

# SIoux COUNTY IOWA

# ZONING ORDINANCE

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## **Sioux County Board of Supervisors**

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**RESOLUTION 2008-16**

**ARTICLE OF ADOPTION**

**ORDINANCE NO. 1**

**REPLACES SIOUX COUNTY RESOLUTION NUMBER 79-22  
ZONING ORDINANCE AND AMENDMENTS THERETO FOR THE  
UNINCORPORATED AREA OF SIOUX COUNTY, IOWA**

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

WHEREAS, the Board of Supervisors of Sioux County, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate uses of land throughout the county, all in accordance with the Sioux County Comprehensive Land Use Plan,

THEREFORE, this ordinance shall be in full force and effect from and after its adoption and publication as required by law, publication to be culminated on the 28<sup>th</sup> day of August, 2008.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF SIOUX COUNTY, IOWA:

Passed and approved this 19<sup>th</sup> day of August, 2008.

  
Chair, Sioux County Board of Supervisors

  
Attest: Sioux County Auditor

I hereby certify that the foregoing document was published as ordinance #1 in the Sioux County Capital Democrat in Sioux County, Iowa on the 28th day of August, 2008.

# SIoux COUNTY ZONING ORDINANCE

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## ARTICLE OF ADOPTION

ORDINANCE NO. 1

**REPLACES SIOUX COUNTY RESOLUTION NUMBER 79-22  
ZONING ORDINANCE AND AMENDMENTS THERETO FOR THE  
UNINCORPORATED AREA OF SIOUX COUNTY, IOWA**

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

WHEREAS, the Board of Supervisors of Sioux County, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewer, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate uses of land throughout the county, all in accordance with the Sioux County Comprehensive Land Use Plan,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF SIOUX COUNTY, IOWA:

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# ARTICLE I

## BASIC PROVISIONS

### Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Repeal and Saving Clause
- Section 1.4. Validity and Severability Clause
- Section 1.5. Conflict with Other Laws

#### SECTION 1.1. SHORT TITLE.

This Ordinance shall be known and may be cited and referenced to as: “The Sioux County Zoning Ordinance” to the same effect as if the full title were stated.

#### SECTION 1.2. JURISDICTION.

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

#### SECTION 1.3. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this Ordinance the Sioux County Resolution Number 79-22 Zoning Ordinance for the Unincorporated Area of Sioux County and amendments thereto is repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

#### SECTION 1.4. VALIDITY AND SEVERABILITY CLAUSE.

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

#### SECTION 1.5. CONFLICT WITH OTHER LAWS.

Where any condition imposed by any provision of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, or by provision of any statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

## ARTICLE II

### AGRICULTURAL EXEMPTION

#### Article 2: Agricultural Exemption

##### Section 2.1. Farms Exempt

##### Section 2.2 Application for Exemption Determination

#### SECTION 2.1. FARMS EXEMPT.

In accordance with the provisions of Chapter 335, *Code of Iowa*, except to the extent required to implement Section 335.27, no regulation or restriction adopted under the provisions of this Ordinance applies to land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, *while so used*. However, the regulations of this Ordinance may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream. If a tract of land is less than thirty-five (35) acres, it shall be presumed that the tract is not primarily used for agricultural purposes. It shall be the responsibility of any group or person claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

Referred to in § 335.3, 368.26, 414.23

As per the Iowa Supreme Court ruling on Lang vs. Linn County Board of Adjustment, the word “primarily” allows county zoning authorities to consider “the relative size, value, and construction date of the house compared to the scope, value, and duration of the claimed agricultural activities,” and deny the exemption when the agricultural activities “are basically a sideline designed to obtain an agricultural zoning exemption for the owners’ residence.”

#### SECTION 2.2 APPLICATION FOR EXEMPTION DETERMINATION.

To qualify for the exemption, the land must be utilized primarily as a part of an agricultural enterprise that is operated with the intention of selling agricultural products in the marketplace and thereby earning a profit. In order to be considered for an agricultural exemption from zoning, the appropriate forms must be submitted to the Administrator of Planning and Zoning for review and determination of agricultural exemption. Appeal of the Administrator’s decision must be made to the Sioux County Zoning Board of Adjustment within thirty (30) days of the date of decision.

With that stated, Sioux County shall require all dwellings, buildings and structures in the unincorporated area to obtain an appropriate zoning permit indicating valuation, size and location of such use. Furthermore, an appropriate zoning permit shall be required for the construction, reconstruction, alterations, remodeling, or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in Sioux County including farm buildings, accessory farm buildings or structures, and similar buildings, structures and uses. The zoning permit will not be used to restrict or regulate agricultural uses, but to provide the county statistical data on the number, valuation, size and location of agricultural buildings constructed or remodeled, which may be used for county assessment purposes.

Any farm dwelling, building or structure intended for permanent human habitation shall comply with the same flood plain management regulations as nonfarm single family dwellings.

## ARTICLE III

### DEFINITIONS/USE CLASSIFICATIONS

#### Article 3: Definitions/Use Classifications

- Section 3.1.        Definitions  
Section 3.2.        Use Classifications

#### SECTION 3.1.    DEFINITIONS

For the purpose of interpreting this Ordinance certain words, terms and expressions are herein defined.

- Words used in the present tense include the future
  - The singular number includes the plural and the plural includes the singular
  - The word “may” is discretionary and the word “shall” is always mandatory
  - The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual
  - The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied
  - The word “lot” includes the words “plot” or “parcel”
  - The word “includes” also means “including, but not limited to”
1.    **ACCESSORY USE (OR STRUCTURE):** A use or structure which:
    - A.    Is subordinate to and serves a principal building or use
    - B.    Is subordinate in area, extent, or purpose to the principal building or use served
    - C.    Is located on the same zoning lot as the principal building or use
  2.    **ADDITION:** Any construction which increases the site coverage, height, length, width, or gross floor area of a structure.
  3.    **AGGREGATED PROJECT:** Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS (Wind Energy Conversion System) within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
  4.    **AGRICULTURE:** The cultivation of land for production of agricultural crops, the production of eggs, the production of milk and the production of fruit or other horticultural crops, with the intention of selling such items or products for a profit in the market place. “Agriculture” shall include the breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine, and honey bees, with the intention of selling such animals or products therefrom for a profit in the marketplace. The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use. “Agriculture”

shall not include any auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or sod. "Agriculture" shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products.

5. **AGRICULTURAL USE:** The use of any land for the production of, and as an accessory use for the treatment and storage of, plants, animals, or horticultural products, all for intended profit.
6. **ALLEY:** A public or private thoroughfare not more than twenty feet (20') in width, for the use of vehicles, which affords only a secondary means of access to abutting properties.
7. **ALTERATION:** Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargement of the size, in square feet, or height of a building shall be construed to be a structural alteration.
8. **ANTENNA (antenna mounts):** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and omni-directional antennas, such as whips, but not including satellite earth stations.
9. **ANTENNA HEIGHT:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. (SEE [FIGURE 11](#), PAGE 17)
10. **APARTMENT:** A single room or set of rooms occupied as a dwelling unit which is part of a multi-family structure containing cooking and housekeeping facilities for each dwelling unit.
11. **ATTACHED:** Having one or more walls common with a principal building, or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.
12. **BASEMENT:** A story having part, but not more than one-half (½) of its height below grade as measured at the front of the structure. A basement shall not be counted as a story for the purpose of height regulations.
13. **BLOCK:** That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
14. **BOARD OF ADJUSTMENT:** An officially constituted body whose principal duties are to hear appeals on decisions of the Zoning Administrator, interpret the Zoning Ordinance and zoning map, and where appropriate grant variances from the strict application of the Zoning Ordinance.
15. **BUILDABLE AREA:** The portion of a lot or parcel remaining after required yard setbacks have been provided.
16. **BUILDING:** A structure that is completely enclosed by a roof and by solid exterior walls which is permanently affixed to a lot or lots, and used or intended for shelter, support, or enclosure of persons, animals or property of any kind.



17. **BUILDING, ACCESSORY:** A building which is subordinate to the primary building on the same lot, not attached thereto and used for purposes customarily incidental to those of the primary building. Private detached garages are considered accessory buildings.
18. **BUILDING, HEIGHT OF:** The vertical distance from the average natural grade at the building line to the highest point of roof. Where a dwelling is situated on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation.
19. **BUILDING, PRINCIPAL:** The building in which the primary use of the lot or parcel is conducted.
20. **BUILDING LINE:** The setback distance from the front property line, rear lot line, and side lot lines as provided in the ordinance.
21. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of open porches, decks, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this Code.
22. **BULK REGULATIONS:** The combination of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
23. **BUSINESS:** The engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices.
24. **CARPORT:** Space for the housing or storage of vehicles and enclosed on not more than two (2) sides by walls, and is attached to and considered a part of the principal building.
25. **CELLAR:** A story having more than one-half ( $\frac{1}{2}$ ) of its height of all walls below the curb level, or below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Ordinance.
26. **COMMERCIAL USE:** Any activity involving the sale of goods or services carried out for profit.
27. **COMMISSION (OR PLANNING COMMISSION):** The Sioux County Planning and Zoning Commission.
28. **CO-LOCATION:** Locating communications equipment from more than one (1) provider on a single site.
29. **COMMERCIAL WECS:** A WECS (Wind Energy Conversion System) of equal to or greater than [100/40] kW in total name plate generating capacity.
30. **COMMUNICATION TOWER/FACILITY:** A tower or antenna, whether guyed or of monopole or lattice-type design, or equipment and associated facilities constructed to transmit or receive signals for the purpose of providing communication services for commercial use. This definition includes, but is not limited to radio, television, cellular, PCS, telephone and microwave towers.
31. **CONDITIONAL USE PERMIT:** A permit issued for a use specified in these regulations identifying specific conditions, limitations or restrictions, and which is subject to review for approval, or denial by the Board of Adjustment.

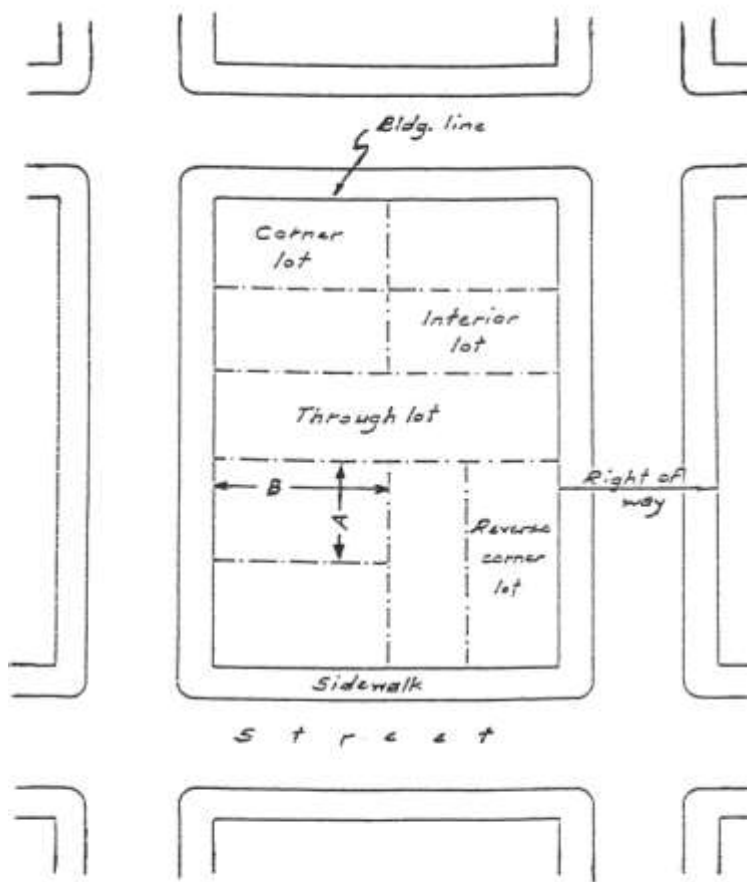
32. CONTIGUOUS: Having a common border or being separated from such common border by an alley, easement, or other publicly dedicated and approved easement and/or roads.
33. COTTAGE: A small single unit structure used for vacation or vacationers occupancy, and not used as a residence for the entire year.
34. COUNTY: Sioux County, Iowa.
35. COURTYARD: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
36. DECK: An unenclosed, roofless structure adjoined to the principal building. Decks higher than twelve (12) inches above the average grade of the ground shall also be subject to required yard setbacks.
37. DETACHED: Fully separated from any other building, or joined to another building by structural members not constituting an enclosed or covered space.
38. DISTRICT: A part, zone, or geographic area within Sioux County within which certain zoning or development regulations apply.
39. DRIVEWAY: A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.
40. DWELLING: Any building or portion thereof designed or used exclusively for residential purposes, but not including a tent, cottage, or trailer.
41. DWELLING, MULTIPLE FAMILY: An apartment house or residence used by, designed for or occupied by, three (3) or more families living independently of each other, with separate housekeeping and cooking facilities for each.
42. DWELLING, SINGLE FAMILY: A detached building that is arranged, designed for or occupied as, the primary residence of one (1) single family, having no party wall in common with an adjacent house or houses and is surrounded by open space or yards.
43. DWELLING, TWO FAMILY: A detached building that is arranged, designed for, or occupied as the residences of two (2) families living independently of each other with separate housekeeping and cooking facilities for each.
44. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
45. ENCROACHMENT: Any obstruction of, or an illegal or unauthorized intrusion in a delineated floodway, right-of-way, or adjacent lands.
46. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or over-head gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with and necessary for the furnishing of adequate services by such public utilities, governmental agencies, and/or for the public health, safety or general welfare, but not including buildings or certain Conditional uses as established by this Ordinance.

47. EVENTS CENTER: Facility for conducting weddings/receptions, vendor fairs, family reunions, business meetings, etc.
48. FAA: Federal Aviation Administration.
49. FACADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
50. FALL ZONE: The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
51. FAMILY: One (1) or more persons who are related by blood, marriage, guardianship, adoption or foster arrangement living together and occupying a single housing unit, or a group of not more than five (5) unrelated persons living together by joint agreement and occupying a single housing unit, on a nonprofit cost sharing basis.
52. FARM: A tract of land owned or rented by a farmer, primarily adapted for agricultural purposes, thirty-five (35) acres or greater in size. Tracts of land owned or rented by a farmer less than thirty-five (35) acres in size and claimed as exempt from zoning regulations as being primarily adapted for agricultural purposes shall be reviewed by making application to the Zoning Administrator. The Zoning Administrator shall make the determination on whether the level of existing or proposed agricultural activity on the property can be considered “primarily adapted for agricultural purposes” and therefore exempt from zoning regulations based on meeting all three of the following criteria:
  - A. More than fifty percent (50%) of the land includes agricultural production defined as cultivating the soil, producing crops or raising livestock shall be interpreted to be a farm. The term “significant” does not include gardening or keeping animals for personal use or hobby purposes.
  - B. The parcel of land is or will be assessed and taxed as agricultural property by the Sioux County Assessor under the rules of the Iowa Department of Revenue.
  - C. At least twenty-five percent (25%) of the gross household income is derived from the sale of products or commodities produced on the property and such income generation is considered an occupation of the person or persons owning or leasing such land.
53. FARMER: A person or persons actively engaged in farming and deriving taxable income from such activity or someone who is retired from farming when it relates to the land the farmer formerly farmed.
54. FARMSTEAD: A tract of land with farm dwelling and/or related outbuildings, yards, windbreaks, wells or other improvements which are held and operated in conjunction with agricultural crop and/or livestock production. An existing farmstead shall be defined as the combination of farm dwelling and any farm accessory buildings used or previously used and occupied by a person or family employed, fully or partially, in the agricultural pursuits of the farm on which it is located. To be defined as an abandoned farmstead, the following criteria must be met:
  - A. The farm and associated dwelling and/or accessory buildings shall not have been converted to crop production.

- B. Is within the bounds of an existing grove, windbreak or farmstead boundary established or constructed prior to the adoption of the Sioux County Zoning Ordinance. Boundary fences shall not be interpreted to include livestock feed yards, which can be converted to row crop production, but shall be interpreted to include the boundary of the normal farm yard and customary farm buildings.
  - C. Minimum evidence of the farmsteads existence through previous tax records establishing existence of the farm dwelling and evidence of an identifiable feature associated with a previous farmstead (e.g. foundation, outbuildings, well head, well pump, etc.) recognizable to the Zoning Administrator.
- 55. FCC: Federal Communications Commission.
  - 56. FEEDER LINE: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS (Wind Energy Conversion System).
  - 57. FENCE: Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.
  - 58. FLOODPLAIN: The channel and relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by flood waters.
  - 59. FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar that is not finished living space or which is used for storage or other incidental uses.
  - 60. FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
  - 61. GARAGE: An accessory building or portion of a building used only for the enclosed parking of or storage of one or more motor vehicles by the occupants of the premises or the leasing of space as provided herein, including covered parking space or carport; but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.
  - 62. GRADE: The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.
  - 63. GROUND CLEARANCE: The distance between the ground and the lowest point or a blade tip of a wind turbine. (SEE [FIGURE 12](#), Page 19)
  - 64. GUYED TOWER: A communications tower that is supported, in whole or in part, by guy wires and ground anchors. (SEE [FIGURE 11](#), Page 17)

65. HEIGHT, TOWER: The distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna, in reference to a tower or other structure. (SEE [FIGURE 11](#), Page 17)
66. HOME OCCUPATION: An accessory occupation or profession conducted entirely within a dwelling unit by the inhabitants thereof, and complies with the home occupations requirements as specified in [Section 17.4](#).
67. HOUSE TRAILER: See MOBILE HOME
68. HOUSEHOLD: A family living together in a single housing unit, with common access to all living and eating areas and all areas and facilities within the housing unit.
69. HOUSING UNIT: See DWELLING
70. INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
71. INDUSTRY: Those fields of economic activity including forestry, fishing, hunting, mining, construction, manufacturing; transportation, communication, electric, gas, and sanitary services, distribution, assembly, packaging, and wholesale trade activities.
72. INSTITUTION: A building or premises occupied by a non-profit corporation or establishment for public use.
73. JUNK (OR SALVAGE): Any old scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste appliances, furniture, equipment, building demolition materials, or structural steel materials. This definition shall also include junked, dismantled, or wrecked motor vehicles or parts of motor vehicles, and iron, steel or other old or scrap ferrous or nonferrous material. Junk shall also mean waste, yard waste not stored in an approved manner as determined by Sioux County, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
74. JUNK VEHICLE OR JUNK MACHINERY: Any vehicle, other machines or portions thereof not in running condition and/or not licensed for the current year as provided by law, or any other non-operating vehicle or machinery situated in a front yard of any lot or property and located in open view to the public for a period of more than ninety (90) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety.
75. JUNKYARD (or SALVAGE YARD): Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling or "wrecking" of automobiles, other motor vehicles, or machinery, or parts thereof. Junkyards will include but not limited to wrecking yards, used lumber yards, and places or yards utilized or intended for storage of salvaged wrecking and structural steel materials and equipment; but not including those areas where such uses are entirely located within a completely enclosed building.
76. LAND USE: A description of how land is occupied or utilized.

77. **LATTICE TOWER:** A self-supporting tower with three or four sides, open, steel frame structure used to support communications equipment. (See [FIGURE 11](#), PAGE 17)
78. **LOADING SPACE:** An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.
79. **LOT:** A parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage and area. Such lot shall have frontage on a road, street or other public place and may consist of: a) A single lot of record; b) A portion of a lot of record; c) A combination of complete lots of record and portions of lots of record; d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.
80. **LOT AREA:** The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any public or private easement or right of way providing access to another lot not to exclude utility easements.
81. **LOT, CORNER:** A lot fronting on two (2) intersecting streets.
82. **LOT, INTERIOR:** A lot other than a corner lot.
83. **LOT, THROUGH:** An interior lot having frontage on two parallel, or approximately parallel streets, and also known as a double frontage lot.
84. **LOT (or BUILDING) COVERAGE:**  
The area of a lot covered by buildings or roofed areas, but excluding incidental projecting eaves and gutters, balconies, and similar features and excluding ground level paving, landscaping, and open recreational facilities.
85. **LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.
86. **LOT OF RECORD:** A lot or parcel of land of which the plat or deed has been recorded in the office of the County Recorder of Sioux County, Iowa; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Sioux County, Iowa prior to the effective date of this Ordinance.



A - Width of lot

B - Depth of lot

87. LOT WIDTH: The distances between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.
88. LOT LINES: The lines bounding a lot.
89. LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the "front lot line" is the right-of-way line of such lot. In the case of any other lot, the front lot line will be such right-of-way line as is located in front of the main entrance to the principal structure.
90. LOT LINE, REAR: That boundary line that is opposite and most distant from the front lot line.
91. LOT LINE, SIDE: Any boundary lines not a front line or a rear line.
92. MANUFACTURED HOUSING: A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (Code of Iowa, Sec. 435.1)
93. MANUFACTURED HOUSING COMMUNITY: Means the same as land-leased community defined in Sections 335.30A and 414.28A Code of Iowa. Any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community. (Code of Iowa, Sec. 435.1)
- A manufactured home community or mobile home park shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or a mobile home park must be classified as to whether it is a "residential" or "recreational" manufactured home community or Mobile Home Park or both. The manufactured home community or mobile home parks residential landlord and tenant Act, Chapter 562B, Code of Iowa, only applies to "residential" manufactured home community or Mobile Home Park. (Code of Iowa, Sec. 435.1)
94. METEOROLOGICAL TOWER: For the purposes of this Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS (Wind Energy Conversion System).
95. MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals. (Code of Iowa, Sec. 435.1) All mobile homes shall be located within a mobile home park.
96. MOBILE HOME PARK: Any site, lot, field or tract of land upon which three (3) or more occupied mobile homes or manufactured homes, or a combination of any of these homes, are placed

on developed spaces and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available. (Code of Iowa, Sec. 435.1)

97. MOBILE HOME SPACE: An area within a designated mobile home park which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.
98. MOBILE HOME OR MANUFACTURED HOUSING CONVERTED TO REAL PROPERTY: A mobile home or manufactured housing which is located outside a manufactured housing community or a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases: (Code of Iowa, Sec. 435.26 & 435.35)
  - A. Retailer's Stock: Mobile homes or manufactured housing on private property as part of a retailer's or manufacturer's stock not used as a place of human habitation.
  - B. Existing Homes: A taxable mobile home or manufactured housing which is located outside of a manufactured housing community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.
99. MODULAR HOME: Factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 Code of Iowa, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 Code of Iowa. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate. (Code of Iowa, Sec. 435.1)
100. MONOPOLE TOWER (Self-support Tower): A communication tower consisting of a single pole, constructed without guy wires and ground anchors. (SEE [FIGURE 12](#), PAGE 19)
101. NON-COMMERCIAL WECS: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
102. NON-FARM DWELLING: A residential dwelling in the unincorporated area of Sioux County occupied by parties not involved in agricultural production.
103. NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
104. NONCONFORMING STRUCTURE: A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Sioux County Zoning Ordinance, but which fails to conform to present zoning requirements.
105. OCCUPANCY (or OCCUPIED): The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.



106. OFFICIAL (ZONING) MAP: An ordinance in map form adopted by the governing body that conclusively shows the location of zoning district boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.
107. PARKING AREA: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this Ordinance. Parking areas shall include parking lots, garages, and parking structures.
108. PARKING LOT: An off-street, ground level open area usually improved for the temporary parking of motor vehicles. See also: PARKING AREA.
109. PARKING SPACE: An area, enclosed or unenclosed, having dimensions of not less than nine (9) feet by twenty (20) feet (180 sq. ft.) plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering, incidental to parking shall not encroach upon any public right-of-way. Driveways for one (1) and two (2) family structures may be considered as parking spaces. When four (4) or more automobile parking spaces are to be grouped as a common facility, meeting a requirement of this definition, the individual car spaces plus the area necessary for driveways shall total not less than three hundred (300) square feet per car space.
110. PLANNED UNIT DEVELOPMENT (PUD): An area of minimum contiguous size specified in this Ordinance developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
111. PLANNING AND ZONING COMMISSION: An officially constituted body composed of eleven (11) citizens of the county who are qualified by knowledge and experience to act in matters pertaining to the development of planning and zoning, none of whom shall hold any elective position in the county.
112. PORCH, OPEN: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
113. POND AND/OR LAKE: Any inland body of water that in its natural state has a surface area of 500 square feet or more with a depth not less than 3.5 feet, and a body of water artificially formed or increased that as a surface area of 500 square feet or more with a depth not less than 3.5 feet. For purposes of measuring pond setbacks under this Ordinance, ponds shall include any man made supporting structure containing such body of water.
114. PRINCIPAL PERMITTED USE: See USE: a. Principal Permitted Use.
115. PROHIBITED USE: Any use that is not permitted in a Zoning District.
116. PROPERTY: A lot, parcel, or tract of land together with the buildings and structures.
117. PUBLIC NOTICE: A publication of the time and place of any public hearing typically not less than four (4) or not more than twenty (20) days prior to the date of said hearing in one (1) newspaper of general circulation in the County. In the instances of publications amending or adopting changes to the Sioux County Zoning Ordinance, the public notice notification period is not less than seven (7) or not more than twenty (20) days prior to the date of said public hearing.

118. **RECREATIONAL VEHICLE:** A vehicle or structure so designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one (1) or more persons, or for sporting or recreational purposes. A recreational vehicle is so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. Such a vehicle shall be customarily or ordinarily used for, but not limited to, vacationing, recreational purposes, travel trailers, pick-up campers, camping trailers, motor coach homes, or converted trucks and/or buses; and not used as a place of human habitation for more than ninety (90) days in any twelve (12) month period, or it shall be classed as a mobile home.
119. **ROAD OR STREET (RIGHT-OF-WAY) LINE:** The dividing line between a lot, tract or parcel of land and a contiguous road, street or alley.
120. **ROADSIDE STAND:** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable or can be readily moved, and which is adjacent to a road and used for the sale of farm products.
121. **ROOMS, HABITABLE:** A room which provides the required area and window area to provide necessary light and ventilation of occupants, and shall be clean and sanitary at all times.
122. **ROTOR DIAMETER:** The diameter of the circle described by the moving rotor blades. (SEE [FIGURE 12](#), Page 19)
123. **SALVAGE YARD:** See JUNKYARD.
124. **SANITARY LAND FILL:** A State of Iowa and Department of Environmental Quality approved site for the disposal of solid waste.
125. **SEARCH RING:** A search ring is that land area with optimal location and elevation for an antenna facility that a qualified engineer has determined is needed for the provision of wireless communication services.
126. **SETBACK:** The distance between any lot line and the supporting walls or structures of any building or deck more than twelve (12) feet above grade.
127. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
128. **SIGN:** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business. See [Article XX](#) of this Ordinance.
129. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening proposed for a specific parcel of land.
130. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
131. **SPRAWL (OR URBAN SPRAWL):** Uncontrolled growth, usually low-density in nature, in previously rural areas and some distance from existing development and infrastructure.

