

# Chapter 27 Zoning Ordinance

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# CHAPTER 27—ZONING ORDINANCE

## SECTION 1

### GENERAL PROVISIONS

#### 27.1.1 Title

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

WHEREAS, Iowa Code Chapter 335 empowers Mills County, Iowa, to enact a zoning ordinance and to provide for its administration, enforcement and amendment;

WHEREAS, the Mills County Board of Supervisors deems it necessary, to enact a zoning ordinance for the purpose of promoting the health, safety, and general welfare of Mills County, Iowa;

WHEREAS, the Mills County Board of Supervisors appointed a Planning and Zoning Commission, pursuant to Iowa Code Chapter 335, to recommend the boundaries of various zoning districts along with appropriate regulations to be enforced therein;

WHEREAS, the Mills County Board of Supervisors adopted Resolution 05-29 on 14 June 2005 appointing the following persons to serve on the Planning and Zoning Commission: Doug Beckman, Peter Franks, Keith Johnson, Lyle Mayberry, Ted Mintle, Clay Plummer and William Thompson;

WHEREAS, the Planning and Zoning Commission divided Mills County, Iowa into districts and prepared regulations pertaining to such districts in accordance with a comprehensive land use plan designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion on the roads; to secure safety from fire, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, as set forth in Iowa Code Section 335.5;

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

WHEREAS, the Planning and Zoning Commission prepared a preliminary report and held public hearings thereon;

WHEREAS, the Mills County Auditor published notice of the time and place of the Planning

and Zoning Commission's public hearings in the Glenwood Opinion Tribune on 6 September 2006 and 13 September 2006 as well as the Malvern Leader on 7 September 2006 and 14 September 2006, as required by Iowa Code Sections 331.305 and 335.6;

WHEREAS, the Planning and Zoning Commission held two public hearings on 19 September 2006 in the Courtroom at the Mills County Courthouse, Glenwood, Iowa, as set forth in the published notice, with the first public hearing commencing at 6:30 p.m. concerning the zoning map and the second public hearing commencing at 7:30 p.m. concerning the zoning ordinance;

WHEREAS, the Planning and Zoning Commission submitted its final report to the Mills County Board of Supervisors on 31 October 2006;

WHEREAS, the Mills County Auditor published notice of the time and place of the Mills County Board of Supervisor's public hearings in the Glenwood Opinion Tribune on 6 June 2007 and the Malvern Leader on 7 June 2007 as required by Iowa Code Sections 331.305 and 335.6;

WHEREAS, the Mills County Board of Supervisors held two public hearings on 12 June 2007 in the Courtroom at the Mills County Courthouse, Glenwood, Iowa, as set forth in the published notice, with the first public hearing commencing at 6:45 p.m. concerning the zoning map and the second public hearing commencing at 7:30 p.m. concerning the zoning ordinance;

WHEREAS, the Mills County Board of Supervisors as well as the Planning and Zoning Commission duly considered all comments made both for and against the zoning map and zoning ordinance during the respective public hearings;

WHEREAS, the Mills County Board of Supervisors considered and voted on for passage the Zoning Map of Mills County, Iowa as well as the Zoning Ordinance of Mills County, Iowa during its scheduled meetings on 14 June 2007, 19 June 2007 and 21 June 2007;

WHEREAS, the Mills County Board of Supervisors adopted the Zoning Map of Mills County, Iowa, as well as the Zoning Ordinance of Mills County, Iowa, by unanimous vote, during its scheduled meeting on 21 June 2007; and

WHEREAS, Mills County, Iowa met all requirements of Iowa Code Chapter 335 with regard to preparation of the Planning and Zoning Commission's report as well as the subsequent action by the Mills County Board of Supervisors concerning the Zoning Map of Mills County, Iowa, and the Zoning Ordinance of Mills County, Iowa.

### **27.1.2 Jurisdiction**

The provisions of these regulations shall be applicable to all property within the zoning jurisdiction of Mills County as provided by Iowa Code Chapter 335, as amended, with the exception of those properties owned or acquired by municipal, county, or state government for the advancement of government projects or purposes. This jurisdiction includes the entire area of Mills County outside of areas within the corporate limits of

municipalities or any area in which the County has ceded its zoning jurisdiction to a municipality.

### **27.1.3 Agriculture Uses Exempt**

In accordance with the provisions of Iowa Code Chapter 335.2, as amended, no regulations or restrictions adopted under the provisions of this Zoning Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for use of agriculture purposes, while so used; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposits or excavation in or on the flood plains of any river or stream shall apply thereto.

- a. No Zoning Permit or Certificate of Zoning Compliance shall be required for the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located.
- b. Any Resource Extraction Use as described in Section 27.3.9i., that is not directly agriculture related, shall comply to the provisions of Section 27.7.3.
- c. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this Section to demonstrate that the property is used for agricultural purposes.

### **27.1.4 Purpose**

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

- a. Serve the public health, safety, and general welfare of the County.
- b. Classify property in a manner that reflects its suitability for specific types of development, while providing property owners with a range of potential uses.
- c. Provide for sound, attractive development within the County and its jurisdiction.
- d. Provide development standards that help ensure the compatibility of adjacent land uses.
- e. Protect environmentally important resources, including the Loess Hills, slopes, soils, waterways and other water resources, trees and other vegetation, wetlands, and other resource areas.
- f. Further the objectives of the Comprehensive Plan of Mills County.

### **27.1.5 Consistency with Comprehensive Plan**

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

### **27.1.6 Conflicting Provisions**



The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of these regulations conflicts with any other provision of these regulations the County's Subdivision Regulations (Chapter 25), any other Ordinance of Mills County, or any applicable State or Federal law, the more restrictive provision shall apply.

**27.1.7 Relief from Other Provisions**

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

**27.1.8 Severability of Provision**

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

**27.1.9 Publication**

These regulations shall be published in book or pamphlet form and shall, together with the map(s) being a part hereof, shall be filed with the County Auditor of Mills County, Iowa. Said regulations and map(s) also may be posted on the County's website.

## **ADMINISTRATION AND ENFORCEMENT**

**27.1.10 Administration and Enforcement**

**a. Generally**

**(1) Requests for Enforcement**

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

**(2) Penalties for Violation**

- i. Any person who fails to perform an act required by this Ordinance or who commits an act prohibited by this Ordinance shall be guilty of a County infraction punishable by a civil penalty as provided by Section 5.1.1—County Infractions of Chapter 5—Violations and Penalties of the Mills County Code of Ordinances.
- ii. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

- iii. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

**(3) Enforcement**

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

**b. Zoning Official**

**(1) Position Created; Appointment; Supervision**

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

**(2) Powers and Duties**

The Zoning Official shall exercise the following powers and duties:

- i. The Zoning Official or the designees shall exercise all enforcement powers under Section 27.1.10b.(2), including but not limited to the investigation of complaints of zoning violations, issuance of notices and county infraction citations to violators, and the preparation and submission to the legal department of reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement, for such legal action as the facts of each report may require.
- ii. The Zoning Official shall determine the use type of any use pursuant to Section 27.3.2b.
- iii. In all cases in which the County commences court action, the Zoning Official shall cooperate with the County Attorney by performing such additional investigative work as the County Attorney shall require.
- iv. The Zoning Official or the designee shall attend the meetings of the Planning and Zoning Commission and the Zoning Board of Adjustment as requested by those bodies, shall investigate and review all cases presented to the Zoning Board of Adjustment, and shall advise that body on those cases upon request.
- v. If the legal department, after analysis of the report, institutes legal proceedings, the Zoning Official will cooperate fully with the legal department in the perfecting of such proceedings.

**c. Certificates of Zoning Compliance**

**(1) Administration and Enforcement**

If the Zoning Official finds that any of the provisions of these regulations are being violated, the officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary

to correct. The Zoning Official discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

**(2) Certificates of Zoning Compliance for New, Altered or Nonconforming Uses**

i. Required for Land and Buildings

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

ii. Required for Change of Use

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

iii. Fee

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

iv. Fee Exemption for Federal Property

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

v. Nonconforming Use

(a) Nothing in this division shall prevent the continuance of a nonconforming use as authorized, unless discontinuance is necessary for the safety of life or property.

(b) A Certificate of Zoning Compliance shall be required of all nonconforming uses. Application for Certificate of Zoning Compliance for nonconforming uses shall be filed with the Zoning Official, accompanied by affidavits of proof that such nonconforming use was established legally prior to the establishment of this Ordinance.

vi. Time Limits; Records

Certificates of Zoning Compliance shall be applied for prior to the construction or occupancy of a building or property and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file and available for public inspection in the office of the Zoning Official.

vii. Issuance

No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made for Certificate of Zoning

Compliance, and no building or premises shall be occupied until that certificate and permit is issued.

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

Certificates of Zoning Compliance issued on the basis of plans and applications approved by the administrative officials authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of the County Code, and punishable as provide by Section 27.1.10a.(2) hereof.

**e. Reserved**

**f. Decision Maker and Administrative Bodies**

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

**g. Amendments**

**(1) Authority**

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

**(2) Procedures**

Amendment procedures shall be as follows:

- i. Whenever any person desires to amend zoning boundaries as to any property in the County, an application requesting such amendment and clearly describing the property and its boundaries as to which the amendment is desired shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall make a timely report to the Board of Supervisors of such applications filed. The Planning and Zoning Commission shall forward such application, with report and recommendations to the Board of Supervisors for vote thereon, within a reasonable time after the filing of the application. Reasonable notice of the proposed amendment to zoning boundaries, as established by the Planning and Zoning Commission, shall be given to the owners and occupants of the property included in the area of the proposed amendment and all property adjacent to the exterior boundaries of the property proposed for amendment. If the applicant owns other land adjoining the property proposed for amendment, then notice shall also be given to the owner of the next property beyond the applicant's property. The notice required by this paragraph is a

courtesy notice and any failure of such notice to be given or received shall not affect the validity of the amendment.

- ii. Whenever any application for an amendment to zoning boundaries shall have been denied by the Board of Supervisors, no new application seeking the same relief covering the same property or the same property and additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of filing the first application.

### **(3) Filing Fees for Zoning District and Test Amendments**

Fees for filing amendments shall be charged as follows:

- i. The owner of the property affected by a proposed change in zoning text, district classification or boundaries shall pay to the County a fee in the amount set in the schedule of fees adopted by the Board of Supervisors by resolution.
- ii. Where an amendment is initiated by application by any person, the required fee and notice costs shall be paid at the time the application is filed with the County. Where an amendment is initiated by the Board of Supervisors on behalf of one (1) or more owners of affected property, the required fee and notice costs shall be paid prior to consideration of the amendment by the Planning and Zoning Commission. No further action shall be taken as to any proposed amendment for which a fee and notice costs are required until the fee and notice costs have been paid. Under no conditions shall the required fee and notice costs be refunded upon failure of a proposed amendment to be enacted into law.
- iii. The fee described in this subsection shall not be required when the amendment is initiated at the request of the federal government for property wholly owned by the federal government. This exemption shall not apply to the notification costs as established by the Planning and Zoning Commission.

## **h. Nonconforming Development and Uses**

### **(1) Purpose**

The purposes of the Nonconforming Development regulations are:

- i. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements for their respective zoning districts.
- ii. To provide for reasonable use of legally constructed structures which do not meet current site development regulations for their respective zoning districts.
- iii. To allow for the reasonable continuation of legally established used which do not meet current use regulations for their respective zoning districts.
- iv. To limit the continuation and provide for the gradual replacement of nonconforming uses.

### **(2) Regulations Additive**

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

### **(3) Nonconforming Lots**

#### **i. Pre-Existing Lots of Record**

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

#### **ii. Reductions Due to Public Acquisition**

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

### **(4) Nonconforming Structures**

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

#### **i. Continuation**

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

#### **ii. Additions or Enlargements to Nonconforming Structures**

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

1. The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, heights, off-street parking, and landscaping requirements.
2. The nonconforming building and impervious surface coverage on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.
3. The addition projects no further into a required side yard setback than the existing building; the length of the side wall of the addition is the smaller of twenty-five (25) feet or fifty (50) percent of the length of the existing nonconforming side wall; and the enlarged building complies with building and impervious coverage, front and rear yard setbacks, and height regulations applicable to its zoning district.

(b) No permitted addition to a nonconforming structure may place a wall within ten (10) feet of a window of an adjacent pre-existing residential structure.

(c) Nonconforming buildings shall be limited to one (1) addition or enlargement pursuant to these regulations.

#### **iii. Moving of Nonconforming Structures**

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

- iv. Repair of Nonconforming Structures  
A lawful nonconforming building damaged by fire, explosion, storm or other calamity, except flood damages, may be repaired and reconstructed provided there is no increase in the degree of nonconformity.
- v. Conversion of a Conforming Building  
A conforming building shall not be changed in any way that will result in a nonconforming development.
- vi. Applicability of Landscaping and Screening Regulations  
A pre-existing structure, building, or development shall be exempt from Section 6 – Landscaping and Screening Standards. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of these Regulations shall be subject to Section 6.
- vii. Amortization of Nonconforming Development  
The following nonconformances must be brought into compliance with the provisions of this Ordinance within specified periods.
  - (a) Fences, walls, and foliage which violate the vision clearance provisions of this Ordinance shall be made conforming within one (1) year of the effective date of the Ordinance.
  - (b) Any fences or screens that are inconsistent with the provisions of Chapter 25—Subdivision Regulations of the Mills County Code of Ordinances shall be made conforming within one (1) year of the effective date of the Ordinance.
  - (c) Nonconforming storage operations, including vehicle storage, salvage services or similar uses made conforming within two (2) years of the effective date of the Ordinance.

**(5) Nonconforming Uses**

- i. Continuation of Nonconforming Uses
  - (a) Any nonconforming use lawfully existing on the effective date of these regulations may continue, subject to the limitation of this Section.
  - (b) Whenever the use of a premise becomes nonconforming through a subsequent change in the Zoning Ordinance or zoning district boundaries, such use may be continued or changed to another nonconforming use of the same or lesser intensity with the approval of the County Board of Supervisors, following a public hearing and recommendation of the Planning and Zoning Commission.
- ii. Change and Amortization of Nonconforming Uses  
A nonconforming use may be changed to another nonconforming use of the same or lesser intensity, as measured by the Intensity Rate in the Use Matrix and by the category of use type. For the purpose of measuring nonconforming use rights, the hierarchy of Intensity Ratings ascends from agriculture to miscellaneous as set forth in Section 3 – Use Types. However, such a use may not be converted to an industrial use type regardless of its IR.
- iii. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged.

iv. Abandonment of Nonconforming Use

(a) If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve (12) months, any subsequent use must conform to all regulations applicable to the property's zoning district.

(b) If a structure housing a nonconforming use converts to a conforming use, it forfeits any further claim to nonconforming use rights.

v. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

vi. Damage or Destruction of Structures

Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds sixty percent (60%) of the replacement cost of the structure the nonconforming use shall no longer be permitted.

vii. Nonconforming Uses and Special Use Permits

A lawful pre-existing use which would require a Special Use Permit in its zoning district shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in this Section.

**i. Planning and Zoning Commission**

**(1) Established; Composition; Terms**

A Planning and Zoning Commission is established by this Ordinance. It shall consist of seven (7) members. A majority of the members shall reside within the County, but outside the corporate limits of any city. The member's terms of office and the manner of appointment shall be provided by statute.

**(2) Meetings**

The meetings of the Planning and Zoning Commission shall be held at the call of the chair and at such other times as may be determined by the Commission. Such chair, or in the chair's absence, the acting chair may administer oaths and compel the attendance of witnesses. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indication of the fact. The Commission also shall keep complete records of its hearings and other official actions. The minutes and records shall be filed immediately in the Commission's office. Every recommendation of the Planning and Zoning Commission shall be forwarded to the Board of Supervisors and stated in the action considered by the Board of Supervisors. The minutes, records and recommendations shall be a public record. The presence of four (4) members shall be necessary to constitute a quorum.



**(3) Powers and Duties**

The Planning and Zoning Commission shall have the power and duty to:

- i. Review the Comprehensive Plan and Map of Mills County, Iowa as well as any proposed amendments, supplements, changes and/or modifications to the Comprehensive Plan and/or Map.
- ii. Recommend amendments, supplements, changes and/or modification to the Comprehensive Plan and/or Map.
- iii. Recommend amendments, supplements, changes and/or modifications to this Ordinance.
- iv. Submit written recommendations to the Board of Supervisors.
- v. Contract with professional consultants, regional planning commissions, the Iowa Department of Economic Development, or the federal government, for local planning assistance with the approval by the Board of Supervisors.
- vi. Perform all other duties assigned to the Planning and Zoning Commission in this Ordinance, the Mills County Code of Ordinances and/or required by law.

**j. Zoning Board of Adjustment**

**(1) Established; Composition; Terms**

A Zoning Board of Adjustment is established, which shall consist of five (5) members. The terms of office of the members of the Zoning Board of Adjustment and the manner of their appointment shall be as provided by statute. A majority of the members of the Zoning Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

**(2) Meetings**

The meetings of the Zoning Board of Adjustment shall be held at the call of the chair and at such other times as the Board may determine. Such chair, or in the chair's absence the acting chair may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of four (4) members shall be necessary to constitute a quorum.

**(3) Procedure for Appeals**

- i. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Zoning Official or of any other administrative officer in the enforcement of this Ordinance. Each appeal shall be taken within a reasonable time as provided by the rules of the Board. The Zoning Official and any other officer whose decision is the subject of the appeal shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

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

**(4) Powers and Duties**

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

- i. Hear and decide appeals taken pursuant to Section 27.1.10j.(3).
- ii. Grant a variance in the regulations of this Ordinance that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the regulations will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. To establish unnecessary hardship a property owner must show all of the following elements:
  - (a) The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use.
  - (b) The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood.
  - (c) The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood.
- iii. No appeal for a use variance shall be considered by the board unless a proposed amendment to rezone the subject property to a district classification permitting such use has been considered and denied by the Board of Supervisors within the preceding year, provided that this requirement shall not apply to appeals for area variances.

- iv. Permit the exceptions to the district regulations set forth in Section 4 of this Ordinance, provided all exceptions granted by the Zoning Board of Adjustment shall be found to meet the following standards:
  - (a) Exceptions shall by their design, construction, and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property;
  - (b) Exceptions shall not impair an adequate supply of light and air to adjacent property;
  - (c) Exceptions shall not unduly increase congestion in the public streets;
  - (d) Exceptions shall not increase public danger of fire and safety; and
  - (e) Exceptions shall not diminish or impair established property values in surrounding areas.
- v. The Zoning Board of Adjustment may permit:  
Exceptions to any setback, area, length, width, height, yard, size or projection limitation or to the minimum required number of off-street parking or loading spaces; provided such an exception may be granted only where:
  - (a) Such exception does not exceed fifty percent (50%) of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building and such addition extends no further into the required yard than the existing building;
  - (b) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, or a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;
  - (c) The exception is reasonably necessary due to practical difficulties related to the land in question;
  - (d) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and
  - (e) The exception is in harmony with the essential character of the neighborhood of the land in question.
- vi. Hear and decide applications for conditional use permits; and may be approved and/or granted subject to the performance standards described as follows:
  - (a) That the establishment, maintenance or operation of the proposed use will not be detrimental to nor endanger the public health, safety, morals, comfort or general welfare of the community.
  - (b) That the proposed use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood.

- (c) That the establishment of the proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
- (e) The adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
- (f) The proposed use should not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting suppression equipment and by such safety devices as are normally used in the handling of any such material.
- (g) The proposed use should not include noise which is objectionable due to volume, frequency or beat unless muffled or otherwise controlled.
- (h) The proposed use should not include vibration which is discernible without instruments on any adjoining lot or property.
- (i) The proposed use should not involve any pollution of the air by fly-ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property which can cause soiling, discomfort or irritation.
- (j) The proposed use should not involve any malodorous gas or matter which is discernible on any adjoining property or from any public street, road or highway.
- (k) The proposed use should not involve any activity substantially increasing movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- (l) The proposed use should not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

**(5) Appeals from the Zoning Board of Adjustment**

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the County aggrieved by any decision of the Zoning Board of Adjustment may seek review of such decision by the Iowa District Court for Mills County in the manner provided by the laws of the State and particularly by Iowa Code Sections 335.18 et seq., and amendments thereto.

**(6) Decisions; Review of Use Variance**

- i. In exercising the powers mentioned in Section 27.1.10j.(4), the Zoning Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Official. The concurring vote of three (3) of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Official or to decide in favor of the

applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the board shall not become effective until it has filed a written decision in the board office describing the action taken, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this Section. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

- ii. Every variance and exception granted or denied by the Zoning Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith. In granting any appeal, variance, exception or other relief within its jurisdiction, the board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the relief is granted, shall be deemed a violation of this Ordinance subject to enforcement under Sections 27.1.10a.(2) and 27.1.10a.(3).
- iii. If any application for a variance or exception shall have been denied by the Zoning Board of Adjustment, no new application for the same relief shall be considered for two (2) years by the Board unless the Board shall find that conditions have changed.
- iv. Any taxpayer or any officer, department, board or bureau of the County or any persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. All decisions of the board, except decisions granting use variances shall be final immediately upon filing. Each decision granting a use variance shall be referred to the Board of Supervisors for review pursuant to Iowa Code Section 335.10, as amended. The Board of Supervisors shall review such decision within thirty (30) days after the decision is filed. After such review, the Board of Supervisors may remand the decision to the board for further study. If the Board of Supervisors does not act to review the decision within thirty (30) days after it is filed, the decision shall become effective on the 31st day. If the Board of Supervisors declines to remand a decision, that decision shall become final on the date of the Board of Supervisors' action. If the Board of Supervisors remands a decision to the board, the effective date of the decision is delayed for thirty (30) days from the date of remand.
- v. Upon remand of a decision from the Board of Supervisors, the matter shall be placed on the agenda for further study at the first board meeting after such Board of Supervisors action. If, for any reason, the Board does not hold a regularly scheduled meeting during such thirty (30) day period, it shall be required to hold a special meeting and consider an act upon the remanded decision within such thirty (30) day period. At such meeting the board shall

act to either affirm its earlier decision or grant a rehearing. A rehearing shall be treated in the same manner as an original appeal, except that no fee shall be payable. If the board grants a rehearing, its initial decision shall be deemed to have been withdrawn. The board decision on rehearing is not reviewable by the Board of Supervisors and shall be final upon filing.

## **SECTION 2 DEFINITIONS**

### **27.2.1 Purpose**

Section 2 shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

### **27.2.2 General Construction of Language**

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

#### **a. Headings**

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

#### **b. Illustration**

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

#### **c. Shall, Must, May, Should**

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

#### **d. Tenses and Numbers**

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

#### **e. Conjunctions**

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

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

#### **f. Referenced Agencies**

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

### **27.2.3 Definition of Terms**

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

#### **27.2.4 A**

- a.** Abutting: Having lot lines or district boundaries in common.
- b.** Accessory Structure: A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
- c.** Accessory Use: A use that is incidental to and customarily associated with a specific principal use on the same site.
- d.** Addition: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area.
- e.** Agent of Owner: Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
- f.** Alley: A narrow dedicated street more commonly a way thru a middle of a block giving access to the rear of properties.
- g.** Alteration: Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site or the appearance of a building or structure.
- h.** Amateur Radio Tower: A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC licensed Amateur Radio operators.
- i.** Apartment: A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
- j.** Approving Authority: The County Board of Supervisors or its designee.
- k.** ASCE: The American Society of Civil Engineers.
- l.** Attached: Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; façade wall extension; or archway.

