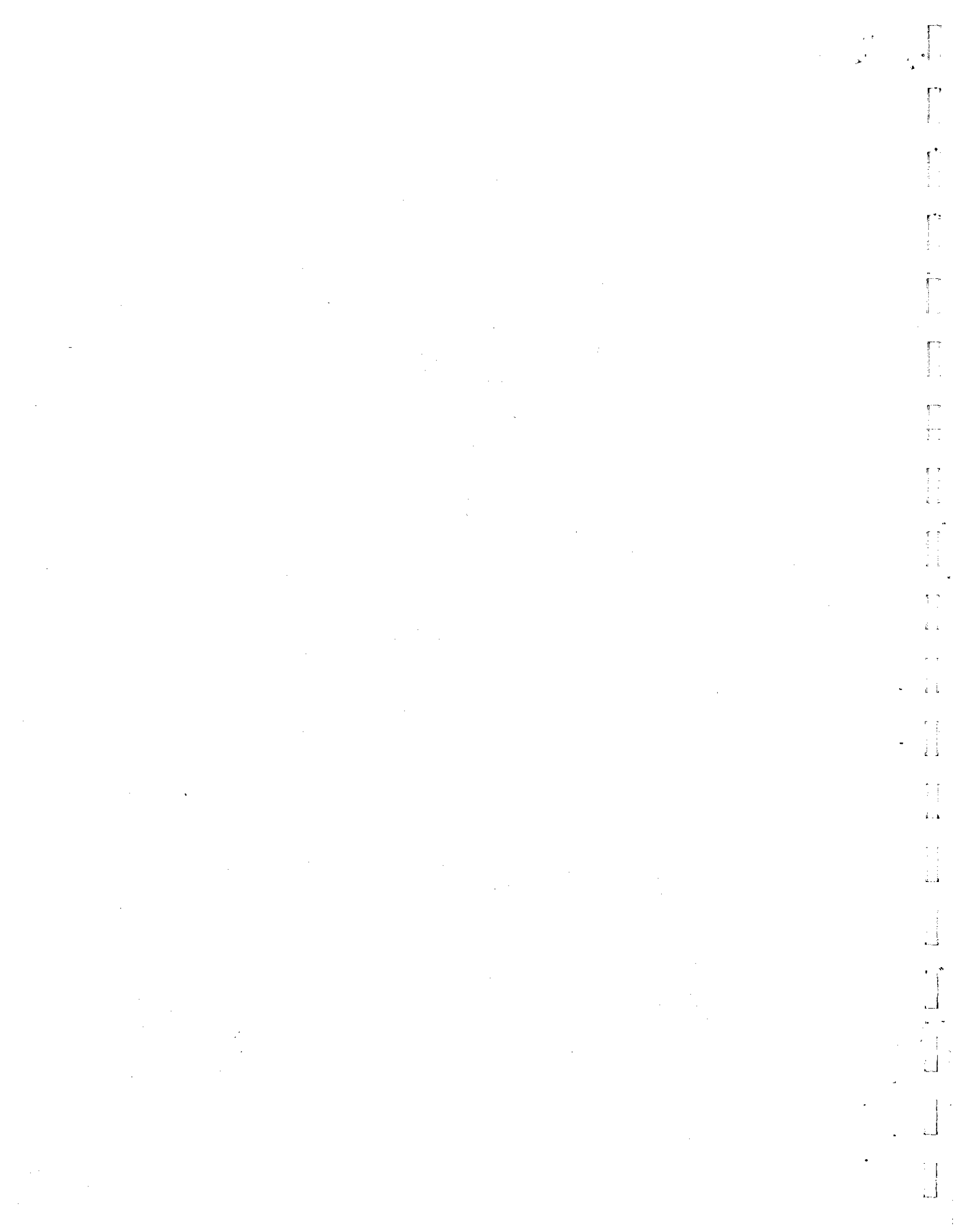
(My commission expires _____)