132. **STABLE, COMMERCIAL:** Any property, building or commercial establishment in which more than three (3) Equine (horse, donkey, mule) are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.
133. **STORY:** That portion of a building, other than a cellar, included between the surface of any floor and the floor or ceiling above.
134. **STREET:** A public or private thoroughfare that affords the primary means of access to abutting property.
135. **STREET, FRONT:** The street or public place upon which a plot abuts. If a plot abuts upon more than one street or public place it shall mean the street in front of the primary entrance to the building.
136. **STREET, PUBLIC:** A public thoroughfare twenty feet (20') or more in width.
137. **STRUCTURAL ALTERATION:** Any replacement or changes in the type of construction or in the supporting members of a building beyond ordinary repairs and maintenance; such as bearing walls or partitions, columns, beams or girders.
138. **STRUCTURE:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures do not include such items as fences, utility poles, street signs, street light fixtures, other public items, and tombstones.
139. **SUBSTANDARD LOT (OR NONCONFORMING LOT):** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the Zoning District in which it is located.
140. **SUBSTATIONS:** Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than 35,000 kilovolts (35,000 KV) for interconnection with high voltage. Transmission lines shall be located outside of the road right of way.
141. **TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
142. **TOTAL HEIGHT (WECS- Wind Energy Conversion System):** The highest point, above ground level, reached by a rotor tip or any other part of the WECS. (SEE [FIGURE 12](#), Page 19)

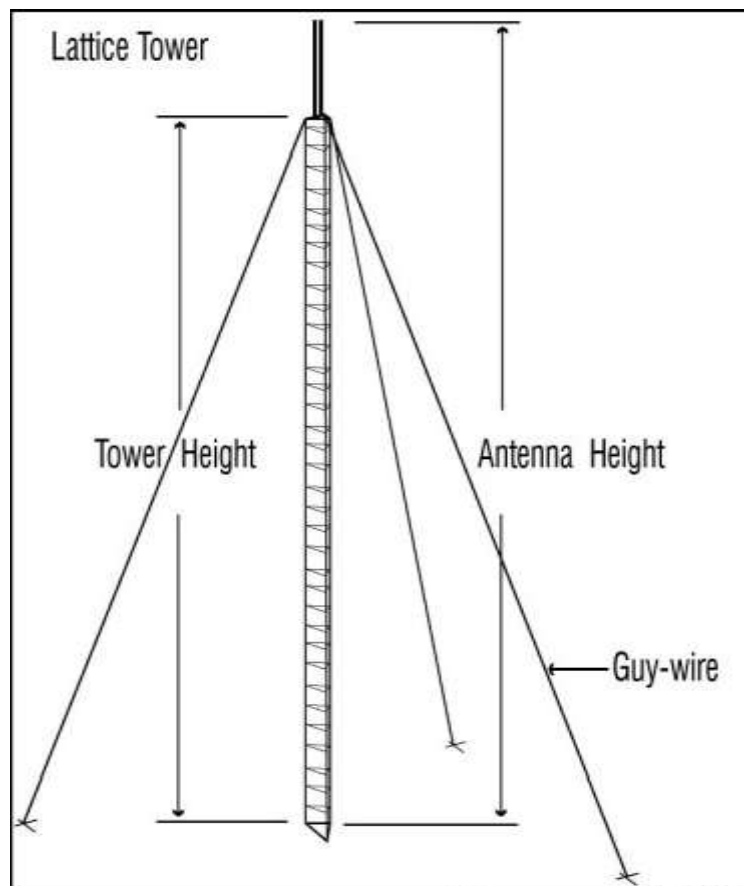
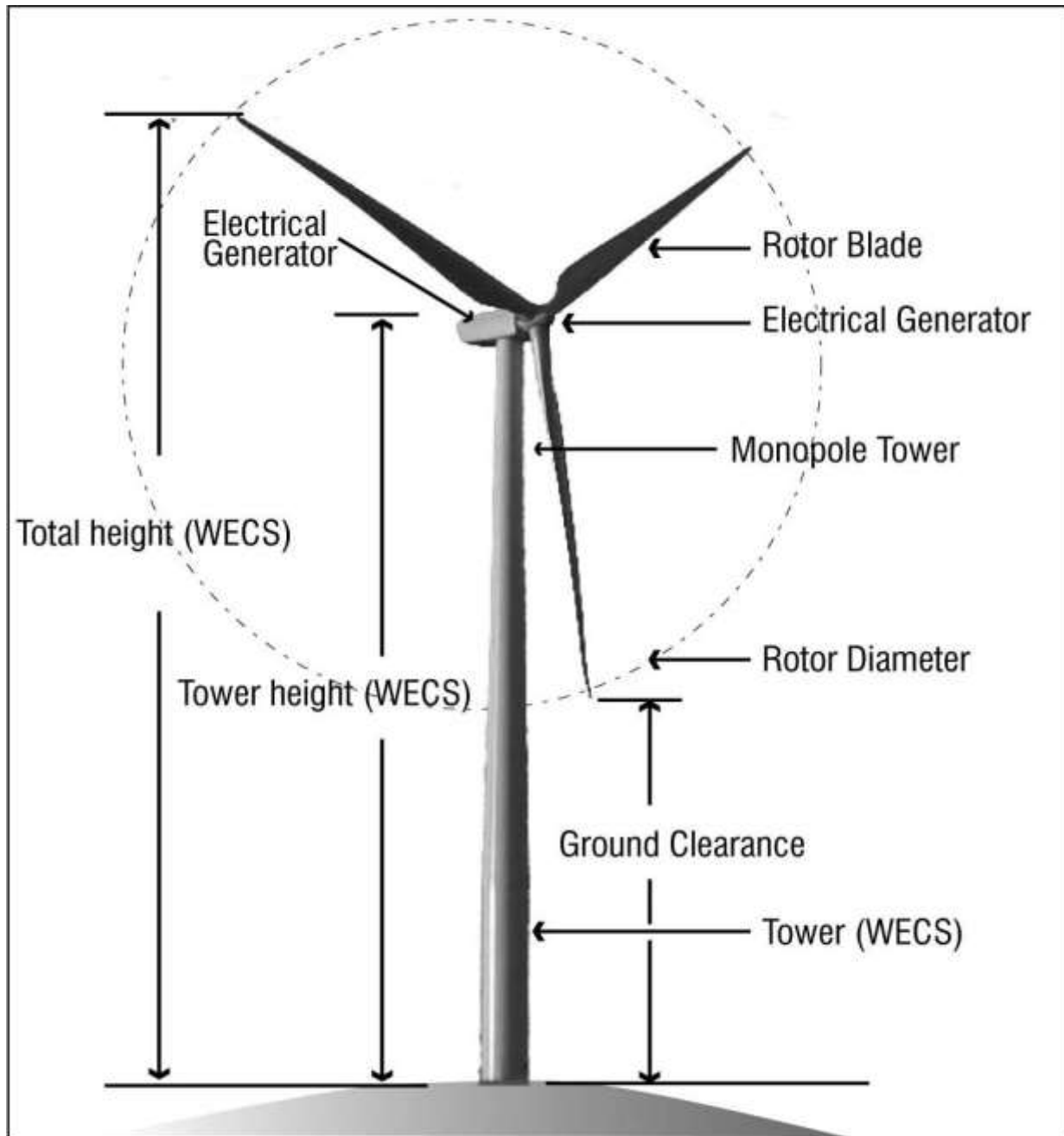


Figure 11 - TOWER

143. TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers and all communication towers, alternative tower structures, and the like. (SEE [FIGURE 11](#))
144. TOWER (WECS -Wind Energy Conversion System): Vertical structures that support the electrical generator, rotor blades, or meteorological equipment. (SEE [FIGURE 12](#), Page 19)
145. TOWER HEIGHT (WECS - Wind Energy Conversion System): The total height of the WECS exclusive of the rotor blades. (SEE [FIGURE 12](#), Page 19)
146. TRANSMISSION LINE: Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers
147. USE: The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
- A. Principal Permitted Use: Any use permitted as a matter of right when conducted in accord with the regulations established by this Ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
  - B. Conditional Use: A use allowable solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this Ordinance.
  - C. Accessory Use: A use or activity that is incidental to and customarily associated with a specific principal use on the same site.
148. VACANCY: Any unoccupied land, structure, or part thereof that is available for occupancy.
149. VALUATION: The estimated cost to replace a building; based on current cost of replacement.
150. VARIANCE: The relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
151. WIND ENERGY CONVERSION SYSTEM (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.
152. WIND TURBINE: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind. (See [FIGURE 12](#), page 19)

**Figure 12 - WIND TURBINE**

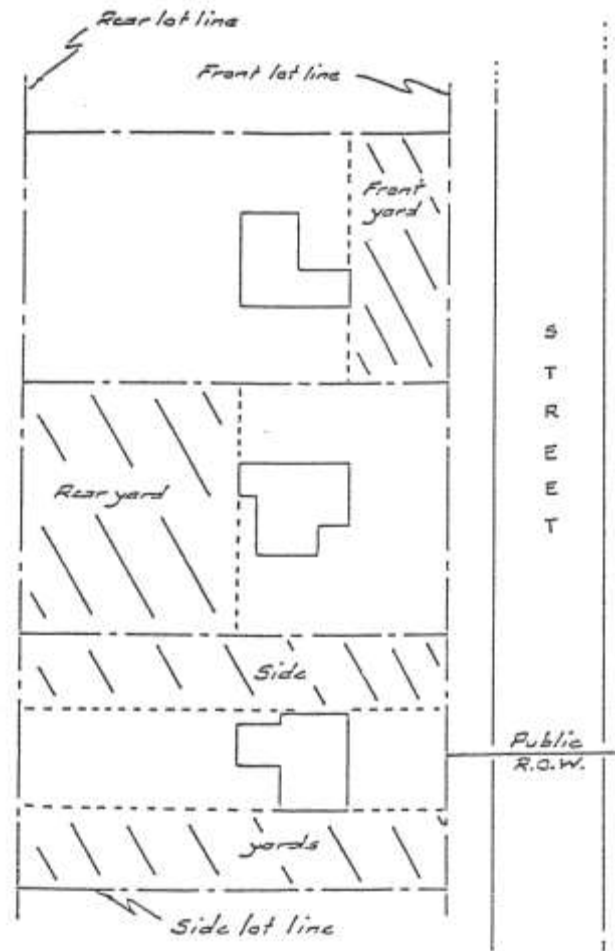
153. WINERY/MICRO-BREWERY/TAP ROOM: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises.
154. YARD: A required open space on a lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this Ordinance.

A. **Front Yard:** A required yard extending across the full width of a lot and measured between the front lot line and the building wall or other supporting element thereof, other than the projection of typical steps. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon where the principal building has its main entrance.

B. **Interior Yard:** Any required yard, not adjacent to a street, which is determined on the basis of an interior lot line.

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

D. **Side Yard:** A required yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.



155. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
156. **ZONING ADMINISTRATOR:** The administrative officer appointed by the Sioux County Board of Supervisors to administer and ensure compliance with the Zoning Ordinance and issue zoning permits.
157. **ZONING COMPLIANCE PERMIT:** A permit issued by the Zoning Administrator as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the Zoning Ordinance or authorized variance.

**SECTION 3.2. USE CLASSIFICATIONS.**

The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or granted as conditional uses in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification.

In event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the classification, subject to the right of appeal pursuant to Article XXIII. In making such determinations, the Zoning Administrator shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of use classifications.

**1. General Description of AGRICULTURAL USE types**

Agricultural use types include the on-site production and/or harvesting of plant, animal or natural products by agricultural methods.

- A. **AGRICULTURAL ANIMAL HUSBANDRY:** The raising of cattle, swine, poultry, horses, sheep, goats or other similar animals for reproductive stock or for slaughter in which such uses are conducted in either confined animal feeding operations or open yards.
- B. **AGRICULTURAL SUPPORT HOUSING:** The occupancy of living accommodations, without regard to duration, by an agricultural employee and their family or relation to the family residing on the farmstead in which the support housing is associated with. Support housing is also recognized as a single family dwelling located on a separate parcel or lot with a minimum size of one (1) acre that shall be located adjacent or up to no more than three hundred (300) feet from the principal residential dwelling. Support housing must be in association with the performance of agricultural labor on the farmstead in which the support housing is associated with.
- C. **CROP PRODUCTION:** The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
- D. **FARM BUSINESS, RETAIL OR NOVELTY:** A farm, which in addition to crop and/or livestock production, offers services or products, whether seasonal or not, for sale to the public on-site which are uniquely tied to the heritage or current practice of agriculture in Iowa, including but not limited to tours, demonstrations, petting zoos and the like, and retail sales of fruits, vegetables, pumpkins, melons, berries, trees or other agricultural products. This definition shall not be applicable to those structures or uses determined to be agriculturally exempt from county zoning authority according to Chapter 335 of the Code of Iowa.
- E. **FARMS:** See Definition No. 50
- F. **FARMSTEAD:** See Definition No. 52
- G. **HORTICULTURE:** The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
- H. **STABLES:** Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to horse ranches, boarding stables or public stables.
- I. **UNDEVELOPED OR UNIMPROVED LAND:** Land in its natural state before development.

- J. UNIQUE NATURAL FEATURE: That part of the natural environment that is unusual, non-typical or rare and is not duplicated elsewhere in the county or region.
- K. VITICULTURE OR VINICULTURE: The cultivation or culture of grapes often for the use in production of wine products: grapes grown for fresh fruit, dried fruit or for the grape juice, which can be used (amongst others) to produce wine. Typical uses include but not limited to vineyards, wine-making production facilities and associated retail or commercial wineries.
- L. WIND MACHINE OR WIND ENERGY DEVICES: Wind Energy Conversion System (WECS) or other similar wind machines are those devices including but not limited to wind charger, windmill, wind turbine or wind generators which converts wind energy to a form of usable energy.

## 2. General Description of **RESIDENTIAL USE** types

Residential use types include the occupancy of living accommodations on primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as asylums, jails or correctional facilities.

- A. CONDOMINIUM RESIDENTIAL: A building, or group of buildings, in which three (3) or more housing units, offices, or floor area is owned independently, and whereas the structure, common areas, and facilities are owned by all of the owners on a proportional, undivided basis.
- B. FAMILY HOME (as per Chapter 414.22 *Code of Iowa*): A County based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care home licensed under Chapter 237.
- C. GROUP RESIDENTIAL: The residential occupancy of living accommodations by groups of more than three (3) persons not defined as a family on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, or boarding houses.
- D. KENNEL, PRIVATE: Any building or land designed or arranged for the care of domesticated dogs, cats or other small animals typically perceived as pets belonging to the owner of the principal structure, kept for purposes of show, hunting, or pets. Private kennels shall not be used for the commercial boarding, breeding, raising or selling of any animals.
- E. MOBILE HOME RESIDENTIAL: The residential occupancy of mobile homes on a weekly or longer basis. Uses only include individual mobile homes, mobile home parks or mobile home subdivisions. Mobile home residential also applies to individual manufactured dwellings converted to real property and manufactured housing communities.
- F. MULTIPLE FAMILY RESIDENTIAL: The use of a site for three (3) or more multiple family dwellings, within one (1) or more buildings.
- G. RELOCATED RESIDENTIAL: An existing, previously built residential structure, intended for occupancy, which has been moved into the county from a location outside of Sioux County, or an existing residential structure which has been relocated from another location from within the county to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into Sioux County. Relocated



residential properties shall submit a route plan, photographs of the building to be moved, and an application for building permit prior to moving a building or structure into Sioux County.

- H. RESIDENTIAL CONVENIENCE SERVICES: A use or activity of a commercial nature conducted as an accessory use to multiple-family residential or mobile home park residential use, and intended solely for the convenience of residents within.
- I. RESIDENTIAL HEALTH CARE SERVICES: Any residential care services, intermediate care facility or skilled nursing home.
  - 1. RESIDENTIAL CARE SERVICES: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
  - 2. ASSISTED LIVING FACILITY: Residences primarily for senior or retired persons that provide housing units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation; and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.
  - 3. SKILLED NURSING FACILITY: Any institution, building or agency providing care for a period exceeding twenty-four (24) hours for accommodation, board or nursing services, the need for which is certified by a physician to three (3) or more individuals not related to the administrator or owner, who by reason of illness, disease, or physical or mental illness requires continuous care services and related medical services, but do not require hospital care. The care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.
- J. SINGLE FAMILY RESIDENTIAL: The use of a site for only one (1) single family dwelling.
- K. TOWNHOUSE RESIDENTIAL: The use of a site for three (3) or more single family dwellings constructed in a row with common or adjacent walls and each located on a separate parcel within the total development site. Townhouses have their own front and/or rear access to the outside, no unit is located over another unit.
- L. TWO FAMILY RESIDENTIAL: The use of a site for two (2) connected single family dwellings on one (1) lot or parcel.

### 3. General Description of COMMERCIAL USE types:

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

- A. ADMINISTRATIVE AND BUSINESS OFFICES: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.
- B. AGRICULTURAL SALES AND SERVICES: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, 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 landscape nurseries, hay, feed and grain stores, or cooperatives.

- C. **AUTOMOTIVE AND EQUIPMENT SERVICES:** Establishments or places of business primarily engaged in automotive, truck, agricultural or heavy equipment sales or services. The following are automotive and equipment use types:
1. **VEHICLE WASHING:** Washing and cleaning of automobiles, related equipment, trucks and agricultural equipment. Typical uses include car or truck washes, large truck or semi cleanouts, or wash outs.
  2. **SERVICE STATION:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
  3. **COMMERCIAL OFF-STREET PARKING:** Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.
  4. **Commercial Trucking/Transportation:** Those businesses which contract, purchase, lease or for fee transport or haul goods and commodities by semi-truck and trailer.
  5. **AUTOMOTIVE RENTALS:** Rental of autos, trucks, trailers, and recreational vehicles. Typical uses include auto rental or trailer rental agencies, and taxicab parking and dispatching.
  6. **AUTOMOTIVE SALES:** Sales or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing; typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
  7. **EQUIPMENT 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.
  8. **AUTOMOTIVE REPAIR SERVICES:** Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, automotive repair centers, commercial garages, service stations, and recreational vehicle repair shops.
  9. **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 or salvage.
  10. **VEHICLE STORAGE:** The long term storage of operating vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired or sold. Typical uses include storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.
- D. **BUILDING MAINTENANCE SERVICES:** Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
- E. **BUSINESS SUPPORT SERVICES:** Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service

establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include but not limited to office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

- F. CLUB OR LODGE (PRIVATE OR PUBLIC): A use providing meeting, dining, recreational, or social facilities for public, private, or non-profit associations and primarily for use by members and guests.
- G. COCKTAIL LOUNGE: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.
- H. COMMERCIAL RECREATION: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
  - 1. INDOOR SPORTS AND RECREATION: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice skating or roller skating rinks, or arcades.
  - 2. OUTDOOR SPORTS AND RECREATION: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.
  - 3. INDOOR ENTERTAINMENT: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.
  - 4. OUTDOOR ENTERTAINMENT: Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, live entertainment venues, fishing lakes, gun clubs, skeet-shooting ranges, commercial hunting and trapping.
- I. COMMUNICATIONS SERVICES: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms; but excludes those classified as Major Utility Facilities. Typical uses include telecommunication services; radio, television, cellular and other similar receiving antennas, towers, or structures; and fiber optic lines and transmission facilities.
- J. CONSTRUCTION SALES AND SERVICES: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale of materials used in construction other than the retail sale of paint, fixtures and hardware; but excludes automotive or equipment services use types. Typical uses include building materials stores, tool/equipment rental or sales, or building contractors.
- K. CONSUMER REPAIR SERVICES: Establishments primarily engaged in repair services to individuals or households rather than firms, excluding automotive and equipment uses. Typical uses include appliance repair, watch/jewelry repair, or musical instrument repair.
- L. CONDOMINIUM STORAGE UNIT: A building(s) in which the storage units or floor area is owned independently; and whereas the structure and property is owned by all of the owners on a proportional, undivided basis or by single ownership. These storage units are designed for individually owned indoor storage for RV's, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage, etc. Condominium storage units must be designed in a way that each individual unit maintains a separate entrance.
- M. CONVENIENCE STORAGE: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

- N. CONVENIENCE STORE: An establishment engaged in the retail sale of food and household products, including gasoline. However, the repair, storage or servicing of vehicles shall not be permitted.
- O. FINANCIAL SERVICES: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.
- P. FOOD SALES: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
- Q. 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.
- R. GENERAL RETAIL SALES: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those uses classified specifically in this Article. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories.
- S. KENNEL, COMMERCIAL: Any property, building or commercial establishment in which more than three (3) dogs, cats or other domesticated animals at least six (6) months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or training centers.
- T. LIQUOR SALES: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, cocktail lounge, or any licensed sales for off-site consumption.
- U. MEDICAL OFFICES: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
- V. MOBILE/MANUFACTURED HOUSE SALES OR DISPLAY: Businesses which specialize in the display and sale of all factory-built housing units including mobile, manufactured or modular homes. This use does not include those businesses which produce or manufacture factory built housing units.
- W. NURSERY/COMMERCIAL GREENHOUSE: Land or greenhouses used for the commercial or for profit raising of flowers, shrubs, and plants. Greenhouses are typically a building in which the roof and sides are largely comprised of glass or other translucent material in which the temperature and humidity can be controlled for the raising of plants.
- X. PERSONAL SERVICES: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, hair salons, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

- Y. PET SERVICES: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
- Z. PROFESSIONAL OFFICE: Any building, use or part thereof used by one (1) or more persons engaged in providing professional or consulting services in the fields of law, accounting, architecture, design, medical, engineering or other occupation customarily considered as a profession.
- AA. RESTAURANT (CONVENIENCE): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
- BB. RESTAURANT (GENERAL): A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, dinner houses, and similar establishments with incidental alcoholic beverage service.
- CC. TRANSPORTATION SERVICES: A facility for the loading and unloading of goods and/or freight, as well as the interchange of passengers and baggage between modes of transportation, including but not limited to bus or train terminals, rail stations, airport terminals, transit facilities, and other shipping/receiving facilities for the transfer or shipment of freight or packages.
- DD. VETERINARY SERVICES: Any building, use or commercial business offering veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.
- EE. VISITOR HABITATION: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
  - 1. CAMPGROUND: Facilities or an area providing spaces for two (2) or more travel trailers, camping trailers, recreational vehicles or tent sites for temporary occupancy not exceeding four weeks duration with necessary incidental services, sanitation and recreation facilities to serve the public. Typical uses include campgrounds, recreational vehicle parks, and trailer or tourist camps.
  - 2. COMMERCIAL COTTAGE/RESORT ENTERPRISE: Any group of dwellings or guest rooms rented for temporary occupancy to the general public for periods not exceeding one calendar month.
  - 3. HOTEL, MOTEL, MOTOR COURT, MOTOR LODGE: Any building or group of buildings containing guest rooms in which lodging is offered to the public for compensation; primarily intended for temporary occupancy and so laid out as to provide space for parking vehicles. Such building(s) may include quarters for the use of operating personnel.
  - 4. BED & BREAKFAST ESTABLISHMENT: A Private, owner-occupied housing unit which provides sleeping rooms for rent to the general public. Meals shall only be served to those taking lodging in the facility and the owners and employees of the operation. Individual units which are designed to be rented shall contain no cooking facilities.

5. BOARDING OR LODGING HOUSE: A building other than a hotel or motel, where for compensation and by arrangement, lodging and/or meals are provided.

FF. WINERY/MICRO-BREWERY/TAP ROOM: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises.

#### 4. General Description of **INDUSTRIAL USE** types

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

- A. ALTERNATIVE FUELS AND ENERGY PRODUCTION FACILITIES: Uses, buildings, property or production facilities generally engaged in the research, manufacturing and distribution of alternative fuel or energy sources including but not limited to those resulting in grain alcohol or methane based products which are derived from natural or man-made raw products.
- B. BIOTECHNOLOGY PRODUCTION AND/OR MANUFACTURING: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
- C. BULK STATIONS: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
- D. CUSTOM MANUFACTURING: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tool or (domestic) mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or custom jewelry.
- E. FERTILIZER OR CHEMICAL STORAGE OR PROCESSING: Those uses which promote the sale, storage, transfer or processing of agricultural, industrial or other chemicals used primarily as fertilizers for agricultural purposes.
- F. FUEL STORAGE: The storage of any fuel source in above ground or below ground tanks for purposes of distribution, storage, or for sale. Such uses may include, but are not limited to gasoline storage facilities, companies that sell or store propane, or natural gas storage sites.
- G. HEAVY INDUSTRY: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials; or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
- H. LIGHT INDUSTRY: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- I. RAILROAD FACILITIES: Rail yards, equipment-servicing facilities, loading and unloading facilities and rail terminal facilities.
- J. RESEARCH AND PRODUCTION SERVICES: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include

animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.

- K. **RESOURCE EXTRACTION:** A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- L. **SANITARY LANDFILL:** An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
- M. **SCRAP AND SALVAGE SERVICES:** Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include automotive wrecking yards, junkyards or salvage yards.
- N. **STOCKYARDS:** Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales or auction yards.
- O. **WAREHOUSING AND DISTRIBUTION:** Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:
  - 1. **LIMITED WAREHOUSING AND DISTRIBUTION:** Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
  - 2. **GENERAL WAREHOUSING AND DISTRIBUTION:** Open-air storage, distribution and handling of materials and equipment. Typical uses include grain elevators or open storage yards.

## 5. General Description of CIVIC/PUBLIC USE types

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

- A. **AVIATION FACILITIES:** Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
- B. **BUSINESS OR TRADE SCHOOL:** 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.
- C. **CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- D. **COLLEGE AND UNIVERSITY FACILITIES:** An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree.
- E. **CONVALESCENT SERVICES:** A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services, or treatment of alcoholism, drug addiction, or mental disease.
- F. **CULTURAL SERVICES:** A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in the arts and sciences.
- G. **DAYCARE FACILITY:** A facility, or use of a building or portion thereof, for daytime care or education of seven (7) or more individuals, but not defined as a group home or family home.

This term may include nursery schools, pre-schools, day care centers for children or adults, and similar uses.

- H. DETENTION FACILITIES: A publicly operated use providing housing and care for individuals confined by law.
- I. GAME PRESERVE/REFUGE: A use of land providing natural habitat for animals and plant species. Typical uses include prairies, marshes, woodlands and wetlands.
- J. GOVERNMENT/PUBLIC SERVICES: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
- K. GUIDANCE OR COUNSELING SERVICES: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.
- L. HOSPITAL SERVICES: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- M. IRRIGATION AND FLOOD CONTROL STRUCTURES: Human-made structures or manipulation of the land to aid in the watering of land by artificial means to foster plant growth, or to prevent the rising and overflowing of a body or source of water especially causing damage on normally dry land.
- N. LOCAL UTILITY SERVICES: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
- O. MAJOR UTILITY FACILITIES: Generating plants, power plants, electrical switching facilities and primary substations, refuse collection facilities, lift stations, water and wastewater treatment plants and similar facilities of public use having potentially significant impact upon surrounding uses.
- P. MILITARY INSTALLATIONS: Military facilities of federal or state governments.
- Q. PARK AND RECREATION SERVICES: Public or private owned and operated parks, playgrounds, recreation facilities, open spaces, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges and swimming pools.
- R. EDUCATIONAL FACILITIES: A public, private, or parochial school offering instruction at the elementary, junior and senior high school levels.
- S. PUBLIC ASSEMBLY: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or county auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
- T. RELIGIOUS ASSEMBLY: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
- U. SAFETY SERVICES: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.



## ARTICLE IV

### ZONING DISTRICTS ESTABLISHED

#### Article 4: Zoning Districts Established

- Section 4.1. Zoning Districts Map
- Section 4.2. Interpretation of District Boundaries
- Section 4.3. Road or Public Right-of-Way Vacation
- Section 4.4. General Regulations
- Section 4.5. Disincorporation

#### SECTION 4.1. ZONING DISTRICTS MAP.

For the purpose and intent of this Ordinance, the Board of Supervisors of Sioux County, Iowa shall cause to be prepared and approved, an official Zoning Districts Map showing the following districts, which may be changed or corrected from time to time as recommended by the Planning and Zoning Commission and enacted by the Board of Supervisors. The Official Zoning Map shall be kept up to date by the County Zoning Administrator and will be placed in a convenient place in the Sioux County Courthouse for reference at any time.

1. **DISTRICTS:** The Sioux County Board of Supervisors shall divide the Official Zoning Map into districts or 'zones', as follows:

- AG - Agricultural Districts
- EC - Environmental Conservation District
- RR - Rural Residential District
- RS - Single Family Residential District
- RM - Multiple Family Residential District
- MH - Mobile Home District
- C - Commercial District
- RC - Rural Commercial District
- LI - Light Industrial District
- HI - Heavy Industrial District
- PD - Planned Development District

2. **BOUNDARIES:** The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Sioux County, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Zoning Ordinance as if fully described and set forth herein.

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending this zoning ordinance. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description, and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Auditor as other ordinances and a certified copy thereof be attached to the Official Zoning Map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it.

The Official Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the county.

3. OFFICIAL MAP: The official zoning map shall be on file in a convenient place in the Sioux County Courthouse and all references hereafter to said official map shall mean said map by this reference being made a part of this zoning ordinance.

Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Auditor as other resolutions and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend to. The official zoning map, together with amending ordinances, shall be the final authority as to current zoning status and land and water areas, buildings, and other structures in the county.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature or number of changes and additions the Board of Supervisors may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original official zoning ordinance or any subsequent amendment thereof.

#### SECTION 4.2. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to a district's boundaries as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of roads, streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
4. Boundaries indicated as approximately following county boundaries or city limits shall be construed as following such county or city limits.
5. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines.
6. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection 1-6 above, the Board of Adjustment shall interpret the district boundaries.

**SECTION 4.3. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.**

Whenever any road, street, or other public right-of-way is vacated by the official action of the Board of Supervisors, the Zoning District(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and thenceforth be subject to all appropriate regulations of the extended district.

**SECTION 4.4. GENERAL REGULATIONS.**

No structures or building or part thereof shall be erected, constructed, reconstructed, converted, structurally altered, enlarged, extended, raised, moved or used, and no building or land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a zoning compliance permit has been issued by the Zoning Administrator as provided herein.

1. The principal building on a lot shall front on a road or street, or other public place.
2. The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the adjacent building wall of the building under consideration.
3. No lot shall hereafter be reduced in dimension or area that any required yard or other open space is below the minimum required by this Ordinance for the district in which it is located.
4. No accessory building to any principal building on the same lot shall be used for residential purposes.
5. Any portion of a building that is covered by a roof shall be considered as a part of the building.
6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal residential building on one (1) lot unless otherwise provided in this Ordinance.
7. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this Ordinance.
8. Every residence, business, trade or industry hereafter established which requires water supply and sewage disposal facilities shall provide facilities which conform to the requirements and procedures set forth in the Iowa Administrative Code.

These regulations shall be required in addition to any applicable county, state or federal health and building regulations.

**SECTION 4.5. DISINCORPORATION.**

The Sioux County Planning and Zoning Commission shall recommend and the Board of Supervisors shall determine and establish which zoning district(s) shall be applicable to the disincorporated land prior to any territory which may hereafter become part of the unincorporated area of Sioux County, Iowa that is regulated by this Ordinance through the disincorporation of any city or town, or any part thereof.