#### **27.2.5 B**

- a.** Base Zoning District: A district established by these regulations that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
- b.** Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
- c.** Battery Station: The system that operates the turbine. Battery power is necessary to run the generator because the generator is used to run the turbine.
- d.** Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
- e.** Blade: An element of a Wind Turbine Generator which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- f.** Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams or lakes.



- g. Board of Adjustment:** A body, established by the County expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by these regulations.
- h. Bufferyard:** A landscaped area around the perimeter of a tract of land, usually intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
- i. Building:** A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support or enclosure for persons or property.
- j. Building Coverage:** The at-grade area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies and similar features, also referred to as the building footprint.
- k. Building Elevation:** An exterior wall of a building exposed to public view.
- l. Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
- m. Building Line:** The outer boundary of a building established by the location of its exterior wall.
- n. Building Official:** The county official, designated by the County Board of Supervisors, who is responsible for the enforcement of the applicable building code.
- o. Business:** Activities that include the exchange of manufacture of goods or services on a site.
- p. Business Center:** A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

#### **27.2.6 C**

- a. Change of Use:** The replacement of an existing use type by a new use type.
- b. Channel:** The bed or banks of a natural stream or drainage-way that convey the constant or intermittent flow of water, including storm run-off.
- c. Common Area:** An area held, designed and designated for common or cooperative use within a development.
- d. Common Development:** A development proposed and planned as one unified project not separated by a public street or alley.
- e. Common Open Space:** Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- f. Communications Tower:** A structure(s) for the transmission or broadcasting of radio, television, radar or microwaves, ordinarily exceeding the maximum height permitted in its zoning district. Typical uses include broadcasting towers and cellular communications towers.
- g. Compatibility:** The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
- h. Comprehensive Plan:** The duly adopted Comprehensive Plan of Mills County.

- i.** Concept Plan: A preliminary presentation that includes the minimum information necessary, as determined by the Zoning Official, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.
- j.** Conditional Use Permit: An application permitted use that is presumed to be allowed in that zoned district, but only upon the fulfillment of such performance standards conditions as set forth by the Planning and Zoning Commission, and subject to the review and approval of the Zoning Board of Adjustment; see Section 27.1.10 j.(4)vi.
- k.** Condominium: An ownership regime whereby the title of each unit of occupancy is held by separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office or industrial uses.
- l.** Conservation Development: A development design technique that concentrates building in specific areas on a site to allow remaining land to be used for recreation, common open space or the preservation of historically or environmentally sensitive features.
- m.** Conservation (or Cluster) Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback or other site development regulations provided:
  - (1) There is no increase in the overall density permitted for a conventional subdivision in a given zoning district and;
  - (2) The remaining land use is used for common space.
- n.** County: Mills County, Iowa

### **27.2.7 D**

- a.** Density: The amount of development per specific unit of a site.
- b.** Design Standards: Standards that set forth specific improvement requirements.
- c.** Detached: Fully separated from any other building or not jointed to another building in such a manner as to constitute an enclosed or covered connection.
- d.** Developer: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
- e.** Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.
- f.** Drive-in Services: Uses that involve the sale of products or provisions of services to occupants in vehicles.
- g.** Drainage: The removal of surface or ground water from land by drains, grading or other means.
- h.** Drainage System: The system through which water flows from the land.
- i.** Driveway: An area providing vehicular access between a street and an off-street parking or loading area.
- j.** Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as a separate place of residence with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of one family, as defined in this Section, maintaining a household.

### **27.2.8 E**

- a.** Easement: A non-possessing interest granted on, above, under or across the lands of another for a specific purpose by one owner to another owner, public or private agency or utility, where fee simple title remains with the property owner.
- b.** Enclosed: A roofed or covered space fully surrounded by walls.
- c.** Existing Use: The use of a lot or structure at the time of the effective date of these regulations.

### **27.2.9 F**

- a.** Family: One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, including no more than two additional unrelated persons; or a group of not more than four (4) unrelated persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities on a nonprofit, cost-sharing basis. The following persons shall be considered related for the purpose of these regulations:
  - (1) Persons related by blood, marriage or adoption.
  - (2) Persons residing with a family for the purpose of adoption.
  - (3) Not more than eight (8) persons under nineteen (19) years of age, residing in a foster house licensed or approved by the State of Iowa.
  - (4) Not more than eight (8) persons nineteen (19) years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Iowa.
  - (5) Person(s) living with a family at the direction of a court.
- b.** Fascia: A parapet-type wall used as part of the façade of a flat-roofed building and projecting no more than six (6) feet from the immediately adjacent building face. Such a wall shall enclose at least three (3) sides of the projecting flat roof and return to the parapet wall or the building.
- c.** Federal: Pertaining to the Government of the United States of America.
- d.** Final Approval: The final official action of the Board of Supervisors, upon a recommendation by the Planning and Zoning Commission, permitting the filing of a subdivision with the Mills County Auditor and the conveyance of individual parcels and lots to subsequent owners. Final approval follows the completion of detailed engineering plans, negotiation of subdivision agreement, posting of required guarantees and other requirements of these regulations.
- e.** Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way or court from which access is permitted.

### **27.2.10 G**

- a.** Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.
- b.** Gearbox: A component which regulates the speed of the rotor to the speed of the generator.

- c. **Grade:** The elevation of the finished surface of ground, paving or sidewalk adjacent to any building line.
  - (1) For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.
  - (2) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
  - (3) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- d. **Gross Floor Area (GFA):** The total enclosed horizontal area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, and airspaces above atriums and enclosed off-street parking and loading areas serving a principal use.

#### **27.2.11 H**

- a. **Height:** The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof or to the average height between eaves and the ridge for gable, hip, shed or gambrel roofs. For other cases, heights shall be measured as the vertical distance from the established grade to the highest point if a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level five (5) feet from exterior face of the building or structure.
- b. **Home Based Business/Home Occupation:** An accessory occupational secondary use conducted entirely within an existing residential site by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential accessory structure(s) and does not change the residential character of its site.

#### **27.2.12 I**

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

#### **27.2.13 J**

#### **27.2.14 K**

#### **27.2.15 L**

- a. **Landscaped Area:** The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

- (1) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
  - (2) Interior Landscaped Area: Any landscaped area within a site exclusive or required perimeter landscaping.
- b. Lane:** An approved private right-of-way that provides access to residential properties and meets at least three (3) of the following conditions:
- (1) Serves twelve (12) or fewer housing units or platted lots.
  - (2) Does not function as a local street because of its alignment, design or location.
  - (3) Is completely internal to a development.
  - (4) Does not exceed 600 feet in length.
- c. Loading Area:** An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
- d. Lot:** For the purpose of this Ordinance; a lot is a tract of land represented and identified by number or letter designation on an official plat.
- (1) Corner Lot: A lot located at the junction of at least two (2) streets, private ways or courts or at least two (2) segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
  - (2) Double Frontage Lot (also known as a Through Lot): A lot, other than a corner lot, having frontage on two non-intersecting streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front lot as determined at time of platting or as defined by these regulations.
  - (3) Interior Lot: A lot other than a corner lot whose sides do not abut a street.
  - (4) Common Development Lot: When two (2) or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of these regulations.
- e. Lot Area:** The total horizontal area within the lot lines of a lot.
- f. Lot Depth:** The mean horizontal distance measured between the front and rear lot lines.
- g. Lot Line:** A property boundary line(s) of record that divides one (1) lot from another lot or a lot from the public or private street right-of-way or easement.
- (1) Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.
    - i. For an interior lot, the lot line separating the lot from the right-of-way or easement.
    - ii. For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Zoning Official or as may be noted on the final plat.
    - iii. For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Official at the time of application for the original building permit for the lot, or as may be noted on the final plat.

- (2) Rear Lot Line: The lot line that is opposite and most distant from the front line.
  - (3) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from, another lot or lots is an interior side lot line.
- h. Lot Width:** The horizontal distance measured between the side lot lines of a lot, at right angles to its depth, along a straight line parallel to the front lot line at the minimum required building setback line.

**27.2.16 M**

- a. Main:** The principal artery of a system of continuous piping which conveys fluids and to which branches may be connected.
- b. Manufactured Home Dwelling:** A factory built single-family dwelling, structure which is to be used as a place for human habitation, which is manufactured or constructed under the authority of 42 USCS § 5403, Federal Manufactured Home Construction and Safety Standards, and which is not constructed or equipped with permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axels. A mobile home constructed to the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling as is provided in Iowa Code Section 435.26, as amended, and which complies with the following architectural and aesthetic standards listed below. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling.

- (1) Dwelling units built in compliance with the above may be placed in any zoning district where single-family dwelling units are permitted when the following additional requirements are met.
  - i. Any dwelling shall have no less than eighteen (18) feet exterior width, measured from the exterior finish walls and/or foundation, whichever is greater.
  - ii. The dwellings shall have wheels, axels, transporting lights and removable towing apparatus removed if present.
  - iii. The dwelling shall be placed upon a permanent foundation approved by the Building Official and Zoning Official.
  - iv. All utility services shall be directly connected to the structure.
- (2) Manufactured homes which do not meet all of the standards in paragraph one (1) above, may be placed in a manufactured home park or as permitted by code, provided the structure is transportable in one (1) or more sections which in the traveling mode are eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, are 320 or more square feet in which are built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the

required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

- c. Mixed Use Building:** A building or structure that incorporates two (2) or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
- d. Mixed Use Development:** A single development that incorporates complementary land use types into a single development.
- e. Mobile Home:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
- f. Mobile Home Park:** A tract of land under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sales or storage.
- g. Mobile Home Subdivision:** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sales or storage.

#### **27.2.17 N**

- a. Nonconforming Development:** A building, structure or improvement which does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complies with applicable regulations at the time of construction.
- b. Nonconforming Lot:** A lot which was lawful prior to the adoption, revision or amendment of this Zoning Ordinance but that fails to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
- c. Nonconforming Sign:** A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails to conform to the present requirements of this Zoning Ordinance.
- d. Nonconforming Structure:** A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails to conform to the present requirements of the

Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.

- e. Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Ordinance. No action can be taken which would increase the non-conforming characteristics of the land use.
- f. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious or offensive.

#### **27.2.18 O**

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

#### **27.2.19 P**

- a. Parcel: A part of a tract of land.
- b. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking.
- c. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
- d. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with “parking stall”. Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached and townhouse residential uses shall be considered to have a means of access to a public street.
- e. Paved: Permanently surfaced with poured concrete, concrete pavers or asphalt.
- f. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
- g. Planning and Zoning Commission: The Planning and Zoning Commission of Mills County.



- h. Porch, Unenclosed:** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.
- i. Premises:** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- j. Principal Use:** The main use of land or structures as distinguished from an accessory use.
- k. Private Garage:** A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
- l. Property Line:** The division between two parcels or tracts of land separating ownership. In subdivisions, property lines are usually, but not in every case, coincident with lot lines.

## **27.2.20 Q**

## **27.2.21 R**

- a. Recreational Vehicle:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers, campers, motor coach homes, converted buses and trucks, boats and boat trailers.
- b. Regulation:** A specific requirement set forth by this Zoning Ordinance that must be followed.
- c. Remote Parking:** A supply of off-street parking at a location not on the site of a given development.
- d. Right-of-Way:** A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities or energy from one point to another. Right-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains or sewer mains.
- e. Rotor:** The blades with surfaces engineered with aerodynamics in mind. As the wind moves over the blades, the rotor will turn and the generator in the turbine rotates and produces the electricity.

## **27.2.22 S**

- a. Screening:** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening Techniques include fences, walls, hedges, berms or other features as may be permitted by the landscape provisions of these regulations.
- b. Setback:** The distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.
- c. Sidewalk:** A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.
- d. Sign:** A symbolic, visual device fixed upon a building, vehicle, structure or parcel of land, which is intended to convey information about a product, business activity, place, person, institution, candidate or political idea.

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

#### **27.2.23 T**

- a. **Tail vane:** A component which aligns the wind turbine with the wind direction.
- b. **Total Height:** The height from grade to the highest vertical point of the swept arc. In the case of a Wind Turbine Generator with a vertical axis rotor, the height of the blades from grade to the highest vertical point of the Wind Turbine Generator.
- c. **Tower:** Any guyed, monopole or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure containing one or more antennas.
- d. **Tower Foundation:** The base of the tower, usually constructed of reinforced concrete, which provides enough mass to hold the tower in a stable position.
- e. **Townhouse:** A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside and neither above nor below any other dwelling unit.
- f. **Townhouse Structure:** A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.
- g. **Tract:** An aliquot part of a section, a lot within an official plat or a governmental lot.

#### **27.2.24 U**

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

### **27.2.25 V**

- a.** Vacation: The official abandonment of public right-of-way or easement by the County in accordance with State Law.
- b.** Variance: A modification of the application of certain regulations or provisions of these regulations by the Board of Adjustment, under the authority provided by these regulations and State Statutes.
- c.** Vehicle, motor: Any passenger vehicle, motorcycle, recreational vehicle, or truck that is propelled or drawn by mechanical power.

### **27.2.26 W**

- a.** Wind Energy Conservation System (WECS): Any device that converts wind energy to a form of usable energy, including wind charge, windmills or wind turbines.
- b.** Wind Farm:
  - (1) Commercial: One or more Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid. Commercial Wind Farms shall include but are not limited to Commercial Wind Turbine Generators, operations and shall include but are not limited to Commercial Wind Turbine Generators, operations and maintenance buildings, meteorological towers, electrical collector systems, communications, roads and Substations.
  - (2) Non-Commercial: One or more Non-Commercial Wind Turbine Generators which are connected to the electrical transmission or local distribution grid for the sole purpose of serving no more than one (1) dwelling and the associated accessory structures.
- c.** Wind Tower: The support structure, above grade, that supports the horizontally aligned turbines to place the unit at a nominal height to capture the wind energy with the turbine. An increase in the height of the tower will normally result in an increase in the amount of electricity produced by the generator.
- d.** Wind Tower Foundation: The tower support structure, above and/or below grade that supports the entire weight of the Wind Turbine Generator.
- e.** Wind Turbine: A machine that converts the wind's kinetic energy into rotary mechanical energy. If the mechanical energy is used directly by machinery, such as a pump or grinding stones, the machine is classified as a windmill. If the mechanical energy is instead converted to electricity and is connected to the electrical transmission or local distribution grid, the machine is classified as a wind generator, wind turbine, wind power unit (WPU), wind energy converter (WEC) or aero generator.

### **27.2.27 X**

### **27.2.28 Y**

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

- (1) Front Yard: The space extending the full width of a lot, lying between the front lot line or right-of-way line and the front setback line. For a corner lot, the front yard setback shall comply with the setback requirements for both roads.
- (2) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.
- (3) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.
- (4) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

**27.2.29 Z**

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

## **SECTION 3 USE TYPES**

### **27.3.1 Purpose**

Section 3 shall be known as the Use Types. The purpose of the Use Types is to establish a classified system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types Section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

### **27.3.2 Determinations**

#### **a. Intensity Rating**

For each Zoning District, uses are permitted by Intensity Rating. Intensity Ratings are presented in a hierarchy of impact on the land and surrounding properties, and include ratings of Low, Moderate, High and Intense. Table 4.01 presents a Use Matrix, indicating the Intensity Ratings of uses permitted in each zoning district. The designation of an Intensity Rating incorporates consideration of the following factors:

- (1) Impacts on the physical environment. These impacts include the potential for air pollution, dust, odors, water pollution, noise, obtrusive lighting, vehicular traffic, impervious surface coverage and storm drainage problems and other destruction of the natural environment.
- (2) Impacts on aesthetics and cultural values. These impacts include the likely visual attractiveness of the proposed development, assuming typical buffer yards, landscaping, signage, other site improvements and building materials.

#### **b. Classification of Uses**

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

#### **c. Records**

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

### **27.3.3 Agricultural Use Types**

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

**a. Horticulture**

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

**b. Crop Production**

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

**c. Animal Production**

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational or educational use. Typical uses include grazing, ranching, free range dairy farming and poultry farming. (Intensity Rating: M)

**d. Livestock Sales**

The use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns. (Intensity Rating: H)

**27.3.4 Residential Use Types**

Residential use types include uses providing wholly or primarily non-transient living accommodations within a dwelling structure. All dwellings structures shall have no less than eighteen (18) feet exterior width; measured from the exterior finish walls and/or foundation, whichever is greater. They exclude institutional living arrangements providing twenty-four (24) hour skilled nursing or medical care, forced residential or therapeutic use type.

**a. Single-Family Residential**

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

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

**b. Duplex Residential**

The use of a legally-described lot for two (2) dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units. (Intensity Rating: M)

**c. Two-Family Residential**

The use of a site for two (2) dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit. (Intensity Rating: M)

**d. Townhouse Residential**

The use of a site for three (3) or more attached dwelling units, each occupied by one family and separated by vertical party walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls. (Intensity Rating: M)

**e. Multiple-Family Residential**

The use of a site for three (3) or more dwelling units within one building not otherwise defined as townhouse units. (Intensity Rating: M)

**f. Group Residential**

The use of a site for the residential of more than three (3) unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group Residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a College or University use type. (Intensity Rating: M)

**g. Boarding House**

The use of a site for the residential of more than four (4) unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. (Intensity Rating: M)

**h. Manufactured Home Residential**

Use of a site for one (1) or more manufactures home dwellings, as defined in Section 27.2.16 b. (Intensity Level: L)

**i. Mobile Home Park**

Use of a site under single ownership for one (1) or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility. (Intensity Rating: M)

**j. Mobile Home Subdivision**

Division of a tract of land into lots that meet all the requirements of Chapter 25 – Subdivision Regulations of the Mills County Code of Ordinances for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot. (Intensity Rating: L)

**k. Retirement Residence**

A building or group of buildings which provide residential facilities, provided that seventy-five percent (75%) or more of the residents are at least sixty (60) years of age, or households headed by a householder of a least sixty (60) years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health

supervision, medication services, housekeeping services, personal services, recreational facilities and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care. (Intensity Rating: M)

### **27.3.5 Civic Use Types**

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

#### **a. Administration**

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

#### **b. Cemetery**

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Intensity Level: L)

#### **c. Clubs**

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

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

(2) Clubs (Social): Clubs that provide primarily social or meeting facilities. Typical uses include private social clubs and fraternal organizations. (Intensity Rating: M)

#### **d. College and University Facilities**

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

#### **e. Convalescent Services**

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



**f. Cultural Services**

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

**g. Day Care Services (Limited)**

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

**h. Day Care Services (General)**

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

**i. Detention Facilities**

A publicly operated or contracted use providing housing and care for individuals legally confined, designated to isolate those individuals from the community. (Intensity Rating: I)

**j. Education Retreat Center**

A facility for educational activities, training activities, conferences, meetings, seminars, contemplative activities and other similar functions that strives to preserve the natural features and the open space character of its setting. (Intensity Rating: L)

(1) Specific Standards for Retreat Center

Ownership and Management – At least the owner or one (1) full-time staff member must reside in a residence on the retreat facility premises. The residence may include family quarters and up to eight (8) guest room units. The retreat facility premise may also include housing amenities for additional staff members.

(2) Minimum Property Parcel Size

The retreat facility shall be situated upon a parcel or group of contiguous parcels containing no less than 40-acres owned by the same entity or individual. For each additional acre over 40 in the parcel or group of contiguous parcels owned by the same entity or individual, one (1) additional guest unit is allowed. The total number of overnight guest units and permanent residence shall not exceed the allowable residential density of the zoning district.

**k. Emergency Residential Services**

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

**l. Group Care Facility**

A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than four (4) unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses defined as group homes. Group Care Facilities include facilities which provide for the following: (Intensity Rating: M)

- (1) Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
- (2) Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of mental retardation if such facility has an overnight occupancy of more than eight (8) persons.
- (3) Rehabilitation from the effects of drugs or alcohol abuse.
- (4) Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release and probationary programs.

**m. Group Home**

A facility licensed by the State of Iowa in which no more than eight (8) persons, not including resident managers or house parents, who are unrelated by blood, marriage or adoption reside while receiving therapy, training or counseling for the purpose of adaptation to living with or rehabilitation from cerebral palsy, autism or mental retardation. (Intensity Rating: L)

**n. Guidance Services**

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

**o. Health Care.**

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

**p. Hospital**

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

**q. Maintenance Facilities**

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

**r. Park and Recreation Services**

Publicly owned and operated parks, playgrounds, recreation facilities including publicly-owned community centers and open spaces. (Intensity rating: L)

**s. Postal Facilities**

Postal facilities, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service. (Intensity Rating: M)

**t. Primary Educational Facilities**

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

**u. Public Assembly**

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

**v. Religious Assembly**

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

**w. Safety Services**

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services. (Intensity Rating: M)

**x. Secondary Educational Facilities**

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

**y. Utilities**

Any above ground structures or facilities, other than lines, poles and other incidental facilities, used for the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, energy media, communications,

electronic or electromagnetic signals, or other services which are precedent to development and/or use of land. (Intensity Rating: M)

### **27.3.6 Office Use Types**

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

#### **a. General Offices**

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

#### **b. Financial Services**

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

The Financial Services use type is divided into two categories:

- (1) Financial Services A; includes less than 4,000 square feet of floor area and has no more than two drive-up lanes (including ATM lanes) (Intensity Rating: L).
- (2) Financial Services B; includes 4,000 square feet or more of floor area and/or has more than two (2) drive-up lanes. (Intensity Rating: M)

#### **c. Medical Offices**

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

The Medical Offices use type is divided into two (2) categories:

- (1) Medical Offices A; includes less than 3,000 square feet of floor area. (Intensity rating: L)
- (2) Medical Offices B; includes 3,000 square feet or more of office area. (Intensity Rating: M)

### **27.3.7 Commercial Use Types**

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

#### **a. Agricultural Sales and Services**

Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of

agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, farm implement dealerships, feed and grain stores and tree service firms. (Intensity Rating: H)

**b. Automotive and Equipment Services**

Establishments or places of business primarily engaged in sales and/or services of automobiles, trucks, or heavy equipment.

The following are considered automotive and equipment use types:

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

**c. Bed and Breakfast**

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

**d. Business Support Services**

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

**e. Business or Trade Schools**

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

**f. Campgrounds**

Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. (Intensity Rating: M)

The following are considered campground facilities types:

- (1) Standard Campground: Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than seven (7) consecutive days during any one (1) month period.
- (2) Extended Stay Campground: These facilities are set up to provide a camping or parking sites or spaces for recreational vehicles, recreational trailers and tents of those individuals using the recreational area for the services intended. The recreational vehicles, recreational trailers and tents which accommodate each of the users shall not be allowed to stay for more than 180 consecutive days within a one (1) year period. This is not intended to provide any type of temporary or transit housing for any individual use and no manufactured or modular housing unit will be allowed.

**g. Cocktail Lounge**

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

**h. Commercial Recreation**

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

**i. Communications Services**

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

**j. Construction Sales and Services**

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

**k. Consumer Services**

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

**l. Convenience Storage**

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

**m. Food Sales**

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

(1) Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items and the sales of fuel for motor vehicles. (Intensity Rating: H)

(2) Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles.