Larriett Gray
NOTARY PUBLIC



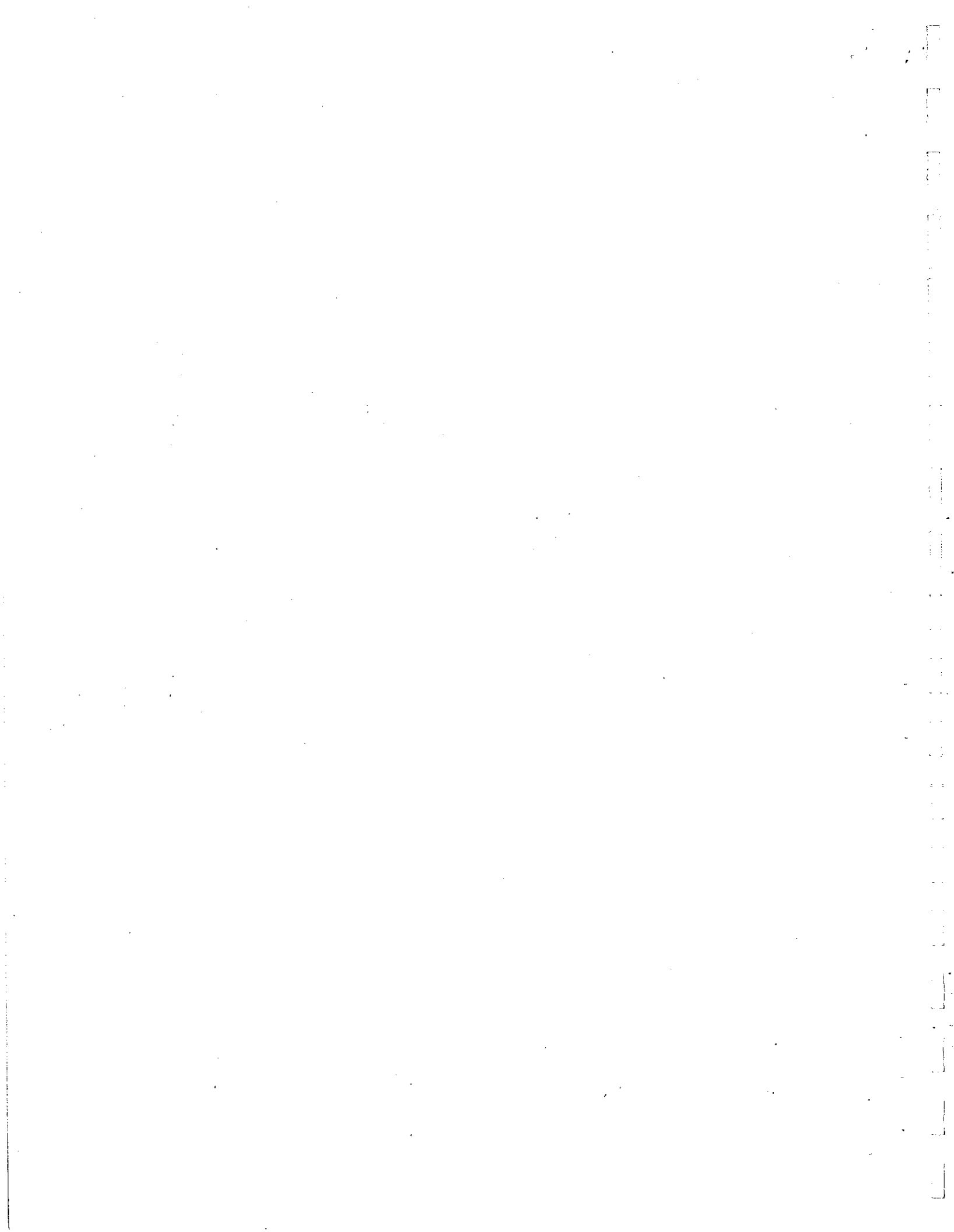
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SUBDIVISION ORDINANCE FOR THE
UNINCORPORATED AREA OF
MONONA COUNTY, IOWA

A RESOLUTION prescribing minimum requirements for the design and development of new subdivisions and re-subdivisions of land in the unincorporated area of Monona County; providing for the preliminary and final approval of such subdivisions; providing for the enforcement of these regulations; and for the repeal of all other ordinances or resolutions in conflict therewith.

WHEREAS the Board of Supervisors of Monona County has adopted a Comprehensive Plan as a guide to the future development of the County; and

WHEREAS in accordance with said Comprehensive Plan the Board of Supervisors has adopted a zoning ordinance to assist in controlling the future development of the County by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings, the density of population and the locations and uses of buildings and structures for agriculture, residences, commerce, industry and other purposes; and

WHEREAS it is essential that the subdivision of land be coordinated with the zoning ordinance for the purpose of guiding the future development of the County as outlined in the Comprehensive Plan; NOW, THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Monona County, Iowa that the following resolution relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

SECTION 1. TITLE. This resolution may be known and cited as the "Subdivision Ordinance" of Monona County, Iowa.