## ARTICLE V

### AG - AGRICULTURE DISTRICT

#### Article 5: Agriculture District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Permitted Residential Uses
- Section 5.4. Conditional Uses
- Section 5.5. Permitted Accessory Uses and Structures
- Section 5.6. Site Development Regulations
- Section 5.7. Off-Street Parking and Loading Space
- Section 5.8. Sign Regulations
- Section 5.9. Zoning Permits Required
- Section 5.10. Requirements for Confinement Feeding Operations

#### SECTION 5.1. INTENT.

The intent of the Agricultural District is to preserve land best suited for agriculture from the encroachment of incompatible urban land uses.

#### SECTION 5.2. PRINCIPAL PERMITTED USES.

Within the (A) Agricultural District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Agriculture Uses</b>	<b>Residential Uses</b>	<b>Civic/Public Uses</b>
Agricultural Animal Husbandry Agricultural Support Housing Crop Production Farms Farmstead Horticulture Stables Unique Natural Features Viticulture or Viniculture	Single Family Residential (see Section 5.3 below)	Cemetery Game Preserve/Refuge Government/Public Uses Irrigation and Flood Control Local Utility Services Park and Recreation Services Religious Assembly Safety Services

#### SECTION 5.3. PERMITTED RESIDENTIAL USES.

Residential dwellings in the agricultural district shall only be permitted on the following types of property.

1. Abandoned Farmsteads
2. Existing Residential Acreages, defined as a small parcel not under cultivation, which is recorded as a separate parcel and has historical residential use in excess of five years, limited to replacement of the primary residential dwelling, density not to exceed one (1) dwelling on such property.
3. Approval of a zoning permit under the requirements of this section is subject to a site visit and evaluation by the Zoning Administrator.

4. In any instance within the agricultural district, single family non-farm residential dwellings shall not exceed a density of one (1) principal residential dwelling per every quarter (¼) section, as defined by the Geological Survey, with one exception: Abandoned Farmsteads, as determined by the Administrator, will not factor into the number of non-farms per quarter section. This requirement shall not apply to agricultural support housing associated with the principal agricultural residential dwelling unit on a farm parcel or lot.
5. Unless otherwise allowed by this Ordinance, single family residential uses shall be limited to one (1) principal dwelling per lot, parcel or tract of land when the use is non-agricultural in nature. When the owner of the dwelling is the owner or renter of a farm or associated with agricultural production on the property where the house is located, a maximum of one (1) principal single family residential dwelling and one (1) support housing dwelling per agricultural property is allowed.
6. Individual agriculturally zoned parcels that include a farm residence may be split for residential purposes once in the lifetime of both the original and resulting parcel provided all of the following criteria are met:
  - a. The original parcel is a minimum of four(4), and a maximum of ten(10) net acres in size, and
  - b. There is only one existing dwelling on the original parcel, and
  - c. There is evidence to support a history of no farming (crop) activity for a minimum of five (5) years prior to the division of the parcel under consideration, and
  - d. Each resulting parcel is a minimum of 2 acres net, and
  - e. All other pertinent zoning regulations are met by both the original and resulting parcel, including minimum setback requirements, lot/parcel size, septic requirements, etc., and
  - f. The properties are otherwise determined by the zoning director to be suitable for residential purposes.
  - g. Both parcels are subject to the "Parcel Subdivision" regulations outlined in [Section 16.11](#) of this Ordinance, and
  - h. All residential dwelling units must be constructed in compliance with the "Minimum Requirements for Residential Structures" regulations outlined in [Section 17.7](#) of this Ordinance. Manufactured or mobile homes must be converted to real property in conformance with section 135D.26 of the [Code of Iowa](#).

#### SECTION 5.4. CONDITIONAL USES AND STRUCTURES.

The following uses may be permitted in the (A) Agricultural District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment to make them compatible with and acceptable to adjacent uses.

<b>Agriculture Uses</b>	<b>Civic/Public Uses</b>	<b>Industrial Uses</b>
Lakes and Ponds	Aviation Facilities Communication Towers Major Utility Facilities Educational Facilities Public Assembly	Resource Extraction Scrap and Salvage Services Fuel Storage Pesticide/Fertilizer Storage & Processing Chemical Storage Renewable Energy/Resources Industries Sanitary Landfill Commercial Stockyards

Residential Uses	Commercial Uses
<p>Lakes and Ponds Relocated Residential A non-farm single family dwelling provided that the site is:</p> <ul style="list-style-type: none"> <li>• an irregularly shaped lot that because of its area, size or shape has limited potential for agricultural production</li> <li>• at least seventy-five percent (75%) of the site contains soils unsuitable for agriculture operations</li> <li>• at least seventy-five percent (75%) of the site contains slopes greater than nine percent (9%).</li> </ul>	<p>Agricultural Sales and Services Bed &amp; Breakfast Establishment Campground Commercial Cottage/Resort Enterprise Commercial Recreation Communication Services Events Center Farm Business, Retail or Novelty Fireworks Sales( requires annual renewal &amp; proof of liability insurance and Fire Marshall Inspection or waiver) Kennel, Commercial Nursery/Commercial Greenhouse Stable, Commercial Veterinary Services Wind Energy Conversion System: Commercial (C-WECS)</p>
<p align="center"><b>Public/Private Uses:</b> As deemed appropriate by the Board</p>	

#### SECTION 5.5. PERMITTED ACCESSORY USES AND STRUCTURES.

In any case, permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Private garage or carport
2. Private parking lots
3. One (1) single family dwelling, if used by the farm owner or operator, member of the immediate family or an employee working on the premises
4. Essential services, but not including any major utility facility
5. Private utility sheds, garden buildings or greenhouses not used for commercial purposes
6. Roadside stands for the sale of agricultural produce grown on the premises
7. Kennel, private
8. Home occupations
9. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with [Section 17.3](#).
10. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures; and those uses and structures permitted as conditional uses
11. Non-Commercial Wind Energy Conversion Systems(NC-WECS), as defined in Article 3.1.99, when incidental to a primary permitted use within this zoning district, subject to the regulations contained in [Article XVI-A](#) of this Ordinance.

#### SECTION 5.6. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (A) Agricultural District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#):

**PRINCIPAL AGRICULTURAL USES**

Minimum Lot Area .....	35 acres for principal agricultural uses
Minimum Lot Width .....	200 feet
Residential Density.....	Not more than 1 principal residential dwelling per lot, and not more than one 1 agricultural support housing per lot.
Height.....	35 feet maximum height for dwellings and no limitation for agricultural or other buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted airspace required for the protection of any public airport.
Minimum Front Yard Setback .....	75 feet
Minimum Side Yard Setback .....	<b>25</b> feet
Minimum Rear Yard Setback .....	<b>25</b> feet

**AGRICULTURAL SUPPORT HOUSING**

Minimum Lot Area .....	1 acre for agricultural support housing uses
Minimum Lot Width .....	100 feet
Residential Density .....	When a lot is platted separately for agricultural support housing then only one (1) agricultural support housing unit is permitted per lot.
Height.....	35 feet maximum height for dwellings
Minimum Front Yard Setback .....	75 feet
Minimum Side Yard Setback .....	25 feet
Minimum Rear Yard Setback .....	25 feet

Agricultural support housing, although located on a separate parcel or lot, must be adjacent to or not more than three hundred (300) feet from the housing unit or homestead of the principal agricultural use for which the agricultural support housing is associated with.

All residential dwellings must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in [Section 17.7](#) of this Ordinance.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements. Cemeteries are exempt from the bulk regulations, except that no building shall be constructed within the required yards.

**SECTION 5.7. OFF STREET PARKING AND LOADING SPACE.**

Off-street parking and loading requirements shall be required for activities in the Agricultural District in accordance with the provisions of [Article XIX](#) of this Ordinance.

**SECTION 5.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the Agricultural District in accordance with the provisions of [Article XX](#) of the ordinance.

**SECTION 5.9. ZONING PERMITS REQUIRED.**

Zoning permits shall be required in accordance with the provisions of [Article XXIII, Section 23.3](#) of this Ordinance.

**SECTION 5.10. REQUIREMENTS FOR CONFINEMENT FEEDING OPERATIONS.**

Within Sioux County all animal open and enclosed confinement feeding operations shall comply with the following county established setback requirements. Additional setback and distance sighting requirements may be enforced by and regulated through the Iowa Department of Natural Resources.

<b>SIoux COUNTY ANIMAL UNIT CAPACITY (AUC) CALCULATIONS SAMPLE CALCULATION WORKSHEET</b> (Based Upon Iowa DNR Standards)			
<b>Animal Species</b>	<b>(No. of head)</b>	<b>X (factor)</b>	<b>= AUC</b>
Slaughter or Feeder Cattle		1.0	
Immature Dairy Cattle		1.0	
Mature Dairy Cattle		1.4	
Gestating Sows		0.4	
Farrowing Sows & Litter		0.4	
Boars		0.4	
Gilts		0.4	
Finished (Market) Hogs		0.4	
Nursery Pigs (15 lbs. to 55 lbs.)		0.1	
Sheep and Lambs		0.1	
Horses		2.0	
Turkeys (7 lbs. or more)		0.018	
Turkeys (less than 7 lbs.)		0.0085	
Broiler/Layer Chickens (3 lbs. or more)		0.01	
Broiler/Layer Chickens (less than 3 lbs.)		0.0025	
<b>TOTAL AUC</b>			

According to data supplied from the Iowa Department of Natural Resources (DNR), Iowa has two types of feeding operations (AFO's) regulated under the DNR: confinements and open feedlots. Both AFO types are confined (kept and fed for 45 days or more per year) in a lot, yard, coral, building or other area. Both types of AFO's include manure storage structures, but do not include livestock markets.

A confinement feeding operation confines animals to areas that are totally roofed, or partially roofed when the animals have unrestricted access from any attached roofed structure and the square footage of the unroofed area is less than ten percent of the square footage of any attached roof area. Confinement feeding operations in Iowa are not allowed to discharge manure to a water of the State of Iowa.

An open feedlot is unroofed or partially roofed-(animals have unrestricted access from any attached roofed structure and the square footage of the unroofed area is at least ten percent (10%) of the square footage of any attached roofed area), with no vegetation or residue ground cover while the animals are confined. Large open feedlots in Iowa are allowed to discharge to a water of the State of Iowa under certain conditions, such as during a storm event larger than the 25-year, 24-hour storm.



**SIoux COUNTY MINIMUM SEPARATION DISTANCES  
FOR NEW CONFINEMENT FEEDING OPERATIONS OR EXPANSION OF OPERATIONS  
CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE**

<b>Type of Structure (liquid, semi-liquid &amp; dry manure storage)</b>	<b>Total Animal Unit Capacity (AUC) (AU – Animal Units)</b>	<b>Residences, Businesses Churches &amp; Schools (Unincorporated Areas)</b>	<b>Public Use Areas</b>
Anaerobic lagoons and uncovered earthen manure storage basins	1,000 AU or less	1,875 ft.	1,875 ft.
	1,000 AU to 3,000 AU	2,500 ft.	2,500 ft.
	3,000 AU or more	3,000 ft.	3,000 ft.
Covered earthen manure storage basins	1,000 AU or less	1,250 ft.	1,875 ft.
	1,000 AU to 3,000 AU	1,875 ft.	2,500 ft.
	3,000 AU or more	2,375 ft.	3,000 ft.
Uncovered formed manure storage structures	1,000 AU or less	1,500 ft.	1,875 ft.
	1,000 AU to 3,000 AU	2,000 ft.	2,500 ft.
	3,000 AU or more	2,500 ft.	3,000 ft.
Confinement buildings and covered formed manure storage structures	1,000 AU or less	1,250 ft.	1,875 ft.
	1,000 AU to 3,000 AU	1,875 ft.	2,500 ft.
	3,000 AU or more	2,375 ft.	3,000 ft.
Egg washwater storage structures	1,000 AU or less	1,000 ft.	1,875 ft.
	1,000 AU to 3,000 AU	1,500 ft.	2,500 ft.
	3,000 AU or more	2,000 ft.	3,000 ft.

**SIoux COUNTY SETBACK DISTANCES TO WELLS**

<b>Applies to all Animal Feeding Operations, regardless of the size of operation, including operations less than 1,000 AU</b>	<b>Public Well</b>		<b>Private Well</b>	
	<b>Shallow</b>	<b>Deep</b>	<b>Shallow</b>	<b>Deep</b>
Aerobic structure, anaerobic lagoon, earthen manure storage basin, egg washwater storage structure and open feedlot runoff control basin	1,000 ft.	4,000 ft.	4,000 ft.	400 ft.
Formed manure storage structure, confinement building, open feedlot solids settling facility and open feedlot	200 ft.	100 ft.	200 ft.	100 ft.

**SIOUX COUNTY OTHER AGRICULTURAL SETBACK DISTANCES**

<b><i>Applies to all Animal Feeding Operations, regardless of animal unit capacity, Including operations less than 1,000 AU</i></b>	
Major water sources, wellhead, cistern of an agricultural drainage well or known sinkhole (excluding farm ponds, privately owned lakes or when a secondary containment barrier is provided)	1,000 ft.
Water sources other than major water sources, surface intakes of an agricultural drainage well (excluding farm ponds, privately owned lakes or when a secondary containment barrier is provided)	500 ft.
Designated wetlands (owned and managed by the Federal government or the Iowa DNR)	2,500 ft.
Right-of-way of a public thoroughfare (road, street or bridge) constructed or maintained by the state or a political subdivision	100 ft.
Side Yard Requirement	50 ft.
Rear Yard Requirement	50 ft.

## ARTICLE VI

### EC - ENVIRONMENTAL CONSERVATION DISTRICT

Section 6.1.	Intent
Section 6.2.	Principal Permitted Uses
Section 6.3.	Conditional Uses
Section 6.4.	Special Conditions
Section 6.5.	Permitted Accessory Uses
Section 6.6.	Site Development Regulations
Section 6.7.	Off-Street Parking and Loading Spaces
Section 6.8.	Sign Regulations
Section 6.9.	Zoning Permits Required

#### SECTION 6.1. INTENT.

The intent of the Environmental Conservation District is to identify those portions of the county which are environmentally sensitive areas and provide for water quality and conservation, protection of wildlife habitat, protect erosion control, protect natural drainage ways and to generally provide for ecologically sound land use of environmentally sensitive areas that can be considered critical areas, or otherwise suited as open space buffers between land uses and areas not suitable for structural developments. This district is also intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare.

#### SECTION 6.2. PRINCIPAL PERMITTED USES.

Within the (EC) Environmental Conservation District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Agricultural (and/or Environmental) Uses</b>	<b>Civic/Public Uses</b>
Crop Production Horticulture Floodplain Undeveloped or Unimproved Land Unique Natural Feature	Local Utility Services Game Preserve/Refuge Irrigation and Flood Control Structures Park and Recreation Services

**SECTION 6.3.     CONDITIONAL USES AND STRUCTURES.**

The following uses and structures may be permitted in the (EC) Environmental Conservation District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Commercial Uses</b>	<b>Civic/Public Uses</b>
Communication Services Outdoor Entertainment Campground Wind Energy Conversion System: Commercial (C-WECS)	Major Utility Facilities Ponds and Lakes Other uses deemed appropriate by the Board
	<b>Private Uses</b>
	Ponds and Lakes Other uses deemed appropriate by the Board
<b>Industrial Uses</b>	
Resource Extraction	

**SECTION 6.4.     SPECIAL CONDITIONS.**

The following standards shall apply as minimum requirements in the (EC) Environmental Conservation District:

1. No development shall be allowed within the floodway of any water course, excluding bridges, elevated roadways, open space parks and flood control levees. Nor shall land so zoned be used to meet side or rear yard requirements of other zoning districts herein.
2. The Environmental Conservation District shall include all areas designated as floodplain or flood hazard areas by the National Flood Insurance Program, administered by the Federal Insurance Administration through FEMA, Federal Emergency Management Agency.

**SECTION 6.5.     PERMITTED ACCESSORY USES AND STRUCTURES.**

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use.

The following accessory uses and structures shall be permitted:

1. Essential Services.
2. Agricultural, recreational, utility or government buildings or structures which will not adversely affect the area and the value would not be impaired by being flooded, exclusive of dwelling units.
3. Parking lots.
4. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of construction, and in compliance with [Section 17.3](#).
5. Non-Commercial Wind Energy Conversion Systems(NC-WECS), as defined in Article 3.1.99, when incidental to a primary permitted use within this zoning district, subject to the regulations contained in [Article XVI-A](#) of this Ordinance.
6. Accessory uses and structures customarily incidental and subordinate to the principal permitted uses and structures permitted as exceptions, as approved by the zoning officer.

**SECTION 6.6. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings and structures in the (EC) Environmental Conservation District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#).

Lot Area .....1 acre - minimum lot area, unless the district follows a floodway, river or other natural corridor, then no lot area is required.

Lot Width .....no minimum lot width

Height.....35 feet - maximum height on buildings and structures

No height limitations on agricultural buildings, provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.

*(See Section 16.8 for further Height Modifications)*

Front Yard .....50 feet - minimum required setback

Side Yard .....25 feet - minimum required setback

Rear Yard.....50 feet - minimum required setback

Building Coverage .....10 percent (10%) of the lot area – maximum coverage

Impervious Coverage .....25 percent (25%) of the lot area – maximum coverage

Usable Open Space .....75 percent (75%) of the lot area – minimum coverage

No minimum requirements for local utility facilities and essential services.

**SECTION 6.7. OFF STREET PARKING AND LOADING SPACE.**

Off-street parking and loading requirements shall be required for activities in the (EC) Environmental Conservation District in accordance with the provisions of [Article XIX](#) of this Ordinance.

**SECTION 6.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (EC) Environmental Conservation District in accordance with the provisions of [Article XX](#) of the ordinance.

**SECTION 6.9. ZONING PERMITS REQUIRED.**

Zoning permits shall be required in accordance with the provisions of [Article XXIII, Section 23.3](#) of this Ordinance.

## ARTICLE VII

### RR - RURAL RESIDENTIAL DISTRICT

#### Section 7: Rural Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Conditional Uses
- Section 7.4. Permitted Accessory Uses and Structures
- Section 7.5. Site Development Regulations
- Section 7.6. Off-Street Parking and Loading Space
- Section 7.7. Sign Regulations
- Section 7.8. Zoning Permits Required

#### SECTION 7.1. INTENT.

The intent of the Rural Residential District (RR) is to provide for clustered, low density single family residential developments with a limited number of activities which are interrelated with agricultural uses. Permitted or conditional uses are intended to serve the residents and are benefited by an open residential environment, with special provisions to also protect the rural residential character of the district.

#### SECTION 7.2. PRINCIPAL PERMITTED USES.

Within the (RR) Rural Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic/Public Uses	Agricultural Uses
Single Family Residential Family Home	Park and Recreation Services Local Utility Services Religious Assembly Cemetery	Animal Husbandry, non-commercial, limited scope Stable, Private Crop Production Horticulture Undeveloped or Unimproved Land Unique Natural Features

**SECTION 7.3. CONDITIONAL USES AND STRUCTURES.**

The following uses and structures may be permitted in the (RR) Rural Residential District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Residential Uses</b>	<b>Civic/Public Uses</b>	<b>Commercial Uses</b>
Relocated Residential - (single family only) Two Family Residential	Government/Public Services Communication Towers	Stable, Commercial Events Center Farm Business, Retail or Novelty Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver)
<b>Industrial Uses</b>		
Fuel Storage Pesticide/Fertilizer Storage	Chemical Storage Renewable Energy	Resources Industries Sanitary Land Fill
<b>Other Public/Private Uses:</b> As deemed appropriate by the Board		

**SECTION 7.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Private garages or carports
2. Private recreational facilities for use by residents (swimming pools, trampolines, play equipment)
3. Patios, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Essential Services
8. Home occupations
9. Private Parking Lots
10. Kennel, private
11. Roadside stands for the sale of agricultural produce grown on the premises
12. Temporary buildings or uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with [Section 17.3](#)
13. Non-Commercial Wind Energy Conversion Systems(NC-WECS) as defined in Article 3.1.99, when incidental to a primary permitted use within this zoning district, subject to the regulations contained in [Article XVI-A](#) of this Ordinance.
14. Other necessary and customary accessory buildings or uses as determined by the Zoning Administrator to be appropriate, incidental and subordinate to a principal permitted and conditional uses and structures.

**SECTION 7.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and conditional uses and structures in the (RR) Rural Residential District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#).,:

Lot Area .....	2 acres (net size), minimum lot area
.....	Six (6) acre (net size), maximum lot area
Lot Width .....	150 feet - minimum lot width except at entry points off cul-de-sacs
Residential Density.....	Not more than one (1) dwelling unit per lot
Height.....	35 feet - maximum height
Front Yard .....	75 feet - minimum required setback
Side Yard .....	12 feet - minimum required setback
Rear Yard.....	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Rural Residential parcels may be subdivided only once and are subject to the “Parcel Subdivision” regulations outlined in [Section 16.11](#) of this Ordinance.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in [Section 17.7](#) of this Ordinance. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the [Code of Iowa](#).

**SECTION 7.6. OFF STREET PARKING AND LOADING SPACE.**

Off-street parking and loading requirements shall be required for activities in the Rural Residential District in accordance with the provisions of [Article XIX](#) of this Ordinance.

**SECTION 7.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the Rural Residential District in accordance with the provisions of [Article XX](#) of this Ordinance.

**SECTION 7.8. ZONING PERMITS REQUIRED.**

Zoning permits shall be required in accordance with the provisions of [Article XXIII, Section 23.3](#) of this Ordinance.



## ARTICLE VIII

### RS - SINGLE FAMILY RESIDENTIAL DISTRICT

#### Section 8: Single Family Residential District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Conditional Uses
- Section 8.4. Permitted Accessory Uses and Structures
- Section 8.5. Site Development Regulations
- Section 8.6. Off-Street Parking and Loading Space
- Section 8.7. Sign Regulations
- Section 8.8. Zoning Permits Required

#### SECTION 8.1. INTENT.

The intent of the Single Family Residential District is to provide for low to medium density residential development with a limited number of institutional, civic and recreational facilities permitted. Permitted or conditional uses are intended to serve the needs of the residents with provisions to also protect the residential character of the district. This district is not intended to permit isolated rural dwellings.

#### SECTION 8.2. PRINCIPAL PERMITTED USES.

Within the (RS) Single Family Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic/Public Uses
Single Family Residential Family Home	Park and Recreation Services Local Utility Services Religious Assembly Cemetery

#### SECTION 8.3. CONDITIONAL USES AND STRUCTURES.

The following uses and structures may be permitted in the (RS) Single Family Residential District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic/Public Uses	Commercial Uses
Relocated Residential (single family or two family only) Residential Care Services Assisted Living Facility Skilled Nursing Facility Two Family Residential	College & University Facilities Daycare Facility Government/Public Services Educational Facilities Safety Services	Bed & Breakfast Establishment Communication Services
Wind Energy Conversion Systems: Non-Commercial(NC-WECS) Communication Towers		

**SECTION 8.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Private garages or carports
2. Private recreational facilities for use by residents (i.e., swimming pools, trampolines, play equipment)
3. Patios, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Essential Services
8. Home occupations
9. Kennel, private
10. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with [Section 17.3](#).
11. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to principal and conditional uses and structures.

**SECTION 8.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and conditional uses and structures in the (RS) Single Family Residential District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#):

Lot Area .....	Single Family: 12,000 sq. ft. minimum lot area 20,000 sq.ft. minimum without public sewer and water
	Two Family: 20,000 sq. ft. minimum lot area
Width .....	80 feet minimum lot width, except at entrance off cul-de-sacs 100 feet minimum lot width without public sewer and water
Residential Density.....	Not more than two (2) dwelling units per lot Only one (1) principal structure or building per lot
Height.....	35 feet - maximum height
Front Yard .....	40 feet - minimum required setback
Side Yard .....	12 feet - minimum required setback
Rear Yard .....	25 feet - minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

Single Family Residential parcels may be subdivided only once and are subject to the “Parcel Subdivision” regulations outlined in [Section 16.11](#) of this Ordinance.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in [Section 17.7](#) of this Ordinance. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the *Code of Iowa*.

**SECTION 8.6. OFF STREET PARKING AND LOADING SPACE.**

Off-street parking and loading requirements shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of [Article XIX](#) of this Ordinance.

**SECTION 8.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of [Article XX](#) of the Ordinance.

**SECTION 8.8. ZONING PERMITS REQUIRED.**

Zoning permits shall be required in accordance with the provisions of [Article XIII, Section 23.3](#) of this Ordinance.

## ARTICLE IX

### RM - MULTIPLE FAMILY RESIDENTIAL DISTRICT

#### Section 9: Multiple Family Residential District

- Section 9.1. Intent
- Section 9.2. Principal Permitted Uses
- Section 9.3. Conditional Uses
- Section 9.4. Permitted Accessory Uses and Structures
- Section 9.5. Site Development Regulations
- Section 9.6. Off-Street Parking and Loading Space
- Section 9.7. Sign Regulations
- Section 9.8. Zoning Permits Required

#### SECTION 9.1. INTENT.

The intent of the Multiple Family Residential District is to provide for living areas within Sioux County for development of multiple family dwellings and single family dwellings approaching urban type development and densities. Multiple family developments will only be permitted where public or shared water and wastewater treatment facilities are utilized and will also be permitted only on hard surfaced roads where fire protection and public services are readily available.

#### SECTION 9.2. PRINCIPAL PERMITTED USES.

Within the (RM) Multiple Family Residential District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Residential Uses</b>	<b>Civic/Public Uses</b>	<b>Commercial Uses</b>
Condominium Residential Family Home Group Residential Multiple Family Residential Single Family Residential Townhouse Residential Two Family Residential	Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly Educational Facilities	Bed & Breakfast Establishment

**SECTION 9.3.     CONDITIONAL USES AND STRUCTURES.**

The following uses and structures may be permitted in the (RM) Multiple Family Residential District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Residential Uses</b>	<b>Commercial Uses</b>	<b>Civic Uses</b>
Relocated Residential Residential Convenience Services Residential Care Services Assisted Living Facility Skilled Nursing Facility	Commercial off-street parking Communication Services Funeral Services Outdoor Sports and Recreation	Cemetery College & University Facilities County Recreation Cultural Services Daycare Facility Major Utility Facilities Hospital Services Safety Services
Wind Energy Conversion Systems: Non-Commercial(NC-WECS) Communication Towers		

**SECTION 9.4.     PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Private garages or carports
2. Private recreational facilities for use by residents (swimming pools, trampolines, play equipment)
3. Patios, porches, gazebos, and incidental household storage buildings
4. Private greenhouses not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Essential Services
8. Home occupations
9. Kennel, private
10. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of construction work, and in compliance with Section 17.3.
11. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal permitted and conditional uses and structures.

**SECTION 9.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and air around permitted and conditional uses and structures in the (RM) Multiple Family Residential District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#):

Minimum Lot Area .....10,000 square feet minimum lot area plus 2,000 square feet for each additional dwelling unit

Lot areas may be increased or adjusted to comply with county and state on-site water and wastewater regulations

Minimum Lot Width .....100 feet, except at entry points off cul-de-sacs

Height.....35 feet

Front Yard .....40 feet minimum required setback

Side Yard .....12 feet minimum required setback

Rear Yard.....25 feet minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in [Section 17.7](#) of this Ordinance. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the *Code of Iowa*

**SECTION 9.6. OFF STREET PARKING AND LOADING SPACE.**

Off-street parking and loading requirements shall be required for activities in the Multiple Family Residential District in accordance with the provisions of [Article XIX](#) of this Ordinance.

**SECTION 9.7. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the Multiple Family Residential District in accordance with the provisions of [Article XX](#) of the ordinance.

**SECTION 9.8. ZONING PERMITS REQUIRED.**

Zoning permits shall be required in accordance with the provisions of [Article XIII, Section 23.3](#) of this Ordinance.

## ARTICLE X

### MH - MOBILE AND MANUFACTURED HOME RESIDENTIAL DISTRICT

#### Section 10: Mobile and Manufactured Home Residential District

- Section 10.1. Intent
- Section 10.2. Principal Permitted Uses
- Section 10.3. Conditional Uses
- Section 10.4. Permitted Accessory Uses and Structures
- Section 10.5. Site Development Regulations
- Section 10.6. Mobile Home Park Requirements
- Section 10.7. Zoning Permits Required

#### SECTION 10.1. INTENT.

The intent of the Mobile and Manufactured Home district is to regulate the location and placement of mobile and manufactured homes and mobile or manufactured housing subdivisions within Sioux County. The MH district is intended to find suitable site locations for quality and affordable manufactured and mobile housing developments.