Typical uses include delicatessens, meat markets, retail bakeries, candy shops and small grocery stores. (Intensity Rating: L)

(3) General Food Sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 but less than 40,000 square feet. Typical uses include grocery stores and locker plants. (Intensity Rating: M)

(4) Supermarkets: Establishments selling a wide variety of food commodities, related items and often providing a variety of non-food goods and services, using facilities larger than 40,000 square feet. Typical uses include large grocery stores. (Intensity Rating: I)

**n. Funeral Services**

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

**o. Gaming Facilities**

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

**p. Kennels**

Boarding and care services for dogs, cats and similar small mammals or large birds. (Intensity Rating: M)

**q. Laundry Services**

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

**r. Liquor Sales**

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

**s. Lodging**

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartments, hotels and motels. (Intensity Rating: H)

**t. Personal Improvement Services**

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



**u. Personal Services**

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal Services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Iowa when performing massage services as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician. (Intensity Rating: M)

**v. Pet Services**

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

**w. Research Services**

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

**x. Restaurants**

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

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

**y. Restricted (or Adult) Businesses**

Any adult entertainment business as defined in Chapter 18 – Sexual Oriented Businesses of the Mills County Code of Ordinances and/or any business activity that offers the opportunity to view specified sexual activities or view and touch specified anatomical areas in a manner that lacks serious literary, artistic, political or scientific value. This category includes the sale or viewing of visual or print materials that meet this criteria, if the sale of such material constitutes more than twenty percent (20%) of the sales or retail floor area of the establishment. For the purposes of this Ordinance, specified anatomical and specified sexual activities are defined in Chapter 18 – Sexual

Oriented Businesses of the Mills County Code of Ordinances. Typical uses include retail services or stores which are distinguished by an emphasis on activities or material that emphasize primarily sexual content in their inventory and marketing practices; businesses which offer live performances characterized by exposure of specified anatomical areas; and adult theaters. Businesses may be classified as adult entertainment businesses without regard to service of alcoholic beverages. (Intensity Rating: I)

**z. Retail Services**

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

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

- (1) Limited Retail Services: Establishments providing retail services, occupying facilities of 3,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Mills County. (Intensity Rating: M)
- (2) Medium Retail Services: Establishments providing retail services, occupying facilities between 3,001 and 10,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Mills County. (Intensity Rating: M)
- (3) Large Retail Services: Establishments providing retail services, occupying facilities between 10,001 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general retailing oriented to Mills County. (Intensity Rating: H)
- (4) Mass Retail Services: Establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general retailing oriented to Mills County. (Intensity Rating: I)

**aa. Social Hall**

Social Hall: Privately owned facilities used for public assembly for entertainment or other activities of a social nature. Typical uses include weddings, receptions or other events which could be publicly or privately attended at the facility. (Intensity Rating: H)

**bb. Stables and/or Riding Academies**

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

**cc. Surplus Sales**

Business engaged in the sale, including sale by auction, of used items or new items which are primarily composed of factory surplus or discontinued items. Surplus sales use sometimes include regular outdoor display of merchandise. Typical uses include; flea markets, auction houses, factory outlets, or merchandise liquidators. (Intensity Rating: I)

**dd. Trade Services**

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

**ee. Travel Centers**

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

**ff. Truck Stops**

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

**gg. Vehicle Storage (Short-Term)**

Short-term storage of operating or non-operating vehicles for a period of no more than twenty-one (21) days. Typical uses include storage of private parking tow-a-ways or

impound yards, but exclude dismantling or salvage. Long-term storage beyond twenty-one (21) days constitutes an Industrial Use Type. (Intensity Rating: M)

**hh. Veterinary Services (General)**

Veterinary services and hospitals for small animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and crematoria and veterinary hospitals for livestock and large animals. (Intensity Rating: M)

**ii. Veterinary Services (Large Animals)**

Veterinary services and hospitals for large animals such as cows, bulls, horses and other livestock. Typical uses include veterinary hospitals for livestock and large animals. (Intensity Rating: H)

**27.3.8 Parking Use Types**

**a. Off-Street Parking**

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility. (Intensity Rating: H)

**b. Parking Structure**

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

**27.3.9 Industrial Use Types**

Industrial use types include the on-site extraction or production of goods by nonagricultural methods, and the storage and distribution of products. (Intensity Rating: L)

**a. Agricultural Industrial**

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

**b. Construction Yards**

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

**c. Custom Manufacturing**

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

- (1) The use of hand tools; or

- (2) The use of domestic mechanical equipment not exceeding two (2) horsepower; or
- (3) A single kiln not exceeding eight (8) KW or equivalent.

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

**d. Light Industrial**

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

**e. General Industry**

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

**f. Heavy Industry**

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

**g. Recycling Collection**

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

**h. Recycling Processing**

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

**i. Resource Extraction**

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

**j. Salvage Services**

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

**k. Vehicle Storage (Long-Term)**

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

**l. Warehousing (Enclosed)**

Uses including storage, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses and van and storage companies. (Intensity Rating: M)

**m. Warehousing (Open)**

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators and open storage. (Intensity Rating: H)

**27.3.10 Transportation Use Types**

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

**a. Aviation (General)**

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

**b. Aviation (Private)**

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

**c. Railroad Facility**

Fixed railroad facilities, including switching yards, equipment servicing facilities and freight terminal facilities, but not including normal right-of-way. (Intensity Rating: I)

**d. Transportation Terminal**

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

**e. Truck Terminal**

A facility for the receipt, transfer, short term storage and dispatching of goods transported by truck. (Intensity Rating: H)

**27.3.11 Miscellaneous Type Uses**

**a. Alternative Energy Production Devices**

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields. Geothermal energy installations or water-powered mills or generating facilities. (Intensity Rating: M)

**b. Construction Batch Plant**

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt or other paving materials intended for specific construction projects. (Intensity Rating: H)

**c. Landfill A (Non-Putrescible Solid Waste Disposal)**

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

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

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

## SECTION 4 ZONING DISTRICT REGULATIONS

### 27.4.1 Purpose

Section 4 shall be known as the Zoning District Regulations. Zoning Districts are established in the Zoning Ordinance to promote patterns of development that are consistent with the policies set forth by the County's Comprehensive Plan and to establish site development regulations appropriate to the purposes and specific nature of each district.

### 27.4.2 Establishment of Districts

The following base districts and overlay districts are hereby established. These districts correspond to the Land Use Policy Districts established by the Mills County Comprehensive Plan.

#### BASE ZONING DISTRICTS

<b>AG</b>	Agricultural District
<b>AR</b>	Agricultural/Residential District
<b>LH</b>	Loess Hills Conservation Development District
<b>V</b>	Village District
<b>C-1</b>	Convenience Commercial
<b>C-2</b>	Highway Oriented Commercial
<b>I</b>	Industrial District
<b>OS</b>	Greenway/Open Space Conservation District

#### OVERLAY DISTRICTS

<b>GP</b>	Grading Permit Overlay District
<b>PUD</b>	Planned Unit Development Overlay District
<b>CO</b>	Corridor Overlay District

- a. Agriculture District (AG):** The General Agricultural District promotes agricultural uses, including crop and animal production. Much of this area is beyond the probable demand for residential development within the foreseeable future. However, encroaching residential uses, even if scattered, create potential conflicts with intensive agriculture. In Agriculture Districts, a wide range of agriculture activity is encouraged. Opportunities for other uses will exist, but the emphasis will be on agricultural uses, whereby land use conflicts will be minimized.
- b. Agriculture Residential District (AR):** The Residential Agricultural District recognizes residential development in and around the Loess Hills region where slopes are low to moderate and there is significant demand for residential development. Land within this district is likely to continue being subdivided or otherwise used for low-density rural residential development. The county should encourage conservation subdivision development and community water/wastewater systems, when possible.



- c. Loess Hills Conservation Development (LH):** The Loess Hills Conservation Development District recognizes the importance of the fragile and unique landform of the Loess Hills and the demand for residential development. The concept of conservation development encourages developers to preserve areas of environmental or scenic significance in exchange for allowing greater development density in other parts of the project or by lessening the minimum lot size of the parcel if the overall percentage of open space or agricultural land stays constant. Minimum lot size standards should be observed for construction of private septic systems and wells. However, constructing common water and wastewater systems in place of private systems will allow an even greater development density. The Loess Hill Conservation Development District allows the landowner to develop at a greater density using conservation development techniques.
- d. Village (V):** This district is intended to provide for residential and commercial development in existing, long-standing rural unincorporated villages. The Village District is appropriate to areas in the county within identifiable communities, such as Mineola and Strahan. The use of the V District for development using private infrastructure should be discouraged, although it is not prohibited.
- e. Convenience Commercial (C-1):** This district is intended for commercial facilities that serve the needs of markets ranging from a rural community to the overall region. Permitted commercial and office uses are generally compatible with nearby residential areas, with development standards designed to minimize the effects of traffic and operation characteristics. C-1 Districts are appropriate at major intersections or at the periphery of a rural community.
- f. Highway Oriented Commercial District (C-2):** Highway Oriented Commercial District includes major road corridors in rural areas that attract high quality commercial and industrial development. The district should allow commercial uses and limited industrial uses.
- g. Industrial District (I):** The district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility. The Industrial District applies to areas that provide logical locations for major industry, based on transportation and locational assets.
- h. Open Space District (OS):** The Open Space District maintains open uses in areas that provide major environmental resources or should not receive conventional development. These areas include wetlands, lakes, rivers, and other distinctive environmental features. These natural resource areas, recognized by the County's Comprehensive Plan, are not appropriately described by traditional base zoning districts. Flood prone areas may be included within the OS District.

- i. Grading Permit Overlay District (GP Overlay):** This overlay district identifies the unique land formation of the Loess Hills and establishes regulations to control development that adversely affects the integrity of the region. This district also establishes a County Grading Permit requirement throughout Mills County. It proposes standard environmental management measures for controlling erosion and dust, maintaining drainage patterns and groundwater quality, establishing buffers, encouraging community infrastructure systems, and restoring the landscape.
- j. Planned Unit Development District (PUD Overlay):** The Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment.
- k. Corridor Overlay District (CO Overlay):** The Corridor Overlay District is intended to promote quality design, preserve the appearance of the natural and agricultural landscape and promote economic development along and near the I-29 and U.S. Highway 34 interchange and corridor. The regulations in the overlay district are in addition to those of the underlying zoning district for the property and effect all new or expanded public, commercial, industrial and mixed use buildings and properties.

### **27.4.3 Application of Districts**

A base district designation shall be applied to each area and parcel within the County's planning jurisdiction. Overlay districts may be applied to any site or any portion thereof, in addition to a base district designation.

### **27.4.4 Development Regulations**

- a.** For each Zoning District, uses are permitted by Intensity Rating as set for in Section 27.3.2a. Table 4.01 presents a Use Matrix, indicating the Intensity Ratings of uses permitted in each zoning district.
- b.** Table 4.02 establishes specific regulations that apply to various design and development criteria for each district. These regulations may refer to other tables or sections of the Ordinance. Supplemental Regulations may also affect specific land uses or development regulations in each district.

### **27.4.5 Zoning Map**

#### **a. Adoption of Zoning Map**

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map maintained by the County. The County shall certify that this is the Official Zoning Map referred to by these regulations. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance. The Zoning Map shall be on file with

the County Auditor and shall be readily accessible to the public at the Mills County Courthouse in Glenwood, Iowa.

**b. Changes to the Zoning Map**

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

**27.4.6 Interpretation of District Boundaries**

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

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

**27.4.7 Vacation of Public Rights of Way**

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

**27.4.8 Required Conformance**

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

**27.4.9 Required Frontage**

No platted lot shall contain any building used in whole or in part for residence purposes unless such lots abuts for at least twenty (20) feet on at least one public street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least sixty-six (66) feet wide may be provided for two or more such single-family dwellings or for structures housing more than one family in independent units.

#### **27.4.10 Use Matrix: Levels of Permitted Uses**

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

##### **a. Uses Which are Permitted by Right**

These uses are permitted subject to issuance of a building permit by the Zoning Official, subject only to compliance with all regulations of these regulations. Uses permitted by right might be subject to supplemental regulations contained in these regulations. These uses are indicated in the Use Matrix by a “P” in the applicable cell.

##### **b. Conditional Uses**

These uses are subject to approval of a Conditional Use Permit by the Zoning Board of Adjustment following the procedure set forth in Section 27.1.10 j. (4). These uses are indicated in the Use Matrix by a “C” in the applicable cell.

#### **27.4.11 Guide to Site Development Regulators**

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

##### **a. Site Area per Housing Unit**

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

##### **b. Minimum lot Size**

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

##### **c. Minimum Yards**

These define the required setbacks of buildings from front, side, and rear property lines. While the yard requirements apply to a majority of development, the Ordinance provides for a number of exceptions. Some of these Include:

###### **(1) Planned Unit Development**

Yard setbacks can be varied within Planned Unit Developments, which are reviewed and approved by the Board of Supervisors after a recommendation from the Planning and Zoning Commission.

(2) Major Roads

The County may require greater than normal setback along segments of the County's arterial road system, as defined in the Comprehensive Plan.

**d. Maximum Height**

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

**e. Maximum Building Coverage**

This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a 20,000 square foot building on a 40,000 square foot site has a building coverage of fifty percent (50%). This is a method of regulating the scale of buildings in an area.

**f. Maximum Impervious Coverage**

This measures the percentage of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (Such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quality of storm water runoff and provide for groundwater recharge.

**g. Land Disturbance Standards**

This indicates areas that require application of special performance standards and procedures applying to the disturbance of land in environmentally sensitive areas, such as the Loess Hills. These standards are set forth in Section 27.7.3.

**h. Conservation Development Standards**

These are voluntary regulations allowing the application of conservation development procedures, as set forth in Section 5.

**i. Landscape Requirements.**

This establishes areas for which landscaping that must be provided on private property adjacent and in from the right-of-way line. These specific standards are set forth in Section 27.6.4.

**j. Minimum Bufferyard Requirements**

This establishes areas in which bufferyards must be provided by more intensive land uses adjacent to less intensive land uses. These specific standards are set forth in Section 27.6.5.

**Table 4.01: Use Matrix**

	<b>Intensity Rating</b>	<b>OS</b>	<b>AG</b>	<b>AR</b>	<b>LH</b>	<b>V</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>+ Reg</b>
<b>AGRICULTURE USES</b>										
Horticulture	L	P	P	P	P	C	C	P	P	
Crop Production	L	P	P	P	P	P		P	P	
Animal Production	M	P	P	P	P			P	P	
Livestock Sales	H	P	P	P	P			P	P	

<b>RESIDENTIAL USES</b>										
Single-Family Detached	L		P	P	P	P		C	C	
Single-Family Attached	L		P	P	P	P		C	C	
Duplex	M			C	C	C		C		
Two-Family	M		C	C	C	C		C		
Townhouse	M			C	C	C		C		
Multiple-Family	M			C	C	C		C		
Group Residential	M			C	C	C		C		
Boarding House	M			C	C	C		C		
Manufactured Home Residential	L		P	P	P	P		C	C	
Mobile Home Park	M			C	C	C		C		
Mobile Home Subdivision	L		P	P	P	P		C	C	
Retirement Residential	M			C	C	C		C		

<b>CIVIC</b>										
Administration	L	P	P	P	P	P		P	C	
Cemetery	L	P	P	P	P	P		P	C	
Clubs (Recreational)	L	C	P	P	P	P		P	C	
Clubs (Social)	M	C	P	P	P	P		P	C	
College/University	H		P	C	C	C		P	C	
Convalescent Services	L		P	P	P	P		P	C	
Cultural Services	M	C	P	P	P	P		P	C	
Day Care (Limited)	L		P	P	P	P	C	P	C	
Day Care (General)	M		P	P	P	P	C	P	C	
Detention Facilities	I		C	C				C	P	
Educational Retreat Center	L	P	P	C	C					
Emergency Residential	L		P	P	P	P		P	C	
Group Care Facility	M		P	P	P	P		P	C	
Group Home	L		P	P	P	P		P	C	
Guidance Services	L		P	P	P	P		P	C	
Health Care	M		P	P	P	P		P	C	
Hospital	I		C	C	C	C		C	C	
Maintenance Facility	H		P	C	C	C		P	P	
Park and Recreation	L	P	P	P	P	P		P	C	

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

**C** – Permitted by Conditional Use Permit

**Blank** – Not Permitted

**OS** – Greenway/Open Space Conservation District    **AG** – Agriculture District    **AR** – Agriculture/Residential District

**H** – Loess Hills Conservation Development District    **V** – Village District    **I** – Industrial District

**C-1** – Convenience Commercial District    **C-2** – Highway Oriented Commercial District

**Table 4.01: Use Matrix**

	<b>Intensity Rating</b>	<b>OS</b>	<b>AG</b>	<b>AR</b>	<b>LH</b>	<b>V</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>+ Reg</b>
<b>CIVIC (continued)</b>										
Postal Facilities	M		P	P	P	P	P	P	C	
Primary Education	M		P	P	P	P	C	P	C	
Public Assembly	H		P	C	C	C	C	P	C	
Religious Assembly	L		P	P	P	P	C	P	C	
Safety Services	M	C	P	P	P	P	C	P	C	
Secondary Education			P	C	C	C	C	P	C	
Utilities	M	C	P	P	P	P	C	P	C	

**OFFICE USES**

General Offices	M		C	C	C	C	P	P	C	
Financial Services A	L		C	C	C	P	P	P	C	
Financial Services B	M		C	C	C	C	C	P	C	
Medical Offices A	L		C	C	C	P	P	P	C	
Medical Offices B	M		C	C	C	C	C	P	C	

**COMMERCIAL USES**

Ag Sales/Service	H							P	C	
Auto Auction Lots	H							P	C	
Auto Rental/Sales	H							P	C	
Auto Services	H							P	C	
Body Repair	I							P	C	
Equip Rental/Sales	H							P	P	
Equipment Repair	H							P	P	
Bed and Breakfast	L		C	C	C	P		P	C	
Business Support Services	M		C	C	C	C	C	P	C	
Business/Trade School	H							P	C	
Campgrounds	M		C	C	C	C	C	P	C	
Cocktail Lounge	H					C	P	P	C	
Commercial Recreation	H							P	C	
Communication Service	M		C	C	C	C	C	P	C	
Construction Sale/Service	H							P	P	
Consumer Service	M		C	C	C	C	C	P	C	
Convenience Storage	H						C	P	C	
Food Sales (Convenience)	H					C	P	P	C	
Food Sales (Limited)	L		C	C	C	P	P	P	C	
Food Sales (General)	M		C	C	C	C	C	P	C	
Food Sales (Super markets)	I							C	C	
Funeral Services	M		C	C	C	C	C	P	C	

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<b>Table 4.01: Use Matrix</b>										
	<b>Intensity Rating</b>	<b>OS</b>	<b>AG</b>	<b>AR</b>	<b>LH</b>	<b>V</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>	<b>+ Reg</b>
<b>COMMERCIAL USES (cont)</b>										
Gaming Facilities	H							P	C	
Kennels	M		C	C	C		C	P	C	
Laundry Services	H						P	P	C	
Liquor Sales	H						P	P	C	
Lodging	H						C	P	C	
Personal Improvement	M		C	C	C	C	P	P	C	
Personal Services	M		C	C	C	C	P	P	C	
Pet Services	M		C	C	C	C	C	P	C	
Research Services	M		C	C	C	C	P	P	C	
Restaurants (Drive-in)	H						P	P	C	
Restaurants (General)	H					C	P	P	C	
Restricted Business									C	Yes*
Retail Services (Limited)	M		C	C	C	C	P	P	C	
Retail Services (Medium)	M		C	C	C	C	P	P	C	
Retail Services (Large)	H							P	C	
Retail Services (Mass)	I							C	C	
Social Hall	H		C	C	C	C	C	P	C	
Stables	M		C	C	C			P	C	
Surplus Sales	I							C	C	
Trade Services	M		C	C	C	C	C	P	C	
Travel Centers	H							P	C	
Truck Stops	I							C	P	
Vehicle. Storage (Short Term)	M		C	C	C	C	C	P	C	
Vet Services (General)	M		C	C	C	C	C	P	C	
Vet Services (Large Animal)	H							P	C	

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**C-1** – Convenience Commercial District      **C-2** – Highway Oriented Commercial District

\*Restricted Business Additional Regulations. No person shall cause or permit the establishment of any restricted business, as defined in Section 3, within 1,500 feet from another such business, any school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed use district restricted to residential use. Measurement shall be taken on a direct line from the property line of such restricted business to the point on the property line of such other business, school, church, public park, public playground, public plaza, day nursery, day care center, nursery school, Agriculture Residential District, Loess Hills Conservation Development District, Village District or portion of a mixed use district restricted to residential use which is closest to the property line of such restricted business.



**Table 4.01: Use Matrix**

	Intensity Rating	OS	AG	AR	LH	V	C-1	C-2	I	+ Reg
<b>PARKING USES</b>										
Off-Street Parking	H									
Parking Structure	H									
<b>INDUSTRIAL USES</b>										
Agricultural Industry	I						C		P	
Construction Yards	H		C					C	P	
Custom Manufacturing	M		C	C	C			P	P	
Light Industry	M		C	C	C			P	P	
General Industry	H		C					C	P	
Heavy Industry	I		C						P	
Recycling Collection	M		C	C	C			P	P	
Recycling Processing	H		C					C	P	
Resource Extraction	I		C	C					C	Yes**
Salvage Service	I							C	C	
Vehicle Storage (Long Term)	H		C					P	P	
Warehousing (Enclosed)	M		C	C	C			C	P	
Warehousing (Open)	H		C						P	
<b>TRANSPORTATION USES</b>										
Aviation (General)	I	C	C							
Aviation (Private)	I	C	C							
Railroad Facilities	I	C	C						P	
Truck Terminal	H	C	C					P	P	
Transportation Terminal	H	C	C					P	P	
<b>MISCELLANEOUS USES</b>										
Alternative Energy Production Devices	M		P	P	C		C	P	C	
Amateur Radio Tower	L	P	P	P	P		P	P	C	
Communication Tower	M		P	P	C		C	P	C	
Construction Batch Plant	H		C	C				C	P	
Landfill (Non-Putrescible)	H		C	C				C	P	
Landfill (Putrescible)	H		C	C				C		
WECS	L	P	P	P	P		P	P		

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**Blank** – Not Permitted

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\*\*For AG and AR Zoning Districts, Resource Extraction is allowed with the submission of a grading plan(s) for County process approval.

**Table 4.02: Development Criteria for Zoning Districts**

Site Area per Unit	OS	AG	AR	LH
Minimum site area per housing unit	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conventional residential development)	¼-¼ section	2 acres*	2 acres	3 acres
Minimum lot size (conservation residential development)	NA	NA	NA	1 acre
Minimum lot size (non-residential)	¼-¼ section	5 acres	2 acres	3 acres
Minimum front yard	100 feet	75 feet	75 feet	75 feet
Minimum front yard (major subdivision with public water or sewer)	25 feet	25 feet	25 feet	25 feet
Minimum side yard	10 feet	10 feet	10 feet	10 feet
Minimum rear yard	25 feet	25 feet	25 feet	25 feet
Minimum lot width	1,000 feet	300 feet	300 feet	300 feet
Minimum lot depth	1,000 feet	300 feet	300 feet	300 feet
Maximum height	25 feet	35 feet	35 feet	35 feet
Maximum building coverage	1%	5%	15%	5%
Maximum impervious coverage (excluding structure)	5%	10%	10%	10%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development Standards (Section 5)	No	No	No	Yes
Landscape Requirement (Section 27.6.3)	No	No	For conditional permit uses	For conditional permit uses
Bufferyard Requirement (Section 27.6.5)	No	No	For conditional permit uses	Yes

*Note:* Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 27.7.4.

*Note:* In Loess Hills Conservation Development, the development criteria and grading permit standards may be the same as in the Agriculture/Residential District, if the land has crop land history as proven by Farm Service Agency (FSA) maps.

\*Maximum of three (3) housing units per ¼-¼ section.