SECTION 2. DEFINITIONS. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word "shall" is mandatory, the word "may" is permissive.

Auditor's Plat: A plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.

Board: The Monona County Board of Supervisors.

Building Line: A line on a plat between which line and public right-of-way line no buildings or structures may be erected.

Commission: The Monona County Zoning Commission.

Cul-de-sac: A dead-end street permanently closed to through traffic being terminated by a vehicular turn-around.

Easement: A right-of-way granted for the purpose of limited private, public and quasi-public uses across private land.

Local Residential Street: A local service street used primarily for access to abutting property.

Lot: A portion of a subdivision or other plot or parcel of land which is, or in the future, may be, offered for sale, conveyance, transfer or improvement.

Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.

Proprietor's Plat: A plat as defined herein submitted by the owner of the land being platted, or his agent, or other private entity, acting with the consent of the owner.

Subdivision: The division of a lot, tract, or parcel of land into three or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided.

SECTION 3. PRELIMINARY APPROVAL BY COMMISSION. Whenever the owner, or owners, of any tract or parcel of land within the unincorporated area of Monona County wishes to make a subdivision of the same he shall cause to be prepared a preliminary plat of said subdivision and shall submit five (5) copies of said preliminary plat and such other information as is hereinafter required to the Zoning Commission of Monona County for its preliminary study and approval.

The preliminary plat shall contain such information and data as is outlined in Section 8 hereof.

The Commission shall study such preliminary plat to see if it conforms to the standards and requirements as outlined in this ordinance and shall forward a copy of the plat to the County Engineer for review and recommendation. The Commission shall approve or reject such plat within thirty (30) days after the date of submission thereof to the Commission. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within one hundred eighty (180) days after date of preliminary approval.

Before approving a preliminary plat, the Commission may in its discretion hold a public hearing, notice of which shall be given by publication in a newspaper in general circulation in the township in which the plat is located.

or by placing in the United States mail appropriate form of notice setting the time and place at which said plat shall be considered by the Commission.

SECTION 4. PLATS IN UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS OF CITIES AND TOWNS. The City Plan Commission and the City or Town Council may agree to waive such requirements as are contained in their local ordinances to the end that the Commission and Council are satisfied that equally suitable regulations are placed on these subdivisions by Monona County under the provisions of this ordinance. In such instance, Monona County, through its Zoning Administrator or other designate, shall furnish the city or town plan commission with a copy of the said subdivision, as approved, certifying that all requirements of the Monona County subdivision ordinance have been met.

The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of cities and towns and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities and towns.

SECTION 5. AUDITOR'S PLATS. With regard to Auditor's plats as distinguished from proprietor's plats the Commission and Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 8, 10 and 11 providing there is on file with the Commission a copy of the request of the Monona County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which he/she has ordered the plat.

SECTION 6. FINAL APPROVAL BY COMMISSION. The subdivider shall also submit to the Commission for its approval or rejection, five (5) copies of a final plat of the subdivision which shall contain the data and information outlined in Section 9 of this ordinance. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairman of the Commission. The approval of the final plat by the Commission shall be null and void unless the final plat is submitted to the Board of Supervisors within one year after date of approval by the Commission.

SECTION 7. APPROVAL BY THE BOARD OF SUPERVISORS. After approval of the final plat of the subdivision by the Commission, the recommendation of approval and ten (10) copies of the final plat shall be submitted to the Board of Supervisors by the Commission for final approval and for the acceptance of all streets, alleys, easements, parks or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 11 herein shall be installed.

If the Commission does not approve the final plat, the Board of Supervisors may approve said plat and accept the public areas and easements thereon only by a two-thirds (2/3) vote of the entire membership of the Board.

Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval,

unless application for an extension of time is made in writing during said thirty (30) day period to the Board, and granted.