#### SECTION 10.2. PRINCIPAL PERMITTED USES.

Within the MH district, unless otherwise provided in this Article, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic/Public Uses
Mobile Home Residential* *This does not include manufacturing or mobile home sales or display yards, but shall not preclude any owner from selling a manufactured or mobile home located on a stand and connected to utilities.	Local Utility Services Park and Recreation Services

#### SECTION 10.3. CONDITIONAL USES.

The following uses and structures may be permitted in the MH district subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic/Public Uses
Relocated Residential (mobile or manufactured homes, excluding delivery from factory) Residential Convenience Services Single Family Residential	Religious Assembly Educational Facilities Daycare Facility
Wind Energy Conversion Systems: Non-Commercial (NCWECS) Communication Towers	

**SECTION 10.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Private detached garage or carport
2. Private recreational facilities for use by residents (swimming pools, trampolines, play equipment)
3. Patios, porches, gazebos, and incidental household storage buildings
4. Private greenhouses, not operated for commercial purposes
5. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
6. Solar collectors
7. Essential Services
8. Home occupations
9. Kennel, private
10. Temporary buildings for uses incidental to construction, and in compliance with [Section 17.3.](#)
11. Other necessary and customary accessory uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate to a principal and conditional uses and structures

**SECTION 10.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and air around permitted and conditional uses and structures in the MH district, and subject to modifications contained [Article XVI, Supplemental District Regulations](#):

MH Park or Subdivision Area .....	Two (2) acres minimum park area
Lot Area .....	5,000 square feet -single wide unit
	6,000 square feet - double wide unit
Lot Width .....	40 feet minimum lot width
Residential Density.....	Not more than one (1) dwelling unit per lot
Height.....	35 feet
Front Yard .....	25 feet minimum required setback
Side Yard .....	10 feet minimum required setback
Rear Yard .....	15 feet minimum required setback if the rear yard is buffered according to <a href="#">Article XXI</a> , otherwise the rear yard setback is 25 feet.
MH park or subdivision boundary.....	25 feet – minimum required setback
Public street or highway right-of-way .....	50 feet – minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.



Furthermore, MH lots and parks shall be developed in conformance with the following Mobile and Manufactured Home Park Requirements outlined in Section 10.6 below.

**SECTION 10.6. MOBILE AND MANUFACTURED HOME PARK REQUIREMENTS.**

Each MH Park shall be developed in conformance with the regulations listed below.

**1. Development Plan:**

The following information shall be shown on the development plan or submitted in writing with it:

- A. Location of the mobile home park, giving the subdivision name and lot numbers
- B. Names, addresses and telephone numbers of the developer or representative
- C. Map showing the relationship of the proposed development and the adjacent tracts
- D. Present land use and existing zoning of the proposed development and adjacent tracts
- E. Interior streets, street names, right-of-way and roadway widths
- F. All lot lines and open spaces with dimensions shown
- G. Location, dimensions, capacity, and design for any proposed storm shelter

**2. Permitted accessory uses and requirements thereof:**

- A. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only.
- B. One (1) identification sign approved in conjunction with the final site plan approval of the MH park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts or stand higher than ten (10) feet from the ground to the top of the sign. See Article XX, Sign Regulations for additional sign requirements and setbacks.
- C. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way. In no case shall the sign be larger than two (2) square feet in surface area, or have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

**3. Required development standards:**

- A. Each mobile home site shall have front, side and rear yards, and a double front yard setback will be required on corner lots.
- B. Water and wastewater (sewer) facilities and services shall be provided for each home in accordance with all applicable state statutes and regulations.
- C. Yard width shall be determined by measurement from the home face (side) to its site boundary from which every point shall not be less than the minimum width herein provided. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths. The front yard is that yard which runs from the hitch end of the home to the nearest lot line. The rear yard is at the opposite end of the home.
- D. Each home shall be supported and installed on a site in accordance with foundation and anchoring regulations as prescribed by the State of Iowa.
- E. Storage of goods and articles underneath any mobile home shall be prohibited.
- F. Uniform skirting of each home shall be required within thirty (30) days after initial placement.

- G. Utility lines including, but not limited to electric, telephone, fiber optic, may be required to be installed underground. If overhead lines are permitted, they shall be placed in easements in the rear of the lots.
- H. A common recreation space of at least three hundred (300) sq. ft. per site in the park shall be developed and maintained for use by all residents of the park. Streets, sidewalks, parking areas and accessory buildings are not considered recreation space in computing the necessary area.
- I. All roads, driveways and motor vehicle parking spaces shall be paved and constructed as to handle all anticipated peak loads, and adequately drained for safety and ease of movement of vehicles.
- J. Two automobile parking spaces shall be provided within one hundred fifty (150) feet of each home site. Each parking space shall have a minimum width of nine (9) feet and twenty (20) feet in length (180 sq. ft.).
- K. One (1) visitor parking space shall be provided for every two (2) mobile home sites and said parking shall be located within three hundred (300) feet of the site it is intended to serve.
- L. Required standards for roadways, parking and traffic:

<u>MOTOR VEHICLE PARKING</u>	<u>TRAFFIC USE</u>	<u>MINIMUM PAVEMENT WIDTH</u> <i>(Curb Face to Curb Face)</i>
Parking prohibited	2-way road	22 feet
On-street Parking (1 side only)	2-way road	28 feet
On-street Parking (2 sides)	2-way road	36 feet

- M. Adequate lighting shall be provided for all streets, walkways and buildings. Street lights shall be placed at all street intersections within the park and at other intermediate points as deemed necessary.
- N. Walkways shall not be less than four (4) feet in width, and shall be constructed with materials approved by the Board of Adjustment.

#### SECTION 10.7. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of [Article XIII, Section 23.3](#) of this Ordinance.

## ARTICLE XI

### C – COMMERCIAL DISTRICT

#### Section 11: Commercial District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Conditional Uses
- Section 11.4. Permitted Accessory Uses and Structures
- Section 11.5. Site Development Regulations
- Section 11.6. Open-air Sales, Display and Storage
- Section 11.7. Off-Street Parking and Loading Space
- Section 11.8. Sign Regulations
- Section 11.9. Zoning Permits Required

#### SECTION 11.1. INTENT.

The intent of the Commercial District is predominately for commercial and selected light industrial activities of a service nature which typically have operating and traffic generation characteristics requiring location on a major traffic way. Site development regulations and performance standards are intended to ensure adequate access to and from all uses. These uses are also characterized by the need for larger lot sizes and the need to supply their own off street parking.

#### SECTION 11.2. PRINCIPAL PERMITTED USES.

Within the (C) Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

<b>Commercial Uses</b>		
Administrative and Business Offices Agricultural Sales & Services Automotive Rentals Automotive Repair Services Automotive Washing Automotive Sales Building Maintenance Services Business Support Services Club or Lodge Commercial Off-Street Parking Commercial Recreation, -Indoor Sports and Recreation -Indoor Entertainment Communication Services Construction Sales and Services	Consumer Repair Services Condominium Storage Unit Convenience Storage Convenience Store Equipment Sales Equipment Repair Services Financial Services Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver) Food Sales Funeral Services General Retail Sales House Sales/Display	Medical Offices Nursery/Commercial Greenhouse Personal Services Pet Services Professional Offices Restaurant (Convenience) Restaurant (General) Service Station Transportation Services Visitor Habitation -Boarding/Lodging House -Campground -Hotel/Motel -Commercial Cottage/Resort
<b>Civic/Public Uses</b>		
Convalescent Services Daycare Facility Government/Public Services	Hospital Services Irrigation/Flood Control Local Utility Services	Park and Recreation Services Public Assembly Safety Services

**SECTION 11.3. CONDITIONAL USES AND STRUCTURES.**

The following uses and structures may be permitted in the (C) Commercial District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Commercial Uses</b>	<b>Civic/Public Uses</b>
Cocktail Lounge Commercial Recreation - Outdoor Entertainment Communication Towers Kennel, Commercial Liquor Sales Vehicle Storage Vehicle Washing Veterinary Services Wind Energy Conversion System, Commercial (CWECS)	Aviation Facilities Business or Trade School Cemetery College and University Facilities Communication Towers Cultural Services Detention Facilities Guidance Services Educational Facilities Major Utility Facilities Military Installations Religious Assembly
<b>Industrial Uses</b>	<b>Public/Private Uses</b>
Custom Manufacturing Limited Warehousing and Distribution	Other uses as deemed appropriate by the Board

Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the Board of Adjustment.

**SECTION 11.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with [Section 17.3](#).
3. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria
4. Operated primarily for the convenience of employees, clients, or customers of the principal use
5. Occupies less than ten percent (10%) of the total floor area of the principal use
6. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity
7. Accessory buildings and structures normally incidental and subordinate to the permitted uses and structures or conditional uses, as permitted in [Section 17.2](#).
8. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature
9. Non-Commercial Wind Energy Commercial System (NC-WECS) as defined in Article 3.1.99, when incidental to a primary permitted use within this zoning district, subject to the regulations contained in [Article XVI-A](#) of this Ordinance

**SECTION 11.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and conditional uses and structures in the (C) Commercial District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#):

Minimum Lot Area .....	12,000 square feet
Minimum Lot Width .....	100 feet
Maximum Height .....	35 feet
Front Yard .....	50 feet minimum required setback
Side Yard .....	12 feet minimum required setback
Rear Yard .....	25 feet minimum required setback

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**SECTION 11.6. OPEN AIR SALES DISPLAY AND STORAGE.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements outlined in in [Section 27.14.2](#).

**SECTION 11.7. OFF STREET PARKING AND LOADING SPACE.**

Off-street parking and loading requirements shall be required for activities in the Commercial District in accordance with the provisions of [Article XIX](#) of this Ordinance.

**SECTION 11.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the Commercial District in accordance with the provisions of [Article XX](#) of the ordinance.

**SECTION 11.9. ZONING PERMITS REQUIRED.**

Zoning permits shall be required in accordance with the provisions of [Article XIII, Section 23.3](#) of this Ordinance.

## ARTICLE XII

### RC – RURAL COMMERCIAL DISTRICT

#### Article 12: Rural Commercial District

- Section 12.1. Intent
- Section 12.2. Principal Permitted Uses
- Section 12.3. Conditional Uses
- Section 12.4. Permitted Accessory Uses and Structures
- Section 12.5. Site Development Regulations
- Section 12.6. Open-air Sales, Display and Storage
- Section 12.7. Off-Street Parking and Loading Space
- Section 12.8. Sign Regulations
- Section 12.9. Zoning Permits Required

#### SECTION 12.1. INTENT.

The intent of the Rural Commercial District (RC) is intended primarily for commercial and selected light industrial activities of a service or agricultural nature which typically provide for uses in size and scope which cater primarily to the needs of the rural agricultural area.

#### SECTION 12.2. PRINCIPAL PERMITTED USES.

Within the (RC) Rural Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Commercial Uses		Agricultural Uses
Agricultural Sales and Services Automotive Rentals Automotive Sales Automotive Repair Services Automotive Washing Building Maintenance Services Business Support Services Commercial Off-Street Parking Commercial Trucking Construction Sales and Services Convenience Storage Convenience Store Equipment Sales Equipment Repair Services	Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver)	Crop Production Farm Business, Retail or Novelty Horticulture Stables Viticulture or Viniculture
	Nursery/Commercial Greenhouse	
	Outdoor Sports & Recreation	<b>Civic Uses</b> Government/Public Services Irrigation/Flood Control Structures Local Utility Services Park and Recreation Services Religious Assembly Safety Services
	Outdoor Entertainment	
	Professional Offices	
	Restaurant (General)	
	Restaurant (Convenience)	
	Service Station	
	Vehicle Washing	
	Vehicle Storage	
	Veterinary Services	

**SECTION 12.3. CONDITIONAL USES AND STRUCTURES.**

The following uses and structures may be permitted in the (RC) Rural Commercial District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Commercial Uses</b>	<b>Industrial Uses</b>
Communications Services Communication Towers Kennel, Commercial Veterinary Services Wind Energy Conversion Systems: Commercial(CWECS)	Custom Manufacturing Limited Warehousing and Distribution Research and Production Services
<b>Public/Private Uses</b> : Other uses as deemed appropriate by the Board	

Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the Board of Adjustment.

**SECTION 12.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the work, and in compliance with [Section 17.3](#).
3. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria:
  - A. Operated primarily for the convenience of employees, clients, or customers of the principal use
  - B. Occupies less than ten percent (10%) of the total floor area of the principal use
  - C. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity
4. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses and structures or conditionals, as permitted in [Section 17.2](#).
5. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature
6. Non-Commercial Wind Energy Commercial System(NC-WECS) as defined in Article 3.1.99, when incidental to a primary permitted use within this zoning district, subject to the regulations contained in [Article XVI-A](#) of this Ordinance

**SECTION 12.5. SITE DEVELOPMENT REGULATIONS.**

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (RC) Rural Commercial District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#):

Minimum Lot Area .....20,000 square feet

Minimum Lot Width .....100 feet

Maximum Height .....35 feet, except agricultural buildings shall have no height limit  
No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.

Front Yard .....50 feet minimum required setback

Side Yard .....12 feet minimum required setback

Rear Yard .....25 feet minimum required setback

Buffer Requirements.....See [Article XXI](#)

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

**SECTION 12.6. OPEN AIR SALES DISPLAY AND STORAGE.**

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements outlined in [Section 27.14.2](#).

**SECTION 12.7. OFF STREET PARKING AND LOADING SPACE.**

Off-street parking and loading requirements shall be required for activities in the Rural Commercial District in accordance with the provisions of [Article XIX](#) of this Ordinance.

**SECTION 12.8. SIGN REGULATIONS.**

Sign regulations shall be required for activities in the Rural Commercial District in accordance with the provisions of [Article XX](#) of the ordinance.

**SECTION 12.9. ZONING PERMITS REQUIRED.**

Zoning permits shall be required in accordance with the provisions of [Article XIII, Section 23.3](#) of this Ordinance.



## ARTICLE XIII

### LI – LIGHT INDUSTRIAL DISTRICT

#### Article 13: Light Industrial District

- Section 13.1 Intent
- Section 13.2. Principal Permitted Uses
- Section 13.3. Conditional Uses
- Section 13.4. Permitted Accessory Uses and Structures
- Section 13.5. Site Development Regulations
- Section 13.6. Open-air Sales, Display and Storage
- Section 13.7. Off-Street Parking and Loading Space
- Section 13.8. Sign Regulations
- Section 13.9. Zoning Permits Required

#### SECTION 13.1. INTENT.

The intent of the (LI) Light Industrial District is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby noncommercial and non-industrial uses from undesirable environmental conditions.

#### SECTION 13.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted in the (LI) Light Industrial District except those uses which by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety, and general welfare of the County.

Industrial Uses	Commercial Uses, Continued
Biotechnology Production and/or Manufacturing Custom Manufacturing Light Industry Research and Production Services General Warehousing and Distribution Limited Warehousing and Distribution	Automotive Repair Services Automotive Sales Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Commercial Trucking/Transportation Communications Services Condominium Storage Units Construction Sales and Service Convenience Storage Convenience Store Equipment Sales Equipment Repair Services Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver) Transportation Services Vehicle Storage and/or Washing
Civic Uses	
Aviation Facilities Government/Public Services Irrigation/Flood Control Structures Local Utility Services Park and Recreation Services Maintenance and Service Facilities Safety Services	
Commercial Uses	
Administrative and Business Offices Agricultural Sales and Services Automotive Rentals	

**SECTION 13.3. CONDITIONAL USES STRUCTURES.**

The following uses and structures may be permitted in the (LI) Light Industrial District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses
Fuel Storage Railroad Facilities Resource Extraction Stockyards	Adult Entertainment Establishments <i>(See <a href="#">Section 17.5</a> for regulations)</i> Club or Lodge Cocktail Lounge Commercial Recreation Liquor Sales Kennels, Commercial Veterinary Services
Civic Uses	
Major Utility Service Communication Towers Public Assembly Detention Facilities Military Installations	
Public/Private Uses : Other uses as deemed appropriate by the Board	

Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the Board of Adjustment.

**SECTION 13.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work, and in compliance with [Section 17.3](#).
3. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
  - A. Operated primarily for the convenience of employees, clients, or customers of the principal use
  - B. Occupies less than twenty-five percent (25%) of the total floor area of the principal use
  - C. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity
4. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses and structures or conditional uses, as permitted in [Section 17.2](#).
5. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature

6. Non-Commercial Wind Energy Commercial System(NC-WECS) as defined in Article 3.1.99, when incidental to a primary permitted use within this zoning district, subject to the regulations contained in [Article XVI-A](#) of this Ordinance.

#### SECTION 13.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses and structures in the (LI) Light Industrial District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#):

Minimum Lot Area .....20,000 square feet

Minimum Lot Width .....100 feet

Maximum Height .....No height limitation except thirty-five (35) feet if property abuts a residential property or district. No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.

Front Yard .....75 feet minimum required setback

Side Yard .....12 feet minimum required setback  
75 feet if lot abuts residential property or district

Rear Yard .....50 feet minimum required setback, except if the property abuts a railroad right-of-way, then no setback is required.

Buffer Requirements.....See [Article XXI](#).

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

#### SECTION 13.6. OPEN-AIR SALES DISPLAY AND STORAGE.

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements outlined in [Section 27.14.2](#).

#### SECTION 13.7. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the Light Industrial District in accordance with the provisions of [Article XIX](#) of this Ordinance.

#### SECTION 13.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Light Industrial District in accordance with the provisions of [Article XX](#) of the ordinance.

#### SECTION 13.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of [Article XIII, Section 23.3](#) of this Ordinance.

## ARTICLE XIV

### HI – HEAVY INDUSTRIAL DISTRICT

#### Article 14: Heavy Industrial District

- Section 14.1. Intent
- Section 14.2. Principal Permitted Uses
- Section 14.3. Conditional Uses
- Section 14.4. Permitted Accessory Uses and Structures
- Section 14.5. Site Development Regulations
- Section 14.6. Open-air Sales, Display and Storage
- Section 14.7. Off-Street Parking and Loading Space
- Section 14.8. Sign Regulations
- Section 14.9. Zoning Permits Required

#### SECTION 14.1. INTENT.

The intent of the (HI) Heavy Industrial District is to provide for intense industrial uses in planned industrial developments.

#### SECTION 14.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted in the (HI) Heavy Industrial District, except those uses which by reason of the emission of odor, dust, fumes, smoke, noise, and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the county;

Industrial Uses	Commercial Uses
Alternative Fuels and Energy Production Facilities Biotechnology Production and/or Manufacturing Custom Manufacturing General Warehousing and Distribution Heavy Industry Light Industry Limited Warehousing and Distribution Railroad Facilities Research and Production Services Resource Extraction Stockyards	Agricultural Sales and Services Building Maintenance Services Commercial Trucking/Transportation Communications Services Construction Sales and Services Convenience Storage Equipment Sales Equipment Repair Services Fireworks Sales (requires annual renewal & proof of liability insurance and Fire Marshall Inspection or waiver) Transportation Services Vehicle Storage Vehicle Washing
Civic Uses	
Aviation Facilities Business or Trade School College or University Facilities Government/Public Services Irrigation/Flood Control Structures	Local Utility Services Major Utility Services Maintenance and Service Facilities Safety Services

**SECTION 14.3. CONDITIONAL USES AND STRUCTURES.**

The following uses and structures may be permitted in the (HI) Heavy Industrial District subject to provisions of [Articles XXVI](#) and [XXVII](#) of this Ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

<b>Industrial Uses</b>	<b>Civic Uses</b>
Bulk Stations Fertilizer or Chemical Storage or Processing Fuel Storage Sanitary Landfill Scrap and Salvage Services	Communication Towers
<b>Public/Private Uses</b> : Other uses as deemed appropriate by the Board	

Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the Board of Adjustment.

**SECTION 14.4. PERMITTED ACCESSORY USES AND STRUCTURES.**

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Temporary buildings for uses incidental to construction, which buildings shall be removed upon the completion or abandonment of the construction work, and in compliance with [Section 17.3](#).
3. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
  - A. Operated primarily for the convenience of employees, clients, or customers of the principal use.
  - B. Occupies less than twenty-five percent (25%) of the total floor area of the principal use.
  - C. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses and structures or conditional uses, as permitted in [Section 17.2](#).
5. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.
6. Non-Commercial Wind Energy Commercial System(NC-WECS) as defined in Article 3.1.99, when incidental to a primary permitted use within this zoning district, subject to the regulations contained in [Article XVI-A](#) of this Ordinance.

**SECTION 14.5. SITE DEVELOPMENT REGULATIONS.**

The following requirements shall be provided for light and open space around permitted and conditional uses and structures in the (HI) Heavy Industrial District, and subject to modifications contained in [Article XVI, Supplemental District Regulations](#):

Minimum Lot Area .....43,560 square feet (1 acre)

Minimum Lot Width .....	150 feet
Maximum Height .....	None, except thirty-five (35) feet if property abuts a residential or mobile home district
	No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.
	No height limitation except thirty-five (35) feet if property abuts a residential property or district. No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any public airport.
Front Yard .....	75 feet minimum required setback
Side Yard .....	12 feet minimum required setback
	75 feet if lot abuts residential property or district
Rear Yard .....	50 feet minimum required setback, except if the property abuts a railroad right-of-way, then no setback is required
Buffer Requirements.....	See <a href="#">Article XXI</a> .

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

#### SECTION 14.6. OPEN-AIR SALES DISPLAY AND STORAGE.

All open-air sales display and storage for used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements outlined in [Section 27.14.2](#).

#### SECTION 14.7. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the Heavy Industrial District in accordance with the provisions of [Article XIX](#) of this Ordinance.

#### SECTION 14.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Heavy Industrial District in accordance with the provisions of [Article XX](#) of this Ordinance.

#### SECTION 14.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of [Article XIII, Section 23.3](#) of this Ordinance.

## **ARTICLE XV**

### **PD - PLANNED DEVELOPMENT DISTRICT**

#### **Article 15: Planned Development District**

Section 15.1	Purpose
Section 15.2.	Standards
Section 15.3.	Authorized Uses
Section 15.4.	General Regulations
Section 15.5.	Application and Approval

#### **SECTION 15.1. PURPOSE.**

The (PD) Planned Development District is intended to accommodate a wide variety of use types in accordance with the Sioux County Comprehensive Plan. The purpose of the PD District is to provide flexibility in the design and development of land in order to promote its most appropriate use; to facilitate the adequate and economical provision of streets, utilities and public spaces; and to preserve the natural and scenic qualities of open areas. Planned Developments are intended to encourage innovative, well-designed projects that achieve a high level of low impact development, environmental sensitivity, energy efficiency, safety, aesthetics and other community goals.

Each application for a PD shall contain a general statement by the applicant describing how the proposed development departs from the county's standard development regulations and how the proposed development is an improvement over the requirements under the county's standard zoning and land development regulations.

#### **SECTION 15.2. STANDARDS.**

A planned development, to be eligible under this Article, must:

1. Be in accordance with the comprehensive plan of Sioux County and with the regulations of this Ordinance
2. Be an effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area
3. Encourage a more creative and efficient development of land and its improvements
4. Allow for a mixture of uses in an integrated and well-planned area
5. Ensure concentration of open space into more usable areas and preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas
6. Facilitate economic provisions of streets and public utilities
7. Encourage low impact developments

**SECTION 15.3. AUTHORIZED USES.**

The overall land use makeup of planned developments shall be consistent with the underlying land use designation and the following standards:

1. Residential PDs: Planned developments to be established on land designated as “residential” on the county land use map shall be considered a residential PD. The following standards shall apply:
  - A. Residential and Public/Civic Uses: The Planning and Zoning Commission may approve any residential and public/civic uses within residential PDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.
  - B. Commercial Uses: In addition to residential and public/civic uses, the Planning and Zoning Commission may approve commercial uses within residential PDs; provided that:
    - 1) A sufficient population within the planned development supports such uses
    - 2) Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
    - 3) Such uses do not occupy in total more than twenty-five percent (25%) of the total land area in the planned unit development (PUD).
2. Commercial PDs: Planned developments to be established on land designated as “commercial” or “industrial” on the county land use map shall be considered a commercial PD. The following standards shall apply:
  - A. Residential and Public/Civic Uses: The Planning and Zoning Commission may approve any residential and public/civic uses within commercial planned developments provided that the overall density of residential uses shall not exceed sixteen (16) units per acre.
  - B. Commercial Uses: The Planning and Zoning Commission may approve any commercial uses within commercial planned developments.
  - C. Industrial Uses: The Planning and Zoning Commission may approve any industrial uses within commercial planned developments.
3. Mixed-Use PDs: Planned developments to be established on land designated as either residential or nonresidential (commercial or industrial) on the comprehensive land use map shall be considered a mixed-use PD. Those portions of a mixed-use PD that have an underlying residential land use designation shall be regulated in accordance with the residential planned development standards of subsection 1 of this section. Those portions of a mixed-use PD that have an underlying commercial or industrial land use designation shall be regulated in accordance with the commercial planned development standards of subsection 2 of this section.



**SECTION 15.4. GENERAL REGULATIONS.**

The planned development may be approved only if it is found that all of the following regulations are satisfied:

1. **Conformance with the Comprehensive Plan:** The proposed planned development is in conformance with the Sioux County Comprehensive Plan. At a minimum, the Planning and Zoning Commission shall find that the planned development does not conflict with the comprehensive plan with regard to the following:
  - A. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities and utilities that serve or are proposed to serve the area
  - B. The plan provides for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas
  - C. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property, and will not be detrimental to surrounding land uses
  - D. Proposed uses shall try to incorporate low impact development practices
2. **Minimum Site Area:** A planned development shall include no less than five (5) acres of contiguous land. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures must be proposed.
3. **Preservation of Natural Features:** Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward:
  - A. Enhancing the quality of new development
  - B. Protecting the natural environment
  - C. Providing buffering between new developments and surrounding properties
  - D. Preserving the character of existing neighborhoods
  - E. Handling of storm water flows in natural channels
  - F. Maintaining existing vegetation along stream corridors as water quality filters
  - G. Maintaining upland forest areas
  - H. Developing and sustaining low impact developments
4. **Common Open Space:** A minimum of twenty-five percent (25%) of every residential planned development shall be provided as public open space for the use and enjoyment of the residents. A minimum of fifteen percent (15%) of every commercial planned development shall be devoted to common open space. In the case of a mixed-use PUD, the greater requirement of minimum open space shall apply. Parking areas and vehicle access facilities shall not be considered in calculating open space.

The following areas shall qualify wholly or partially as common open space:

- A. Recreation Areas: The total area included within an improved recreation area may be counted as common open space; provided, that it is at least 10,000 sq. ft. and linked to dwelling units within the planned development by a continuous circulation system of sidewalks or trails.
  - B. Recreational Buildings: The area occupied by multiple-use recreation building and outdoor recreation facilities may be counted as common open space.
  - C. Pedestrian Open Space System: The total area contained in a continuous open space pedestrian system consisting of permanently maintained walks and trails leading to a natural amenity, recreation facility or commercial use may be counted as common open space.
  - D. Environmental Features: If natural habitats or environmentally sensitive areas exist, the Planning and Zoning Commission may require the area so defined to be left in an undisturbed state and adequately protected or incorporated into the design as a passive recreation area.
5. Maintenance of Common Open Space: In order that the purpose of these regulations may be realized, the land and buildings and appurtenant facilities shall be in single ownership, or under management of supervision of a central authority, or otherwise subject to such supervisory lease or ownership control as necessary to carry out the provisions herein.
- A. Responsibility: The landowner shall establish an organization for ownership and maintenance of common open space. That organization shall not be dissolved nor shall it dispose of any common open space by sale or otherwise (except to an organization conceived and established to own and maintain the common open space).
  - B. Failure to Maintain: In the event that the organization established to own and maintain common open space shall fail to maintain the land in reasonable condition, the Zoning Administrator shall serve written notice upon such organization defining the maintenance deficiencies. If such deficiencies of maintenance are not corrected after thirty (30) days, the Zoning Administrator shall call upon any public or private agency to maintain the common open space. In such cases, the tax assessor shall assess the costs proportionally against all properties within the planned development that have the right of use of common space.
6. Screening: Additional buffering beyond minimum requirements of this Ordinance, both around the parameter and interior of the planned development, shall be provided where appropriate to mitigate against adverse impacts of noise, glare, sound, or other influences on the proposed development or on adjacent land.
7. Development Phasing: The timely construction of any planned development authorized under this section shall be undertaken to assure full completion in accordance with the adopted preliminary and final development plan. Each phase of the proposed development must be of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as a complete unit, and that provision for and construction of dwelling units and common open space is balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.
8. Lighting: All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.

9. Off-Street Parking and Loading: Off-street parking and loading requirements shall be required for activities in the planned development district in accordance with the provisions of [Article XIX](#) of this Ordinance, unless a deviation from those standards is specifically approved.
10. On-Site Utilities: Underground utilities shall be encouraged and provided wherever possible.
11. Streets:
  - A. Access onto Streets: principal vehicular access to planned developments shall be from primary arterial or collector streets. Any planned development containing over fifty (50) dwelling units and/or 30,000 square feet of nonresidential floor space shall provide at least two access points.
  - B. Access Point Design: Access points shall be designed to provide smooth flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic.
  - C. Neighborhood Circulation: Internal roads should be designed to encourage neighborhood circulation within the development and with adjacent parcels.
12. Other Conditions: The County Zoning Administrator and the Planning and Zoning Commission shall have the authority to recommend, and the County Board of Supervisors shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this Ordinance.

#### SECTION 15.5. APPLICATION AND APPROVAL.

Planned developments shall be subject to the approval of the Board of Supervisors based upon review and recommendations by the Planning and Zoning Commission.

1. Pre-Application Meeting:

Prior to submitting any plan to the Planning and Zoning Commission, the applicant shall meet with the County Zoning Administrator to discuss the proposed project relative to development objectives for the site and learn the procedural steps and exhibits required. This includes the procedures for a conditional use permit and preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion.