<b>Table 4.02: Development Criteria for Zoning Districts</b>				
<b>Site Area Per Unit</b>	<b>V</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Minimum site area per housing unit	NA	NA	25,000 sq. ft.	¼-¼ section
Minimum lot size (conventional residential development)	1 acre without sewer 10,000 sq. ft. with sewer	NA	2 acre	¼-¼ section
Minimum lot size (conservation residential development)	NA	NA	NA	NA
Minimum lot size (non-residential)	2 acre without sewer 10,000 sq. ft. with sewer	2 acres	2 acres	2 acres
Minimum front yard	NA	25 feet	25 feet	25 feet
Minimum side yard	NA	10 feet	10 feet	10 feet
Minimum rear yard	NA	50 feet	50 feet	50 feet
Minimum lot width	NA	400 feet	400 feet	400 feet
Minimum lot depth	NA	400 feet	400 feet	400 feet
Maximum height	35 feet	50 feet	50 feet	50 feet**
Maximum building coverage	NA	40%	40%	50%
Maximum impervious coverage	NA	70%	70%	80%
Grading Permit Standards (Section 7)	Yes	Yes	Yes	Yes
Conservation Development (Section 5)	No	No	No	No
Landscape Requirement (Section 27.6.3)	No	Yes	Yes	Yes
Bufferyard Requirement (Section 27.6.5)	No	Yes	Yes	Yes

*Note:* Density, front yard setback, building coverage, impervious coverage, and height requirements may be varied within Planned Unit Developments, as set forth in Section 27.7.4.

\*\*The maximum height for industrial/manufacturing equipment, smoke stacks, silos, and approved above ground landfills shall be 200 feet as measured using the method prescribed in Section 27.4.11(d). The maximum height is subject to certain restrictions. Said structures shall be permitted for use in the Industrial District (I) and established outside the Loess Hills Conservation Development District. Said structures shall not extend into airport approach zones, clear zones, or other restricted air space required for the protection of any public or military airport. The maximum height only applies to above ground landfills if the Iowa Department of Natural Resources (IDNR), as part of a state landfill permit, determines all aspects of the landfill, including the proposed height, meet or exceed State of Iowa construction standards for such landfill.

## **SECTION 5**

### **CONSERVATION DEVELOPMENT STANDARDS**

#### **27.5.1 Purpose and Application**

Section 5 shall be known as the Conservation Development Standards. These standards provide voluntary design standards and techniques for subdivisions with five or more lots within the LH district. Conservation Development techniques require that the natural landforms determine the design and character of new residential development in environmentally sensitive areas. Areas of environmental sensitivity and potential outside of LH district are established by the Mills County comprehensive plan.

#### **27.5.2 Process**

Conservation developments generally follow the subdivision approval procedures outlined in Chapter 25 – Subdivision Regulations of the Mills County Code of Ordinances, establishing the process for preliminary and final plat approval. Projects that do not require subdivision follow approval procedures appropriate to the specific project, including Special Use Permits, zoning amendments, site plan review or other applicable measures. The requirements and standards included in this Section are in addition to those established procedures.

#### **27.5.3 Permitted Density Yield**

The density of conservation developments is set forth in Table 4.01. Community water and wastewater systems are required as presented in Chapter 25 – Subdivision Regulations of the Mills County Code of Ordinances. Permitted yield in housing units (Y) is calculated by the formula:

$$Y = \frac{.90(TA - UA)}{SA}$$

Where:

TA – Total parcel area

UA = Undevelopable area, defined as the sum of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding twenty percent (20%), floodways and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey published by the USDA Soil Conservation Service, is subtracted from the total parcel area.

.90 = an allowance for the typical percentage of land available after deducting the area of public streets and right-of-way servicing a low-density residential development.

SA = Minimum site area per unit for conservation development required by the underlying zoning district.

#### **27.5.4 Minimum Percentage of Open Space**

- a.** The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided and protected through a conservation easement held by Mills County, a Homeowners Association or a recognized land trust or conservancy, shall be a minimum of thirty-five percent (35%) of the Net Developable Area, defined as .90(TA-UA).
- b.** The above areas shall generally be designated as undivided open space, to facilitate easement monitoring and enforcement and to promote appropriate management by a single entity according to approved land management standards.
- c.** All undivided open space and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the County and duly recorded in the Mills County Recorder's Office.
- d.** The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems and for "spray fields" for spray irrigation purposed in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent (10%) of the required minimum open space.
- e.** Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the right-of-way for underground pipelines. However, land within the right-of-way of high tension power lines shall not be included as comprising part of the minimum required open space.

#### **27.5.5 Conservation Areas as Open Space**

- a.** The location of open space shall be consistent with the policies contained in Mills County's Comprehensive Plan and with the recommendations contained in this Section and the following section ("Evaluation Criteria").
- b.** Open space shall be comprised of two (2) types of land; "Primary Conservation Areas" and "Secondary Conservation Areas". All lands within both Primary and Secondary Conservation Areas shall be protected by a permanent conservation easement prohibiting future development, and setting other standards safeguarding the site's special resources from negative changes.
  - (1) Primary Conservation Areas  
This category consists of wetlands designated by the National Wetlands Survey, Water of the United States, slopes exceeding twenty-five percent (25%), floodways and soils subject to slumping, as indicated on the medium intensity maps contained in the county soil survey publishing by the USDA Natural Resources Conservation Service.
  - (2) Secondary Conservation Areas  
Secondary Conservation Areas comprise at least thirty-five percent (35%) of the Net Developable Area and shall be designed and permanently protected.

Full density credit shall be allowed for land in this category that would otherwise be buildable under local, state and federal regulations, so that their development potential is not reduced by this designation. Such density credit may be applied to other unconstrained parts of the site. Secondary Conservation Areas are determined by specific project design and typically include all or some of the following kinds of resources:

- i. A one hundred (100')-foot deep greenway buffer along all waterbodies and watercourses, and a fifty (50')-foot greenway buffer alongside wetlands soils classified as "very poorly drained" in the medium intensity county soil survey of the USDA Natural Resources Conservation Services). These areas must be conserved as Secondary Conservation Areas but are considered as developable areas for the purpose of calculating yield.
- ii. One hundred (100)-year floodplains.
- iii. Woodlands, individual specimen trees or small stands of trees with a caliper size of twelve inches (12") or greater.
- iv. Aquifer recharge areas and areas with highly permeable (excessively drained) soil.
- v. Significant wildlife habitat areas.
- vi. Agriculture Land.
- vii. Historic, archaeological or cultural features listed (or eligible to be listed) on the National Register of Historic Places, or on inventories developed by the Golden Hills RC&D or the Iowa State Historical Society.
- viii. Slopes in excess of fourteen percent (14%).
- ix. Ridgelines and view corridors.
- x. Land with soils that do not support residential development.

#### **27.5.6 Location Standards for Open Spaces**

##### **a. Access to Residential Lots**

Undivided open space shall be directly accessible to the largest practicable number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided open space in order to provide direct views and access. Safe and convenient pedestrian access to the open space from all lots not adjoining the open space shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ration in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, waterbodies or watercourses or trail links.

**b. Interconnection of Open Spaces**

Protected open spaces in each new subdivision are encouraged to adjoin each other, ultimately forming an interconnected network of Primary and Secondary Conservation Areas across the county.

**27.5.7 Special Processes for Conservation Developments**

The review and approval process for conservation developments is the same as that for conventional subdivisions, as set forth in Chapter 25 – Subdivision Regulations of the Mills County Code of Ordinances. Additional provisions and approval processes are set forth in this Section.

**a. Existing Features Plan**

- (1) Plans analyzing each site’s special features are required for all proposed subdivisions. Existing Features Plan shall include at a minimum:
  - i. A contour map based at least upon topographical maps published by the U.S. Geological Survey;
  - ii. The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and one hundred (100)-year floodplains and all right-of-way and easements;
  - iii. Soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and
  - iv. The location of significant features such as woodlands, treelines, open fields or meadows, scenic views into or out from property, watershed divides and drainage ways, fences or stone wall, rock outcrops and existing structures, roads, tracks and trails.
- (2) The Existing Features Plan shall identify both Primary Conservation Areas and Secondary Conservation Areas, as described in Section 27.5.5 of these regulations. The Existing Features Plan shall form the basis for the Conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines and greenway lands in new subdivisions, according to the four-step design process described in paragraph b, below.

**b. Conceptual Preliminary Plan**

A sketch plan or a Conceptual Preliminary Plan shall be submitted for all proposed subdivisions to the Zoning Officer before submission of a formal preliminary plat application. A Conceptual Preliminary Plan presents a conceptual layout for greenway and open lands, house sites and street alignments. Each Conceptual Preliminary Plan shall follow a four-step design process, as described below. Applicants shall be prepared to demonstrate to the Zoning Officer that these four design steps were followed in the preparation of the plan.

- (1) Step One: Designating the Open Space  
During the first stop, all potential conservation areas (both primary and secondary as defined above) are identified, using the Existing Features Plan.

(2) Step Two: Location of House Sites

During the second step, potential house sites are located. Subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detained Final Plan. House sites should generally be located not closer than one hundred feet (100') from Primary Conservation Areas, but may be situated within fifty feet (50') of Secondary Conservation Areas, in order to enjoy views of the latter without negatively affecting the former.

(3) Step Three: Street and Lot Layout

The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids, or at least minimizes, adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fourteen percent (14%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Where cul-de-sacs are necessary, those serving six (6) or fewer homes may be designed with "hammerheads" facilitating three (3) point turns.

(4) Step Four: Lot Lines

The fourth step is simply to draw in the lot line (where applicable). These are generally drawn midway between house locations and may include L-shaped "flag lots" meeting the county's minimum standards for the same.

(5) Review and Comments

The Zoning Official and the County Engineer shall return written comments on the Conceptual Preliminary Plan to the applicant within thirty (30) days of submittal. These comments should recommend changes to be made prior to submittal of a Preliminary Plat application.

### **27.5.8 Ownership and Maintenance of Common Open Space**

Conservation Developments shall provide for ownership and maintenance of common open space. Common open space within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination and subject to approval by the County.

#### **a. Offer of Dedication**

Mills County shall have the first and last offer of dedication of undivided open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The County or other public agency may, but shall not be required to accept undivided open space provided:

- (1) Such land is accessible to the residents of the county;



- (2) There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance; and
- (3) The county agrees to and has access to maintain such lands.

Alternatively, a public agency may accept an easement, subject to the above conditions.

**b. Homeowners Association**

The undivided open space and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions.

- (1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the open spaces.
- (2) The association shall be organized by the developer and shall be operated with financial assistance from the developer, before the sale of any lots within the development.
- (3) Membership in the association is automatic (mandatory) for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowner shall be identified.
- (4) The association shall be responsible for maintenance of insurance and taxes of undivided open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or house lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
- (5) The members of the association shall share equitably the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
- (6) In the event of a proposed transfer, within the methods here permitted, of undivided open space land by the homeowners' association, or of the assumption of maintenance of undivided open space land by a public agency, notice of such action shall be given to all property owners within the development.
- (7) The homeowner's association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of open space lands.

**c. Condominiums**

The undivided open space and associated facilities may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the state statute. All undivided open space land shall be held as a "common element".

**d. Transfer of Easements to a Private Conservation Organization**

An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

- (1) The organization is acceptable to the County, and is a bona fide conservation organization with perpetual existence;
- (2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its function; and
- (3) A maintenance agreement acceptable to the County is entered into by the developer and the organization.

### **27.5.9 Maintenance Standards**

#### **a. Financial Responsibility**

The ultimate owner of the open space (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, or other methods. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.

#### **b. Maintenance Enforcement**

- (1) In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the County may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.
- (2) Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of these regulations.
- (3) Should any bill or bills for maintenance of undivided open space by the County be unpaid, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as other municipal claims.

### **27.5.10 Evaluation Criteria**

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning and Zoning Commission and Board of Supervisors as indicating design appropriate to the site's natural, historic and cultural features, and meeting the purpose of these regulations:

- a.** Protection of floodplains, wetlands and steep slopes from clearing, grading, filling or construction except as may be approved for essential infrastructure or active or passive recreation amenities.

- b.** Preservation and maintenance of woodlands, existing fields, pastures, meadows and orchards and sufficient buffer areas to minimize conflicts between residential and agricultural uses.
- c.** Maintenance of buffers adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- d.** Design around existing treelines between fields or meadows, and minimal impacts on large woodlands (greater than five (5) acres), especially those containing many mature trees or a significant wildlife habitat.
- e.** Maintenance of scenic views.
- f.** Avoidance of new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- g.** Protection of wildlife habitat areas of species listed as endangered, threatened or of special concern by the U.S. environmental Protection Agency.
- h.** Design around and preserves sites of historic, archaeological or cultural value, including stone walls, barn foundations, cellar holes, earthworks and burial grounds.
- i.** Protection of rural character and improvement of public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
- j.** Landscaping of common areas if appropriate.
- k.** Provision of active or passive recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
- l.** Inclusive of a pedestrian circulation system providing access between properties, activities, or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails.
- m.** Provision of open space that is reasonably contiguous, avoiding fragmented open spaces.

## **SECTION 6 LANDSCAPING AND SCREENING STANDARDS**

### **27.6.1 Purpose**

Section 6 shall be known as Landscaping and Screening Standards. The Landscaping and Screening Regulations provide additional standards for the development of certain sites within Mills County by addressing landscaping and screening requirements. They are designed to improve the appearance of the County, buffer potentially high impact land uses from lower impact uses, and conserve the value of properties within Mills County. The Landscape and Screening provisions are further intended to expedite development approval by including predictable, uniform standards for landscaping.

### **27.6.2 Applicability**

The provisions of this Section shall apply to all new development on each lot within zoning districts identified by Table 4.02 upon application for a building permit, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than twenty percent (20%) of the building established on the site on the effective date of these regulations. Where such cumulative additions or enlargements are twenty percent (20%) or greater, these provisions shall apply only to that portion where the new development occurs.

### **27.6.3 Landscaping Requirements**

Landscaping shall be required adjacent to each street property line and shall extend to a minimum depth inward on private property as set forth in the Development Regulations and summarized in Table 6.01.

### **27.6.4 Landscaping Materials and Installation Standards**

#### **a. Landscaping Plan**

A landscaping standard design plan meeting the requirements of this Ordinance must be submitted.

#### **b. Use of Inorganic Landscaping Materials**

- (1) No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping.
- (2) Inorganic materials, such as stone, stamped concrete or decorative pavers, may be used provided that such material does not comprise more than thirty-five percent (35%) of the minimum required landscaped area.
- (3) Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for driveways, walkways and display areas.

c. All Plant Materials shall be installed in the following minimum sizes:

- (1) Deciduous shade trees; 2-inch caliper
- (2) Ornamental trees; 2-inch caliper
- (3) Evergreen trees; 5-foot high
- (4) All shrubs; 5-gallon container
- (5) Groundcover, annuals, and perennials; 1-gallon container

<b>Table 6.01: Required Landscape Depth Adjacent of Street Property Lines</b>	
<b>COLUMN 1</b> Use Type	<b>COLUMN 2</b> Minimum Depth of Landscaping Adjacent to Street Property Lines
<b>Civic</b>	20 feet
<b>Commercial/Office</b>	25 feet
<b>Industrial/Miscellaneous</b>	35 feet

**27.6.5 Bufferyard Provisions**

The owner, developer, or operator shall install and maintain a landscaped bufferyard on his/her lot or site, as set forth in this Section. Bufferyard requirements apply only to those districts indicated in Table 4.02.

- a. The bufferyard dimensions set forth in Table 6.02 apply to uses that share a common lot line.
- b. When a roadway separates adjacent zoning districts requiring a bufferyard, the size of the bufferyard shall be one-half the required bufferyard.
- c. Each required bufferyard must be entirely landscaped and free of paved areas, access ways, storage, or other disturbances.

<b>Table 6.02: Bufferyard Requirements (in feet)</b>		
	<b>Residential</b>	<b>Civic</b>
<b>Residential</b>	n/a	n/a
<b>Civic</b>	10	n/a
<b>Commercial</b>	20	10
<b>Industrial</b>	60	60

### 27.6.6 Screening Standards

#### a. Application

Screening is opaque barrier and required when a use type requiring buffering a residential use type and has one (1) or more of the following conditions and is directly visible from and faces toward the boundary of the residential use:

- (1) Outdoor storage areas or storage tanks, unless otherwise screened.
- (2) Loading docks, refuse collection points, and other service areas.
- (3) Major machinery or areas housing a manufacturing process.
- (4) Major on-site traffic circulation areas or truck and/or trailer parking.
- (5) Sources of glare, noise, or other environmental effects.
- (6) Bailing or stockpiling of cardboard or other shipping or packaging materials.
- (7) Surface parking lots with 150 or more stalls directly adjacent to less intensive districts.

#### b. Opaque Barrier

A six (6) feet opaque barrier shall be provided which visually screens the conditions listed in Section 27.6.6(a) from the residential use as follows:

- (1) A solid wood, PVC, and/or masonry fence or wall at least six (6) feet in height.
- (2) A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six (6) feet within three (3) years of planting.
- (3) A landscaped earth berm with a maximum slope of three to one (3:1), rising no less than six (6) feet above the existing grade of the lot line separating the zoning districts.
- (4) Any combination of these methods that achieves a cumulative height of six (6) feet.

#### c. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

#### d. Permitted Interruptions of Screening

Screening may be interrupted to provide access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed twenty percent (20%) of the length of the required screened area.

### **27.6.7 Parking Lot Landscaping**

#### **a. Landscape and Screening Requirements**

Unless otherwise noted, each unenclosed parking facility with a paved surface of 10,000 square feet or more shall comply with the following regulations:

- (1) Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet (10') along any roadway property line.
- (2) Each parking facility that abuts a residential district shall provide a ten feet (10') landscaped buffer along its common property line with the residential district.
- (3) Any parking facility which abuts property in a residential use type shall provide a fence, wall, landscape screen, or earth berm not less than four feet (4') in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Official.
- (4) Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

### **27.6.8 Tree Plantings**

- a.** In any landscaped area for commercial uses only required by the Minimum Depth Requirements, one (1) tree of an approved species with a minimum caliper size of two inches (2") shall be planted and maintained for each 1,000 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.
- b.** Any tree of an approved species planted or maintained with a caliper of three inches (3") or above shall count as 1.5 trees toward the satisfaction of the requirements of this Section. An approved existing tree with a caliper of eight inches (8") or above preserved on a site shall count as 2.00 trees toward the satisfaction of the requirements of this Section.

### **27.6.9 General Provisions**

#### **a. Time of Application**

The provisions contained in this Section shall be applied for each individual lot or site when an application for a building permit on such lot is made. A Landscape Plan shall be submitted with each application for a building permit. Such plan shall be reviewed by the Zoning Official for compliance with the provisions of this Section.

#### **b. Maintenance of Required Landscaping**

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that

does not remain healthy shall be replaced consistent with this Section and the approved landscaping plan for the project.

**c. Obstruction of View**

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

**d. Earth Berm Locations**

All earth berm locations shall be reviewed by the Zoning Official, or his/her designee to determine how the berms shall relate to drainage.

**e. Time of Completion**

Landscaping will need to be completed within six (6) months of completion of the Building or from the date of issuance of the Certificate of Occupancy and/or the beginning of business operations.

**f. Penalties for Violations**

- (1) Any person who fails to perform an act required by this Ordinance or who commits an act prohibited by this Ordinance shall be guilty of a County infraction punishable by a civil penalty as provided by Section 5.1.1 – County Infractions of Chapter 5 – Violations and Penalties of the Mills County Code of Ordinances.
- (2) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (3) Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.



## **SECTION 7 OVERLAY DISTRICTS**

### **27.7.1 Purpose**

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

- a.** To recognize special conditions in specific parts of the County which require specific regulation.
- b.** To provide for the protection of special features in the natural and built environment of the County.
- c.** To allow for change and adaptability to different needs and trends in land development.
- d.** To encourage comprehensive neighborhood and environmental planning in the County, and to protect the integrity of vital services.
- e.** To provide flexibility in development and to encourage innovative design through comprehensively planned projects.

### **27.7.2 Establishment of Districts**

The following Overlay Districts are hereby established.

#### **OVERLAY DISTRICTS**

- GP** Grading Permit Overlay District
- PUD** Planned Unit Development Overlay District
- CO** Corridor Overlay District

### **27.7.3 GP GRADING PERMIT OVERLAY DISTRICT**

#### **a. Purpose and Application**

These regulations apply to certain land disturbing activities within Mills County with additional requirements within the Loess Hills Conservation Development District (LH). The grading permit requirements are intended to insure that problems potentially caused by extensive grading are averted to return the affected land to a permitted use, and to conserve the unique environmental features of the Loess Hills environment in Mills County. These regulations do not apply to the following activities:

- (1) Plowing, disking, or use of any land for the crop production or animal production use types. Terracing of land for agricultural purposes is also exempt.
- (2) Work done by any political subdivision on any dedicated street or drainage right-of-way.
- (3) The installation, maintenance and/or repair of a septic system shall not require approval of a Grading Permit or Special Use Permit, as specified, prior to

carrying out such activity provided the final grade does not deviate from the existing grade.

- (4) Repair, replacement, or rehabilitation work performed by or on behalf of the Mills County Secondary Roads Department. The County Engineer shall obtain all State and Federal permits.

**b. Grading Permit and Conditional Use Permit Requirements**

The following actions require approval of a Soil Extraction Permit and a Grading Permit, as specified, prior to carrying out any of the actions as set forth below. All approved conditional use permits granted under this section shall be subject to a use surcharge. Said surcharge is set forth by Resolution 14-15 by the County Board of Supervisors. Said surcharge shall apply to all excavation and/or resource extraction in Mills County as set forth hereinafter.

- (1) The removal, addition or relocation of soil/other resource materials from any single parcel owned or controlled by any single entity, including joint tenants and co-tenants when the disturbed area exceeds one (1) acre shall require approval of an approved Grading Permit and/or Soil Extraction Permit. Said actions are also subject to aforementioned surcharge as set forth by resolution.
- (2) The above activity requires a completed and approved Soil Extraction Permit from the Zoning Board of Adjustment, as described in Section 27.1.10 j.
- (3) In addition to Soil Extraction Permit, a Grading Permit must be obtained from the Mills County Engineer prior to undertaking grading and/or extraction operations.
- (4) Upon issuance of Soil Extraction Permit and/or Grading Permit, either/both permits are subject to review annually by any Zoning Board of Adjustment and/or Mills County Engineer.

**c. Non-Exclusive Requirements**

The following non-exclusive requirements shall be met prior to approval by the Zoning Board of Adjustment:

- (1) Each application for a Soil Extraction Permit for soil/other resource extraction shall identify the materials to be extracted. No material other than that specifically identified in a conditional use permit, shall be removed from a tract of land that is being excavated.
- (2) Each application for a conditional use permit shall identify the location of the soil/other resource to be extracted.
- (3) Each application for a conditional use permit shall identify the amount of soil/other resource to be removed from the parcel(s) by cubic yards.
- (4) Establish and provide a timeframe and/or length of operation during which the soil/other resource material will be removed from the parcel(s). The Zoning Board of Adjustment will only grant a special use permit for extraction for a specified period of time. Each permit shall contain a specified termination date and include a provision that provides the operational rights granted under the permit shall automatically expire when extraction operations on the subject tract have terminated.