SECTION 8. INFORMATION REQUIRED ON PRELIMINARY PLATS. Each subdivider of land should confer with the Commission before preparing the preliminary plat in order to become thoroughly familiar with this ordinance, the County Zoning Ordinance and with other County regulations affecting the area in which the proposed subdivision lies. The owner shall submit five (5) copies of a preliminary plat to the Commission which shall be drawn to a scale of not less than one (1) inch to one hundred (100) feet by a registered engineer or licensed land surveyor and shall show the following:

- A. The complete legal description of the property to be platted, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions. The allowable unadjusted error of closure on the traverse of the perimeter of the plat shall be 1 in 10,000 and shall be 1 in 5,000 for any individual lot. Latitude and departure computations on the traverse closure shall be submitted to the County Engineer.
- B. Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat.
- C. The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also, the location and size of such sub-surface features as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
- D. A vicinity sketch at a scale of not more than five hundred (500) feet to the inch shall be shown on or accompany the proposed plat. This map shall show how streets and roads in the proposed subdivision may connect with existing and proposed streets and roads in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire area. This sketch shall show the location of any nearby parks, schools, or other public facilities that might be affected by the proposed subdivision.
- E. All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets or roads.
- F. The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also north point, scale, date, name and address of surveyor and engineer.
- G. Sites for schools, parks or playgrounds proposed by the subdivider for public or private use.

- H. The zoning district or districts in which the land to be subdivided is located according to the Zoning Ordinance.
- I. For all major streets or roads except local residential streets the minimum radius of curvature shall be three hundred (300) feet on the center line, and for local residential streets fifty (50) feet. The maximum grade for any street shall not exceed seven (7) percent, except in the case of local residential streets where twelve (12) percent grade shall be permissible if approved by the County Engineer. Changes in grades for all streets shall be connected by vertical curves of minimum length equal to fifteen (15) times the algebraic difference in rate of grade. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the County Engineer.
- J. The location and manner of providing water supply and sewage treatment facilities.
- K. An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate.
- L. No land will be approved for subdividing which is subject to periodic flooding, undue erosion, or which contains poor drainage facilities. If, in the opinion of the Zoning Administrator, any of such problems may exist, he may require the subdivider to consult with and conform to recommendations of the Monona County Soil Conservation District. However, if the subdivider agrees to make improvements which will correct these deficiencies, the subdivision of the land may be approved.

Any plat not containing all information specified above shall not be considered by the Commission.

SECTION 9. INFORMATION REQUIRED ON FINAL PLATS. Following preliminary approval, five (5) copies of the final plat shall be submitted to the Commission for study and review. Ten (10) copies of the final plat as ultimately approved by the Commission shall be necessary for submission to the Board of Supervisors for its approval. This plat shall be made from an accurate survey by a licensed land surveyor and engineer and drawn to a scale of one hundred (100) feet to the inch or larger. The final plat shall show the following:

- A. The boundaries of the property, the lines of all proposed streets with their width, and any other areas intended to be dedicated to public use. The boundaries shall be accurately tied to the nearest section corner.
- B. The lines of adjoining streets and alleys with their width and names.
- C. All lot lines, lot and block numbers and building lines in accordance with the Zoning Ordinance and easements, with figures showing their dimensions.

- D. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements, and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.
- E. Radii, arc and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
- F. All surveyors' monuments, together with their descriptions including ties to original government corners.
- G. Title and complete legal description of property subdivided, showing its location and extent, points of compass, date, scale of plat, and certification and name of engineer or surveyor staking the lots.
- H. Profiles shall be made on tracing cloth of all streets and alleys, 50 feet horizontal scale and 5 feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipe lines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing and profiles of north and south streets shall be drawn so that the north end of the profile shall be at the left side of the drawing. Cross-sections of all streets in the subdivision shall be submitted to the County Engineer, on standard cross-section paper.
- I. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

SECTION 10. DESIGN AND DEVELOPMENT STANDARDS. No subdivision plat shall be approved by either the Commission or by the Board of Supervisors unless it conforms to the following minimum standards and requirements, except those plats referred to in Section 5 as Auditor's plats.

- A. Acre Subdivision. Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.
- B. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein.

The street arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half of the street shall be platted.

C. Street Width.

1. The width for major thoroughfares shall conform to the widths designated on the Comprehensive Plan, or as adopted by the Board of Supervisors upon recommendation of the County Engineer.
2. The minimum width for local residential streets shall be sixty (60) feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Commission and Board may reduce the above requirements.
3. Dead-end streets shall not be over six hundred (600) feet in length and shall have a minimum width of sixty (60) feet, unless, because of unusual conditions the Commission and Board shall approve a street of greater length and/or less width. All dead-end streets shall terminate in a circular right-of-way or cul-de-sac with a minimum diameter of one hundred (100) feet or other equally suitable provision for vehicular turning space.
4. Easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, telephone and other utilities. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

D. Blocks. No block shall be longer than one thousand three hundred twenty (1,320) feet.

E. Lots.

1. All side lot lines shall be substantially at right angles or radial to street center lines unless the Commission shall agree that a variation to this requirement will provide for better street and lot arrangement. Double frontage lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.
2. The minimum dimensions for lots shall be in accordance with the bulk regulations of the zoning ordinance for the district within which the subdivision is located; provided, however,

that the minimum depth for a lot shall be one hundred (100) feet.

3. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the Zoning Ordinance.
4. All lots at street intersections shall have a radius of not less than fifteen (15) feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.
- F. Street Names. Street names for streets which are extensions of existing streets or roads shall be the same. Street names shall be subject to Commission and Board approval.
- G. Building Lines. Building lines shall be shown on all lots intended for residential, commercial or industrial use. Such building lines shall not be less than the minimum yard requirements of the zoning ordinance for the district within which the property is located.
- H. Character of Development. The Commission shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions.

Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

- I. Easements Along Streams. Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. He shall also provide and dedicate to the County an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the streams. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than thirty (30) feet.

SECTION 11. IMPROVEMENTS. Before the final plat of any area shall be approved by the Board of Supervisors and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond, approved by the County Attorney and County Treasurer, with the Board of Supervisors, which bond will insure to the County that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond shall not

be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or any portion thereof to complete same. For plats located in unincorporated areas within two (2) miles of the corporate limits of cities and towns, the Commission and Board may waive the requirements of this section provided they are satisfied that the subdivision regulations of the cities and towns governing the areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations.

The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved shall be in accordance with the following subsections:

- A. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area.

The paving on such new streets shall be built according to the standards and specifications of the County Engineer, but in no case shall it consist of less than a concrete curb and gutter, and an asphaltic concrete surface course laid on a base approved by the County Engineer or six (6) inches of portland cement concrete with integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the County Engineer.

- B. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.
- C. The subdivider shall construct sanitary and storm water sewers according to the standards and specifications of the County Engineer, and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks shall be permissible as a temporary measure pending future sewer service; provided the subdivider shall furnish a report from the County Health Officer and the engineer staking the lots, stating that the proposed lots have been tested and found suitable for septic tank installation. Where a private water supply or sewage treatment system is proposed, the subdivider shall furnish evidence that these facilities have been approved by the Iowa State Health Department and the Iowa Water Pollution Control Commission.
- D. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least 30 inches long, and shall conform with standard specifications of the County Engineer.
- E. The subdivider shall provide for the installation of water mains and fire hydrants in the subdivided area, and such installation

shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of the County Engineer.

- F. The Board and Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of the County Engineer. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board and Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

SECTION 12. VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the Commission may modify or vary such requirements to the end that the subdivider is allowed to develop his property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public interest and welfare.

SECTION 13. FEES. Before a preliminary plat shall be considered by the Commission, the subdivider or his agent shall deposit with the County Treasurer a fee of twenty-five (\$25.00) dollars. A receipt of such filing fee shall be filed with the preliminary plat.

SECTION 14. ENFORCEMENT.

- A. No plat of any subdivision shall be entitled to be recorded in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed herein.
- B. The Zoning Administrator shall not issue zoning certificates or permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this ordinance but which has not been approved in accordance with the provisions contained herein.

C. The Board of Supervisors shall not permit any public improvements over which it has any control to be made from the County Road Fund or any money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless such subdivision or street has been approved in accordance with the provisions contained herein. Streets not accepted by the Board of Supervisors and added to the Secondary Road System shall be considered private roads.

SECTION 15. CHANGES AND AMENDMENTS. Any regulation or provision of this ordinance may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the County at least fifteen (15) days prior to such hearing.

SECTION 16. REPEALER. All resolutions or parts of resolutions in conflict with the provisions of this ordinance are hereby repealed.

SECTION 17. SAVING CLAUSE. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance which shall remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

SECTION 18. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed and approved by the Board of Supervisors of Monona County, Iowa,
the 7 day of March, 1978.

Ronald E. Loomis
Chairman

Attest: June Geadelmann
Auditor

State of Iowa
County of Monona

This instrument was acknowledged before me on March 7, 1978 by
Donald E. Loomis and June Geadelmann

Harriett Gray
NOTARY PUBLIC

(My commission expires _____)