2. Development Plan Documentation:

The following information shall be submitted by the developer as part of the application for a conditional use permit:

- A. A statement describing the general character of the intended development and the manner in which it has been designed to take advantage of the planned development regulations
- B. An accurate map of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria:
  - 1) The pattern of proposed land uses including shape, size and arrangement of proposed uses, density and environmental character
  - 2) The pattern of public and private streets
  - 3) The location, size and character of recreational and open space areas reserved or dedicated for public uses
  - 4) The legal description of the property including approximate total acreage and also indicating existing property lines and dimensions, ownership of all parcels, platting, easement, street rights-of-way, and buildings

- 5) Proposed housing units and types, vehicular and pedestrian circulation
  - 6) The project site in relationship to surrounding properties including existing topography, natural features, drainage, wetlands, vegetation, soil conditions, or other data as requested by the Planning and Zoning Commission
  - C. A statement of proposed financing of the planned development
  - D. Intended organizational structure related to property owners association, deed restrictions and provision of common services
  - E. An indication of the expected development schedule including phasing and time schedules
  - F. Full description as to how all necessary governmental services will be provided to the development including sewer, storm water drainage, water, streets and other public utilities
  - G. Any additional information requested by the Planning and Zoning Commission or Board of Supervisors that may be required for clarification of the proposed project
3. Preliminary Plat:
- The applicant shall also submit a preliminary plat and all the necessary documentation as required under the subdivision regulations of all or that phased portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the conditional use permit and preliminary plat may be held concurrently.
4. Development Plan Procedures:
- A. The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and pay a filing fee as established by Sioux County.
  - B. The Zoning Administrator shall review for conformity and transmit the application and required exhibits to the Planning and Zoning Commission and shall notify all property owners within the affected zone and within two hundred (200) feet of the property in question; however, failure of any property owner to receive such notification shall not invalidate the proceedings.
  - C. The Zoning Administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than four (4) days and not more than twenty (20) days prior to said hearing.
  - D. The Planning and Zoning Commission shall hold a public hearing and recommend and transmit to the Board of Supervisors within thirty (30) days after the close of the public hearing, one of three actions - approval, denial, or conditional approval.
  - E. The Board of Supervisors shall act upon the application within thirty (30) days after receiving the recommendation of the Planning and Zoning Commission.
  - F. Within ninety (90) days of Board of Supervisors approval of the development plan and the preliminary plat, the applicant shall file with the Zoning Administrator a final plat. The final plat shall contain those changes as recommended by the Planning and Zoning Commission and approved by the Board of Supervisors during the preliminary review process.
  - G. The final plat shall be submitted to the Sioux County Recorder's Office by the developer within ninety (90) days. This shall include posting a performance bond or certified check with Sioux County, Iowa, guaranteeing those required improvements will be constructed according to the

approved implementation schedule. This shall be accomplished prior to the issuance of any zoning or building permit.

- H. Once the development plan and final plat are approved, the Zoning Administrator may issue the zoning permit for the area complying with the plan and other laws of the county without further hearings or review of the plan by the Board of Supervisors. Said area shall then be designated on the official Zoning Map.

5. Enforcing Development Schedule:

The construction and provision of all common open space and public or recreation facilities shown on the development plan must proceed at the same rate as construction of the dwelling units. At least once every six (6) months following approval of the development plan, the Zoning Administrator shall review the planned development. If the rate of construction of dwelling units is faster than the rate at which common open space and public or recreation facilities are being constructed or provided, this information will be forwarded to the Board of Supervisors of which then the conditional use permit may be revoked. If the developer or landowner fails to complete open space and recreation areas within ninety (90) days after the completion of the project, the county may complete the work and assess the cost back to the property owner.

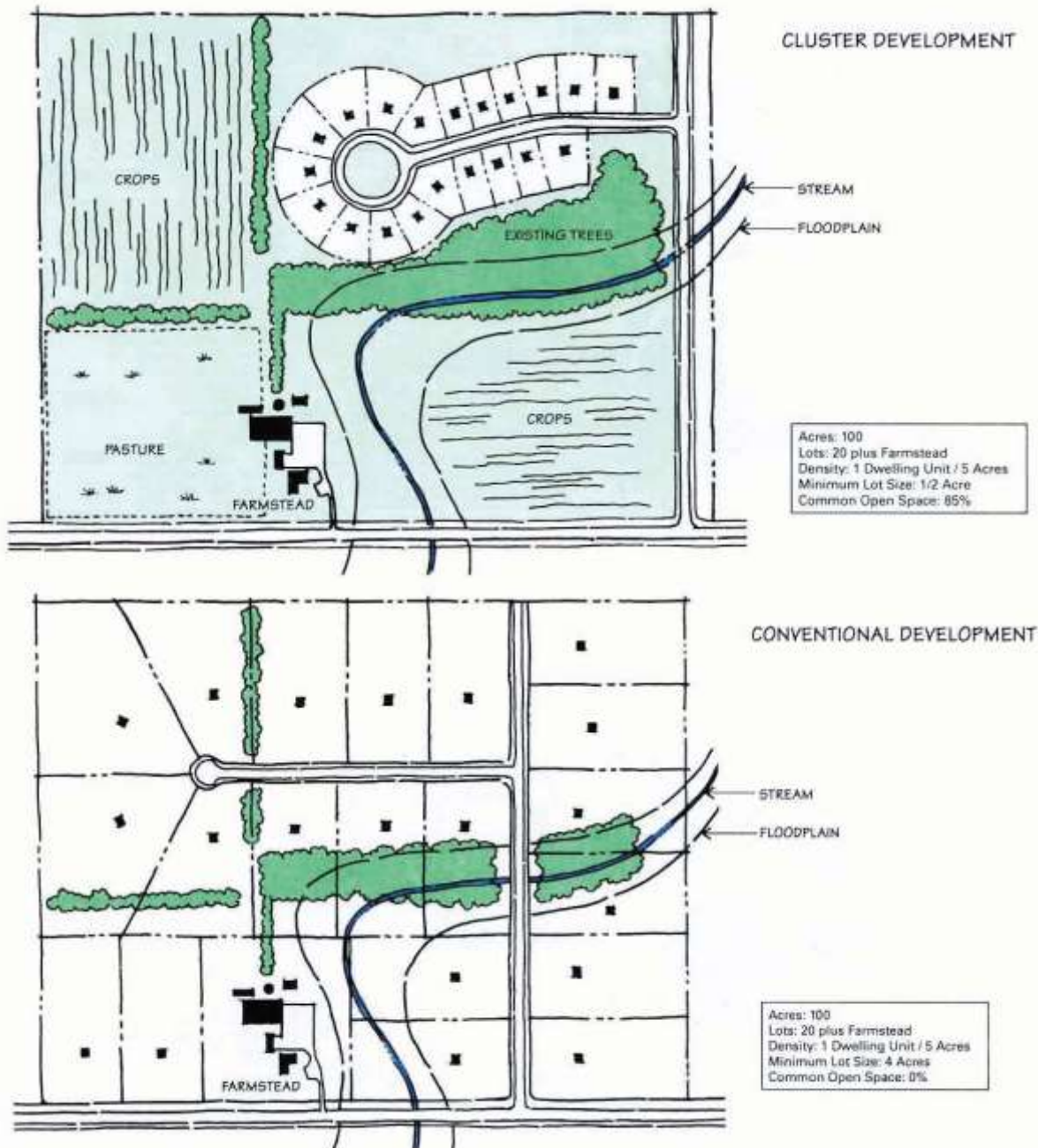
6. Review and Amendments:

The Zoning Administrator may revoke the zoning permit for a PD if substantial development has not occurred within one (1) year after the original approval of the permit. Revisions or amendments acceptable to the PD may include:

- A. Changes in the location, placement, and heights of buildings or structures may be allowed if required by engineering or other circumstances not foreseen at the time of approval.
- B. Approval of the Planning and Zoning Commission and Board of Supervisors shall be required for other changes such as rearrangement of lots, blocks and building tracts. These changes shall be consistent with the purpose and intent of the approved development plan.

**TRADITIONAL “ACREAGE” SUBDIVISION DEVELOPMENT VS.  
CLUSTER SUBDIVISION DEVELOPMENT OFTEN ASSOCIATED WITH PLANNED DEVELOPMENTS.**

Below is a visual example of “cluster” subdivision development typical in planned developments to incorporate additional open space, preservation of productive agricultural lands, or protection of environmentally sensitive natural habitats. Planned developments also allow the use of mixing low density residential with high density residential, as well as public and commercial uses.



Source: SEWRPC. 2002. “Model Zoning Ordinance for Rural Cluster Development”  
[www.sewrpc.org/modelordinances/default.htm](http://www.sewrpc.org/modelordinances/default.htm)

## ARTICLE XVI

### SUPPLEMENTAL DISTRICT REGULATIONS

#### Article 16: Supplemental District Regulations

Section 16.1.	Intent
Section 16.2.	Lot of Record
Section 16.3.	Multiple Principal Structures per Lot
Section 16.4.	Yard Regulations
Section 16.5.	Fences and Hedges
Section 16.6.	Buildings to Have Access
Section 16.7.	Use of Public Right-of-Way
Section 16.8.	Height Requirements
Section 16.9.	Filling Stations
Section 16.10.	Ponds and Lakes
Section 16.11.	Parcel Subdivisions

#### SECTION 16.1. INTENT.

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

#### SECTION 16.2. LOT OF RECORD.

Any lot of record at the time of passage of this Ordinance, excepting those located in an Agricultural District, having less area or width than herein required, may be used for a dwelling where such uses are permitted as provided in this Ordinance, subject to the required setbacks and further provisions of [Article XXII, Nonconformities](#).

#### SECTION 16.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

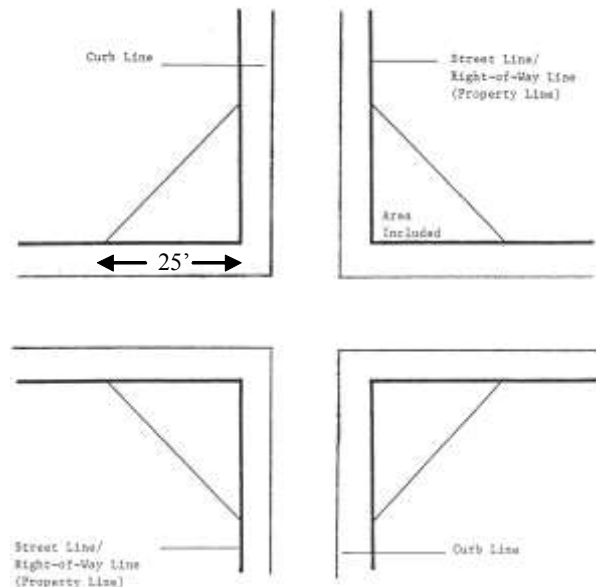
Except in the RR, RS, RM and MH residential districts, more than one principal structure, not intended to be a single family residential structure, may be erected on a single lot subject to the following conditions:

1. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire.
2. All principal buildings on the lot shall be served by access ways, a minimum of which shall be twenty-five (25) feet in width that are suitable for police, fire, and emergency vehicles.
3. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking and emergency accesses for the premises, and to each principal building.

#### SECTION 16.4. YARD REGULATIONS.

1. **UNIMPROVED RESIDENTIAL LOTS.** In any district where residences are permitted and where neither a public water supply nor public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district or as follows, whichever is greater:
  - A. Lot area of twenty thousand (20,000) sq. ft.; lot width one hundred (100) feet; however where a public water supply is available these requirements shall be twelve thousand (12,000) sq. ft. and eighty (80) feet respectively.
  - B. The above requirements shall not apply in subdivision developments providing private water supply and sewage collection and disposal systems which have been approved by authorized authorities.
2. **PROJECTING OVERHANG OR STRUCTURE.** The ordinary horizontal projections from buildings including eaves, sills, fascia, cornices, or other similar architectural features, except for gutters, may not project or extend more than three (3) feet into a required yard.
3. **YARD ENCROACHMENTS.** Covered carports, bay windows, cantilevered projections, chimneys and structures may not project into any required yard.

4. **THROUGH LOTS.** Buildings on through lots, extending from street to street shall provide the required front yard on both streets.

**DIAGRAM**Corner Lots – Yards and Visibility

5. **CORNER LOTS.** For buildings on corner lots with frontage on two (2) or more public streets, each yard abutting a public street shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.
6. **LINE OF SITE VISIBILITY (at Intersections).** On a corner lot in any district, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grade of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet from the intersection of the street right-of-way lines, and measured along the street right-of-way lines.
7. **STEPS, DECKS AND PATIOS.**
  - A. Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard. Steps may encroach no more than six (6) feet into any required front or rear yard. Deck floors higher than twelve (12) inches above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a required front yard for a distance not exceeding ten feet (10'). However, no deck may extend beyond ten feet (10') of the front lot line.



- B. Uncovered patios or other concrete slab structures constructed on the ground, or less than twelve (12) inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards. However, no concrete slab structure built on the ground or uncovered patios shall encroach closer than two (2) feet of the property line.

#### SECTION 16.5. FENCES AND HEDGES.

1. No fence constructed more than fifty percent (50%) solid or more than four (4) feet in height may be located in any front yard. Fences less than four (4) feet in height may be located on any part of a lot. Please reference [Section 16.4.5](#) when considering fences in front or side yards.
2. Except as provided above, fences less than six (6) feet in height may be erected in any required side or rear yards on those parts of a lot that are setback as far as the main building is from the street. Fences in excess of six (6) feet will be permitted as a conditional use by the Board of Adjustment in instances where the fence will protect the public view against certain junk, salvage, scrap, or other commercial and industrial uses.
3. Fences will be permitted to be constructed up to the property line.
4. Fences shall not be constructed of corrugated tin or fiberglass, and sheet metal or fiberglass. Fences may be constructed from chain link, non-decomposing wood products, natural wood products (i.e. cedar, redwood, etc.) molded plastic or metal or iron posts. The Planning and Zoning Commission may approve other materials as deemed appropriate.

#### SECTION 16.6. BUILDINGS TO HAVE ACCESS.

Every building or principal use hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road, or on a lot or parcel with deeded access to a public street.

#### SECTION 16.7. USE OF PUBLIC RIGHT-OF-WAYS.

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space.

#### SECTION 16.8. HEIGHT MODIFICATIONS.

The building height limitations of this Ordinance shall be modified as follows:

1. No building shall exceed a height of thirty-five (35) feet unless otherwise provided, except non-dwelling agricultural buildings.
2. Height regulations shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations and shall not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.
3. Public, semi-public, or public service buildings, hospitals, sanitariums, or schools, when permitted in a district, may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one (1) foot in addition to the minimum yard requirements for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

**SECTION 16.9. FILLING STATIONS.**

All filling stations shall meet National Fire Protection Association standards.

**SECTION 16.10. PONDS AND LAKES.**

The construction of ponds, lakes or dams, 1,000 square feet or greater in size, within Sioux County is permitted as long as the following requirements are met and a Zoning Permit with Site Plan is issued. Retention and detention ponds installed to comply with the stormwater requirements of this Ordinance and the Sioux County Subdivision Ordinance are exempt from the requirements listed below and shall not be considered a pond, lake or dam. The following requirements are not intended to supersede or contradict any State or Federal regulations pertaining to construction of a pond, lake, dam or watercourse. The more restrictive requirements shall be followed and the issuance of a local permit does not relieve the applicant of any State or Federal permits, which may be required.

1. Allowed Zoning Districts: Agricultural, Environmental Conservation, Rural Residential, subject to Iowa Department of Natural Resources (DNR) approval if applicable.
2. Ponds or lakes are permitted to be constructed on property that is two (2) or more contiguous acres in size;
3. No part of the pond or lake shall be constructed closer than 100 feet from any public right-of-way, or public/private easement. If the width of an easement containing a public roadway cannot be determined, 30 feet shall be added to the 100 foot setback, and shall be measured from the centerline of the roadway;
4. Ponds or lakes shall not be constructed closer than 50 feet from a property line, but at no time shall be closer than 150 feet to an existing residence on an adjoining parcel;
5. If the pond/lake abuts residential development, a fence, not less than four (4) feet in height, and of approved materials, shall be constructed within two (2) feet of the property line, and along any adjoining residential parcel up to 100 feet beyond the boundary of the pond/lake in both directions;
6. If the pond or lake shall have a spillway constructed, which allows the overflow to follow the natural drainage course, then it shall be constructed so as to prevent soil erosion at the outflow of the dam;
7. Ponds or lakes, which have more than one (1) square mile area of drainage from upstream or contain more than 30 acres of water, shall be required to follow Site Plan Review as detailed in this ordinance. The plan must be prepared and stamped by a registered Engineer or Surveyor;
8. Ponds or lakes which have a depth greater than twenty (20) feet measured from crest of emergency spillway to flow line of original ground and/or have a surface area in excess of 20,000 square feet, must apply for a Conditional Use Permit, shall follow the Site Plan Review and shall have the plan prepared and stamped by a registered Engineer or Surveyor.
9. Any pond or lake constructed closer than 100 feet to a public or private roadway and the enclosure/water impounding area of the pond or lake is located below, or at the same grade, as the roadway, a guardrail is required to prevent vehicle entry from the road, as determined by the County Engineer and shall be constructed according to the specifications of the Sioux County

Subdivision Ordinance, ***at the expense of the applicant***. A guardrail may not be necessary if vegetation exists between the pond or lake and the roadway, which would reasonably prevent vehicle entry from the road. If the pond or lake is located closer than 100 feet to the roadway, and is at a grade above the roadway, a guardrail may be required if vehicle entry from the roadway is possible.

#### SECTION 16.11. PARCEL SUBDIVISIONS.

1. When permissible under this Ordinance, if a parcel is subdivided for residential purposes, the resulting parcels shall retain the original parcel's zoning classification. Such division is allowed only one (1) time in the history of both the original and resulting parcel, and both resulting parcels must meet the minimum site development regulation requirements for the original zoning district classification.
2. All parcel subdivisions created for purposes other than those regulated elsewhere by this Ordinance, shall retain the original parcel's zoning classification, and must meet the minimum site development regulation requirements for the zoning district classification of the original parcel.

## **ARTICLE XVI-A**

### **NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEM (NCWECS) REGULATIONS**

#### Article 16-A: Non-Commercial Wind Energy Conversion System (NC-WECS) Regulations

- Section 16-A.1. Purpose and Intent
- Section 16-A.2. Permitted Accessory Uses
- Section 16-A.3. Permitted Conditional Uses
- Section 16-A.4. General Standards
- Section 16-A.5. Compliance with FAA Regulations
- Section 16-A.6. Compliance with National Electric Code
- Section 16-A.7. Utility Notification

#### SECTION 16-A.1. PURPOSE AND INTENT.

The purpose and intent of this section is to establish predictable and balanced regulations for the establishment of noncommercial wind energy conversion systems (NCWECS) in the locations, and circumstances, under which the use may be established without detriment to the public health safety and welfare of neighboring property owners or occupants.

#### SECTION 16-A.2. PERMITTED ACCESSORY USES.

A NCWECS is allowed in the following districts as a permitted accessory use incidental to a permitted primary use, subject to the regulations of the zoning district in which it is located and the additional regulations outlined in this Article and in [Article XVII](#) of this Ordinance:

1. Agricultural (AG)
2. Environmental Conservation (EC)
3. Rural Residential (RR)
4. Commercial (C)
5. Rural Commercial (RC)
6. Light Industrial (LI)
7. Heavy Industrial (HI)

#### SECTION 16-A.3. PERMITTED CONDITIONAL USES.

A NCWECS is allowed in the following districts as a conditional use, subject to the regulations outlined in the Article specific to the district, this Article, and [Article XVII](#), of this Ordinance.

1. Single Family Residential (RS)
2. Multi-Family Residential (RM)
3. Mobile and Manufactured Home Residential District (MH)

#### SECTION 16-A.4. GENERAL STANDARDS.

All NCWECS are subject to the following standards:

1. DENSITY: No more than one WECS shall be permitted per lot.
2. TOWER HEIGHT:
  - A. For property sizes between one-half ( $\frac{1}{2}$ ) acre and one (1) acre the tower height shall be limited to eighty (80) feet.
  - B. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
3. SETBACK:
  - A. No part of the wind system structure, excluding guy wire anchors, may extend any closer than 110% of the total tower height to the property boundaries of the installation site, or less than the minimum standard setback requirements for the zoning district in which it is located.
  - B. Guy wire anchors may extend no closer than ten (10) feet to the property boundaries of the installation site.
4. NOISE: Non-Commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
5. ENGINEER CERTIFICATION: Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.

#### SECTION 16-A.5. COMPLIANCE WITH FAA REGULATIONS.

Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

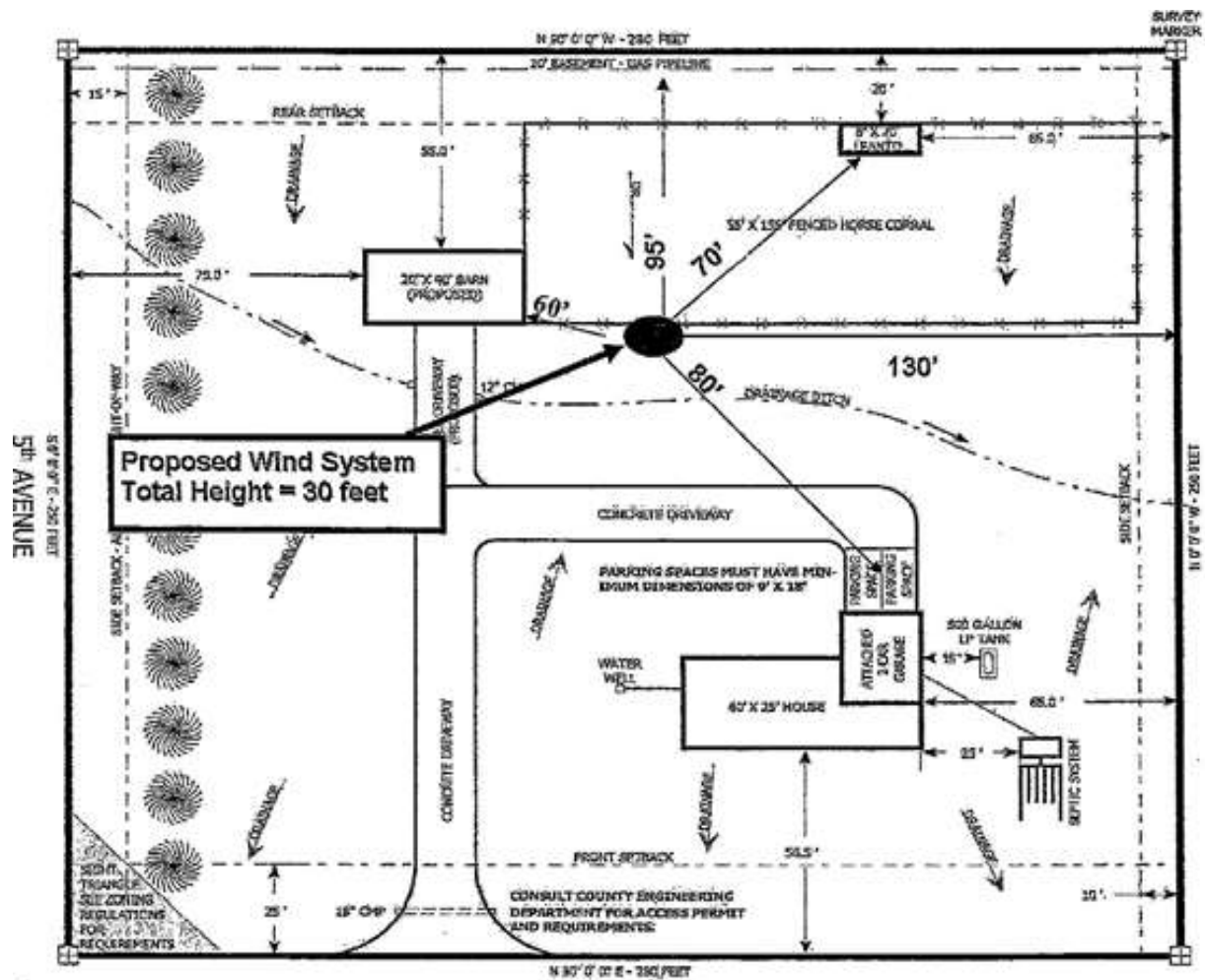
#### SECTION 16-A.6. COMPLIANCE WITH NATIONAL ELECTRIC CODE.

Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. (This information is frequently supplied by the manufacturer.)

#### SECTION 16-A.7. UTILITY NOTIFICATION.

No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

## SAMPLE NON COMMERCIAL WIND ENERGY SITE PLAN



## SUMMARY OF WIND ENERGY SYSTEM SITE PLAN CRITERIA – SEE REGULATIONS FOR SPECIFICS

1. **Lot Size:** District Minimum or larger
2. **Setback:** to Property Lines => 110% of total height
3. **Clear Zone:** no less than 110% from occupied structures (excepting those owned by property owners)
4. **Noise** – not to exceed 60 decibels
5. **Security** – Tower climbing apparatus located 12 feet off of ground. Encourage appropriate fencing.
6. **Lighting** – No lighting except to comply with FAA regulations
7. **No advertising signs allowed** on structure
8. **Must comply with FAA regulations**
9. **Approved Wind Turbines:** Submit certification that proposed system exceeds approved national standards.
10. **Plans-ICC Building Code:** Provide engineer structural analysis and certification of wind energy system.
11. **Installation:** Provide written verification that wind energy system was installed to the standards of the ICC Building Code.
12. **Wind Energy System Removal:** If unsafe or abandoned, the wind energy system must be removed.
13. **Multiple Wind Systems:** 110% total height setback required between wind energy systems.

## **ARTICLE XVI-B**

### **AIRPORT TALL STRUCTURES REGULATIONS**

#### Article 16-B: Airport Tall Structures Regulations

- Section 16-B.1. Intent
- Section 16-B.2. Purpose
- Section 16-B.3. Definitions
- Section 16-B.4. Airport Zones
- Section 16-B.5. Airport Zone Height Limitations
- Section 16-B.6. Use Restrictions
- Section 16-B.7. Nonconforming Uses
- Section 16-B.8. Variances
- Section 16-B.9. Conflicting Regulations
- Section 16-B.10. Permits
- Section 16-B.11. Administrative Agency
- Section 16-B.12. Board of Adjustment
- Section 16-B.13. Appeals
- Section 16-B.14. Judicial Review
- Section 16-B.15. Penalties
- Section 16-B.16. Conflicting Regulations
- Section 16-B.17. Severability

#### SECTION 16-B.1. INTENT.

The Sioux County Regional Airport Tall Structures regulations are established pursuant to the Authority conferred by the State of Iowa in Section 329.3 of the Iowa Code. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Sioux County Regional Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Sioux County Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Sioux County Regional Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Sioux County Regional Airport;
2. That it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of incompatible land uses, and obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

**SECTION 16-B.2. PURPOSE.**

This Article is established in order to:

1. Prevent the establishment of airspace obstructions in public airport approaches and surrounding areas.
2. Minimize potential dangers from, and conflicts with, the use of aircraft at the Sioux County Regional Airport.
3. Address Federal Aviation Regulation (FAR) Part 77 and all other applicable federal and state laws regulating hazards to air navigation.

**SECTION 16-B.3. DEFINITIONS.**

For use in this Article, the following terms are defined:

- 16-B.3.1 ADMINISTRATIVE AGENCY – The unincorporated county underlying the Airport Zones as defined in this Article.
- Sioux County, Iowa
- 16-B.3.2 AIRCRAFT APPROACH CATEGORY – A grouping of aircraft based on 1.3 times their stall speed in their landing configuration at their maximum certified landing weight. The categories are as follows:
- Category A: Speed less than 91 knots.
- Category B: Speed 91 knots or more but less than 121 knots.
- Category C: Speed 121 knots or more but less than 141 knots.
- Category D: Speed 141 knots or more but less than 166 knots.
- Category E: Speed 166 knots or more.
- 16-B.3.3 AIRPLANE DESIGN GROUP – A grouping of airplanes based on wing span. The groups are as follows:
- Group I: Up to but not including forty-nine feet (49').
- Group II: Forty-nine (49') feet up to but not including seventy-nine feet (79').
- Group III: Seventy-nine (79') feet up to but not including one hundred and eighteen feet (118').
- Group IV: One hundred and eighteen feet (118') up to but not including one hundred and seventy one feet (171').
- Group V: One hundred and seventy one feet (171') up to but not including two hundred and fourteen feet (214').
- Group VI: Two hundred and fourteen feet (214') up to but not including two hundred and sixty-two feet (262').
- 16-B.3.4 AIRPORT - Means the Sioux County Regional Airport.
- 16-B.3.5 AIRPORT ELEVATION – One thousand four hundred thirteen feet (1,413.') above mean sea level.
- 16-B.3.6 AIRPORT OWNER – Means the Sioux County Regional Airport Agency.