- (5) The terms of the permit shall provide that the operator is obligated to rehabilitate the tract of land immediately upon termination of the extraction operations on such tract. The permit application shall set out a rehabilitation plan that will be implemented after the completion of extraction activities on the tract. The operator shall certify the rehabilitation plan that the operator will fully rehabilitate the tract to the standards and requirements of the rehabilitation plan and the State of Iowa. The rehabilitation plan shall provide that the operator will file a bond with the State of Iowa and/or its Agent and the bond shall not be released until the State of Iowa and/or its Agent has inspected and approved all rehabilitation activities, and notified the Zoning Board of Adjustment that all such activities have been satisfactorily completed. The rehabilitation plan shall set forth a detailed process to measure the steps that will be taken to return the tract to a condition that supports at least the same agricultural productivity and capacity after rehabilitation as existed prior to the commencement of the excavations. All rehabilitation work, and other actions taken to rehabilitate the tract, shall be undertaken by the operator, at the operator's expense, and at no cost to Mills County. The rehabilitation plan and all of its standards and requirements shall be incorporated as part of the special use permit, and the standards and requirements of the rehabilitation plan shall be enforceable as well as all other conditions that are imposed by the Zoning Board of Adjustment.
- (6) The Zoning Board of Adjustment shall determine whether or not the conditional use permit applicant should be required to submit a plan to rehabilitate the subject tract once the conditional use has terminated, and provide for the funding of said restoration. If the Board required such a plan, then the conditional use permit may not be granted until such time as the plan has been submitted to the Board and approved.
- (7) Establish the zoning use of the parcel(s) after the resource extraction and obtain the approval of the Planning and Zoning Commission if a non-conforming use is to be established.
- (8) Establish a designated route of travel to and from extraction and destination site, with a route schedule submitted for approval by County Engineer.
- (9) Establish a maintenance plan for with the County Engineer regarding repair and/or restoration for damage caused by heavy trucks/equipment on Mills County roads affected by designated route of travel as identified during the specified period of time as noted on soil extraction permit application.

**d. Fee for Soil/Other Resource Extraction (Surcharge)**

- (1) A surcharge, otherwise known as a fee for soil extraction, is set pursuant to resolution by the Mills County Board of Supervisors.
- (2) Any approved special use permit granted under this section is subject to this surcharge.
- (3) Said surcharge is not retroactive and will not be enforced for any existing contract prior to date of passage, approval and publication as provided by law of Resolution 14-15.

- (4) Calculation of said surcharge is based upon proposed expenditures necessary to repair/replace infrastructure affected by extraction and/or route of travel to and from extraction site and destination site and/or any other travel area affected by activities that are a derivative of an approved Soil Extraction Permit.
- (5) Said surcharge is calculated to be approximately .00005% of the weighted average of complete replacement and/or overlay costs.
- (6) Enforcement of surcharge will be provided by the Mills County Building and Zoning Department. Oversight and enforcement will be provided based upon of the information contained within the contract provided with application and post-job inspection, if necessary as deemed by the County.
- (7) Any person violating any provision of this ordinance shall be punishable according to Chapter 5 of the Mills County Code of Ordinances and may be subject to a 'Stop Work Order' issued by an Mills County Building and Zoning Official and/or their designee until such time compliance with this ordinance is accomplished and approved by Mills County Building and Zoning and 'Stop Work Order' is removed.

**e. Criteria and Standards**

Applications for Grading Permits and Conditional Use Permits for Grading in the LH District must include the following submittals. Control measures in addition to those listed below may be imposed as conditions of the Grading Permit or Conditional Use Permit as needed to reduce or prevent damage to the environment.

- (1) An Erosion and Sediment Control Plan that demonstrates how the development of the site will:
  - i. Keep erosion on site to allowable soil loss limits as per NRCS Soil Survey.
  - ii. Prevent siltation of waterways and loss of sensitive soils.
  - iii. Prevent deterioration/damage to man-made structures.
  - iv. Protect wildlife habitat and protective vegetation.
  - v. Erosion and Sedimentation Plan must meet NPDES requirements.
  - vi. Plan must minimize excessive cut and fill. Use phased grading techniques where applicable.
- (2) Storm Water Control Plan that demonstrates how the development of the site will:
  - i. Avoid alteration of existing drainage patterns. See Iowa Drainage Rules.
  - ii. Prevent increase in storm runoff or velocity from site that would exceed waterway capacity or damage to natural/human-made environment.
- (3) Disturbance of Sensitive or Unique Features:
  - i. Buffering
    - i. No activity controlled by these regulations may take place within fifty (50) feet of a wetland.
    - ii. No activity controlled by these regulations may take place within fifty (50) feet of an intermittent streambank or one hundred (100) feet of a perennial streambank.

- ii. Effects on Features; plans for development and construction shall avoid damaging or destroying unique or sensitive features, or causing significant changes to the eco-system that would adversely affect those features.
  - iii. Assessment of Effects; an assessment must be prepared by the applicant to identify both direct and indirect effects of the proposed activity on the environment, including a determination of whether the effects are potentially adverse or beneficial. Alternatives to the proposed action must be identified, along with an assessment of the potential effects of the alternatives.
  - iv. Mitigation of Damage; if the environmental assessment findings indicate that there are no feasible alternatives that would prevent damage or destruction to the unique or sensitive feature, a study must be conducted to identify the extent of the adverse effects and a sensitive or unique feature mitigation plan must be prepared to identify measures necessary to mitigate the adverse effects. The plan must be prepared by persons qualified in the areas of natural sciences and engineering or related fields, and submitted to the county for review and recommendation by county officials and experts in the same areas.
- (4) Grading Permit and Conditional Use Permit Application Requirements. Any Grading Permit or Conditional Use Permit application for grading and excavation must include the following information:
- i. An Erosion and Sediment Control Plan and Storm Water Control Plan as described in Section 27.7.3 e.(1), prepared by a CPESC-certified individual;
  - ii. A landscaping plan, showing both existing vegetation and proposed plantings, including a proposed sequence for planting, if applicable; and,
  - iii. Additional plans, if applicable according to the standards and criteria of this Section;
  - iv. An assessment of the effect of the proposed activity on the water table;
  - v. A plan for perimeter buffers and screening of the site; and,
  - vi. Any additional information deemed necessary by the Zoning Official for review of the proposal.

## **27.7.4 PUD PLANNED UNIT DEVELOPMENT DISTRICT**

### **a. Purpose**

- (1) The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment.
- (2) Planned unit developments often involve groupings of buildings or sites that are designed as an integrated unit on land under unified control or ownership at the time of grant of development permission. The requirements of a PUD run with the land regardless of the subsequent sale or conveyance of property. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the Board of Supervisors with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project.

### **b. Permitted Uses**

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with a LH, C-1 or C-2 District to allow a combination of use types not anticipated by conventional base districts.

### **c. Objectives of Planned Unit Development Districts**

In evaluating applications for PUD Planned Unit Development Overlay Districts, the Planning and Zoning Commission and Board of Supervisors shall consider the following general objectives.

- (1) Residential PUD Districts; these districts should be designed to produce more usable open space, provide better recreation opportunities, enhance pedestrian scale, protect or create neighborhood amenities and environmental features, and produce more attractive neighborhoods than those produced by conventional development techniques.
- (2) Commercial PUD Districts; these districts should be designed to produce more attractive and functional clusters and commercial centers than the strip development that is frequently produced by the application of conventional zoning regulations. Techniques encouraged by PUD Districts include consolidated access, shared parking, consistent architectural quality, improved pedestrian and trail access to commercial facilities, public space, and integrated landscaping and signage programs.
- (3) Industrial PUD Districts; these districts should promote the establishment of industrial parks and to encourage groups of industrial buildings with integrated site design and architectural and landscaping themes.
- (4) Mixed Use PUD Districts; these districts should promote the objectives of innovative design of their individual uses and encourage creative groupings of different but complementary uses to establish high quality urban environments. Mixed Use PUD Districts may encourage co-location of living and working areas, or activity centers that incorporate a variety of uses.

- (5) PUD Districts in Sensitive Contexts; these districts may be utilized to provide a high level of detail and define the requirements of project approval for developments proposed within settings that are so sensitive that normal zoning requirements, including landscaping and buffering requirements, do not provide sufficient protection for neighboring properties.

**d. Site Development Regulations**

Site Development Regulations are developed individually for each Planned Unit Development District. Base district regulations provide flexibility, including higher densities, within Planned Unit Development districts.

**e. Access to Public Streets**

Each PUD District must abut a public street for at least one hundred feet (100') and gain access from that street.

**f. Application Process**

- (1) Development Plan; the application for a Planned Development District shall include a Development Plan containing the following information indicated in this Section.
- (2) Application Requirements; an application for approval must contain at a minimum the following information:
  - (a) A detailed site map, including:
    - i. A boundary survey.
    - ii. Site dimensions.
    - iii. Contour lines at no greater than two feet (2') intervals.
    - iv. Adjacent public rights of way, transportation routes, and pedestrian or bicycle systems.
    - v. Description of adjacent land uses.
    - vi. Utility service to the site and easements through the site.
    - vii. Description of other site features, including drainage, soils or other considerations that may affect development.
  - (b) A development plan, including:
    - i. A land use plan designating specific uses for the site and establishing site development regulations, including setback, height, building coverage, impervious coverage, density, and floor area ratio requirements.
    - ii. A site layout, including the location of proposed buildings, parking, open space, and other facilities.
    - iii. Location, capacity, and conceptual design of parking facilities.
    - iv. Description of the use of individual buildings.
    - v. Conceptual information sufficient to indicate a building height, bulk, materials, and general architectural design.
    - vi. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
    - vii. Vehicular and pedestrian circulation plan, including relationship to external transportation systems.

- viii. Schematic building elevations and sections if required to describe the project.
  - ix. Grading plans.
  - x. Proposed sewer and utility improvements.
  - xi. Location, sizes, and types of all proposed signage.
- (c) A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.

**g. Adoption of District**

- (1) The Planning and Zoning Commission and Board of Supervisors shall review and evaluate each Planned Unit Development application. Criteria for findings of fact in acting on PUD applications are set forth in Table 7.1. The County may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- (2) The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- (3) The Planning and Zoning Commission may recommend amendments to PUD district applications.
- (4) The recommendation of the Planning and Zoning Commission shall be transmitted to the Board of Supervisors for final action.
- (5) The Board of Supervisors, after proper notice, shall hold a public hearing and act upon any ordinance establishing a PUD Planned Unit Development Overlay District. Proper notice shall mean the same notice established for any other zoning amendment.
- (6) An ordinance adopting a Planned Development Overlay Zoning District shall require a favorable simple majority of the Board of Supervisors for approval.
- (7) Upon approval by the Board of Supervisors, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the County Auditor.

**h. Amendment Procedure**

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 27.7.4 g.

**i. Building Permits**

The County shall not issue a building permit or other permit for a building, structure, or use within a PUD District unless it is in compliance with the approved Development Plan or any approved amendments.

**j. Termination of PUD District**

If no substantial development has taken place in a Planned Unit Development District for three (3) years following approval of the District, the Planning and Zoning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property.



**Table 7.1: Criteria for Findings of Fact in Approving Planned Unit Developments**

<b>Criteria for Findings of Fact</b>	
<b>Land Use Compatibility</b>	
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.
Land Use Plan	Consistency with the land use plan of Mills County.
<b>Height and Scale</b>	
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.
Setbacks	Development should respect pre-existing setbacks in its urban context. Variations should be justified by site or operating characteristics.
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.
<b>Site Development</b>	
Environment	Project should maximize conservation of existing environmental features, including natural vegetation, tree cover, and drainage patterns.
Parking and Internal Circulation	<p>Parking should serve all structures with minimal conflicts between pedestrians and vehicles.</p> <p>All structures must be accessible to public safety vehicles.</p> <p>Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.</p>
<b>Site Development</b>	
Open Space	Open spaces should contribute to the quality of the overall project and should provide supporting amenities for residential development. Open spaces should contribute to the design of the project and, when appropriate, provide locations for project related activities.
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Project design should preserve features of environmental importance to the greatest degree possible. These features include mature trees and woodlands, wetlands, steep slopes, waterways and bodies of water.
Streetscape	Projects should relate to surrounding public streets and contribute to the quality of the street environment.

**Table 7.1: Criteria for Findings of Fact in Approving Planned Unit Developments**

<b>Criteria for Findings of Fact</b>	
<b>Building Design</b>	
Architectural Quality	Architectural design and building materials should be compatible with surrounding areas or reflect the specific design objectives of a new development area.
<b>Transportation</b>	
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements should be included to mitigate impact on street system operations.
Street Network and Continuity	Project should maintain the continuity of Mills County’s street network or should provide opportunities for local traffic flow away from major arterials.
Alternative Modes	Project should make appropriate accommodations for access by public transportation, bicycles, and pedestrians.
<b>Public Facilities</b>	
Utility Service	Project is adequately served by public utilities and infrastructure.
Storm Drainage	<p>Project should handle storm water adequately to prevent overloading of public storm water management system.</p> <p>Project should not inhibit development of other properties or create adverse effects on other sites.</p> <p>Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.</p> <p>Project should maximize d preservation and enhancement of natural drainage features on site and should facilitate stormwater storage techniques consistent with the policies of the County.</p>
Public Safety	Project can be adequately served with police and fire protection.
<b>Comprehensive Plan</b>	
Consistency with Development Objectives	Project must be consistent with the County’s Comprehensive Plan, including applicable special area or specific plans. Project design should be consistent with the development standards and objectives of these plans.

## 27.7.5 CO CORRIDOR OVERLAY DISTRICT

### a. Intent

Mills County has established basic site and building development criteria to be implemented within the boundaries of this overlay district. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and road development. The purpose for regulating these issues is to provide for a cohesive and properly developed corridor area along and near Interstate 29 and Highway 34. Guiding development in this manner promotes the general health, safety and welfare of the residents and property owners within the zoning jurisdiction of Mills County, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor. The regulations in the overlay district are in addition to those of the underlying zoning district for the property and effect all new or expanded public, commercial, industrial, and mixed use buildings and properties. Such criteria provided herein is to be a base set of guidelines. Detailed design guidelines are to be developed and administered through development covenants and approved subdivision agreements. Where regulations are in direct conflict with other regulations in this ordinance, the stricter shall apply.

### b. Purpose

The purpose of these adopted minimum design standards is to promote quality design, preserve the natural features, preserve the appearance of the natural and agricultural landscape, and promote economic development along and near the I-29 and U.S. Highway 34 interchange and corridor. The design standards will encourage design compatibility with the surrounding area, achieve greater architectural cohesiveness and compatibility where appropriate, and minimize the negative visual impacts of site development. These minimum standards shall apply to the design and placement of landscaping, buffers, buildings, and exterior architectural features and finishes.

- (1) The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of Mills County. Pertinent to appearance is the design of the site, building and structures, planting, signs, and miscellaneous other objects that are observed by the public.
- (2) The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the county, preserve taxable values, and promote the public health, safety and welfare.

### c. Geographic Area

The CO Corridor Overlay District shall apply to those areas lying approximately one half mile (1/2 mile) east of I-29 west to 180<sup>th</sup> Street and from Old Highway 34 north to approximately two miles north of new Highway 34, herein referred to as the corridor overlay area. In the event the standards and regulations of this overlay district are in conflict with those of the underlying zoning district, the standards and regulations of the overlay district shall apply. If a site or property is partially covered by said overlay district, then the entire portion of the site or property facing the corridor is to be covered by these regulations. For a graphically defined area, see the Official Zoning Map of Mills County.

**d. Permitted Uses**

The following principal uses are permitted in the CO District and location of specific uses is determined by the current land use plan. All permitted uses contained in the underlying base zoning district unless specifically noted in these regulations, and except for:

- (1) Livestock sales
- (2) Primary education
- (3) Religious assembly
- (4) Funeral services
- (5) Large alternative energy production devices

**e. Conditional Uses**

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the CO Overlay District as approved by the Zoning Board of Adjustment. Location of special uses is determined by the current Land Use Plan. All conditional uses contained in the underlying base zoning district unless specifically noted in these regulations, and except for:

- (1) Residential uses
- (2) Detention facilities
- (3) Recycling processing
- (4) Construction batch plants
- (5) Landfills

**f. Minimum Lot Requirements**

The minimum lot size for all commercial and industrial developments within the Corridor Overlay district shall be 20,000 square feet, provided such lots have public/community water and public /community sewer. All other lot requirements and setbacks are subject to the underlying zoning district regulations.

**g. Criteria for Application**

All commercial and industrial building projects within the required geographic region shall comply with the Corridor Overlay District standards and regulations. The Developer shall place maintenance provisions required by this section and specific design guidelines within all restrictive covenants. The application and review procedure for a site plan review shall be as follows:

- (1) Pre-Application Conference
  - i. The applicant shall schedule and attend a pre-application conference with the county planner or representative of the Mills County Building and Zoning Department no more than 60 days prior to submitting a complete site plan application. Site plan information shall be submitted to the Building and Zoning Department at least 14 business days prior to the pre-application conference in a form identified by the Building and Zoning Department.
  - ii. The purpose of the pre-application conference shall be for the applicant to review the site plan with the Building and Zoning Department and other departments, as appropriate, and to identify any initial conflicts between the site plan and these standards.

- (2) Site Plan Application
  - i. The applicant shall submit a complete application in accordance with the county requirements.
  - ii. The application generally shall be made within 60 days of the pre-application conference.
- (3) Design Review Committee

The application shall be sent to the Mills County Design Review Committee for review and recommendation prior to either a Building and Zoning Department or Planning and Zoning Commission consideration of the application.
- (4) Building and Zoning Department Review and Decision on the Site Plan
  - i. For site plan applications that are considered by the Building and Zoning Department, the Building and Zoning Department shall review the application and make a decision to approve, approve with conditions, or disapprove the site plan application in accordance with these standards and State law.
  - ii. For site plan applications considered by the Planning and Zoning Commission, the Building and Zoning Department shall review the site plan application and prepare a recommendation for the Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public meeting to review the application and make a decision to approve, approve with conditions, or disapprove the site plan application in accordance with this ordinance and State law.
- (5) Approval Criteria

Recommendations and decisions on a site plan shall be based on consideration of the following criteria:

  - i. That the proposed development is consistent with all the requirements of these standards and other related codes and ordinances enforced by the county;
  - ii. That the proposed development is in compliance with the applicable base district and overlay districts; and
  - iii. That the proposed development meets all the requirements or conditions of any applicable development approvals (e.g., rezoning or special use permit approval).
- (6) Time Limit
  - i. Unless otherwise specified in the site plan approval, an application for a building permit shall be applied for and approved within one year of the date of the site plan approval or the site plan shall become invalid. Permitted timeframes do not change with successive owners.
  - ii. Upon written request, one extension of one year may be granted by the Building and Zoning Department if the applicant can show good cause.
- (7) Amendments of an Approved Site Plan
  - i. If an applicant desires to amend an approved site plan, then the amendment may be made without the approval of the Building and Zoning Department with the exception of those changes stated in paragraph (b) below. However, if a proposed change will, in the opinion of the Building and

Zoning Department, substantially affect the terms of the original approval or would result in significant adverse impacts on the surrounding properties or the county at-large, then a re-submittal to the Building and Zoning Department or the Planning and Zoning Commission (as appropriate) shall be required pursuant to the provisions of this ordinance.

- ii. A change to an approved site plan shall require a re-submittal to the decision-making body responsible for the original approval, if:
  - (a) The density of the development is to be increased;
  - (b) The gross square footage of nonresidential buildings is to be increased or the number of stories is to be reduced or increased;
  - (c) Required landscaping materials are to be deleted;
  - (d) Required open space is to be deleted;
  - (e) There is any change in plans for historic structures or sites; and/or
  - (f) Drainage, streets, or other engineering design changes will materially alter items approved in the rezoning or subdivision approval.
- iii. Identify categories of changes that should subject the site plan to re-review and approval, such as stormwater issues.

(8) Certificate of Occupancy and Maintenance

- i. Certificate of Occupancy Permit: After the zoning permit is issued, all design requirements must be completed as approved in order for a Certificate of Occupancy to be issued.
- ii. The property owner is required to maintain the design requirements of the project. Neglect in maintaining the structure's appearance, landscaping, lighting and other design requirements may result in the revocation of the Occupancy Permit.

(9) Structures Required for Review

- i. All developments consisting of one principal building with single or mixed uses shall comply with the design criteria of this section.
- ii. All developments consisting of more than one principal building, mixed-uses, multiple-pad development and/or similar developments shall also comply.
- iii. Rehabilitation
  - (a) The model design standards shall apply to existing, conforming development within the corridor when changes (renovation, restoration, modification, addition, or retrofit; collectively referred to as rehabilitation) are proposed to a structure or a site that will meet or exceed the standard of 20 percent of the existing size of the structure or 50 percent of the current appraised value of the structure or site, as established by the county, whichever is less.  
Rehabilitation costs or measurements shall be aggregated over a five (5) year period to determine whether the rehabilitation is subject to the design standards.
  - (b) Rehabilitation projects shall conform to the model design standards to the greatest extent possible. Where conformance is not possible, for all or any part of a standard, the applicant shall provide written explanation for each area of non-compliance.

iv. Exceptions

The standards shall not apply to construction of individual homes on existing lots or agricultural use and operations, but shall apply to new developments and/or subdivisions that consist of one or more lots.

**h. Criteria for Appearance**

General Design Standards

The goal and purpose of these design standards is to create a sense of place within the county. Here, the design standards are intended to establish the baseline requirements for design that reflects the desired regional character, while allowing flexibility for individual project design that works with the jurisdiction of Mills County.

The following standards are applicable to all development types:

(1) Protection of natural features, resources, and sensitive areas

i. Intent

Protect significant natural features, resources, and sensitive areas (ie. flood plain, wetlands, loess hills, etc.) in order to minimize the impacts of development on the environment and create more distinctive site development. Where appropriate, natural features, resources, and sensitive areas may be used as amenities to enhance the value of development.

ii. Standards

Development shall be organized and designed to protect, appropriately use, or enhance the following types of natural resources and features. This shall be accomplished by restricting development in these areas and then including such features in common landscaped areas or dedicated open space, by allowing construction in these areas sensitive to the protection of these features, or by mitigating impacts. If possible, these features shall be connected or integrated with similar features on adjacent lands.

The following features shall be given consideration in this category:

- (a) Water features (in addition to floodplains, which are dedicated);
- (b) Parks and public open space areas on or adjacent to the site;
- (c) Historic or archeological sites or areas that have been recognized by the local governing body as significant;
- (d) Significant views of the Missouri River and Loess Hills and other significant views from the I-29 and Highway 34 roadways;
- (e) Riparian wildlife habitat, as identified by State and/or Federal Agencies;
- (f) Other natural features such as bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, or wetlands; and
- (g) Noise corridors/envelopes.

(2) Open Areas and Amenities

i. Intent

Developments shall dedicate and develop open space, trails, and amenities in accordance with the Mills County Comprehensive Plan, adopted master plan, and the adopted subdivision regulations. “Open areas” means unoccupied space on the same lot with the building subject to the open area requirement and shall consist of private open space, open recreational

facilities, and areas used exclusively for pedestrian and non-motorized traffic. Parking lots, recreational vehicle and equipment storage areas, public and private roadways, and structures shall not be considered “open areas”.

ii. Standards

To the maximum extent practicable, and in accordance with any applicable subdivision regulations, open areas shall be organized so as to include or protect as many of the natural resources and features identified in the previous section as possible.