- 16-B.3.7 **BUILDING RESTRICTION LINE (BRL)** - A line which identifies suitable building area locations on airports. The BRL should encompass the runway protection zones, the runway object free area, the runway visibility zones, NAVAID critical areas required for terminal instrument procedures, and areas addressed under 14 CFR Part 77 Subpart C (Airport Imaginary Surfaces) to a point where the surfaces obtain a height of at least 35 feet above the primary surface.
- 16-B.3.8 **HAZARD TO AIR NAVIGATION** - An object which, as a result of an aeronautical study, the FAA determines will have a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft, operation of air navigation facilities, or existing or potential airport capacity.
- 16-B.3.9 **HEIGHT** - For the purpose of determining the height limits in all zones set forth in this Article, and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
- 16-B.3.10 **LARGE AIRPLANE** - An airplane of more than 12,500 pounds maximum certified takeoff weight.
- 16-B.3.11 **LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.
- 16-B.3.12 **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this Article or an amendment thereto.
- 16-B.3.13 **NONPRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure providing course guidance without vertical path guidance utilizing VOR, NDB, LDA, GPS, or other authorized RNAV system, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- 16-B.3.14 **NONPRECISION INSTRUMENT RUNWAY HAVING APPROACH PROCEDURE WITH VERTICAL GUIDANCE** - A runway having an existing instrument approach procedure providing course and vertical path guidance that does not conform to Instrument Landing System (ILS) or Microwave Landing System (MLS) system performance standards, or a precision system that does not meet TERPS alignment criteria, utilizing WAAS and authorized barometric VNAV, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- 16-B.3.15 **NOTICE TO THE FAA OF PROPOSED CONSTRUCTION** - 14 CFR Part 77, Objects Affecting Navigable Airspace, requires persons proposing any construction or alteration described in 14 CFR Section 77.13 (A) to give 30 day notice to the FAA of their intent. This includes any construction or alteration of structures more than two hundred feet (200') in height above the ground level or at a height that penetrates defined imaginary surfaces located in the vicinity of a public use airport as well as construction or alteration of greater height than an imaginary surface extending outward and upward at 100 to 1 foot for a horizontal distance of 20,000 feet from the nearest point of the nearest runway.
- 16-B.3.16 **OBSTRUCTION TO AIR NAVIGATION** - An object of greater height than any of the heights or services presented in Subpart C of Code of Federal Regulation (14 CFR), Part 77.

(Obstructions to air navigation are presumed to be hazards to air navigation until an FAA study has determined otherwise).

- 16-B.3.17 PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- 16-B.3.18 PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure providing course and vertical path guidance conforming to Instrument Landing System (ILS) or Microwave Landing System (MLS), precision system performance standards, utilizing ILS, LAAS, WAAS, MLS, and other precision systems. It also means a runway for which a precision approach system has been approved or planned.
- 16-B.3.19 RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- 16-B.3.20 SMALL AIRPLANE - An airplane of 12,500 pounds or less maximum certified takeoff weight.
- 16-B.3.21 STRUCTURE - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- 16-B.3.22 TREE - Any object of natural growth.
- 16-B.3.23 VISUAL RUNWAY - A runway without an existing or planned straight-in instrument approach procedure.

#### SECTION 16-B.4. AIRPORT ZONES.

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Sioux County Regional Airport. Such zones are shown on the Sioux County Regional Airport Zoning Map, prepared by the Sioux County Regional Airport Agency, and is made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive standard. The various zones are hereby established and defined as follows:

1. APPROACH SURFACE ZONE – A surface longitudinally centered in the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in [Section 16-B.5](#) of this Article. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
2. INNER APPROACH SURFACE - The inner portion of the approach surface is extending out from the runway end to where the Part 77 Subpart C approach surface reaches a one hundred foot (100') height above the ground elevation.
3. RUNWAY WITH A PRECISION INSTRUMENT APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the **Runway 36**.

4. RUNWAY PROTECTION ZONE (RPZ) - An area off the runway end to enhance the protection of people and property on the ground. (See [Section 16-B.6](#) Use Restrictions)
5. RUNWAY VISUAL APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface.
6. RUNWAY WITH A VISIBILITY MINIMUM OF ONE (1) MILE NONPRECISION INSTRUMENT APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline **of Runways 9 and 27.**
7. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN  $\frac{3}{4}$  MILE NONPRECISION INSTRUMENT APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface.
8. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS  $\frac{3}{4}$  MILE NONPRECISION INSTRUMENT APPROACH ZONE - The inner edge of this approach zone coincides with the primary surface and is 1,000 feet wide. The approach zone extends out uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. It's centerline is the continuation of the centerline of **Runway 18.**
9. TRANSITIONAL ZONES - The transitional zones are the areas beneath the transitional surfaces.
10. HORIZONTAL ZONE - The horizontal zone is established by swinging arcs of 10,000 feet (Runways 18 and 36) radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
11. CONICAL ZONE - The conical zone is a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
12. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in [Section 16-B.4](#) of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

#### SECTION 16-B.5. AIRPORT ZONE HEIGHT LIMITATIONS.

Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. RUNWAY WITH A VISIBILITY MINIMUM OF ONE (1) MILE NONPRECISION INSTRUMENT APPROACH ZONE - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended centerlines for Runways 9 and 27.
2. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN  $\frac{3}{4}$  MILE NONPRECISION INSTRUMENT APPROACH ZONE - Slopes thirty-four (34) feet outward for each foot

upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline.

3. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS  $\frac{3}{4}$  MILE NONPRECISION INSTRUMENT APPROACH ZONE – Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline for **Runway 18**.
4. RUNWAY WITH A PRECISION INSTRUMENT APPROACH ZONE - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet, then slopes forty (40) feet outward for each foot upward extending to a horizontal distance of 40,000 feet along the extended centerlines for **Runway 36**.
5. TRANSITIONAL ZONES - Slope seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1340.7 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7 feet) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
6. HORIZONTAL ZONE - Established at 150 feet above the airport elevation or at a height of 1,563 feet above mean sea level.
7. CONICAL ZONE - Slopes twenty feet (20 feet) outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

#### SECTION 16-B.6. USE RESTRICTIONS.

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

1. RUNWAY PROTECTION ZONE - Runway protection zone is a trapezoidal area “off the end of the runway threshold established to enhance the protection of people and property on the ground” in the event an aircraft lands or crashes beyond the runway end. Runway Protection Zones underlie a portion of the approach closest to the airport.

Compatible land use within the RPZ is generally restricted to such land uses as agricultural and uses that do not involve congregations of people or construction of buildings or other improvements that may be obstructions. The following land use criteria apply within the RPZ:

- A. While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are outside the Runway OFA, and do not interfere with navigational aids. Agricultural operations (other than forestry or livestock farms) are expressly permitted under this provision. Golf courses (but not club houses), although discouraged, may be permitted if a wildlife hazard assessment determines that it will not

provide an environment attractive to birds. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the object free area extension.

- B. (Land uses prohibited from the RPZ are: residences and places of public assembly. Churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typify places of public assembly.
- 2. BUILDING RESTRICTION LINE - No structures, other than those approved by the Federal Aviation Administration and the Sioux County Regional Airport Agency and Sioux County which conform to the underlying zoning designation, shall be constructed within the Building Restriction Line (BRL).
  - 3. EXEMPTION FOR AIRPORT OPERATIONS - Use restrictions shall not apply to necessary and incidental airport operations.
  - 4. Regardless of any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to do any of the following:
    - A. Create electrical interference with navigational signals or radio communication between the airport and aircraft,
    - B. Imitate airport lights,
    - C. Result in glare in the eyes of pilots using the airport,
    - D. Impair visibility in the vicinity of the airport,
    - E. Create bird strike hazards, or
    - F. Otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

#### SECTION 16-B.7. NONCONFORMING USES.

- 1. REGULATIONS NOT RETROACTIVE. The regulations prescribed in this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article and is diligently prosecuted.
- 2. MARKING AND LIGHTING. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Manager of the Sioux County Regional Airport to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Sioux County Regional Airport. Any permit granted may be conditioned to require the owner of the structure in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary.
- 3. ALTERATION OR CHANGE OF NONCONFORMING USE. No permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made.

4. **NONCONFORMING USES ABANDONED OR DESTROYED.** Whenever the Administrative Agency or its designee determines that a nonconforming structure is abandoned for one (1) year or destroyed, by any means, to the extent of more than sixty (60) percent of the replacement cost, said structure shall not be rebuilt, restored, or re-occupied for any purpose unless it shall thereafter conform to all regulations of this Article.

#### SECTION 16-B.8. VARIANCES.

1. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Article, may apply to the Sioux County Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no application for variance to the requirements of this Article may be considered by the Sioux County Board of Adjustment unless a copy of the application has been furnished to the Sioux County Regional Airport Agency for advice as to the aeronautical effects of the variance. If the Sioux County Regional Airport Agency does not respond to the application within ninety (90) days after receipt, the Sioux County Board of Adjustment may act on its own to grant or deny said application.

In addition, all applications for height variance within the airport zones shall be accompanied by Federal Aviation Administration Form 7460-1, which has been completed by the applicant and processed by the FAA regional office.

2. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Sioux County Board of Adjustment, this condition may be modified to require the owner to permit the Sioux County Regional Airport Agency at its own expense, to install, operate, and maintain the necessary markings and lights.

#### SECTION 16-B.9. CONFLICTING REGULATIONS.

Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

#### SECTION 16-B.10. PERMITS.

1. **EXISTING USES** - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Article or any amendment thereto or than it is when the application for a permit is made.

2. FUTURE USES - Except as specifically provided in A, B, and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit or variance therefore shall have been applied for and granted. Each application for a permit or variance shall indicate the purpose for which the permit or variance is desired, with sufficient particularity to permit or variance to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit or variance shall be granted. No permit or variance for a use inconsistent with the provisions of this Article shall be granted unless a variance or permit has been approved in accordance with [Section 16-B.8](#) of this Article and [Article XVI Section 26.5](#) of this Ordinance.
  - A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than one hundred feet (100 feet) of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - B. In areas lying within the limits of the approach zones, but beyond the inner approach surface, no permit shall be required for any tree or structure less than one hundred feet (100 feet) of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - C. In the areas lying within the limits of the transition zones beyond the Building Restriction Line, no permit shall be required for any tree or structure less than one hundred feet (100 feet) of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
  - D. Any conditions that the Federal Aviation Administration attaches to the approval recommendation shall be adopted and administered by the Sioux County Regional Airport Agency.

Nothing contained in any of the foregoing exceptions shall be construed as permitting, or intending to permit, any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article except as set forth in [Section 16-B.5](#).

#### SECTION 16-B.11. ADMINISTRATIVE AGENCY.

It shall be the duty of the Sioux County Planning and Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Sioux County Planning and Zoning Administration upon a furnished form. Required applications shall be considered and granted or denied under standard policy and practices of the Planning and Zoning Department.

#### SECTION 16-B.12. BOARD OF ADJUSTMENT.

1. There is hereby created an Airport Board of Adjustment to have and exercise the following powers when dealing in matters related to the Sioux County Regional Airport:
  - A. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the enforcement of this Article;
  - B. To hear and decide Conditional Uses under the terms of this Ordinance when such action may impact the Sioux County Regional Airport and surrounding fly zones;

- C. To hear and decide specific variances under the terms this Article and following procedures as outlined in [Article XVI, Section 26.5](#) of this Ordinance.
2. The Airport Board of Adjustment shall consist of the regular members of the Sioux County Zoning Board of Adjustment, along with two additional members appointed by the Sioux County Board of Supervisors as provided in Section 329.12 of the Iowa Code. The two additional members shall
  - A. Be one each, representative of Orange City and its surrounding area, and Sioux Center and its surrounding area and,
  - B. Be experienced in matters of aviation with a license in good standing with the FAA and,
  - C. Be appointed to staggered terms of five(5) years and,
  - D. Be removable by resignation, term expiration, or by the appointing Agency for cause, upon written charges, after a public hearing.
3. Meetings of the Airport Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Airport Board of Adjustment shall be public. The Airport Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such act, and shall keep records of its examinations and other official actions, all of which shall immediately be filed with the Sioux County Regional Airport Agency.
4. The Airport Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
5. The concurring vote of a majority of the members of the Airport Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Administrative Agency or decide in favor of the applicant on any matter upon which is required to pass under this Article, or to effect variation to this Article and/or Ordinance.

#### SECTION 16-B.13. APPEALS.

1. Any person aggrieved, or any taxpayer affected, by any decision of the Administrative Agency made in the administration of this Article, may appeal to the Sioux County Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Sioux County Board of Adjustment, by filing with the Administrative Agency a Notice of Appeal specifying the grounds thereof. The Administrative Agency shall forthwith transmit to the Sioux County Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Agency certifies to the Sioux County Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Administrative Agency cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Sioux County Board of Adjustment on notice to the Administrative Agency and on due cause shown.



4. The Sioux County Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Sioux County Board of Adjustment may, in conformity with the provisions of this Article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

#### SECTION 16-B.14. JUDICIAL REVIEW.

Any person aggrieved, or any taxpayer affected, by any decision of the Sioux County Board of Adjustment, may appeal to the District Court of Iowa as provided in Chapters 329 and 335 of the Iowa Code.

#### SECTION 16-B.15. PENALTIES.

Each violation of this Article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable in accordance with [Article XXIV: VIOLATION AND PENALTY](#) of this Ordinance. Seeking a civil penalty does not preclude the Sioux County Regional Airport Agency from seeking alternative relief including an order for abatement or injunctive relief in the same or separate action.

#### SECTION 16-B.16. CONFLICTING REGULATIONS.

Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### SECTION 16-B.17. SEVERABILITY.

If any of the provisions of this Article or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Article which can be given effect without the invalid provision or application, and to this end, the provisions of this Article are declared to be severable.

## ARTICLE XVII

### ADDITIONAL USE REGULATIONS

#### Article 17: Additional Use Regulations

- Section 17.1. Intent
- Section 17.2. Accessory Buildings
- Section 17.3. Temporary Uses
- Section 17.4. Home Occupations and Off Premises Businesses
- Section 17.5. Adult Entertainment Regulations
- Section 17.6. Recreational Vehicles
- Section 17.7. Minimum Requirements for Residential Structures
- Section 17.8. Property Performance Standards

#### SECTION 17.1. INTENT.

These provisions apply to additional use regulations in addition to those guidelines set forth in the zoning district regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

#### SECTION 17.2. ACCESSORY BUILDINGS.

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses. Principal uses specified as permitted uses or conditional uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and customarily associated with and are subordinate to such principal or conditional uses. Accessory buildings and uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations.

Accessory buildings and uses customarily incidental to that of the principal building may be erected or established as permitted, provided they comply with the following limitations:

1. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building.
2. Accessory buildings shall not be erected in any front yard.
3. Accessory buildings located in the AG, EC, RM, C, RC, LI and HI zoning districts may be allowed as the only principal structure on a separate lot so long as the property the accessory building is situated on is located no more than three hundred (300) feet from the lot of the principal structure it is associated with.
4. Site development regulations for detached accessory buildings in residential districts are:
  - A. Accessory buildings in residential districts shall be limited to a maximum of three (3) total buildings, including a garage, of which all total accessory buildings in any required yard area shall not occupy more than thirty percent (30%) of the rear yard. However, this regulation shall not prohibit the construction of at least one(1) garage not to exceed eight hundred (800) square

- feet gross building area and at least one (1) accessory storage building not to exceed one hundred twenty (120) square feet gross building area.
- B. No detached accessory building in any residential district shall be erected within twelve (12) feet of any main (principal) building or any property line.
  - C. No detached accessory building shall be erected within any easements.
  - D. No detached accessory building on a corner lot may be placed in any rear or side yard nearer to a public street right-of-way than the principal building on the same lot.
  - E. If a garage door directly faces an alley, there must be a twenty (20) feet minimum setback.
- 5. Detached accessory buildings shall not exceed a height of thirty-five (35) feet.
  - 6. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.
  - 7. No accessory building shall be used for dwelling purposes.
  - 8. An open unenclosed porch or deck may not encroach or project into a front yard, except as permitted in [Section 16.4.7](#).
  - 9. For the purposes of this Ordinance, a gasoline dispensing pump shall not be classified as an accessory structure.

#### SECTION 17.3. TEMPORARY USES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of these Zoning Regulations and when compatible with other nearby uses.

##### 1. Temporary Use Types:

The following types of temporary use may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator:

- A. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.
- B. Religious, patriotic, or historic assemblies, displays, or exhibits
- C. Circuses, carnivals, fairs, or similar transient amusement or recreational activities
- D. Christmas tree sale lots, exclusive of tree farms
- E. Outdoor special sales, including arts and crafts shows, swap meets, flea markets, parking lot sales, or similar activities, limited to locations in all residential, commercial or industrial districts, and when operated more than 3 days in the same week or more than 6 days in the same month
- F. Temporary signs relating to temporary uses

- G. Temporary use of trailer units or similar portable structures for nonresidential uses, of which are limited to a maximum time period of six (6) months per calendar year
  - H. Additional similar uses determined to be temporary by the Zoning Administrator
2. Determination:
- The Zoning Administrator may authorize a temporary use only when the following determination can be made:
- A. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site
  - B. The temporary use will be compatible with nearby uses in the general vicinity
  - C. The temporary use will not impact public health, safety, or convenience, or create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity
  - D. The Zoning Administrator may establish additional conditions as deemed necessary to ensure compatibility and to minimize negative impacts on nearby uses, including but not limited to time and frequency of operation, arrangements for parking and traffic circulation, screening requirements, or guarantees for site restoration and cleanup following temporary use.
3. Application and Authorization:
- A. Application to conduct a temporary use shall be made to the Zoning Administrator, and shall include a description of such use and any additional information as requested by the Zoning Administrator to evaluate the use and make the determination.
  - B. Application shall be made at least twenty (20) days prior to the requested date for commencement of the temporary use.
  - C. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

#### SECTION 17.4. HOME OCCUPATIONS AND OFF PREMISES BUSINESSES.

##### 1. Residential Home Occupations

The Board of Adjustment may grant special exemptions for the type of allowed use, the use of additional buildings, and employment of individuals not living in the residence, or signs that are larger than allowed, provided the proposed conditional use will not create a nuisance for surrounding residents.

Permits for home occupations issued as an accessory to residential uses shall be renewed every three (3) years and conducted in accordance with the following limitations:

- A. The use must be conducted as a secondary use and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The home occupation shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within a garage or accessory building (not to include a carport, driveway, yard or outside area).
- B. Only one (1) unrelated person living outside the residence, and family members, may be employed in the home occupation.
- C. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.

- D. No equipment or materials associated with home occupations located in residential districts shall be displayed or stored where visible from off the premises.
  - E. May have no more than one (1) flush-mounted non-illuminated wall sign not exceeding six (6) square feet, and one (1) non-illuminated yard sign not exceeding twelve (12) square feet and six feet (6') in height.
  - F. No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care services.
  - G. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run off outside the dwelling unit or on the property surrounding the dwelling unit.
  - H. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the use is primarily intended.
  - I. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk yards, restaurants, rental outlets, or massage parlors.
  - J. Daycare operations, for home occupation, shall be permitted according to state regulations.
2. Agricultural Home Occupations are uses which typically carry on a commercial type use on the premises of a farm or farmstead.

The Board of Adjustment may grant conditional use permits for the type of allowed use, the use of additional buildings and employment of individuals, provided the proposed conditional use will not create a nuisance for surrounding properties or residents.

Permits for home occupations issued as an accessory to agricultural residential use shall be renewed every three (3) years and conducted in accordance with the following limitations:

- A. The use must be conducted as a secondary or accessory use to the property. The agricultural home occupation may be conducted within the principal dwelling, an accessory building or a designated business building, as long as the occupation is located on the same premises as the principal use.
- B. Up to three (3) unrelated persons living outside the residence and family members may be employed in the agricultural home occupation.
- C. Incidental equipment or materials associated with home occupation may be displayed or stored where visible from off the premises. However, the agricultural home occupation shall not use the principal use property as a sales lot or display area for home occupation products such as automobiles, recreational vehicles or farm machinery and equipment.
- D. May have no more than one (1) flush-mounted non-illuminated wall sign not exceeding twelve (12) square feet, and one (1) non-illuminated yard sign not exceeding twenty (20) square feet and ten (10) feet in height.
- E. The agricultural home occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run off outside of property of the principal use or elsewhere that would be a nuisance to neighboring properties.

- F. The following uses shall not be allowed as agricultural home occupations: animal hospitals, clinics, hospitals, junk or salvage yards, restaurants, or massage parlors.
  - G. Daycare operations, for home occupation, shall be permitted according to state regulations.
3. Off-Premises Businesses are uses that typically carry on a commercial type use off premises, with only equipment being stored on the premises, for example: construction, excavation, plumbing & electrical, and similar enterprises that are not typically conducted on the premises. Permits for off-premises businesses shall be issued and renewed every three (3) years, when conducted in accordance with the following limitations:
- A. Equipment or materials associated with the off premises business may be displayed or stored where visible from off the premises, in a neat and orderly fashion. However, the off premises business shall not use the principle use property as a sales lot or display area for products such as automobiles, recreational vehicles or farm machinery and equipment, and
  - B. May have no more than one (1) flush-mounted non-illuminated wall sign not exceeding twelve (12) square feet, and one ((1) non-illuminated yard sign not exceeding twenty (20) square feet and ten (10) feet in height, and
  - C. The storage of equipment related to the business shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste run-off outside of property of the principal use or elsewhere that would be a nuisance to neighboring properties, and
  - D. Shall be permitted only when the business is conducted in accordance with state and federal regulations.

#### SECTION 17.5. ADULT ENTERTAINMENT REGULATIONS.

1. Purpose:

Sioux County, Iowa finds that

- A. Adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Sioux County;
- B. Adult entertainment establishments, because of their very nature, have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them;
- C. The concern over sexually-transmitted diseases is a legitimate health concern of the county that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of Sioux County;
- D. Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent area;
- E. Sioux County wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding area and deter the spread of blight;

- F. It is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments as well as the health problems associated with such establishments.

2. Definitions Related to Adult-Oriented Establishments:

- A. **ADULT BOOKSTORE:** An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
- B. **ADULT ENTERTAINMENT:** Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
- C. **ADULT MOTION PICTURE THEATER:** An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.
- D. **ADULT-ORIENTED ESTABLISHMENT:** Any premises including, without limitation, "adult bookstores", "adult entertainment" or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, where such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, or any other term of like import.
- E. **OPERATORS:** Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
- F. **SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered female genitals, buttocks, and female breasts below the areola; or less than completely or opaquely covered male genitalia.
- G. **SPECIFIED SEXUAL ACTIVITIES:**
  - Simulated or actual acts of
    - i. Showing of specified anatomical areas in a state of sexual stimulation or arousal
    - ii. Actual or simulated acts of sexual intercourse, sodomy, or sado-masochism
    - iii. Fondling or erotic touching of specified anatomical areas

3. Locational Requirements and Restrictions:

An adult entertainment establishment shall be permitted within Sioux County only in the Light Industrial Zoning District upon receipt of a site plan in accordance with [Article XVIII](#) and conditional use permit in accordance with the procedures set forth in [Articles XXVI](#) and [XXVII](#), and only if it meets all of the location requirements set forth below.

Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

- A. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
- B. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
- C. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of Kindergarten and Twelfth grade.
- D. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public park or playground.
- E. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.
- F. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.
- G. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises.

4. Development Design Standards:

It shall be unlawful for an owner of an adult entertainment establishment to allow merchandise or activities of the establishment to be visible from a point outside the establishment. Furthermore, adult entertainment establishments shall not allow the exterior portion to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. Finally, exterior portions of such establishments shall only be painted a single color.

In addition to the sign regulations identified elsewhere in this Ordinance, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

5. Responsibilities of the Operator:

Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

6. Minors:



It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult-oriented establishment at any time that the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours. It shall be presumed that an operator knew a person was under the age of eighteen (18) unless such operator or employees asked for and were furnished a valid driver's license issued by a state reflecting that person's age.

#### SECTION 17.6. RECREATIONAL VEHICLES.

1. Recreational vehicles may be parked for seasonal use (short term use or less than thirty (30) consecutive days) on a driveway within a front yard, but not upon the right-of-way, in residential districts provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles, including campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles not intended for permanent occupancy, may be parked or stored (long term use) within the side yard, rear yard or within an enclosed garage.
2. Recreational vehicles parked or stored on a premises or any lot shall not be used for permanent human occupancy in any district, and shall only allow human habitation for not more than thirty (30) consecutive days in a calendar year.
3. Recreational vehicles shall not be used for business purposes.

#### SECTION 17.7. MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES

All structures intended for residential occupancy placed, erected, assembled or constructed in Sioux County after the effective date of this Ordinance shall meet and comply with the following minimum requirements:

1. **Structure Size:** Each such structure shall have a main body with a minimum exterior dimension of at least twenty-two feet (22') measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets the minimum requirements.
2. **Minimum Floor Area:** A minimum floor area of not less than eight hundred (800) square feet.
3. **Foundation:** All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured or mobile home if a perimeter foundation is incompatible with the structural design of the manufactured or mobile home structure. For such manufactured or mobile home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.
4. **Exterior Wall and Roof Material:**
  - A. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding, lap siding, log siding, wood shingles, or another approved material of similar appearance.

- B. Roofing material shall be shingles (asphalt, fiberglass, steel or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as “standing seam” or embossed or textured metal.
  - C. Smooth, unfinished or corrugated sheet metal or sheet fiberglass shall not be used for exterior wall or roof covering of residences.
  - D. Soffits and/or eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.
  - E. All dwelling units shall have a minimum roof pitch of 3:12, unless otherwise provided by the Board of Adjustment. This requirement shall not apply to mobile home housing if the structure complies with 42 U.S.C., Section 5403.
5. Wheels, Axles or Towing Device: No residential structure shall have attached wheels, axles, or a towing device.
6. Exemption: The provisions of this Article shall not apply to “mobile” or “manufactured” homes placed in a mobile home park or a manufactured home subdivision in compliance with the remaining regulations in this Ordinance. These regulations do apply to mobile or manufactured homes converted to real estate and placed within any other zoning district beside mobile home residential.

#### SECTION 17.8. PROPERTY PERFORMANCE STANDARDS

**No land or building in any district shall be used in a manner as to create any dangerous, injurious, noxious or otherwise objectionable conditions or hazards, or the potential thereof, including fire, explosion, noise, vibration, smoke, dust, odor or other forms of air pollution, water pollution, heat cold, dampness, or wastes in such a manner as to adversely affect the surrounding area of adjoining premises.**

Subject to the foregoing, any use permitted by this Ordinance may be undertaken if it conforms to the following standards:

- 1. No electrical disturbance shall be tolerated which adversely affects any equipment other than that of the creator of such disturbance.
- 2. All activities involving the use and/or storage of any flammable or explosive materials shall be provided with adequate safety devices against fire and explosion, and adequate fire suppression equipment standard to the industry.
- 3. Every use shall be operated so that there are no excessive emissions of heat, glare, or radiation visible or discernible beyond the boundary of the property.
- 4. No liquid or solid wastes shall be disposed of into any public wastewater collection or treatment system, or into any natural or human made waterway, or into the ground, except in conformance with standards established by the County Health Department or the Iowa Department of Natural Resources.
- 5. Uses shall be operated so that ground vibration inherently or recurrently generated is not noticeable or detectible outside of the property on which the use is located.

## ARTICLE XVIII

### SITE PLANS

#### Article 18: Site Plans

- Section 18.1. Scale
- Section 18.2. Legal Information
- Section 18.3. Site Plan

Site plans are required for review and approval for construction of permitted or conditional uses and structures in any district. The number of copies required for an individual site plan shall be: one(1) for a compliance permit or agricultural exemption request; eighteen(18) for a conditional use or rezoning application; and seven (7) for a variance application or administrative appeal.

All site plans submitted shall comply with and illustrate the following:

#### SECTION 18.1. SCALE.

All site plans shall be drawn at a scale not smaller than 1" = 100'.

#### SECTION 18.2. LEGAL INFORMATION.

The site plan required shall include the following legal information:

1. Property owners name and legal description of property.
2. Applicant's name.
3. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owners' authority to appeal shall be certified in legal form.

#### SECTION 18.3. SITE PLAN.

The site plan shall clearly illustrate and enumerate the following information:

1. Property boundary lines, dimensions and total area
2. Contour lines at not more than five (5) feet intervals, if requested by the Zoning Administrator
3. The availability and location of existing utilities, if requested by the Zoning Administrator
4. The proposed location, size, shape and type of all buildings or structures
5. The total square feet of building floor area, both individually and collectively
6. The number of dwelling units, bedrooms, offices, etc.
7. Number of parking spaces proposed and types of surfacing to be used
8. Walkways, driveways, lighting, fences, signs, monuments and other features to be used
9. Location and type of landscaping to be used for screening purposes only
10. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation as well as plan with proposed height and structural material to be used indicated
11. Architectural designs or themes, and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes
12. Other pertinent information as may be requested by the Zoning Administrator

## **ARTICLE XIX**

### **OFF STREET PARKING AND LOADING SPACE**

#### Article 19: Off Street Parking and Loading Space

- |               |   |
|---------------|---|
| Section 19.1. | Intent  |
| Section 19.2. | General Parking Area and Surface Requirements |
| Section 19.3  | Off Street Parking Requirements               |
| Section 19.4. | Computation of Parking Spaces                 |
| Section 19.5. | Location and Type of Parking                  |
| Section 19.6. | Off Street Loading Requirements               |

#### SECTION 19.1. INTENT.

It is the intent of this Article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic.

Therefore, after the effective date of this Ordinance, in all districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this Article are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicated within the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this Ordinance.