- (a) Open areas shall be organized so as to create integrated systems of open areas that connect with the following types of lands located within or adjacent to the development plan or plat:
  1. Dedicated park lands;
  2. Dedicated open spaces;
  3. Any local or regional trail or open space system; and
  4. Activity or community centers.
- (b) Each open area shall be adjacent to or visible from at least one dedicated public street or public site of the development. The majority of open areas shall not be located in isolated corners of the development, in peripheral strips along the borders of the development, or in unconnected patterns unless such a location is necessary to achieve one of the connections or visibility requirements.
- (c) Stormwater management systems shall be located, designed, and managed to serve as visual amenities, entryways features, or opportunities for passive recreation whenever possible.
- (d) The following stormwater management techniques, when designed pursuant to generally recognized standards and specifications and when long-term maintenance is provided, may be included as open space and may qualify for a reduction in required landscaping up to 10 percent of the total:
  1. Bioretention facilities,
  2. Rain gardens,
  3. Infiltration swales and trenches, or
  4. Any alternative method identified by the jurisdiction.
- (e) On sites with existing, mature trees, at least twenty percent of significant trees shall be preserved or transplanted on the site. For the purposes of this section, “significant” trees include the following:
  1. Deciduous trees with 12 inch minimum caliper;
  2. Evergreen trees 12 feet or more in height; or
  3. Groups or stands of 10 or more trees with a minimum caliper of 6 inches.
- (f) Significant Tree Replacement
  1. Where significant trees cannot feasibly be preserved, the total caliper inches of the tree(s) that are removed shall be replaced by the same caliper inches of new trees. If trees cannot be replaced size for size then additional trees are required. The new trees shall



either be of the same or similar species, or if identified by the Building and Zoning Department for species diversification, shall be from a list of permissible species approved by the County through the Iowa State University County Extension Office.

2. If site limitations affect the ability of the applicant to replace the total caliper inches of the removed tree(s), the county may allow the applicant to reduce the replacement measurement in an amount that allows for the maximum replacement of caliper inches feasible on the site. This reduction may not exceed 50 percent of the total caliper inches removed. Where this reduction is applied, the applicant shall make a contribution to the county's Tree Fund for the overlay district area for the remaining caliper inches not replaced. The amount of the in-lieu fee shall be calculated as the cost to replace the remaining total caliper inches not planted with new trees with new trees of the same or similar species purchased wholesale at 2 inch caliper.
3. The Tree Fund shall be used to replace or provide new trees within the corridor overlay district area of Mills County.

(3) On-Site Automobile, Pedestrian, and Bicycle Circulation

i. Intent

Create an efficient vehicular circulation system that avoids the creation of large, isolated tracts without routes for through traffic. Create a safe, continuous pedestrian and bicycle network that minimizes conflict with vehicular movement while promoting a convenient option for movement within and between developments.

ii. Standards

- (a) All developments shall provide pedestrian and vehicular connections to each adjoining public street.
- (b) Primary circulation and access to and from non-residential use areas shall be oriented toward collector and local roads.
- (c) All on-site sidewalks and pedestrian walkways shall be a minimum width of five feet. All trails and sidewalks designated as part of a trail system shall be a minimum of ten feet in width.
- (d) All sidewalks and pedestrian walkways shall be aligned and connected with those on adjacent properties and public rights-of-way.
- (e) Private full movement driveways giving access to development sites shall be aligned across public streets to contribute to circulation efficiency unless determined otherwise by the local government.
- (f) On-site sidewalk systems (or identified walkways) shall provide pedestrian connections that do not require walking across grass, landscaped areas, or the drive lanes of parking areas.
- (g) Each point at which the system of sidewalks or walkways must cross an internal street, drive, or parking lot shall be clearly marked through the use of: change in paving materials, height, or distinctive colors.
- (h) The hardscape features described in this section, e.g. sidewalks, driveways, etc., should seek to minimize imperviousness whenever

possible and be designed to complement the LID (low impact development) stormwater management features on the site with proven engineered design.

- (i) All parking requirements shall meet the minimum standards for the use of the property and parking and related drive-thru uses shall be designed to promote efficient circulation.

(4) On-Site Surface Parking

i. Intent

Parking areas shall be designed and located to minimize negative visual impacts, particularly as viewed from I-29 and Highway 34, frontage streets, and adjacent residential developments. All parking requirement shall follow off-street parking requirements within the Mills County Zoning Ordinance in addition to those provided herein.

ii. Standards

- (a) All applicable local minimum off-street parking and loading requirements shall be met and all parking shall be hard surfaced and striped.
- (b) No more than 50% of a site's frontage along I-29 and Highway 34 or an I-29 or Highway 34 frontage road shall be occupied by parking. If a property has dual or reverse frontage on both I-29 and Highway 34 and a frontage road, this standard shall apply to the frontage on I-29 and Highway 34.
- (c) Garage entries, carports, and parking structures shall be internalized in building groupings or oriented away from street frontage to the maximum extent feasible.
- (d) The number of contiguous parking spaces shall be limited to 20 and each block of 20 shall be separated from each other by at least one of the following methods:
  - 1. A landscaped island that separates the blocks and is at least nine feet wide;
  - 2. A pedestrian walkway or sidewalk within a landscaped median that is at least nine feet wide;
  - 3. A decorative fence or wall, a minimum of three feet in height, bordered by five feet of landscaping on at least one side;
  - 4. An access drive or public street bordered by five feet of landscaping on at least one side; or
  - 5. A building or buildings.
- (e) All of the required landscaped areas must contain a minimum of 75 percent living landscaping material, with a maximum of 25 percent nonliving landscaping material. Approved sidewalks are not counted toward the non-living landscape material percentage.
- (f) Parking lot design should incorporate terminal islands at the end of parking row. Divider strips between parking rows should be used to help disperse the required landscaping throughout the entire parking lot.

- (g) Large areas of parking (50 or more spaces) shall be distributed between the back or sides of a building, with not more than 50% of the parking for the entire property remaining between the principal building and the primary abutting street.
- (h) The perimeter of all parking areas shall be buffered from adjacent streets, public rights-of-way, public open space, and adjacent uses by at least one of the following methods:
  - 1. A berm three feet high with a maximum slope of 3:1 in combination with evergreen and deciduous trees and shrubs;
  - 2. A hedge at least three feet high, consisting of a double row of shrubs planted three feet on center along 75% of the perimeter length; or
  - 3. A fence or wall at least three feet high in combination with landscaping.
- (i) All plant materials shall be installed in the following minimum sizes:
  - 1. Deciduous shade trees – 2 inch caliper.
  - 2. Ornamental trees – 2 inch caliper.
  - 3. Evergreen trees – 5 feet high.
  - 4. All shrubs – 5 gallon container.
  - 5. Groundcover, annuals, and perennials – 1 gallon container.

(5) Landscaping and Buffers

i. Intent

Create an attractive environment along the edges of each development parcel, open space, and pedestrian area, and use landscaping to break-up the apparent size and monotony of parking areas.

ii. Standards

(a) Interstate/Highway Buffer

- 1. Developments with a site perimeter directly adjacent to the I-29 and Highway 34 corridors shall provide a landscaped buffer of at least fifty (50) feet wide between the building or parking lot edge and the right-of-way or frontage road. Buffers shall consist of informal clusters of deciduous and evergreen trees and shrubs planted in an offset pattern and shall include a minimum of one tree and 10 shrubs per 25 lineal feet of frontage. Uses inside the buffer may include:
  - (i) Permitted entrances;
  - (ii) Underground utilities;
  - (iii) Pedestrian and bike trails;
  - (iv) Stormwater management facilities; and
  - (v) Frontage roads with a minimum buffer of 40 feet.
- 2. For lots that exist prior to the adoption of these regulations, the following buffer exceptions shall be applied:
  - (i) If the minimum buffer width exceeds 25% of the lot length then the buffer width shall be reduced by half; however in no case shall the buffer width go below 20 feet.
  - (ii) Where a lot is previously developed and a primary structure encroaches into the minimum buffer area, the building line of the

existing structure shall be used as the setback line for future development provided it meets the minimum setback for the zone district.

(b) Minimum Landscaping

A minimum of 20% of a site's total square footage (not including any Interstate/Highway Buffer) shall be reserved for landscaping consisting of a variety of trees, turf grasses, shrubs, annual and perennial flower species, mulches, and/or ground covers.

(c) Setback Buffer

Building setback areas along all arterial, collector, or local roads/streets, as well as private streets and internal drives shall be landscaped with a minimum of one tree for every 40 lineal feet of frontage.

(d) Plant Materials

1. A current list of acceptable plant materials, including native plants, for the area can be obtained from the Iowa State University County Extension Office. Coniferous trees shall not be used as street trees. Trees shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet crown of spread.

2. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be 3 feet high within one (1) year after time of planting.

3. Upon installation of required landscape materials, each owner shall take actions to ensure continued health and maintenance of such. Required landscaping that does not remain healthy shall be replaced consistent with these regulations or any other approved guidelines.

(e) Deer Fence

Any deer fence constructed by the Iowa Department of Transportation is exempt from these design standards.

(f) To the maximum extent possible, site landscaping shall include native landscape elements.

(g) To the maximum extent possible, each landscaped area shall promote 'water smart' landscaping through plant material and design.

(h) If native landscape elements are used, these plant materials shall not be permitted to overhang, extend, or encroach onto any private properties, or public sidewalks, streets, or alleys that are adjacent to the lot, tract, or parcel on which it is planted.

(i) No plant material shall obstruct, obscure, block, or impede regulatory, warning or street identification signs; required sight triangles; or street lighting required to ensure the safe mobility of vehicles and pedestrians on streets, trails, and sidewalks.

(j) If native landscape elements are used, these plant materials must be cut at least once annually between April 15<sup>th</sup> and July 15<sup>th</sup> to a height no greater than 10 inches.

(6) Development Pattern/Site Layout

i. Intent

Identify standards required to create a pedestrian-oriented scale and appearance within development centers.

ii. Standards

- (i) To the maximum extent possible, development on larger sites containing multiple buildings shall be composed of a series of “blocks” of development defined by streets and driveways that provide links to adjacent streets along the perimeter of the site.
- (ii) New buildings located along a street frontage shall, to the maximum extent feasible, align building walls with existing adjacent buildings and buildings across the street to help create a consistent building edge.
- (iii) New buildings shall be oriented so that loading bays, dock and service areas are not visible from the corridor and public right-of-way, or otherwise screened from view of such corridor and public right-of-way with landscape and/or earthen berms or other building materials.
- (iv) Unless part of a larger planned development or commercial center:
  - When there is one building with a single tenant, the building’s “active” wall shall be oriented toward the primary abutting street; or
  - When there is one building with multiple tenants, at least 50 percent of the building’s “active” wall shall be oriented toward the primary abutting street.
- (v) Where there is more than one building in a development, all principal and pad site buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing development and either:
  - 1. Frames the corner of an adjacent street intersection;
  - 2. Frames and encloses a main street pedestrian and/or vehicle access corridor within the development site;
  - 3. Frames and encloses on at least three sides parking areas, public spaces, or other site amenities.
- (f) To the maximum extent feasible, building layout shall follow and respect the natural topography of the site. Berms, channels, swales, and similar man-made change to the landscape shall be designed and graded to be an integral part of the natural landscape and to provide a smooth transition in changes in slope.

(7) Building Design

i. Intent

Provide a high quality architectural character in all commercial and industrial developments.

ii. Standards

(a) Building Orientation

Buildings on lots that front the I-29 and Highway 34 corridors and other roads/streets in the overlay district area should be oriented to present a front or side view to the street/highway/interstate roadways.

Architectural or landscape features are also encouraged to be located facing the roadways.

(b) Four-Sided Design

These standards shall apply to the primary façade of a building and all sides of the building where visible from public rights-of way, adjacent residential properties, and park/recreation areas shall include design characteristics and material consistent with those of the primary façade, except as provided. Additional building screening shall be required where certain façade requirements are waived by the county.

(c) Building Form

The design of all buildings shall avoid incorporating monotonous, unbroken flat walls through the use of textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural devices. Buildings having single walls exceeding 50 feet in length shall incorporate two or more of the following at 50 foot intervals:

1. Changes in color, graphical patterning, changes in texture, or changes in material(s);
2. Projections, recesses, and reveals with a minimum change in plane of 24 inches;
3. Windows and fenestration;
4. Arcades and pergolas;
5. Towers;
6. Gable projections;
7. Horizontal/vertical breaks; or
8. Other similar techniques.

iii. Franchise Architecture

Franchise architecture that meets minimum standards is allowed. National “standard”, prototype, or trademark designs should be adapted to be compatible with these standards.

iv. Building Materials and Colors

- (a) Intense, bright, or fluorescent colors shall not be used as the predominant color on any wall or roof of any primary or accessory structure. These colors may be used as building accent colors, but shall not constitute more than 10% of the area of each elevation of the building. Permitted sign areas shall be excluded from this calculation.
- (b) Highly reflective or glare producing glass with a reflectance factor of .25 or higher is prohibited on all façades. Such prohibition shall apply whether the glass is used in windows or spandrels areas.
- (c) All building façades visible from the I-29 and Highway 34 corridors shall be finished with the same mix of materials and colors and the same degree of fenestration and articulation used on the major entry walls that are the front of the building.

v. Roofs

Roof types should be related to the building’s function and character. Gabled and pitched roofs are generally appropriate for one and two-story

construction, while more massive buildings are best suited for hipped roofs or flat roofs placed behind a parapet wall.

- (a) Sustainable roofs are encouraged; sustainable roofs include:
  - 1. Cool roofs that for a minimum of 75 percent of the total roof surface have a Solar Reflectance Index (SRI) of 78 or higher for a roof with a slope of 2:12 or less, or 29 or higher for a roof with a slope greater than 2:12; or
  - 2. A vegetated roof consisting of a minimum of 50% of the total roof surface.

vi. Screening and Fencing

(a) Rooftop Equipment and Screening

All rooftop mechanical equipment and vents greater than eight inches in diameter shall be screened from the immediately adjacent rights-of-way. Screening may be done either with an extended parapet wall or a free-standing screen wall. Screens shall be at least as high as the equipment they hide, and shall be of a color material matching or compatible with the dominant colors and materials found on the façades of the primary building.

(b) Service Area and Loading Dock Screening

Loading docks, on-site storage yards, and all other service areas shall be oriented away from the roadways, where possible, and shall be fully screened from view from all public and private rights-of-way by berms, walls, fences, and/or opaque landscaping. Screens shall be of a color material matching or compatible with the dominant colors and materials found on the façades of the primary building. The screen height shall be of sufficient height to hide the equipment, vehicles, materials, or trash being screened from public view, but in no case shall the screen exceed 10 feet. Chain link fences, with or without slats, shall not be used to satisfy this screening requirement.

vii. Lighting

Lighting standards and fixtures for the roadways, parking areas and drives within the commercial and industrial building areas shall be similar in appearance and quality level. Such style shall be submitted by the developer, determined by the county, and adopted as part of established covenants and/or subdivision agreement.

(8) Towers, Alternative Energy, Signs

i. Cell Towers

Within the corridor overlay district, the use of stealth cell towers with regionally appropriate design is strongly recommended and shall meet all required regulations.

ii. Solar Energy

(a) Purpose

This section is intended to promote the compatible use of solar energy systems and to assist in decreasing Mills County's dependence upon

non-renewable energy systems through the encouragement of solar energy systems for the heating of buildings and water.

(b) Standards

Solar energy systems shall be a permitted use. Private restrictions on solar energy systems, such as business owners' association covenants or restrictions, are not permitted.

(c) Height

In solar retrofit installations, solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy system may exceed by three feet the local maximum height limits. Systems taller than three feet above any maximum height shall be subject to local approval.

(d) Setbacks

In solar retrofit installations, solar energy collectors, storage tanks and equipment, roof ponds, or other solar equipment appurtenant to a solar energy system may extend into the required setbacks a maximum of three feet. Systems extending more than three feet into any required setback shall be subject to local approval.

(e) Conflict with Other County Policies and Ordinances

Nothing in this subsection does, or is intended to abrogate the owner's responsibility to meet all other requirements of the county's land use regulations, including, but not limited to, the preservation of private and public views, the quality of architectural design, and the preservation of historic landmark structures.

(9) Small Wind Energy Systems

i. Purpose

This section is intended to promote the compatible use of small wind energy systems. Wind energy is an abundant, renewable, and nonpolluting energy resource. When converted to electricity, it reduces our dependence on nonrenewable energy resources and reduces air and water pollution that result from conventional sources. Distributed wind energy structures also enhance the reliability and power quality of the power grid, reduce peak power demands, and increase local electricity generation.

ii. Standards

Small wind energy systems shall be limited to one (1) tower and shall be permitted on lots of at least 20,000 square feet that are not adjacent to residential uses. They are subject to the following requirements:

(a) Setbacks

A wind tower for a small wind system shall be set back a distance of 1.0 times its total height from:

1. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
2. Any overhead utility lines, unless written permission is granted by the affected utility; and



3. All property lines, unless written permission is granted from the affected land owner or neighbor. Written permission must be recorded in the property chain of title and will run with the land.
  4. No part of the system, including guy wire anchors, may be closer than five feet from any property boundary.
- (b) Access
1. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
  2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
- (c) Lighting
- A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration. A light temporarily used to inspect a turbine, tower, and associated equipment is permissible, providing said light is only used for inspection purposes and not left on for an extended period of time.
- (d) Decibel Levels
- Decibel levels for the system shall not exceed the lesser of 60 decibels (Dba) as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.
- (e) Signs
- All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- (f) Code Compliance
- A wind energy structure including tower shall comply with all applicable State construction and electrical codes, and the National Electrical Code as adopted by the county.
- (g) Height
1. The maximum height of a wind energy system shall comply with the underlying zoning district.
  2. The structure shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations in excess of 200 feet in height and, installations close to airports. The system shall also comply with any and all Iowa aeronautics regulations.
- (h) Met and New Technology
- Temporary meteorological (Met) towers shall be permitted under the same standards as a small wind energy system, except that the requirements shall be the same as those for a temporary structure. A permit for a temporary met tower shall be valid for a maximum of three years after which an extension may be granted. Permanent Met towers

may be permitted under the same standards as a small wind energy system.

(10) Commercial Wind Energy Systems

Commercial wind energy systems shall not be permitted to locate within the corridor overlay district.

(11) Signs

Local and IDOT sign standards shall apply in the corridor overlay district, except as modified in this section:

- i. The combined area of all wall signs attached to any façade of a building shall not exceed twenty (25) five percent of the façade area of the building (including doors and windows).
- ii. Roof signs are not permitted, and wall signs shall not extend beyond the top edge of any façade of the building.
- iii. Projecting signs shall not project over public property more than 1/3 the distance from the building to the curb, and not project into a public alley or public parking lot. A sign shall not project over the street line. Projecting signs shall fit within the architectural features of the building and be a minimum of eight feet above the ground.
- iv. Projecting signs shall not exceed 15 square feet per building face.
- v. Permanent window signs shall consist of lettering applied to the interior of display windows.
- vi. Permanent window signs shall not fill up more than 20 percent of the window area, and shall be limited to letters of 8 inches or less in height.
- vii. Billboards shall not be permitted in the district.
- viii. Pole signs shall be limited to one (1) on premise and shall have a maximum height of one-hundred-ten (110) feet above lowest building floor elevation, and no closer than fifteen (15) feet to any property line. And shall not exceed the maximum signage area of one-thousand-fifty (1,050) square feet. Signage area is limited to only two (2) sided sign type areas with equal square footage on both sides. The maximum signage area shall decrease in square footage as the overall sign height is lowered at ten (10) square feet for every one (1) foot decrease in overall height, with the minimum height of forty-five (45) feet above lowest building floor elevation. No zoning variance shall be allowed for maximum height and signage areas.
- ix. Other than Pole signs, all freestanding signs shall be monument signs constructed of materials that are similar to or are compatible in quality and appearance with the primary materials used on primary buildings on the site.
- x. Only two (2) 25-foot maximum height monument signs per parcel will be allowed, with no allowed variance increase in height. These monument signs shall be measured at the adjacent street above grade along the I-29 and Highway 34 corridors.

(12) Commercial, Office, and Business Development

- i. Intent

These standards focus on the development of Commercial, Office, and Business Development at a scale that meets local needs with design elements that are geared to a human scale with a site balance between pedestrian and vehicle preferences.

ii. Standards

(a) Preferred Location

Commercial, Office, and Business Development should be concentrated within activity centers at the interchange and Highway 34 intersections. These uses should not be developed in a linear strip along frontage roads.

(b) Building Design

1. Exterior Building Materials

- (i) Permitted exterior building materials shall be high quality, durable materials that include, but are not limited to, brick; native or manufactured stone (Renaissance stone or similar masonry materials); integrally colored, burnished, textured, or glazed concrete masonry units; pre-finished metal panel systems; quality metals such as copper; high quality pre-stressed concrete systems; tilt-up concrete panels with an architectural finish; and drainable (water managed) EIFS.
- (ii) The following exterior materials are prohibited: split shakes, rough-sawn wood; painted concrete block; tilt-up concrete panels without an architectural finish; field-painted or pre-finished standard corrugated metal siding; standard single- or double-tee concrete systems; or barrier type EIFS. Any of these materials may be used as accent materials provided they do not exceed 10% of the associated façade.
- (iii) Materials on all sides of the building shall be consistent with materials and colors of the front façade when visible from public streets and trails and adjacent residential areas.

2. Pedestrian Scale Details

To promote a sense of human scale, special accent materials and design details shall be incorporated into all first floor façades and paving areas abutting pedestrian walkways.

- (i) Such features shall include, but are not limited to:
  - Changes in paving patterns and materials at pedestrian building entrances and other significant pedestrian locations;
  - Special decorative wall patterns, textures, accent materials, or graphics;
  - Reveals;
  - Special architectural features marking pedestrian entries; and
  - Display windows (Darkly tinted and mirrored windows are prohibited as ground floor windows or doorways).
- (ii) All pedestrian circulation design and building access shall be ADA compliant.

- (iii) The development and layout of internal street systems shall promote pedestrian linkage, accessibility, and interconnectivity among commercial uses within a development.
- (iv) All pedestrian walkways shall be designed to maximize access to commercial entryways, places of social interaction, parks, and parking areas.

### 3. Common Architectural Theme

All use, buildings, and areas in a commercial, office, or business development shall share common architectural and landscaping themes, materials, and styles. Each commercial, mixed use commercial, or office/business development shall create its own identity with unique design themes based on a palette of compatible rooftops, materials, and colors. Both pads and anchor stores shall incorporate all such thematic design, materials, landscaping, roof types, and colors.

- (i) Highly visible commercial or office entryways are required to incorporate canopies, awnings, outdoor patios, arcades, display windows, and/or overhangs.
- (ii) All new commercial or office buildings shall be constructed with a base; middle; and top. Each component shall be articulated through horizontal and/or vertical articulation, which may consist of changes in the wall plane, use of openings and projections, material changes, and/or color variations.

### 4. Building Height

Structures shall not exceed the height requirement of the underlying zoning district.

### 5. Building Orientation

The main or front façade of all commercial or office units shall orient to a public street/road.

### iii. Mass Retail Standards

#### (a) Applicability

These standards are applicable to all single-story retail buildings containing 40,000 square feet or more of gross floor area.

#### (b) Façade Articulation

Each façade greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two feet and extending at least 20% of the length of the building.

#### (c) Façade Design

Each building façade shall have a repeating pattern that includes no fewer than three instances of either:

1. Color change;
2. Texture change;
3. Material change; or
4. Expression of an architectural or structural bay through a change in plane no less than 12 inches in width.

At least one of those elements shall repeat horizontally at an interval of no more than 30 feet.

(d) Concealing Equipment

Each building shall have either:

1. Overhanging eaves extending at least three feet past supporting walls, or
2. Parapets to conceal rooftop equipment from public view. If parapets are incorporated, they shall have an average height of no more than 15% of the supporting wall, a maximum height at any point equal to 33% of the height of the supporting wall, and three-dimensional cornice treatments.

(e) Customer Entrances

Each building shall have clearly defined, highly visible customer entrances featuring at least three of the following elements:

1. Canopies or porticoes;
2. Overhangs;
3. Recesses or projections;
4. Arcades;
5. Arches;
6. Peaked roof forms;
7. Outdoor patios;
8. Display windows;
9. Architectural tile work or moldings integrated into the building design;
10. Integrated planters or wing walls that incorporate landscaped areas or seating areas.

(f) Outdoor Amenities

Each site containing a big box retail building shall provide at least two of the following within a public area that measure at least 1,000 square feet:

1. Patio or seating area;
2. Pedestrian plaza with benches;
3. Window shopping walkway;
4. Outdoor playground;
5. Water feature; or
6. Other deliberately shaped and highly visible outdoor amenity such as public art.

(13) Industrial, Transportation, and Warehousing Development

i. Intent

This section is intended to provide minimum design standards to ensure that where industrial, transportation, or warehousing development occurs with other development types that the industrial, transportation, and warehousing structures are designed in keeping with the overall development pattern.

ii. Standards

(a) Building Design

1. Concrete tilt-up buildings are allowed subject to the following standards:
    - (i) Panels shall be embossed with reveals that repeat a common pattern.
    - (ii) All elevations visible from a public or private street shall include variable parapet heights and two feet minimum projections with the distance between not to exceed 60 feet.
    - (iii) All main entries (or storefronts) shall be identified by the use of an arcade, covered entry, spandrel glass, or other similar architectural feature.
  2. Metal is prohibited as a primary exterior surface material on industrial, transportation, or warehousing buildings (including manufacturing, storage, distribution, or assembly buildings) on the side of the building oriented to the corridors or other public road/street. Metal may be used as a trim material on the side of the building oriented to the corridor or other public street, covering no more than 30% of the façades of such buildings.
- (b) Landscaping - Exterior Boundaries  
A landscaped buffer of a minimum of 25 feet in width shall be maintained within and along the exterior boundaries of any development or industrial park, except those portions of the boundaries adjacent to dedicated public streets and alleys.
  - (c) Landscaping - Developed Lots  
All of a developed lot except that portion covered by buildings, parking lots, and driveways, shall be landscaped. Landscaping may consist of grass, trees, decorative walls, screenings, terraces, fountains, pools, or other landscaping approved by the local jurisdiction. Proposed landscaping shall be included upon the preliminary plat. Landscaping in accordance with the approved final plat and subdivision agreement is mandatory.
  - (d) Outdoor Waste Storage - Screened from View  
Outdoor storage of waste material or refuse and all refuse collection bins, cans, or other containers shall be concealed from view such that the same cannot be seen from any point under ten feet in height outside of the district, or from any point, indoors or outdoors, on adjoining property within the district.
  - (e) Landscaping - Interior Property Lines  
A landscaped buffer of a minimum of ten feet in width shall be established and maintained along the interior of property lines of all lots in any development or industrial park, except for those areas used for ingress and egress to the property through curb-cuts opening onto dedicated public streets and alleys.

	<b>MS</b>	<b>WS</b>	<b>PS</b>	<b>PLS</b>	<b>WNDS</b>	<b>DS</b>
<b>CO District</b>						
Shall not exceed twenty-five percent (25%) of the façade area of the building (including the doors and windows) surface area of the wall to which it is attached.		A				
Shall not exceed a maximum of two-hundred (200) square feet in area per wall and shall not exceed sign depth more than one (1) foot measured out from the wall.		A				
Shall not extend above or beyond any building façade and fit within the architectural features of the building.		A	A			
Shall not project over public property more than one-third (1/3) the distance from the building.			A			
Shall not project into a public alley and/or public parking lot.			A			
Shall be a minimum of eight (8) feet above the lowest building floor elevation and not exceed fifteen (15) square feet per building face.			A			
Shall be limited to one (1) on premise sign and shall have a maximum height of one-hundred-ten (110) feet above lowest building floor elevation, and no closer than fifteen (15) feet to any property line.				A		
Shall be no closer than fifteen (15) feet to any property line.				A		
Shall not exceed the maximum signage area of one-thousand-fifty (1,050) square feet and is limited to only two (2) sided sign type with equal square footage on both sides.				A		
Shall not fill up more than twenty percent (20%) of the window area and shall have maximum letters of eight (8) inches in overall height.					A	
Lower edge of sign is attached to a foundation with no visible air space in between the lower edge of the sign face and the foundation.	A					
Constructed of materials that are similar to are compatible in quality and appearance with primary materials used on primary buildings on the site.	A					
Adjacent to public right-of-ways; the maximum height of twenty-four (24) feet above lowest building floor elevation and with maximum sign face of eighty (80) square feet.	A					
Adjacent to private roads and/or onsite; the maximum height of eight (8) feet above lowest building floor elevation and with maximum sign face of twenty-four (24) square feet.	A					
Shall have no visible air space in between the lower edge of the sign face and the foundation of the sign.						A
Shall have a maximum height of the sign shall be three (3) feet above finished grade level.						A

**A** = Applicable

**Blank** = Not Applicable

**MS = Monument Sign:** A freestanding sign that is detached from a building and having a support structure base of at least seventy-five (75%) percent of the sign width, and a solid-appearing base constructed of permanent materials that are similar to or are compatible in quality and appearance with

the primary materials used on site buildings or structures. Maximum sign areas shall apply to each lot or parcel, and not per street frontage or per user.

**WS = Wall Sign:** A sign attached to or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. Such signs shall be mounted flat against the wall of the building; shall be restricted to remain within the outline of the wall to which they are attached.

**PS = Projecting Sign:** A sign attached to and extending outward from the face of a building. Includes, but is not limited to, a blade sign, bracket sign, or marquee sign. Such sign shall not exceed 15 square feet per building face, and shall not extend lower than 8-feet, nor higher than the roof or parapet line of the wall to which it is attached, and shall not extend more than 6-feet beyond the wall to which it is attached.

**PLS = Pole Sign:** A freestanding sign that is detached from a building and is supported by one or more structural elements that are either; (a) architecturally dissimilar to design of the sign; or (b) less than ¼ the width of the sign face.

**WNDS = Window Sign:** A permanent sign painted, attached, glued, or otherwise affixed to a window storefront or located within three (3) feet of the interior side of a window or otherwise easily visible from the exterior of a building.

**DS = Directional Sign:** A freestanding sign providing direction to site facilities and or flow of traffic, that is detached from a building and having a support structure base of at least 75% (*seventy-five percent*) of the sign width, and a solid-appearing base constructed of permanent materials that are similar to or are compatible in quality and appearance with the primary materials used on site buildings or structures.



## **SECTION 8 OFF-STREET PARKING AND LOADING**

### **27.8.1 General Provisions**

The following general provisions shall apply to off-street parking and loading facilities:

- a.** At the time of construction of a structure, or at the time of enlargement or change in use of a structure, off-street parking facilities shall be provided for use in the storage of passenger automobiles and commercial vehicles under one and one-half (1 1/2) tons capacity, whether for compensation, for fee, or as an accommodation to clients or customers. Also, structures to be constructed or substantially altered and which will receive and distribute materials and merchandise by trucks, shall provide off-street loading facilities of sufficient number and size to adequately handle the needs of the particular use. The provision and maintenance of such off-street parking and loading facilities shall be the continuing obligation of the owner and tenant of the premises.
- b.** No Certificate of Zoning Compliance shall be issued until plans are submitted in accordance with Section 27.1.10 c., which shows that sufficient area is and will remain available for exclusive use as off-street parking and loading facilities. The subsequent use of the premises for which the Zoning Permit is issued shall be conditional upon the unqualified continuance and availability of the off-street parking and loading facilities required by this Ordinance. Whenever on any premises there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereinafter specified for the determination of required off-street parking and loading spaces, additional such facilities shall be provided on the basis of the increased requirement of the new use or other unit of measurement; provided however, that in case such change, or aggregate of such changes, creates a need for an increase in off-street parking and loading spaces of less than ten percent (10%) of the facilities previously provided, no additional facilities shall be required.
- c.** The requirements for off-street parking and loading for types of structures and uses not specifically described in this Chapter shall be determined by the Zoning Officer, based upon the requirements of comparable uses listed.
- d.** For the purposes of this Chapter, the following units of measurement shall apply:
  - (1) In the cases of offices, merchandising or service type of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repairs, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or restrooms, fitting or alteration rooms.
  - (2) In hospitals, bassinets shall not be counted as beds.
  - (3) In places of public assembly in which patrons or spectators occupy benches, pews, or other seating facilities, each twenty inches (20") of such seating

facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.

(4) When the total parking spaces requirement includes a fractional space, any fraction up to and including one-half (1/2) space shall be disregarded, and fractions over one-half (1/2) shall require one (1) parking space.

- e. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.
- f. Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading facilities when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Zoning Officer in the form of deeds, leases, or contracts to establish the joint use.
- g. Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

**27.8.2 Development and Maintenance of Parking Areas**

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

- a. The minimum number of required off-street parking spaces for all districts shall be as provided in Section 27.8.3.
- b. Each required parking stall shall be not less than nine feet (9') in width and not less than eighteen feet (18') in length.
- c. Maneuvering space required is the aisle width necessary to permit the safe and convenient parking of a motor vehicle and is based on the degree of angle parking provided. The width of aisles shall not be less than as set forth in the following schedule:

SCHEDULE OF AISLE WIDTHS	
DEGREE OF ANGLE OF PARKING PROVIDED	AISLE WIDTH REQUIRED
0 parallel	12'
20	11'
30	11'
40	12'
45	13'
50	13'
60	18'
70	19'
80	24'
90	24'

If the degree of angle of parking provided is not listed above, the aisle width required shall be the next largest angle of parking shown above.

- d.** All off-street parking spaces in a Residential District or platted residential subdivision shall be located on the same lot with the principal use. All other required off-street parking spaces shall not be located farther than 500 feet from the building or use they are intended to serve. The distance shall be measured in a straight line from the building or use to the farthest parking space.
- e.** All groups of more than two (2) parking spaces shall be located and served by an access drive so their use will not require backing or other maneuvering within a street right-of-way other than an alley.
- f.** No part of any off-street parking space shall be located within the required front yard setback of any zoning district.
- g.** Curbs or wheel barriers at least four inches (4") high shall be installed along the outside boundaries of any parking area, except at designated access points. The curbs or wheel barriers shall be installed in such a manner as to prevent a parked vehicle from encroaching in any required setback.
- h.** Access drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicle traffic on the site. The number of access drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Access drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by access drives. Access drives shall not be more than thirty feet (30') in width, nor less than ten feet (10') in case of a dwelling, or less than twenty feet (20') in all other cases; provided the one-way access drives may be reduced to not less than ten feet (10') in width. Access drives on the same lot frontage shall be separated by a minimum length of curb of thirty feet (30'), provided that for every foot which the lot frontage exceeds one hundred feet (100') the minimum required length of curb shall be increased by one foot (1'), up to a maximum requirement of 200 feet. In the case of a corner lot, access drives shall be located not closer than thirty feet (30') to the intersecting street lines.
- i.** All access drives shall comply with Chapter 4 – Entrance and Driveway of the Mills County Code of Ordinances.
- j.** All off-street parking areas and access drives shall be surfaced with gravel or such other surfacing material so as to provide a durable all-weather surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- k.** Adequate lighting shall be provided if the parking facilities are used at night, and shall be so arranged as to reflect the light away from the adjoining premises in any Residential District or platted residential subdivision.

**27.8.3 Parking Spaces Required**

The number of off-street parking spaces required shall not be less than as set forth in the following schedule:

<b>OFF-STREET PARKING SCHEDULE</b>	
<b>STRUCTURE AND USES</b>	<b>MINIMUM OFF-STREET PARKING REQUIREMENTS</b>
<b>a.</b> Banks, Business and Professional Offices	One (1) space per every 400 square feet of gross floor area, but in no case less than five (5) spaces
<b>b.</b> Barber Shops and Beauty Parlors	One (1) space per every seventy-five square feet (75 ft <sup>2</sup> ) of gross floor area
<b>c.</b> Bowling Alleys	Five (5) spaces per lane
<b>d.</b> Churches, Synagogues and Temples	One (1) space per six (6) seats in the main unit of worship
<b>e.</b> Dwelling, single-family; Dwelling, duplex; and mobile homes	One (1) space per each dwelling unit
<b>f.</b> Dwelling, multiple	Two (2) spaces per each dwelling unit
<b>g.</b> Dwelling, public housing for elderly	One (1) space per every four (4) units
<b>h.</b> Eating and/or drinking establishments	One (1) space per every one hundred square feet (100 ft <sup>2</sup> ) of gross floor area
<b>i.</b> Educational Uses	
(1) Nursery Schools	One (1) space per every two (2) classrooms
(2) Elementary or Junior High Schools	One (1) space per every classroom, plus one (1) space per every ten (10) seats in auditorium or assembly hall
(3) High Schools	One (1) space per every classroom, plus one (1) space per every eight (8) seats in auditorium or assembly hall
(4) Colleges	One (1) space per every three (3) full-time equivalent students
<b>j.</b> Funeral Homes, Mortuaries	One (1) space per every five (5) seats in the principal auditorium
<b>k.</b> Fraternities, Sororities and Dormitories	One (1) space per every two (2) residents
<b>l.</b> Hospitals	One and one-half (1 1/2) spaces per each bed
<b>m.</b> Hotels	One (1) space per every two (2) rental units
<b>n.</b> Motels, Motor Hotels	One (1) space per every guest room
<b>o.</b> Boarding, lodging or rooming houses	One (1) space per every five (5) guest rooms
<b>p.</b> Convalescent hospitals, Sanitariums, Homes for the Aged	One (1) space per every three (3) beds

<b>OFF-STREET PARKING SCHEDULE</b>		
<b>STRUCTURE AND USES</b>		<b>MINIMUM OFF-STREET PARKING REQUIREMENTS</b>
<b>q.</b>	Welfare or Correctional Institutions	One (1) space per every four (4) beds
<b>r.</b>	Medical and dental offices	One (1) space per every 300 square feet of gross floor area
<b>s.</b>	Private clubs and lodges	One (1) space per every 500 square feet of floor area
<b>t.</b>	Dance hall and Skating rinks	One (1) space per ever one hundred square feet (100 ft <sup>2</sup> ) of gross floor area
<b>u.</b>	Retail Sales Establishments	
	(1) General	One (1) space per every 250 square feet of gross floor area
	(2) Furniture and appliance stores, auto and implement dealers	One (1) space per every 500 square feet of gross floor area
<b>v.</b>	Roadside stands	Four (4) spaces per establishment
<b>w.</b>	Industrial Uses	
	(1) Industrial usage in the I-1 and I-2 districts, except as specifically mentioned herein	One (1) space per every 500 square feet of gross floor area
	(2) Wholesale and storage operations	One (1) space per every 700 square feet of gross floor area
	(3) Laboratories and research facilities	One (1) space per every 300 square feet of gross floor area
	(4) Machinery or equipment	One (1) space per every 500 square feet of gross floor area
<b>x.</b>	Theaters, auditoriums, and places of assembly	One (1) space per four (4) people in designed capacity
<b>y.</b>	Veterinary establishment	Three (3) spaces per staff doctors
<b>z.</b>	Billiard parlors, game rooms and pool halls	One and one-half (1 1/2) spaces per each one hundred square feet (100 ft <sup>2</sup> ) of gross floor area for any establishment other than one with liquor license or beer permit
<b>aa.</b>	Mini-storage/warehouse	One (1) space per each ten (10) storage spaces, stalls or lockers equally distributed throughout the storage area; plus one (1) space for any caretaker's quarters; plus five (5) spaces located at or near the project office for the use of prospective customers

#### **27.8.4 Development and Maintenance of Loading Spaces**

Every building or part thereof hereafter erected, having gross floor area of 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 of distribution by vehicles of material of merchandise, shall develop and maintain on the same lot with such building an off-street loading area in accordance with the following requirements:

- a. The minimum number of required off-street loading spaces for all districts shall be at least one (1) loading space plus one (1) additional loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet. For buildings having less than 10,000 square feet of gross floor area, the regular off-street parking areas may be used to meet the off-street loading requirements herein set forth.
- b. Off-street loading space shall each contain at least 350 square feet measuring ten feet (10') in width and thirty-five feet (35') in length, and shall have a clearance of at least fourteen feet (14'). When the vehicle generally used for loading and unloading purposes exceed these dimensions, the required length of such spaces shall be correspondingly increased.
- c. All off-street loading spaces shall be so located and served by an access drive that their use will not require any backing or other maneuvering within a street right-of-way other than an alley.
- d. All off-street loading spaces shall be developed in accordance with the provisions of Section 27.8.2 f. through Section 27.8.2 k.

#### **27.8.5 Submission of Plans**

A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a Zoning Permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

- a. Delineation of individual parking and loading spaces.
- b. Circulation area necessary to serve spaces.
- c. Access to streets and property to be served.
- d. Curb cuts.
- e. Dimensions, continuity and substance of screening.
- f. Grading, drainage, surfacing and subgrading details.
- g. Delineation of obstacles to parking and circulation in finished parking area.
- h. Specifications as to signs, bumper guards and lighting.
- i. All other pertinent details, including dimension of ingress, egress and driveway areas.

#### **27.8.6 Completion Time for Parking Lots**

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Zoning Official. An extension of time may be granted by the Zoning Official provided a performance bond or its equivalent is posted, equaling the cost of completing the improvement as estimated by the County

Engineer, and provided the parking space is not required for immediate use. In the event the improvement is not completed within one (1) year from the date of commencement, the bond or its equivalent shall be forfeited and the improvements thereafter constructed or completed under the direction of the County Engineer.

## **SECTION 9 DISPLAY AND OUTDOOR ADVERTISING SIGNS**

### **27.9.1 General Provisions**

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

- a.** Nothing in this Chapter shall require the removal or discontinuance of a legally existing sign that is not altered, rebuilt, enlarged, extended, or relocated and the same shall be deemed a non-conforming use under the terms of this Ordinance; provided however, the following signs shall be made to conform with the provisions of this Chapter or shall be removed by the owner upon written notice of the Zoning Official, forthwith in the case of the immediate danger and in any case within not more than thirty (30) days following said notice:
  - b.** Any sign which is in a state of serious disrepair or is no longer functional.
    - (1) An obsolete sign that advertises an activity, business, product or service no longer conducted on the premises on which the sign is located, or any other sign which has been abandoned.
    - (2) Any sign which is in violation of the provisions of Section 27.9.1(b) and 27.9.1(c).
    - (3) Any sign which swings or otherwise noticeably moves as a result of wind pressure because of the manner of their suspension or attachment.
    - (4) Any portable sign that is not permanently anchored or secured to either a building or the ground.
    - (5) Any sign that becomes insecure, in danger of falling, or otherwise unsafe; or any sign unlawfully installed, erected or maintained.

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

- c.** No sign shall closely resemble or approximate the shape, form and color of any official traffic sign, signal or device. No sign shall be erected at any location where it may, by reason of its size, location, content, coloring or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of motorists, by detracting from the visibility of any traffic control device. No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign or be visible for any adjacent street. Lights resembling an emergency light or such words as “Stop”, “Look”, “Danger” or any other words, phrases, symbols or characters, which in any manner interfere with, mislead or confuse traffic shall not be used in connection with any sign.
- d.** No sign other than an official traffic, street, or related sign approved for placement by the County Engineer or other public officer in the performance of his public duty, shall be placed on or over any street or public property.
- e.** Off-site signs are prohibited in all districts except as specifically permitted in this Section; provided however, such signs may be permitted by variance from the Zoning Board of Adjustment when unusual or compelling circumstances may



require. No off-site signs are permitted along the Loess Hills Scenic Byway as defined in the Mills County Comprehensive Plan.

- f. Two (2) or more signs may be mounted on the same sign standard or structure provided that the combined surface areas of such signs shall not exceed the maximum area permitted for a single sign, except as specifically permitted in this Section.
- g. Illuminated signs shall not be of an intermittent flashing type and shall not display any direct or focused illumination such as photo flood lamps, reflector lamps or lamps with an optical reflector located in the rear of same. All illumination from any lamp or over twenty-five (25) watts rating shall be through a diffusing lens or frosted envelope, excepting indirect illumination. In case of indirect illumination, all reflected or directed illumination must be focused on said sign so that same cannot be seen from any direction in adjacent areas.
- h. Signs which are displayed inside or upon a window facing the outside and which are intended to be seen from the exterior shall be permitted subject to the same conditions and restrictions as wall signs.
- i. These regulations shall not apply to any sign that is visible only from the premises upon which it is erected, such as on walls of courts or malls in shopping centers.
- j. These regulations shall not apply to signs which are accessory to the use of any kind of operable vehicle, provided the sign is painted or attached directly to the body of the vehicle.

### **27.9.2 Signs Permitted in All Districts**

Signs hereinafter designated shall be permitted in all zoning districts:

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

information regarding such subdivision. One (1) additional such sign shall be permitted at an auxiliary entrance provided such auxiliary entrance fronts on a separate street from the main entrance. Such sign shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line. Such sign shall be removed upon completion of the sale of ninety percent (90%) of the lots located within the subdivision.

- (4) One (1) non-illuminated sign not to exceed nine square feet (9 ft<sup>2</sup>) in area shall be permitted for each dwelling which is used for display or as a model home. Such sign shall not extend higher than four feet (4') above grade level and shall only be located within the front yard of the lot containing such dwelling. Such sign shall be removed when a display or model home is no longer so used.
  - (5) Political campaign signs shall be permitted to announce candidates seeking public political office or pertinent political issues. Such signs shall not be erected earlier than forty-five (45) days prior to the date balloting takes place for the candidates or issues indicated on the sign, and shall be removed no later than seven (7) days after said balloting date.
  - (6) Seasonal decorations shall be permitted when pertaining to recognized national holidays and national observances.
  - (7) Signs which contain or consist of banners, balloons, pennants, ribbons, streamers, spinners or other similarly moving devices shall be permitted on the premises of an establishment having a grand opening or other special event.
- b.** One (1) non-illuminated sign not to exceed fifty square feet (50 ft<sup>2</sup>) in area shall be permitted at the entrance to a recorded subdivision. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such subdivision. Such sign shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line.
  - c.** One (1) sign or nameplate not to exceed fifteen square feet (15 ft<sup>2</sup>) in area shall be permitted to identify the occupant of the premises or a permitted use. Such sign shall not extend higher than six feet (6') above the grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
  - d.** Non-illuminated community direction signs shall be permitted at a county road intersection when such signs are placed, controlled and maintained by a cooperative neighborhood organization, and approved by the County Engineer. The County Engineer shall not approve such sign unless there is an adequate shoulder to permit short term standing, and unless the visual clearance at the intersection will not be impaired by the sign or such standing. Each participating neighbor may place upon such community direction sign one (1) "arrow" sign, not to exceed one square foot (1 ft<sup>2</sup>) in area, show his name, the distance to his property, and indicating the direction.
  - e.** Community service information signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, memorial or commemorative plaques, signs indicating scenic or historical points of interest, and all other similar signs, including all signs erected by or upon the order of a public

officer in the performance of his public duty, shall be permitted when such signs are of a noncommercial nature and in the public interest.