#### SECTION 19.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

All off-street parking areas as required in this section shall comply with the following minimum area and surface requirements:

1. All buildings and structures erected and all uses of land in all districts established after the effective date of this Ordinance shall provide accessory parking and loading facilities as required under this section, unless a building permit has been issued and construction is begun at least six (6) months prior to the effected date of this Ordinance.
2. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
3. A "parking space" shall be not less than nine feet (9') in width and twenty feet (20') in length.
4. Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete or equivalent hard surface including gravel or rock.
5. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section.
6. All yard area except the front yard for residential uses may be used for off-street parking; however, parking may be permitted in residential front yards only on a surfaced driveway.

7. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
8. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this Ordinance and subject to the penalty listed in Article XXIV.

### SECTION 19.3. OFF STREET PARKING REQUIREMENTS.

At the time of construction, alteration, or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

- |     |   |   |
|-----|---|---|
| 1.  | Single Family Residential .....                                     | 2 spaces  |
| 2.  | 2. Multiple Family Residential .....                                | 1.5 spaces per dwelling unit  |
| 3.  | 3. Mobile Home Residential .....                                    | 2 spaces per mobile home  |
| 4.  | Lodging Facilities.....<br>(e.g. hotel, motel, bed & breakfast inn) | 1 space per sleeping room, plus<br>1 space for each two (2) employees   |
| 5.  | Healthcare Facilities .....   | 1 space for each four (4) hospital beds, e.g.<br>hospitals, nursing home, plus 1 space for<br>each two (2) assisted living, rest homes,<br>etc. employees |
| 6.  | Public Assembly .....   | 1 space for each six (6) seats of seating<br>(e.g. churches, auditoriums, stadiums, etc.) capacity provided   |
| 7.  | Dance hall, Community Hall, Assembly Hall.....                      | 1 space for each 300 sq. ft. of gross floor<br>area   |
| 8.  | General Retail Sales/Offices .....                                  | 1 space per 300 feet of gross floor area  |
| 9.  | Restaurants.....  | 1 space for each four (4) seats, plus 1<br>space for each two (2) employees   |
| 10. | Lounges/Bars/Taverns .....  | 1 space for each two(2) seats   |
| 11. | Primary Educational Facility .....                                  | 1 space per regular employee or 1 space<br>for every eight (8) seats in the largest<br>facility for public assembly, whichever is<br>greater              |
| 12. | Secondary Education/College Facilities .....                        | 1 space per regular employee or 1 space<br>for every eight (8) seats in the largest<br>facility for public assembly, whichever is<br>greater              |
| 13. | Manufacturing/Wholesale/Warehousing .....                           | 1 space for every three (3) employees on<br>the largest shift   |

14. Industry/Biotechnical/Research ..... 1 space for every two (2) employees on the largest shift
15. All Other Uses ..... All other buildings having a gross floor area of more than two thousand (2,000) sq. ft. shall provide one off-street parking space for each one thousand (1,000) sq. ft. of floor space

#### SECTION 19.4. COMPUTATION OF PARKING SPACES.

In the case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply as determined by the Zoning Administrator.

1. Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.
2. Whenever a building or use constructed or established after the effective date of this Ordinance is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
3. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

#### SECTION 19.5. LOCATION AND TYPE OF PARKING.

All off-street parking spaces required herein shall be located on the same lot of the building or use served, except that where an increase in the number of spaces is required due to a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than 300 feet from the principal use lot being served.

1. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the zoning permit application.
2. All required off-street parking areas of more than five (5) spaces must have a durable surface which has been approved by the Zoning Administrator. They shall be graded and drained to dispose of all surface water accumulation within the lot, and shall be arranged to provide for orderly and safe loading or unloading.
3. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.

4. In case commercial or other non-residential parking lots adjoin a residential district, it shall be at least five feet from the property line and effectively screened by the use of a fence, hedge, or other similar methods.
5. Parking in any district is not permitted on right-of-ways.

#### SECTION 19.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of every building in excess of ten thousand (10,000) square feet hereafter erected, every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar commercial or industrial building having secondary access from an alley, side street or otherwise shall have a minimum of one (1) permanently maintained loading space for those buildings which, defined by their use, require the receipt or distribution of goods or merchandise.

1. Each loading space shall be no less than twelve feet (12') in width and forty feet (40') in length.
2. No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on any street or other public right-of-way.
3. Such space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.

## ARTICLE XX

### SIGN REGULATIONS

#### Article 20: Sign Regulations

Section 20.1.	Intent
Section 20.2.	Definitions
Section 20.3.	Requirements
Section 20.4.	Conditionals
Section 20.5.	Additional Regulations
Section 20.6.	Off-Premise Signs and Billboard Regulations
Section 20.7.	General Sign Provisions
Section 20.8.	Permits Required
Section 20.9.	Unsafe and Unlawful Signs
Section 20.10.	Exemptions
Section 20.11.	Removal of Signs

#### SECTION 20.1. INTENT.

This Article is established to protect the health, safety, general welfare and order within Sioux County through the establishment of comprehensive and uniform sign standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual communications media. Sign regulations are intended to encourage opportunity for effective, aesthetically compatible, and orderly communication by reducing confusion and hazards resulting from unnecessary or indiscriminate use of signs. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this Article.

#### SECTION 20.2. DEFINITIONS.

For use in this Article, the following terms are defined:

- 21.2.1 AWNING: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building when not in use.
- 20.2.2 BILLBOARD: Any sign, structure or portion of a building used for the display of advertising of a business or attraction which is located or operated off-premises from where the billboard is located. This also includes painted exterior walls with pictures, words, or logos.
- 20.2.3 ERECT: To build, construct, attach, hang, suspend or affix, and shall also include the painting of, wall signs.
- 20.2.4 FACING (or SURFACE): The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- 20.2.5 INCOMBUSTIBLE MATERIAL: Any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit during an exposure of five minutes and which will not continue to burn or glow at that temperature. Tests shall be made as specified in the Uniform Building Code Standards.



- 20.2.6 PERSON: Any one being, firm, partnership, association, corporation, company or organization of any kind.
- 20.2.7 SIGN: The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.
- A. ABANDONED SIGN: A sign which no longer correctly directs any person, advertises a business, lessor, owner, product, or activity.
  - B. ADDRESS SIGN: A sign communicating street address only, whether written or in numerical form.
  - C. AWNING SIGN: A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or other images which portray the business or other advertising of the establishment in which it is attached to. Awning signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this chapter. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the awning sign.
  - D. CAMPAIGN SIGN: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
  - E. CONSTRUCTION SIGN: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
  - F. DIRECTIONAL SIGN: A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
  - G. FLASHING SIGN: Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.
  - H. FREE STANDING SIGN: Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section
  - I. GOVERNMENTAL SIGN: A sign which is erected by a governmental unit.
  - J. ILLUMINATED SIGN: Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
  - K. INFORMATION SIGN: Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.
  - L. JOINT IDENTIFICATION SIGN: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
  - M. NON-CONFORMING SIGN: A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto but which does not conform to the regulation of this Ordinance.

- N. POLE SIGN: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
  - O. PORTABLE SIGN: Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.
  - P. PROJECTING SIGN: A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure.
  - Q. REAL ESTATE SIGN: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
  - R. ROOF SIGN: A sign erected upon or above a roof or parapet of a building or structure.
  - S. SWINGING SIGN: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
  - T. TRAILER SIGN: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
  - U. WALL SIGN: All flat signs of solid face construction placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached. Wall signs are also known as "flush mounted signs".
- 20.2.8 SIGN AREA: That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
- 20.2.9 SIGN STRUCTURE: The supports, uprights, bracing and framework for a sign including the sign area.
- 20.2.10 STREET LINE (or PROPERTY LINE): The place where the street right of way line begins and the private property line ends.
- 20.2.11 STRUCTURAL TRIM: The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.
- 20.2.12 TEMPORARY SIGN: Any sign which is erected or displayed for a specified period of time.

### SECTION 20.3. REQUIREMENTS.

Signs and billboards in conjunction with principal permitted non-agricultural uses are allowed subject to the following regulations:

1. All Residential (RR, RS, RM, & MH) and Environmental Conservation Districts:
  - A. Home occupation signs are allowed subject to the requirements in Article XVI, Section 4.5.
  - B. Signs, for non-residential businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of six (6) feet from the ground to the top of the sign. One (1) additional wall mounted sign not to exceed six (6) square feet is also permitted for non-residential businesses.

- C. Prohibited signs: Flashing sign
- D. Permitted signs:
- |                     |                              |                                 |
|---------------------|------------------------------|---------------------------------|
| 1. Address sign     | 5. Directional sign          | 9. Portable (or temporary) sign |
| 2. Real Estate sign | 6. Joint Identification sign | 10. Informational sign          |
| 3. Government sign  | 7. Wall sign                 |                                 |
| 4. Campaign sign    | 8. Pole sign                 |                                 |
2. Commercial and Rural Commercial Districts:
- A. All signs shall be limited to
- Identifying uses conducted within the building
  - Identifying the commercial enterprise by name or symbol
  - Necessary for directional purposes
  - Used to advertise the sale or lease of real property on buildings on which displayed
- B. The total aggregate area of all signs shall not exceed four hundred (400) square feet and freestanding or pole signs shall not exceed a maximum of 200 square feet or a height of twenty five (25) feet.
- C. For the purposes of this section, the sign area allowed by Section B above shall:
- (i) For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
  - (ii) For signs other than freestanding letters, be computed by taking the total area of the facing or the area within the outer edge of any existing border of the sign.
- D. All signs shall be fixed and shall not be audible. No intermittent flashing-type signs are permitted and no sign or illumination shall be revolving or animated. No signs shall have moving parts including devices set in motion by movement of air.
- E. Only one permanent type sign identified in subsection a. above will be allowed for each principal use, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street frontage; (See Section 20.6.10)
- F. Permitted signs:
- |                     |                              |                                     |
|---------------------|------------------------------|-------------------------------------|
| 1. Real Estate sign | 6. Informational sign        | 11. Portable (or temporary) sign    |
| 2. Government sign  | 7. Illuminated sign          | 12. Projecting sign (not in R.O.W.) |
| 3. Address sign     | 8. Joint Identification sign | 13. Swinging sign (not in R.O.W.)   |
| 4. Campaign sign    | 9. Wall sign                 | 14. Awning sign                     |
| 5. Directional sign | 10. Pole sign                |                                     |
3. Light Industrial (LI), Heavy Industrial (HI) and Agricultural (A) Districts.
- A. Signs shall be limited to those identifying uses conducted on the property.
- B. The total aggregate area of all freestanding signs shall not exceed three hundred (300) square feet, or a height of twenty five (25) feet.
- C. For the purposes of this section, the sign area allowed by Section 2.b. above shall:
- For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.

- ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the area within the outer edge of any existing border of the sign.
- D. All signs shall be fixed and shall not be audible. No intermittent flashing-type signs are permitted and no sign or illumination shall be revolving or animated. No signs shall have moving parts including devices set in motion by movement of air.
- E. Only two (2) permanent type signs will be permitted, except for corner lots or double frontage lots in which case one (1) additional permanent sign shall be permitted per each additional street frontage; (See Section 20.6.10). One (1) sign may be placed on the principal use structure, and one (1) sign may be placed on an independent structure located not more than 150 feet from the principal use building, not containing more than 150 square feet. The independent sign shall not be less than fifteen (15) nor more than twenty-five (25) feet in height as not to restrict sight distance.
- F. Billboard type signs will be limited to 150 square feet, and must not impair sight distance or create a traffic hazard.
- G. Permitted signs:
  - 1. Real Estate sign
  - 2. Government sign
  - 3. Address sign
  - 4. Campaign sign
  - 5. Directional sign
  - 6. Roof sign
  - 7. Informational sign
  - 8. Illuminated sign
  - 9. Joint Identification sign
  - 10. Wall sign
  - 11. Pole sign
  - 12. Freestanding sign
  - 13. Portable (or temporary) sign
  - 14. Projecting sign (not in R.O.W.)
  - 15. Swinging sign (not in R.O.W.)
  - 16. Awning sign

#### SECTION 20.4. CONDITIONAL USES.

In all districts, for uses permitted as conditional uses, signs will be allowed only through approval from the Board of Adjustment. Additionally, any sign type may be granted conditional use status after review by the Board of Adjustment subject to any conditions deemed by the board to be appropriate.

#### SECTION 20.5. ADDITIONAL REGULATIONS.

In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.

#### SECTION 20.6. OFF-PREMISE SIGNS AND BILLBOARD REGULATIONS.

- 1. All off-premise signs and billboards are permitted provided they:
  - A. Are not within one hundred fifty (150) feet of a highway or interstate intersection, residence, cemetery, public or semi-public building
  - B. Are not within seventy five (75) feet of the centerline of a county road, or one hundred (100) feet of a state or federal highway
  - C. Are limited to one (1) structure per lot and must be a minimum of one thousand (1,000) feet from any other billboard sign, regardless of which side of the road the sign is located
  - D. Do not exceed thirty five (35) feet in height

2. Size Requirements:
  - A. Billboards or other outdoor advertising structures located along or adjacent to 2-lane roadways or highways shall have a maximum of three hundred (300) square feet per sign face.
  - B. Billboards or other outdoor advertising structures located along or adjacent to 4-lane roadways, highways, expressways or interstates shall have a maximum of 1,200 square feet for single faced signs and a maximum of 750 square feet for back-to-back or "V" style signs.
3. All off-premise signs and billboards shall be maintained in neat and presentable condition. In the event they become illegible or cease to be used, they shall be removed within thirty (30) days and the area occupied restored to a condition free from refuse and debris.
4. Off-premise signs and billboards shall be located in such a manner so not to obscure or interfere with the effectiveness of a traffic signal or which does not obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic, as determined by the Zoning Administrator.
5. Off-premise signs and billboards must have an approved permit form the Zoning Administrator prior to being erected.
6. Off-premise signs and billboards are not permitted within the following zoning districts: RR- Rural Residential District; RS- Single Family Residential District; RM- Multiple Family Residential District; MH- Mobile Home District
7. Off-premise signs or billboards located along highways and interstates are governed by state and federal regulations and must be approved by the Iowa Department of Transportation (IDOT) and be in compliance with the Sioux County Zoning Ordinance.

#### SECTION 20.7. GENERAL SIGN PROVISIONS.

1. Safety:
  - A. Obstructions to doors, windows or fire escapes:
    - i. No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
    - ii. No sign of any kind shall be attached to a standpipe or fire escape.
  - B. Signs not to constitute a traffic hazard:
    - i. No sign or other advertising structure as permitted by this Ordinance shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic.
    - ii. No signs shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision. No private sign shall contain words which might be construed as traffic controls, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "WARNING", "CAUTION", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
    - iii. No sign or other advertising structure as regulated by this Ordinance shall have posts, guides or supports located within any street or road.
2. Interference: No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of

- firefighting equipment or personnel, or any electric light, power, telephone, fiber optic, or cable wires or supports thereof.
3. Signs in Right-of Way: No signs other than government signs shall be permanently erected or temporarily placed within any public rights-of-way except as specifically provided herein.
  4. Temporary signs:
    - A. The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this Article for continuous periods of thirty (30) consecutive days in residential districts.
    - B. For business purposes, only one (1) temporary sign shall be permitted to be located on the property, of which such sign shall not be located within any public right-of-way or be situated as to cause traffic or parking hazards.
  5. Clearance: All signs located over public rights-of-way or any public access route shall be located a minimum of fifteen (15) feet above grade.
  6. Signs Required by Law: All signs required by law shall be permitted in all zoning districts.
  7. Back to Back Signs:
    - A. If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30) degrees.
    - B. If the angle is greater than thirty (30) degrees, the total area of both sides added together shall be the calculated sign area.
    - C. Back to back signs shall be considered as one sign.
  8. Illumination: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
  9. Animated Signs: Animated signs may be allowed as a conditional use requiring a hearing before the Board of Adjustment.
  10. Double Frontage: Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

#### SECTION 20.8. PERMITS REQUIRED.

It shall be unlawful for any person to erect, alter, or relocate within Sioux County any sign or other advertising structure as defined in this Ordinance, without first obtaining a sign permit and making payment of the fee required by this section.

1. Application for Sign Permit. Application for sign permits shall be made available upon request by the Zoning Administrator and contain or have attached thereto the following information:
  - A. Name, address and telephone number of the applicant.
  - B. Location of building, structure, or lot upon which the sign is to be attached or erected.

- C. Position of the sign or advertising structure in relation to nearby buildings or structures.
  - D. Name of person, firm, corporation or association erecting structure.
  - E. Inscription of what the sign will say.
  - F. For signs located along a state primary highway, a state sign permit will also need to be included with the application.
  - G. Other information as the Zoning Administrator shall require in compliance with this Ordinance.
- 2. Permit Issued: It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit to examine such plans and the premises upon which the sign or advertising structure is to be placed. If the proposed structure is in compliance with all the requirements of this Ordinance and all other ordinances of county, the sign permit shall then be issued. If work authorized under a sign permit has not been completed within six (6) months after date of issuance, the permit shall become null and void.
  - 3. Permit Fees:: Every applicant, before being granted a sign permit, and to defray administrative costs of processing requests for sign permits, shall pay to the Zoning Administrator, a fee in the amount established by resolution of the Board of Supervisors.
  - 4. Permit Revocation: Any permit holder who fails to comply with a valid order of the Zoning Administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have the permit as to such sign revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

#### SECTION 20.9. UNSAFE AND UNLAWFUL SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Additionally, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed by the property owner or agent of the owner of the property upon which the sign is located.

Upon written notice from the Sioux County Zoning Administrator, the property owner shall have no more than thirty (30) days to remedy a sign violation. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order.

Failure to remove or alter said sign or other advertising structure so as to comply with the order, may result in removal by the Zoning Administrator at the expense of the sign owner or owner of the property on which it is located.

The sign or land owner, or agent of the land owner, may appeal the order of the Zoning Administrator to the Board of Adjustment and, if such an appeal is on file, the compliance period shall be extended until following the Board of Adjustment's decision on the matter. If, however, the Zoning Administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, he/she may order the removal of such sign summarily and without notice to the sign and/or property owner.

#### SECTION 20.10. EXEMPTIONS.

The following signs are allowed without a permit but shall comply with all other applicable provisions of this Ordinance:

1. Real estate signs (on-site): Real estate signs advertising for sale, rental, or lease only, the premises, lots or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed four (4) square feet in the residential districts or thirty-two (32) square feet in the other districts. Illuminated real estate signs are not permitted. Real estate signs shall be removed within seventy-two (72) hours of the date of closing.
2. Commemorative signs: Memorial signs or professional name plates not exceeding two (2) square feet in area and attached to the building, including names on buildings, date of construction, commemorative tablets and the like, which are a part of the building or structure.
3. Address signs identifying street address only, whether in written or numerical form.
4. Construction signs as non-illuminated signs announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within thirty (30) days from when the particular project is completed. One (1) sign, not to exceed 32 sq. ft. , shall be permitted on the project site.
5. Traffic or municipal signs, legal notices, railroad crossing signs, danger signs, and other such temporary emergency or non-advertising signs as may be approved by the Board of Adjustment.
6. Temporary signs up to a maximum of thirty-two (32) square feet on owned property or with owner's consent, to be removed within 24 hours following the advertised event.
7. Political signs as allowed by Section 306C.22, Code of Iowa.
8. Government signs of a public, non-commercial nature to include: safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when such signs are erected by order of a public officer or employee in the performance of official duty.
9. Directory signs which identify the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per lot, business or occupant.
10. On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which parcel the sign is located. Signs shall not exceed six (6) square feet of area.

#### SECTION 20.11. REMOVAL OF SIGNS.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. Should the Zoning Administrator find it necessary to send written notice ordering removal of said sign, the owner of the property on which the sign is located shall have ninety (90) days from date of notice, to comply with the order. If after the expiration of the ninety (90) day period, the sign has not been removed, Sioux County may cause the sign to be removed and any expenses may be charged back to the property owner.



## **ARTICLE XXI**

### **DISTRICT BUFFERS REQUIRED**

#### **Article 21: District Buffers Required**

- Section 21.1. Intent
- Section 21.2. Conditions for Requiring a Buffer
- Section 21.3. Permissive Buffers
- Section 21.4. Burden of Provision of a Buffer
- Section 21.5. Waiver of Buffer Requirement

#### **SECTION 21.1. INTENT.**

It is recognized that the transition from one district to another of contrasting and conflicting uses, is across a barrier and line in theory and not in existence. Therefore, it shall be the intent of this Article to require the actual provision of a physical barrier so as to reduce any possible harmful or detrimental influence one district may have to an abutting district or use.

#### **SECTION 21.2. CONDITIONS FOR REQUIRING A BUFFER.**

The following conditions shall require a buffer between abutting districts:

1. All industrial districts that abut any residential district shall be buffered as required in this Article.
2. Any lot located in an industrial district having both its front and rear lines abutting a public thoroughfare (a double frontage lot) shall be buffered from the thoroughfare abutting its rear line.
3. Any storage facility, storage yard, loading yard, salvage yard, junk yard or equipment storage/staging area in any commercial, industrial or agricultural district which abuts a public thoroughfare shall be restricted from public view by a buffer.
4. Any other uses or districts abutting residential properties determined to be more intensive in nature or as recommended by the Board of Adjustment.

#### **SECTION 21.3. PERMISSIVE BUFFERS.**

Buffers required under the provisions of this Article or elsewhere in this Ordinance shall be accomplished by one of the following methods:

1. A Man-made Buffer:

Such shall be not less than six (6) feet in height; constructed of a permanent low maintenance material. The wall shall be designed for both structural adequacy and aesthetic quality. The use of weather resistant wood, metal, concrete products, brick, tile, or other substitutes shall be used as a primary material, as long as the buffer is solid and opaquely screened.

2. A Natural Buffer:

- A. Natural Buffer Park: Such park shall be not less than sixty (60) feet in width; designed and landscaped with evergreen type trees, shrubs and plants so as to assure year around effective screening.
- B. Natural Buffer Screen: Such natural screen shall not be less than 6 feet in height and comprised of natural plantings; and shall maintain a density of planting adequate to serve as a solid and impenetrable screen.
- C. Natural Buffer Berm: Such natural berm or berm in combination with natural plantings shall not be less than 6 feet in height. If a berm is used in combination with natural plantings, the earthen berm shall be at least 3 feet in height.

SECTION 21.4. BURDEN OF PROVISION OF A BUFFER.

The burden of provision and selection of the buffer shall be as follows:

- 1. Where two different districts require a buffer between them, and both are in an existing improved condition, the above requirement is not retroactive. Should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event any or all of the improved property is abandoned, destroyed or demolished for the purpose of renewal, redevelopment or construction; that portion of such property being redeveloped or constructed shall be considered vacant land subject to the requirements herein.
- 2. Where one of two different districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.
- 3. Where both districts requiring a buffer between them are vacant or undeveloped, except for agricultural use, the developer shall assume the burden as the land is improved or developed.

SECTION 21.5. WAIVER OF BUFFER REQUIREMENT.

Where the line between two districts requiring a buffer follows a railroad, stream, river, drainage way or other similar natural or man-made barrier, the requirement for a buffer may be waived. Waiver of a buffer requirement may be incorporated into and considered during the subdivision platting process.

## ARTICLE XXII

### NONCONFORMITIES

#### Article 22: Nonconformities

- Section 22.1. Intent
- Section 22.2. Nonconforming Uses of Land
- Section 22.3. Nonconforming Lot of Record
- Section 22.4. Nonconforming Structures
- Section 22.5. Nonconforming Uses of Structures and Land
- Section 22.6. Repairs and Maintenance
- Section 22.7. Uses Under Exception Provisions Not Nonconforming Uses
- Section 22.8. Change of Tenancy or Ownership

#### SECTION 22.1. INTENT.

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. Within the various districts established by this Ordinance or subsequent amendments that may later be adopted, structures and uses of land and structures exist which were lawful prior to the adoption of this Ordinance but which would be prohibited, regulated, or restricted under provisions of the ordinance. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that such nonconformities shall not be enlarged upon, expanded or extended.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of existing building has been substantially begun prior to rebuilding such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently carried on until completion of the building involved.

#### SECTION 22.2. NONCONFORMING USES OF LAND.

Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

**SECTION 22.3. NONCONFORMING LOT OF RECORD.**

In any district in which residential dwellings are permitted, excepting an Agricultural District, notwithstanding limitations imposed by other provisions of this Ordinance, a dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not contiguous to other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purpose of this Ordinance. No portion, of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot width, or area below the requirements stated in this Ordinance.

**SECTION 22.4. NONCONFORMING STRUCTURES.**

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. Substitution: If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification. Whenever a nonconforming use has been changed to more restrictive use or to a conforming use, such use shall not hereafter be changed to a less restrictive use.
5. Discontinuance: In the event that a non-conforming use of any building or structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

**SECTION 22.5. NONCONFORMING USES OF STRUCTURES AND LAND.**

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

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. Any structure and land in combination, in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.
4. When a nonconforming use of a structure and land in combination is discontinued or ceases to exist for a period of more than one (1) year, the structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.
5. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**SECTION 22.6. REPAIRS AND MAINTENANCE.**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing of the building to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

**SECTION 22.7. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.**

Any use for which a conditional use is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion which modifies or alters the original approved conditional use and/or its related stipulations must be with approved by the Board of Adjustment.

**SECTION 22.8. CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

## **ARTICLE XXIII**

### **ZONING ADMINISTRATION AND ENFORCEMENT**

#### **Article 23: Zoning Administration and Enforcement**

- Section 23.1. Administrative Officer
- Section 23.2. Zoning Compliance
- Section 23.3. Zoning Permits Required
- Section 23.4. Application for Zoning Permit
- Section 23.5. Construction and Use to be provided in Application, Plans, and Permit
- Section 23.6. Fees
- Section 23.7. Conditional Uses

#### **SECTION 23.1. ZONING ADMINISTRATOR.**

The Sioux County Board of Supervisors shall confirm a Zoning Administrator, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding another appointive office in the county or another governmental agency.

#### **SECTION 23.2. ZONING COMPLIANCE.**

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

#### **SECTION 23.3. ZONING PERMITS REQUIRED.**

No land shall be occupied or used, and no buildings or other structures shall be erected, moved, added to, or structurally altered to increase the square footage without a permit issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance. Zoning permits shall be issued in conformance with the provisions of this Ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within one (1) year from date of issuance. No zoning compliance permit shall be required for the construction, reconstruction, alterations, remodeling, or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in Sioux County. All permanent farm buildings and dwellings shall be required to obtain a zoning permit indicating valuation, size and location of such proposed farm dwelling. Although zoning regulations will not apply to farm or agricultural dwelling units, the zoning permit will be used for statistical, valuation and informational purposes.

#### SECTION 23.4. APPLICATION FOR ZONING COMPLIANCE PERMIT.

Zoning compliance permits shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving into, or the structural alteration of a building or structure, including billboards. Permits shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Compliance permits shall be issued to complying applicants within seven (7) days after application is made.

Each application for a compliance permit shall be accompanied by a site plan prepared in accordance with [Article XVIII](#), Site Plans and a basic blue print(s) of the proposed structure(s) and/or modification. In the case of moving an existing building, the application shall be accompanied by a photo of the structure to be moved.

#### SECTION 23.5. CONSTRUCTION & USE AS PROVIDED IN APPLICATION, PLANS & PERMIT.

Zoning permits shall be issued on the basis of plans and applications, approved by the Zoning Administrator, and authorized only for that use, arrangement and construction. Use, arrangement and construction at variance with that authorized by permit shall be deemed a violation of this Ordinance and punishable as provided by [Article XXIV, Violation and Penalty](#).

#### SECTION 23.6. FEES.

Before receiving a zoning permit the owner or their agent shall pay to the county the permit fee as provided by resolution of the Sioux County Board of Supervisors. Fee assessment shall be doubled for permits issued after commencement of construction, or moving, i.e. in the case of house moving. Any city, county, state and federal governments shall be exempt from paying scheduled fees.

#### SECTION 23.7. CONDITIONAL USES.

The Zoning Administrator may issue a zoning permit for a conditional use after review by the Planning and Zoning Commission and upon order of the Board of Adjustment.

## **ARTICLE XXIV**

### **VIOLATION AND PENALTY**

#### Article 24: Violation and Penalty

Section 24.1. Violation and Penalty

Section 24.2. Restraining Order

#### SECTION 24.1. VIOLATION AND PENALTY.

The violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, upon conviction shall be subject to a fine of not more than \$750 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$1,000 for each repeat offense, or imprisonment of not more than thirty (30) days for each offense, as permitted by *Iowa Code*, Section 331.307. Each day that a violation is permitted to exist constitutes a separate offense.

#### SECTION 24.2. RESTRAINING ORDER.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the County Attorney, in addition to other remedies, may institute any proper action or proceed in the name of Sioux County, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.



## **ARTICLE XXV**

### **PLANNING AND ZONING COMMISSION**

#### Article 25: Planning and Zoning Commission

- Section 25.1. Confirmation of the Planning and Zoning Commission
- Section 25.2. Terms of Office
- Section 25.3. Proceedings of the Planning and Zoning Commission
- Section 25.4. Powers and Duties
- Section 25.5. Decisions of the Planning and Zoning Commission

#### SECTION 25.1. CONFIRMATION OF THE PLANNING AND ZONING COMMISSION.

The eleven (11) members of the existing Sioux County Planning and Zoning Commission are hereby confirmed to continue their appointed terms of office. The Board of Supervisors is granted the authority to create a Sioux County Planning and Zoning Commission composed of eleven (11) citizens of the county who are qualified by knowledge and experience to act in matters pertaining to the development of planning and zoning, none of whom shall hold any elective position in the county.