- f. Off-site signs not to exceed three square feet (3 ft<sup>2</sup>) in area shall be permitted to display the emblem of a service club or of a church, and information on the time and location of meetings or services. More than one (1) such sign may be mounted on a common sign standard or structure, provided such standard or structure shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line.
- g. Integral signs for churches or temples, or names of buildings, dates of erections, monumental citations, commemorative tablets and other similar signs shall be permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are attached.
- h. Official flags, insignias, and emblems of the United States, the State of Iowa, and municipal and other bodies of established government; and flags which display the recognized symbol of on-site business firms and enterprises, religious, charitable, public and nonprofit organizations shall be permitted provided that no single flag shall exceed fifty square feet (50 ft<sup>2</sup>) in area.

**27.9.3 Signs in Agricultural District (AG), Agricultural/Residential District (AR), Village District (V), and Loess Hills Conservation Development District (LH)**

The following signs shall be permitted in the Agricultural District (AG), Agricultural/Residential District (AR), Village District (V), and Loess Hills Conservation Development District (LH) as well as platted residential subdivisions:

- a. On-site and off-site signs not to exceed thirty-two square feet (32 ft<sup>2</sup>) in area shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm premises.
- b. One (1) non-illuminated sign not to exceed fifteen square feet (15 ft<sup>2</sup>) in area shall be permitted to identify a home occupation, home professional office or rural enterprise business. Such sign shall not extend higher than six feet (6') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building or on a free-standing mail box.
- c. One (1) sign not to exceed fifteen square feet (15 ft<sup>2</sup>) in area shall be permitted per lot frontage of a lot upon which is located any building or buildings containing not less than three (3) nor more than nine (9) dwelling units. A similar sign not to exceed twenty-four square feet (24 ft<sup>2</sup>) in area shall be permitted for each lot frontage upon which is located any building or buildings containing ten (10) or more dwelling units. Such signs shall denote only the name and/or the name and address of the management thereof, or allied information. Such signs shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building.
- d. One (1) sign not to exceed fifty square feet (50 ft<sup>2</sup>) in area shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood or other permanent material, and shall indicate only the name of

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

- e. One (1) sign not to exceed twenty square feet (20 ft<sup>2</sup>) in area shall be permitted per lot frontage to identify a church, school, institution, or public building or use. Such signs shall not extend higher than eight feet (8') above grade level and shall be mounted flat against the wall of the building. In addition, one (1) bulletin board not to exceed fifty square feet (50 ft<sup>2</sup>) in area shall be permitted for each premise. Such bulletin board shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building.
- f. One (1) sign not to exceed twenty square feet (20 ft<sup>2</sup>) in area shall be permitted per lot frontage to identify a permitted special use, or a legally established nonconforming use, which did have any signs prior to the effective date of adoption or amendment of this Ordinance. Such sign shall denote only the name and/or profession of professional persons occupying premises, and/or the name of the establishment. Such sign shall not extend higher than eight feet (8') above grade level, nor closer than fifteen feet (15') to any property line unless mounted flat against the wall of the building.

**27.9.4 Signs in Convenience Commercial District (C-1), Highway Oriented Commercial District (C-2), and Industrial District (I)**

The following on site signs shall be permitted in the Convenience Commercial District (C-1), Highway Oriented Commercial District (C-2), and Industrial District (I):

- a. One (1) pole-standing sign not to exceed eighty square feet (80 ft<sup>2</sup>) in area, plus one square foot (1 ft<sup>2</sup>) in area for each additional linear foot of lot frontage over eighty feet (80') shall be permitted per lot frontage, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two feet (22'). Such sign shall not extend higher than forty-five feet (45') above grade level, nor closer than fifteen feet (15') to any property line unless the bottom of the sign face is higher than twelve feet (12') above grade level.
- b. One (1) projecting sign not to exceed twenty-four square feet (24 ft<sup>2</sup>) in area shall be permitted per lot frontage. Such sign shall not extend lower than eight feet (8'), nor higher than the roof or parapet line of the wall to which it is attached, and shall not extend more than six feet (6') beyond the wall to which it is attached.
- c. One (1) roof sign not to exceed twenty percent (20%) of the surface area of any one (1) given wall of the building to which it is attached, shall be permitted, provided that in no case shall such sign exceed a maximum of 200 square feet in area. Such sign shall not exceed a maximum vertical or horizontal dimension of greater than twenty-two feet (22'). All roof signs shall adhere to the height requirements of the district in which they are located. The back of such sign shall be effectively shielded from public view by a building wall, by backing the sign against another sign face, by grouping such signs in clusters to conceal the exposed backs, or by painting the exposed back a neutral color.

- d. The maximum area of all wall signs shall not exceed twenty percent (20%) of the surface area of the wall to which they are attached, provided that in no case shall such signs exceed a maximum of 200 square feet in area per wall. Such signs shall be mounted flat against the wall of the building; shall be restricted to remain within the outline of the wall to which they are attached; and shall not exceed more than one foot (1') out from the wall.

#### **27.9.5 Outdoor Advertising Signs and Billboards**

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

- a. The regulations governing outdoor advertising signs and billboards shall comply with all State and Federal regulations.
- b. All outdoor advertising signs and billboards shall be setback from any existing or proposed right-of-way line of any street, county road, or highway as shown on the official street plan, at least as far as the required front yard setback for the district in which it is located; except at any street intersection, the setback of any outdoor advertising sign or billboard shall not be less than one hundred feet (100') from the established right-of-way line of each such street. The setbacks for signs meeting the Iowa Department of Transportation's criteria as a private directional signs placed adjacent to Interstate right-of-way shall be not less than ten feet (10') from said right-of-way.
- c. No outdoor advertising sign or billboard which faces the front or side lot line of any lot in the Agricultural/Residential District (AR), Village District (V), Loess Hills Conservation Development District (LH), or any platted residential subdivision used for residential purposes shall be permitted within one hundred feet (100') of such lot line.
- d. No outdoor advertising sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within 300 feet thereof.

<b>Table 9.01: Civic &amp; Community Sign Matrix - Setback Requirements and Other Measurements</b>				
	<b>SQ</b>	<b>H</b>	<b>PL</b>	<b>Special Notes</b>
<b>NON-ILLUMINATED SIGNS IN ALL DISTRICTS</b>				
Subdivision Entrance	50	8	15	
Identification of Occupant	15	6	15	Exception: If mounted flat against the wall of the building or on a free-standing mailbox.
Permitted Use of Property	15	6	15	Exception: If mounted flat against the wall of the building or on a free-standing mailbox.
Community Service	UL		15	Signs are in a noncommercial nature and in the public interest. Signs shall be erected by or upon the order of a public officer in the performance of his/her public duty.
Service Club Emblem	3	8	15	More than one such sign may be mounted on common sign standard or structure.
Church Emblem	3	8	15	More than one such sign may be mounted on common sign standard or structure.
Church/Temple Information	UL			Permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are erected.
Name of Building	UL			Permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are erected.
Date of Erection of Building	UL			Permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are erected.
Monumental Citation	UL			Permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are erected.
Commemorative Tablet	UL			Permitted when carved into stone, concrete or other permanent type of construction and made an integral part of the structure to which they are erected.

**SQ** = Square Footage

**H** = Height-Feet above Grade Level

**PL** = Property Line-Required Feet Not Permitted Closer Than

**UL** = Unlimited

**Blank** = Not Specified and/or Applicable

<b>Table 9.02: Temporary Sign Matrix - Setback Requirements and Other Measurements</b>						
	<b>SQ</b>	<b>H</b>	<b>PL</b>	<b>E</b>	<b>R</b>	<b>Special Notes</b>
<b>NON-ILLUMINATED SIGNS IN ALL DISTRICTS</b>						
Sale	50	8	15		7	
Rental	50	8	15		7	
Lease	50	8	15		7	
Construction	50	8	15		7	
Subdivision Information and Identification	50	8	15			Removal Required when 90% of lots are complete/Built-on.
Model Homes	9	4				Only allowed in Front Yard; Removal when home is no longer used.
Political Campaign				45	7	
Seasonal Decorations						Permitted when pertaining to National Holidays and National Observations.
Banners, Balloons, Pennants, Ribbons, Streamers, Spinners or other Moving Devices				5	3	Permitted During Special Event.
Grand Opening				5	30	Permitted During Event.
Special Event				5	3	Permitted During Event.

**SQ** = Square Footage

**E** = No Earlier Than Specified Days Prior

**H** = Height-Feet Above Grade Level

**PL** = Property Line-Required Feet/Not Permitted Closer Than

**R** = Required Days After Completion of Relevant Sign for Removal

**Blank** = Not Specified and/or Applicable

<b>Table 9.03: Permanent Sign Matrix - Setback Requirements and Other Measurements</b>				
	<b>SQ</b>	<b>H</b>	<b>PL</b>	<b>Special Notes</b>
<b>SIGNS IN AG, AR, LH, &amp; V DISTRICTS</b>				Following Signs in this Matrix are also permitted in Platted Residential Subdivisions
Agricultural Farm Related Enterprise or Use	32			Shall be permitted to identify a farm premises or to indicate the product grown or material and equipment used on the farm.
Non-Illuminated Identification of Home Occupation, Professional Office or Rural Enterprise	15	6	15	Exception; unless sign is mounted flat against a wall of a building or on a free-standing mailbox.
Identification of a Multi-Family Unit Containing Not Less than 3 Units or More than 9 Units	15	8	15	A similar sign not to exceed 24 square foot in area shall be permitted for each lot frontage upon which is located any building or buildings containing ten or more building units. Such building signs shall denote only the name and/or the name and address of the management thereof, or allied information.
Identification of Mobile Home Park Entrance	50	8	15	Such sign shall be made of ornamental metal, stone, masonry, wood or other permanent material and shall indicate only the name of such mobile home park.
Identification of Church, School, Institution, Public Building or Use	20	8		Must be mounted flat against the wall of the building.
One Bulletin Board with Previous Identification of Church School, Institute, Public Building or Use	50	8	15	Or may also be mounted flat against the wall of the building.
Identification of Permitted Special Use or a Legally Establish Non-Conforming Use	20	8	15	Such sign shall denote only the name and/or profession of professional persons occupying premises and/or the name of the establishment.

**SQ** = Square Footage

**H** = Height-Feet Above Grade Level

**PL** = Property Line-Required Feet Not Permitted Closer Than

**Blank** = Not Specified and/or Applicable

**AG** = Agricultural District

**AR** = Agricultural/Residential District

**V** = Village District

**LH** = Loess Hills Conservation Development District



**Table 9.04: Sign Matrix – Commercial and Industrial Districts**

	<b>RS</b>	<b>PLS</b>	<b>PS</b>	<b>WS</b>	<b>Special Notes*</b>
<b>Zoning Districts; C-1, C-2 &amp; I</b>					
Not to exceed twenty percent (20%) of the surface area of any one given wall of the building to which it is attached.	A			A	<p>Off-site signs are prohibited in all these districts.</p> <p>No signs shall closely resemble the shape, form and color of any official traffic sign, signal or device and shall be erected at any location where it may, by reason of its size, location, content, color or manner of illumination; constitute a traffic hazard or a detriment to traffic safety.</p> <p>No rotating beacon, beam or flashing illumination resembling an emergency light shall be used in connection with any sign.</p> <p>Illuminated signs shall not be of an intermittent flashing type and not display any direct or focused light and illumination over 25-watts rating shall be through a diffusing type lens, excepting indirect illumination must be focused on sign and not over-spilling sign face in any direction.</p> <p>Signs which are displayed inside a building or upon a window facing the outside and which are intended to be seen from the exterior; shall be permitted subject to the same requirements as wall signs.</p>
Shall not exceed two-hundred (200) square feet in any area.	A	A		A	
Maximum vertical or horizontal dimension shall not exceed greater than twenty-two (22) feet.	A	A			
Back of sign shall be shielded from public view by a building wall, against another sign face, grouping in clusters to conceal the exposed backs or by painting the exposed back a neutral color.	A				
Will not exceed eighty (80) square feet in area, plus one (1) square foot in area for each additional linear foot of lot frontage over eighty (80) feet shall be permitted per lot frontage.		A			
Shall not extend higher than Forty-Five (45) feet above the lowest building floor elevation.		A			
Not closer than fifteen (15) feet to any property line unless the bottom of the sign face is higher than twelve (12) feet above grade level.		A			
Not to exceed twenty-four (24) square feet in area per lot frontage.			A		
Shall not extend lower than eighty (8) feet, nor higher than the roof or parapet line of the wall to which it is attached.			A		
Shall not extend more than six (6) feet beyond the wall to which it is attached.			A		
Shall be mounted flat against the wall of the building.				A	
Shall be restricted to remain within the outline of the wall to which attached.				A	
Shall not exceed more than one (1) foot out from the wall.				A	

**\* This Sign Matrix does not extend to the Corridor Overlay (CO) District; see Table 7.2 Sign Matrix for this commercial overlay district’s sign requirements.**

- RS** = Roof Sign
- PLS** = Pole Sign
- PS** = Projecting Sign
- WS** = Wall Sign
- A** = Applicable
- Blank** = Not Applicable

## **SECTION 10 WIND TOWERS**

### **27.10.1 Intent and Purpose**

The unique and diverse landscapes of Mills County, Iowa are among its most valuable assets, and greatly benefit both the residents of the County as well as visitors and tourists to the area each year. The protection of these assets mandates the location and design of wind tower facilities be sensitive to, as well as, in scale and harmony with the aesthetics of the County. This Ordinance will provide standards for the proper placement and design of wind tower facilities in order to ensure their compatibility with surrounding development.

The goal of the Ordinance is to provide predictable and balanced regulations for the siting and screening of wind tower facilities within the County. These regulations are designed with the intent to protect the health, safety, and general welfare of the people as well as the natural environment in the area surrounding each wind tower facility from possible adverse effects related to the placement, construction, use and subsequent disposition of regulated wind towers.

### **27.10.2 Placement of Wind Towers and Antennas**

A wind tower in excess of the maximum allowable height for structures in the zoning district may be permitted upon determination the wind tower meets all of the applicable condition of this Ordinance.

### **27.10.3 Height Limitations**

The maximum height restrictions for each zoning district will be as follows:

#### **a. Agricultural District (AG)**

A wind tower with a maximum height of 80 (eighty) feet may be permitted in this zoning district.

#### **b. Agricultural/Residential (AR)**

A wind tower with a maximum height of 80 (eighty) feet may be permitted in this zoning district.

#### **c. Loess Hills Conservation Development (LH)**

A wind tower with a maximum height of 80 (eighty) feet may be permitted in this zoning district.

#### **d. Open Space (OS)**

No wind towers will be permitted in this zone.

#### **e. Village (V)**

A wind tower with a maximum height of 50 (fifty) feet may be permitted in this zoning district.

#### **f. Convenience Commercial (C-1)**

A wind tower with a maximum height of 150 (one hundred fifty) feet may be permitted in this zoning district.

**g. Highway-Oriented Commercial (C-2)**

A wind tower with a maximum height of 150 (one hundred fifty) feet may be permitted in this zoning district.

**h. Industrial (I)**

A wind tower with a maximum height of 200 (two hundred) feet may be permitted in this zoning district.

**27.10.4 Application Requirements**

The landowner or his/her designee constructing a wind tower shall file an application for a Conditional Use Permit with the Zoning Official accompanied by the required fee. The application shall include the following:

**a. Description of Use**

A narrative by the applicant stating the purpose and use of the proposed wind tower.

**b. Site Plan**

A site plan drawn to scale as well as dimension that displays the following information:

- (1) Lot lines and dimensions;
- (2) Location and height of all buildings, structures, above ground utilities and trees on the lot;
- (3) Location and height of both existing and proposed structures and guy wire anchors on the lot;
- (4) Location and height of all adjacent buildings, structures, above ground utilities and trees located within 300 feet of the exterior boundaries of the lot; and
- (5) Location of all existing and proposed setbacks for all structures located on the lot.

**c. Location Map**

A map depicting the location of the wind tower within the County. The applicant shall include the latitude and longitude of the proposed wind tower location as well as elevators based on NAD 83.

**d. Structural Engineer Report**

A structural engineering report containing the description of the wind tower, including the design characteristics and material, as well as documentation to establish that the wind tower has sufficient structural integrity for the purposed use and location.

**27.10.5 Conditions**

**a. Setback**

The wind tower facility shall have a minimum distance to the parcel and or recorded easement boundary equal to the height of the wind tower. This shall be the minimum required setback for all wind towers. The setback may be reduced provided the applicant submits an engineering report from a registered professional engineer in the State of Iowa that certifies that the wind tower is designed to

collapse upon failure within the distance from the proposed wind tower base to the property line or recorded easement. The setback shall not be less than the requirement for all other permanent structures within the Zoning Ordinance.

**b. Other Regulations**

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

**c. Illumination**

Wind towers shall not be illuminated by artificial means, except if the illumination is specifically required by the FAA or other authority. Any light source utilized for security lighting shall feature down directional, sharp cut-off luminaires, which shall ensure there is no spillage of illumination off the parcel or easement boundary.

**d. Screening**

Screening may be required by the County subject to the site location and existing available vegetation.

**e. Security**

All wind tower facilities shall be secured by a fence at least six (6) feet high or an anti-climbing device installed to prohibit access by unauthorized person(s).

**27.10.6 Inspections**

The County reserves the right, upon issuing any Conditional Use Permit, to inspect the premises on which the applicant intends to erect the wind tower. If a landowner or his/her designee does not maintain the wind tower in an operational condition or the wind tower poses a potential safety hazard, the landowner or his/her designee shall take immediate action to correct the situation. The County reserves the right to have the wind tower inspected by a qualified person to determine if the landowner or his/her designee is maintaining the wind tower in an operational condition or if the wind tower poses a potential safety hazard.

**27.10.7 Abandonment**

In the event a landowner or his/her designee discontinues the use of any wind tower for a period of 365 consecutive days, the County shall deem the wind tower abandoned by the landowner or his/her designee. The landowner or his/her designee shall:

- a. Reactivate the use of the wind tower by submitting an application for conditional use permit; or
- b. Dismantle and remove the wind tower.

## **SECTION 11 COMMUNICATIONS TOWERS**

### **27.11.1 Intent and Purpose**

The unique and diverse landscapes of Mills County, Iowa are among its most valuable assets, and greatly benefit both the residents of the County as well as visitors and tourists to the area each year. The protection of these assets mandates the location and design of communications tower facilities be sensitive to, as well as, in scale and harmony with the aesthetics of the County. This Ordinance will provide standards for the proper placement and design of communications tower facilities in order to ensure their compatibility with surrounding development.

The goal of the Ordinance is to provide predictable and balanced regulations for the siting and screening of communications tower facilities within the County. These regulations are designed with the intent to protect the health, safety, and general welfare of the people as well as the natural environment in the area surrounding each communications tower facility from possible adverse effects related to the placement, construction, use and subsequent disposition of regulated communications towers.

### **27.11.2 Placement of Communications Towers and Antennas**

A communications tower in excess of the maximum allowable height for structures in the zoning district may be permitted upon determination the communications tower meets all of the applicable condition of this Ordinance.

### **27.11.3 Height Limitations**

The maximum height restrictions for each zoning district will be as follows:

#### **a. Agricultural District (AG)**

A communications tower with a maximum height of 350 feet may be permitted in this zoning district.

#### **b. Agricultural/Residential (AR)**

A communications tower with a maximum height of 350 feet may be permitted in this zoning district.

#### **c. Loess Hills Conservation Development (LH)**

A communications tower with a maximum height of 350 feet may be permitted in this zoning district. Also See Section 27.11.5.

#### **d. Open Space (OS)**

No communications towers will be permitted in this zone.

#### **e. Village (V)**

A communications tower with a maximum height of 200 feet may be permitted in this zoning district.

#### **f. Convenience Commercial (C-1)**

A communications tower with a maximum height of 450 feet may be permitted in this zoning district.

**g. Highway-Oriented Commercial (C-2)**

A communications tower with a maximum height of 450 feet may be permitted in this zoning district.

**h. Industrial (I)**

A communications tower with a maximum height of 500 feet may be permitted in this zoning district.

**27.11.4 Application Requirements**

The landowner or his/her designee constructing a communications tower or placing a telecommunications antenna on an existing structure shall file an application for a Conditional Use Permit with the Zoning Official accompanied by the required fee. The application shall include the following:

**a. Description of Use**

A narrative by the applicant stating the purpose and use of the proposed communications tower.

**b. Site Plan**

A site plan drawn to scale as well as dimension that displays the following information:

- (1) Lot lines and dimensions;
- (2) Location and height of all buildings, structures, above ground utilities and trees on the lot;
- (3) Location and height of both existing and proposed structures and guy wire anchors on the lot;
- (4) Location and height of all adjacent buildings, structures, above ground utilities and trees located within 300 feet of the exterior boundaries of the lot; and
- (5) Location of all existing and proposed setbacks for all structures located on the lot.

**c. Location Map**

A map depicting the location of the communications tower within the County. The applicant shall include the latitude and longitude of the proposed communications tower location as well as elevators based on NAD 83.

**d. Structural Engineer Report**

A structural engineering report containing the description of the communications tower, including the design characteristics and material, as well as documentation to establish that the communications tower has sufficient structural integrity for the purposed use and location.

**27.11.5 Distance Limitations within the Loess Hills Conservation Development (LH) District**

Communications towers within the Loess Hills Conservation Development (LH) District must be constructed at a distance of at least two (2) miles apart from each

other, except pursuant to a Special Use Permit set forth herein. Prior to consideration of a Conditional Use Permit and in addition to the requirements set forth in Section 27.11.4; a landowner or his/her designee desiring to construct a communications tower within the Loess Hills Conservation Development (LH) District that is within two (2) miles from another communications tower within the LH District must also set forth in his/her application for a Conditional Use Permit sufficient documentation which evidences the necessity of an exception to this two (2) mile limitation, the sufficiency of which is to be determined by the Board of Supervisors.

#### **27.11.6 Conditions**

##### **a. Setback**

The communications tower facility shall have a minimum distance to the parcel and or recorded easement boundary equal to the height of the communications tower. This shall be the minimum required setback for all communications towers. The setback may be reduced provided the applicant submits an engineering report from a registered professional engineer in the State of Iowa that certifies that the communications tower is designed to collapse upon failure within the distance from the proposed communications tower base to the property line or recorded easement. The setback shall not be less than the requirement for all other permanent structures within the Zoning Ordinance.

##### **b. Other Regulations**

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

##### **c. Illumination**

Communications towers shall not be illuminated by artificial means, except if the illumination is specifically required by the FAA or other authority. Any light source utilized for security lighting shall feature down directional, sharp cut-off luminaires, which shall ensure there is no spillage of illumination off the parcel or easement boundary.

##### **d. Screening**

Screening may be required by the County subject to the site location and existing available vegetation.

##### **e. Security**

All communications tower facilities shall be secured by a fence at least six (6) feet high or an anti-climbing device installed to prohibit access by unauthorized person(s).

#### **27.11.7 Inspections**

The County reserves the right, upon issuing any Conditional Use Permit, to inspect the premises on which the applicant intends to erect the communications tower. If a landowner or his/her designee does not maintain the communications tower in an

operational condition or the communications tower poses a potential safety hazard, the landowner or his/her designee shall take immediate action to correct the situation. The County reserves the right to have the communications tower inspected by a qualified person to determine if the landowner or his/her designee is maintaining the communications tower in an operational condition or if the communications tower poses a potential safety hazard.

**27.11.8 Abandonment**

In the event a landowner or his/her designee discontinues the use of any communications tower for a period of 365 consecutive days, the County shall deem the communications tower abandoned by the landowner or his/her designee. The landowner or his/her designee shall:

- a. Reactivate the use of the communications tower by submitting an application for special use permit; or
- b. Dismantle and remove the communications tower.