#### SECTION 25.2. TERMS OF OFFICE.

The term of office of commission members shall be five (5) years. The terms of not more than two-fifths (2/5) of the members will expire in any one year. Members of the Planning and Zoning Commission may be removed from office by the Board of Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by appointment of the Board of Supervisors for the unexpired term of the resigning member.

#### SECTION 25.3. PROCEEDINGS OF THE PLANNING AND ZONING COMMISSION.

The Sioux County Planning and Zoning Commission shall adopt rules necessary to the conduct of its affairs, and in keeping with the commissions' responsibilities as outlined in this Article. Meetings shall be held at the call of the chairperson or the Zoning Administrator, and at such other times as the Planning and Zoning Commission may determine. The chairperson, or in their absence the acting chairperson, may direct the meetings. All meetings shall be open to the public. The Planning and Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each action, of if absent or failing to vote indicating such fact. The Planning and Zoning Commission shall also keep records of its examinations and other official actions, all of which shall be made available for public inspection. The presence of six (6) voting members shall constitute a quorum.

**SECTION 25.4. POWERS AND DUTIES.**

Said Planning and Zoning Commission shall have and possess the following powers. Such powers as may be incidental to the successful carrying out of the powers invested in it herein or such as may be expressly conferred upon it by law:

1. Plans. To make such surveys, studies, maps, plans, or plats of the whole or any portion of Sioux County, which in the opinion of such Commission bears relation to a comprehensive plan, and shall submit such plan to the Board of Supervisors with its studies and recommendations and it may publish the same.
2. Recommend Plan Changes. To recommend to the Board of Supervisors, from time to time and as conditions require any amendments, supplements, changes, or modifications in the comprehensive plan prepared by the commission and recommend changes to the zoning regulations.
3. Zoning Plan. To prepare a plan for zoning regarding the height, size of lots, yard setbacks, size of buildings and other structures; the percentage of ground that may be occupied; the size of yards and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes and to this end shall prepare a preliminary report and hold public meetings thereon and after such hearings have been held, to submit its final report and recommendations to the Board of Supervisors.
4. Official Zoning Map. To study and make recommendations on all subdivisions submitted for approval to the county and to make surveys and plans for an official zoning map as a guideline for such approval.
5. Trends. To study trends of development in industrial, physical and social aspects of the county and make such reports as it may deem necessary.
6. Recommendations. To review and make recommendations on proposed vacations of streets and alleys.
7. Annual Report. The Planning and Zoning Commission may make a report to the Sioux County Board of Supervisors of its proceedings, as requested.

**SECTION 25.5. DECISIONS OF THE PLANNING AND ZONING COMMISSION.**

In exercising the above mentioned powers and duties, the Planning and Zoning Commission is granted the responsibility to provide informed and educated recommendations to the Board of Supervisors and/or Board of Adjustment on matters under review. The Planning and Zoning Commission may recommend wholly, partly or may modify or request alterations of the original proposal. A concurring vote of the majority of the Planning and Zoning Commission quorum shall be necessary in order to further a recommendation to the Board of Supervisors or Board of Adjustment for consideration.

## **ARTICLE XXVI**

### **BOARD OF ADJUSTMENT**

#### **Article 26: Board of Adjustment**

- Section 26.1. Confirmation of Existing Board of Adjustment
- Section 26.2. Proceedings of the Board of Adjustment
- Section 26.3. Administrative Appeals
- Section 26.4. Powers and Duties
- Section 26.5. Variances
- Section 26.6. Decisions of the Board of Adjustment
- Section 26.7. Appeals from the Board of Adjustment

#### **SECTION 26.1. CONFIRMATION OF EXISTING BOARD OF ADJUSTMENT.**

The members of the Sioux County Board of Adjustment are hereby confirmed to continue their appointed terms of office. The board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the resigning member.

#### **SECTION 26.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairperson, the Zoning Administrator and at such other times as the board may determine. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions all of which shall be public record and filed in the office of the board. The presence of three (3) members shall constitute a quorum.

#### **SECTION 26.3. ADMINISTRATIVE APPEALS.**

This procedure is intended to afford review of administrative actions taken pursuant to the Zoning Ordinance where such actions may be in error.

1. Appeals: Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved, or by any officer, department, board or bureau of Sioux County, Iowa, affected by any administrative decision of the Zoning Administrator. Such appeal shall be addressed within a reasonable time as provided by the rules of the board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee to be determined

by resolution of the Board of Supervisors shall be paid to the Zoning Administrator at the time the notice of appeal is filed.

2. **Stay of Proceedings:** An appeal from the action of the Zoning Administrator shall stay all proceedings in furtherance of such action unless the Zoning Administrator from whom the appeal is taken, certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of the facts stated in the certificate a stay would, in the administrator's opinion, cause imminent peril to life or property. In the event the Zoning Administrator shall make and file such certificate, the proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Adjustment or by a court of record on notice to the Zoning Administrator from whom the appeal is taken and on due causes shown.
3. **Action:** The Board of Adjustment shall act on the appeal within thirty (30) days following the closing of the public hearing. In exercising the powers set out in this section, the Board of Adjustment may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail.

The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is required to pass under these provisions.

#### SECTION 26.4. POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties:

1. **Administrative Review:** To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. **Conditional Uses:** To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, and as provided for in Article XXVII, Conditional Uses/Special Exceptions.
3. **Variances:** To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

#### SECTION 26.5. VARIANCES.

A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

1. An application for a variance shall be filed with the Zoning Administrator. The application shall include the following:
  - A. Name and address of the owner and applicant
  - B. Address and legal description of the property

- C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner
  - D. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section
  - E. The property address, name and mailing address of the owner of each lot within 200 feet of the subject property
  - F. Site plans, as prepared in accordance with [Article XVIII](#), Site Plans
2. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
  3. Notice of public hearing shall be given to adjacent property owners and those within 200 feet of the property.
  4. A public hearing shall be held. Any party may appear in person or by agent or attorney.
  5. The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria:
    - A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
    - B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
    - C. That the special conditions and circumstances do not result from the actions of the applicant;
    - D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No nonconforming uses of neighboring lands, structures or buildings nor permitted uses of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
  6. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
  7. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  8. A fee determined by the Board of Supervisors shall accompany the application for a variance.

*Additional Variance Conditions:* In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions

and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article XXIV, Violation and Penalty.

*Lapse of Variance:* Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required.

*Revocation of Variance:* Upon violation of any applicable provision of this Ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the use or property subject to the variance.

*Variance to Run with Land or Structure:* Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

#### SECTION 26.6. DECISIONS OF THE BOARD OF ADJUSTMENT.

1. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance and Chapter 335, *Code of Iowa*, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. A concurring vote of the majority of the Board of Adjustment quorum shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in application of this Ordinance. The action of the Board shall not become effective until it has a written decision describing such action, 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 Article.
2. Every variation and exception granted or denied by the board shall be supported by a written testimony or evidence submitted in connection therewith.
3. If any application for a variance or exception shall have been denied by the Board of Adjustment, no new application for the same relief shall be considered for one (1) year by the board unless the board shall find that conditions have changed.
4. Any taxpayer or any officer, department, board, or bureau of the county or persons jointly or severally aggrieved by any decision of the Board of Adjustment 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 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 of Adjustment.
5. All decisions of the Board of Adjustment, except decisions granting use variances or a variance from any separation requirement shall be final immediately upon filing. Each decision granting a use variance or a variance from separation requirement may be referred to the Board of Supervisors for review. 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 of Adjustment 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 31<sup>st</sup> day. If the Board of Supervisors declines to remand a decision, that decision shall become final on the date of the Board's action. If the Board of Supervisors remands a decision to the Board of Adjustment, the effective date of the decision is delayed for thirty (30) days from the date of remand.

**SECTION 26.7. APPEALS FROM THE BOARD OF ADJUSTMENT.**

Any person or persons, or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 335, Code of Iowa.

## **ARTICLE XXVII**

### **CONDITIONAL USES/SPECIAL EXCEPTIONS**

#### **Article 27: Conditional Uses/Special Exceptions**

- Section 27.1. Statement of Intent
- Section 27.2. Issuance of Conditional Use Permit
- Section 27.3. Application for a Conditional Use Permit
- Section 27.4. Standards for Approval
- Section 27.5. Burden of Persuasion.
- Section 27.6. Environmental Protection.
- Section 27.7. Recommendations on Applications
- Section 27.8. Planning and Zoning Commission Action on Applications:
- Section 27.9. Board of Adjustment Action on Applications
- Section 27.10. Expiration of Conditional Use Permits.
- Section 27.11. Extension of Conditional Use Permits
- Section 27.12. Effect of Permit on Successors and Assigns.
- Section 27.13. Amendments and Modifications.
- Section 27.14. Supplemental Standards for Conditional Uses

#### **SECTION 27.1. STATEMENT OF INTENT.**

Many land use activities, while not inherently inconsistent with other permitted uses in a particular district, may have significant impacts on the surrounding area. Conditional Use Permits for such uses allow special conditions to be "attached" to the development to address those impacts. The conditional use permit process provides for flexibility in identifying the special conditions without making the Ordinance unreasonably complicated. The objective of the conditional use permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area.

#### **SECTION 27.2. ISSUANCE OF CONDITIONAL USE PERMIT.**

A Conditional Use Permit may be issued only after review and approval of the submitted application, including any plans, by the Board of Adjustment. An application and plan shall only be approved upon a determination that the development, if completed as proposed, will comply with the provisions of this Chapter.

A Conditional Use Permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, and shall incorporate by reference the approved application and plan. The permit shall contain any special conditions or requirements lawfully imposed by the Board of Adjustment.

All development shall occur *strictly in accordance* with such approved application and plan.

#### **SECTION 27.3. APPLICATION FOR A CONDITIONAL USE PERMIT.**

The applicant for a Conditional Use Permit must be a person with the legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owners or



lessees of the subject property or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits or their agents.

The application must be submitted on an approved form and must be complete. An application shall be complete when it contains all of the information that is necessary for the Board of Adjustment to decide whether the development, if completed as proposed, will comply with all of the requirements of this Chapter. Unless the Board of Adjustment informs the applicant at the hearing in what way the application is incomplete, the application shall be presumed to be complete. If incomplete, the Board of Adjustment shall offer the applicant the opportunity to complete the application at a continuation hearing.

To minimize planning costs to the developer, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this Chapter, a conceptual review meeting shall be held prior to submittal of the conditional use permit applications.

#### SECTION 27.4. STANDARDS FOR APPROVAL

The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

1. **Compatibility:** The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious nor offensive in appearance to abutting or nearby properties.
2. **Transition:** The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
3. **Traffic:** The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
4. **Parking and Loading:** The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
5. **Signs and Lighting:** Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity and shall comply with the requirements of Site Lighting.
6. **County or State-Owned Environmentally Sensitive Areas:** Sioux County, acting through the Sioux County Conservation Board, owns and/or manages certain county parks and recreation areas and also manages certain state-owned property for conservation and recreation purposes. These conservation areas are environmentally sensitive and constitute a locally significant natural resource that Sioux County desires to preserve and protect for future recreational opportunities. As such, any proposed development should be carefully evaluated as to whether such development will have an undue adverse impact on these environmentally sensitive areas.

Such evaluation should specifically take into account the light, sound or other human activities associated with more intense land uses that could be intrusive or detrimental to the county-owned environmentally sensitive conservation areas including identifying any safety concerns for

homeowners, the public, and/or livestock. The Board should also weigh the impact of the limitations on the discharging of firearms contained in Iowa Code Section 481A.123 should such proposed development abut public hunting areas.

Should a proposed development be approved, the Board of Adjustment may also consider imposing restrictions on building activities on the development site to prohibit those activities that adversely affect these environmentally sensitive areas. In particular, where property to be developed abuts a conservation area, the Board should consider imposing more restrictive property set back requirements, limitations upon the clearing of vegetation or trees, or the establishment of a conservation buffer zone along the property line.

If the Board of Adjustment concludes that all Development Criteria will be met by the development, it shall approve the application and plans unless it concludes, based on the information submitted at the hearing that if completed as proposed there is a strong probability the development will:

1. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
2. Impair an adequate supply (including quality) of light and air to surrounding property; or
3. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers or
4. Diminish or impair established property values on adjoining or surrounding property; or
5. Not be in accord with the intent, purpose and spirit of this Ordinance or the *Sioux County Comprehensive Land Use Plan*.

#### SECTION 27.5. BURDEN OF PERSUASION.

The burden of persuasion as to whether the development, if completed as proposed, *will comply* with the requirements of this Chapter is, at all times, on the applicant.

The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application *does not comply* with the requirements of this Chapter is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.

#### SECTION 27.6. ENVIRONMENTAL PROTECTION.

The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

#### SECTION 27.7. RECOMMENDATIONS ON APPLICATIONS.

Before being presented to the Board of Adjustment, an application for a Conditional Use Permit shall be referred to the Planning and Zoning Commission for recommendation. When presented to the Commission, the application shall be accompanied by:

1. A report from the planning staff setting forth findings concerning the application's conformance to this Chapter, *and*

2. Any recommendations for requirements or conditions to be imposed on the proposed development by the Board of Adjustment.

#### SECTION 27.8. PLANNING AND ZONING COMMISSION ACTION ON APPLICATIONS.

The Commission shall consider the application at a public meeting. The public meeting shall be scheduled according to standard agenda procedures.

After reviewing the application at a public meeting, the Commission shall report to the Board of Adjustment whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Commission does not concur, the Commission shall propose its own recommendations and provide supporting reasons.

#### SECTION 27.9. BOARD OF ADJUSTMENT ACTION ON APPLICATIONS.

In considering whether to approve an application for a Conditional Use Permit, the Board of Adjustment shall proceed according to the following format:

1. The Board of Adjustment shall establish a finding of facts based upon information contained in the application, the staff report, and the Commission recommendation and presented at the Commission or Board of Adjustment hearings.
2. The Board of Adjustment shall consider such reasonable requirements or conditions to the permit as will ensure the development will satisfy the requirements of this Chapter. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth below.
3. The Board of Adjustment shall consider whether the application complies with all of the applicable development criteria set forth in the previous section. Separate votes may be taken with respect to each criterion. If the Board of Adjustment concludes that the application fails to meet one or more of the criteria, the application shall be denied.
4. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standards set forth. Separate votes may be taken with respect to each standard.
5. Any such motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied.
6. Without limiting the foregoing, the Board of Adjustment may attach to a permit a condition limiting the duration of the permit.
7. All conditions or requirements shall be recorded with the permit.

#### SECTION 27.10. EXPIRATION OF CONDITIONAL USE PERMITS.

A Conditional Use Permit shall expire automatically if:

1. Within five (5) years after issuance, substantial action has not been taken to accomplish the purpose of the permit, or
2. After substantial action has been taken and subsequently such work is discontinued for a period of one (1) year, the permit shall immediately expire, or

3. The conditional use has been established and subsequently is discontinued for a period of one (1) year, the permit shall immediately expire.

#### SECTION 27.11. EXTENSION OF CONDITIONAL USE PERMITS.

The Board of Adjustment may extend, for a period up to one (1) year, the date when a permit would otherwise expire pursuant to this section if it concludes that:

1. The permit has not expired, or
2. The permit recipient has proceeded in good faith and with due diligence, or
3. Conditions have not changed so substantially as to warrant a new application.

Successive extensions may be granted for periods up to one (1) year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for the original permit.

For purposes of this section, the Conditional Use Permit is issued when the Board of Adjustment votes to approve the application and plans.

Substantial action shall include commencement of construction, erection, alteration, demolition, or similar work required for the development authorized by the permit. With respect to phased development, this shall apply only to the first phase.

#### SECTION 27.12. EFFECT OF PERMIT ON SUCCESSORS AND ASSIGNS.

A Conditional Use Permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. As such, it is transferable. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.

#### SECTION 27.13. AMENDMENTS AND MODIFICATIONS.

1. Types of Modifications:
  - A. Insignificant Modifications: Insignificant modifications to the approved permit are permissible upon authorization by the Director. A modification is insignificant if it has no discernible impact on neighboring properties, the general public or those intended to use or occupy the proposed development.
  - B. Minor Modifications: Minor modifications to the approved permit are permissible with the approval of the Board of Adjustment. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.
  - C. Major Modifications - New Applications: All other requests for modifications to the approved permit will be deemed a major modification and processed as a new application as defined in this Chapter. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modification and proceeding under the terms and conditions of the original permit.
2. Submittal Requirements for Modifications: The permit holder requesting approval of modifications shall submit a written Modification Request on forms provided by the Director, including plans and narrative specifically identifying the modifications. The Director shall determine whether the proposed modification falls within the categories set forth above.

3. Approval of Modifications: Approval of all modifications must be given in writing.

#### SECTION 27.14. SUPPLEMENTAL STANDARDS FOR CONDITIONAL USES.

When indicated, a conditional use shall be subject to the supplemental standards listed below in addition to the standards for approval set forth in [Section 27.4](#) of this chapter.

1. **SALVAGE YARDS:** All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles, shall be located in the Agricultural (A) or Heavy Industrial (HI) districts under conditional use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:
  - A. The yards shall be at least five hundred (500) feet distant in all directions from any residential building, with the exception of the residence of the salvage yard owner or operator.
  - B. Salvage or junk yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty (50) feet wide with coniferous trees and/or large shrubs to provide a solid landscape screen at least ten (10) feet high.
  - C. Off-street parking or service areas may be located outside of the screened-in area.
2. **OPEN AIR SALES AND STORAGE:** All open-air display and storage, including used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:
  - A. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent properties, or public streets, thereby creating a traffic hazard.
  - B. No lighted flashing signs or revolving beacon lights shall be permitted.
  - C. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
  - D. The front and street sides of any open-air storage or display area intended for storage, salvage or repair services shall be opaquely screened with a wall or fence at least seven (7) feet in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening the front of their property.
  - E. The side and rear lot lines, when abutting developed properties, will be screened with a wall or fence with its surface at least fifty percent (50%) solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard setback line.
3. **COMMUNICATION TOWERS AND FACILITIES:** Communication towers/facilities existing and/or approved prior to the date of adoption of these standards may continue to be used, however, proposed modifications must be reviewed by the Zoning Administrator and, depending on the nature of the proposed modifications, may be subject to review and approval by the Board of Adjustment. In addition, any proposed modifications to approved and/or existing towers/facilities

on towers constructed prior to August 18, 2008, for co-location must submit an Application for Zoning Permit consistent with the requirements of this chapter.

- A. Co-Location: Prior to applying for a Conditional Use Permit for construction of a new tower/facility, the applicant shall exhaust all alternatives for co-location on existing towers/facilities. As such, the applicant shall submit evidence demonstrating all of the following:
  - 1) The planned equipment would exceed the structural capacity of the existing or approved antenna support structure, as documented by a qualified professional engineer licensed in the State of Iowa, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
  - 2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the antenna support structure as documented by a qualified engineer and the interference cannot be prevented at a reasonable cost.
  - 3) Existing or approved antenna support structures cannot accommodate the planned equipment at the necessary height as documented by a professional engineer licensed in the State of Iowa.
  - 4) Fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower/facility development are presumed to be unreasonable.
- B. No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure, or alternative technology can accommodate the applicant's needs. Furthermore, no new tower/facility shall be approved that is not in compliance with standards contained elsewhere in this Ordinance.
- C. General Approval Standards: The following requirements shall apply to all proposed communication towers and facilities:
  - 1) Separation from planned and/or existing residential properties: Proposed towers/facilities shall be separated from neighboring properties either planned or utilized for residential purposes as established herein. The minimum separation distance shall be measured from the center of the foundation of the proposed tower/facility to the nearest portion of a property line of a neighboring tax parcel used or planned for residential purposes. For the purposes of this section, a property shall be considered to be used for a residential purpose, regardless of assessment type, if a dwelling or mobile home exists on the property. A property shall be considered to be planned for residential purposes if it has the Comprehensive Land Use Plan designation of Rural Residential Area; if it is within two miles of a city boundary, and that city has established a residential land use classification for the property, or, if a property is zoned Single Family or Multiple Family Residential.
    - a) For towers/facilities of self-supporting monopole or lattice-type construction, the minimum separation distance shall be three hundred (300) feet or one hundred fifty percent (150%) of the height of the tower, whichever is greater.
    - b) For guyed towers/facilities the minimum separation distance shall be three hundred (300) feet or one hundred fifty percent (150%) of the height of the tower, whichever

is greater, plus one hundred percent (100%) of the length of the longest supporting guy wire.

- 2) Height: The applicant must demonstrate the proposed height of the tower/facility is the minimum necessary to accommodate the proposal's requirements, as documented by a qualified engineer.
- 3) Required Setbacks: The center foundation of all towers/facilities are required to be setback in accordance with the following:
  - a) From any public right-of-way, the following apply:
    - i) For towers of monopole and lattice-type construction, a distance equal to one hundred fifty (150%) percent the height of the tower or two hundred (200) feet, whichever is greater
    - ii) For towers of guyed-type construction, a distance equal to one hundred fifty percent (150%) the height of the tower plus the length of guyed wire or two hundred (200) feet, whichever is greater
  - b) From any adjoining property zoned or planned residential or existing residential use:
    - i) The distance of three hundred (300) feet or one hundred fifty percent (150%) of the height of the tower/facility for towers of lattice or monopole construction type
    - ii) The distance of three hundred (300) feet or one hundred fifty percent (150%) of the height of the tower/facility plus one hundred percent (100%) of the length of the longest supporting guy wire for towers of guyed type construction as measured the center foundation of the tower/facility to the nearest property line.
  - c) From other property lines, a distance equal to at least fifty percent (50%) of the height of the tower/facility
  - d) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory structures within the property or lease area.
- 4) Fencing and Screening:
  - a) Security Fencing: Towers/facilities shall be enclosed by fencing not less than six (6) feet in height and shall be equipped with appropriate anti-climbing devices.
  - b) Screening: The lowest six (6) feet of the tower/facility shall be visually screened by trees, large shrubs, solid walls, buildings, solid fencing, and/or any combination thereof, from all public right-of-ways and adjoining zoned, planned, and/or existing residential land uses.
- 5) Aesthetics: Towers/facilities shall meet the following general requirements:
  - a) Color: Towers/facilities shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Board of Adjustment. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.

- b) Lighting: Towers/facilities, including antennas, shall not be artificially lighted unless required by the FAA or applicable authority. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views. All mandated FAA requirements must be provided in writing to the Board of Adjustment prior to any action on applications.
  - c) Signs: No signs shall be allowed on any tower/facility, other than safety or warning signs. If any signage is required consistent with this standard, such signage must comply with the requirements of [Article XX: Sign Regulations](#).
- 6) The proposed tower/facility must comply with all other applicable local, state or federal regulations.
- 7) The proposed tower/facility will not unreasonably interfere with the view from any publicly-owned or managed areas or major view corridors.
- D. Removal of Abandoned Towers/Facilities: The owner of the tower/facility, with written authorization from the property owner, shall file annually a declaration with the Sioux County Planning and Zoning Department as to the continuing operation of every tower/facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and may be considered abandoned subject to the provisions for removal. The owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person(s) shall remove the tower/facility, foundational supports, and associated appurtenances within ninety (90) days of receipt of notice from Sioux County at the owner's expense. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving. Failure to remove such an abandoned tower/facility within said ninety (90) days shall be grounds to issue a Notice of Violation in accordance with the requirements of this Ordinance and undertake enforcement action upon the tower/facility owner and property owner.
- E. Infraction: Any person, firm or corporation not in compliance with these regulations may be deemed guilty of a County infraction. Documentation must be provided to the Sioux County Planning and Zoning Department with signatures by all property owners with an interest in the tower/facility stating knowledge of the penalties associated with a County infraction, including that all costs for removal of abandoned towers/facilities in accordance with these regulations may be assessed against property under their ownership. Such documentation must be provided on the form supplied by the Sioux County Planning and Zoning Department, and submitted at time of Application for Zoning Permit.
- F. Submittal Requirements: In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for towers/facilities must submit the following information (as applicable):
  - 1) All plans shall be drawn at a scale of one (1) inch equals fifty (50) feet.
  - 2) A scaled site plan clearly indicating the location, type and height of the proposed tower/facility, existing land uses, adjacent land uses, zoning, County Development Plan designations of the site and for all properties within five hundred (500) feet



- 3) Legal description of the parent parcel and leased parcel (if applicable)
  - 4) The separation distance between the proposed tower/facility and nearest planned and/or existing residential property
  - 5) The separation distance from other existing and approved towers; the applicant shall also identify the type of construction of the existing tower(s) and owner/operators of such facilities.
  - 6) A landscape plan showing specific landscape materials, existing and those proposed, identifying type and size of materials
  - 7) Written statements from other applicable jurisdictions such as the FAA regarding coloring and potential lighting requirements. In addition, a copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" must be submitted.
  - 8) A statement by the applicant as to whether construction of the tower/facility will accommodate co-location of additional antennas for future users and documentation regarding the standards for co-located established in this Ordinance
  - 9) Identification of all other tower/facility sites owned and/or operated by the applicant within Sioux County
  - 10) Elevations showing all facades, indicating exterior materials and color of the tower/facility on the proposed site
  - 11) Copy of the signed lease agreement with the property owner
  - 12) Submittal of search rings established for the proposed communication tower accompanied by an affidavit verifying that the applicant made a diligent but unsuccessful effort to obtain permission to install or co-locate the applicant's wireless communications facilities on existing towers or other antenna support structures located within area equal to one hundred percent (100%) of the search ring.
4. **NON-COMMERCIAL WIND ENERGY SYSTEMS (NC-WECS)** when noted as an allowed conditional use activity within a zoning district, shall be subject to the requirements of [Article XVI-A](#) and those contained in [Article XXVII](#) of this Ordinance.
5. **COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (C-WECS):** The requirements of this Ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.
- A. GENERAL REQUIREMENTS FOR C-WECS:
- 1) **COLOR AND FINISH:** Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment.

- 2) EXCEPTIONS may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- 3) TOWER CONFIGURATION: All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
- 4) LIGHTING: C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- 5) SIGNAGE: All signage on site shall comply with the section on signs. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
- 6) FEEDER LINES: ALL communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a C-WECS shall be buried.
- 7) WASTE DISPOSAL: Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Sioux County Health Department and disposed of in accordance with all applicable local, state and federal regulations.
- 8) MINIMUM GROUND CLEARANCE: The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- 9) SIGNAL INTERFERENCE: The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
- 10) FEDERAL AVIATION ADMINISTRATION: All C-WECS shall comply with FAA standards and permits.
- 11) ELECTRICAL CODES AND STANDARDS: All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- 12) SETBACKS: The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers; provided that the Board of Adjustment, upon recommendation by the Planning and Zoning Commission, may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as defined by the base zone district.
  - a) STRUCTURES: Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand (1,000) feet.

- b) **PROPERTY LINES:** At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.
  - c) **Public RIGHT-OF-WAY:** Setbacks from public right-of-way, railroads, power lines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
  - d) **COMMUNICATION AND ELECTRICAL LINES:** Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
- 13) **NOISE:** Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any conditional use permit from the property line.
- a) In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph a of this subsection shall be reduced by five (5) dBA.
  - b) In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
  - c) In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment upon recommendation by the Commission provided that the following has been accomplished:
    - (i) Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
    - (ii) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Sioux County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.
- 14) **SAFETY:**
- a) All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of

landowners for this line, such option may be approved conditionally by the Board of Adjustment.

- b) Wind turbines and meteorological towers shall not be climbable up to 15 feet above ground level.
- c) All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced. (Ordinance No. 184).
- d) Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.
- e) For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
- f) For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Commission and Board of Adjustment.

**B. DISCONTINUATION AND DE-COMMISSIONING:** A C-WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. Each C-WECS shall have a De-commissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

**C. AVOIDANCE AND MITIGATION OF DAMAGES TO PUBLIC INFRASTRUCTURE:**

- 1) Roads: Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the C-WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- 2) Existing Road Conditions: Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Sioux County Engineer during all phases of construction.

- 3) **Drainage System:** The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the C-WECS.
  - 4) **Required Financial Security:** The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Sioux County Attorney's Office shall be submitted covering 130% the costs of all required improvements. This requirement may be waived by the Board of Adjustment by recommendation from the Sioux County Engineer.
- D. SUBMITTAL REQUIREMENTS:** In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for C-WECS must include the following information (as applicable):
- 1) The names of project applicant
  - 2) The name of the project owner
  - 3) The legal description and address of the project
  - 4) A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid
  - 5) Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale
  - 6) Engineer's certification(s) as required in these supplemental standards
  - 7) Documentation of land ownership or legal control of the property
  - 8) The latitude and longitude of individual wind turbines
  - 9) A USGS topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the proposed C-WECS
  - 10) Existing resources inventory
  - 11) An acoustical analysis
  - 12) FAA Permit Application
  - 13) Locations of all known communications towers/facilities within two miles of proposed C-WECS
  - 14) Decommissioning Plan
  - 15) Description of potential impacts on all nearby C-WECS and Non-CWECS, and other wind resources on adjacent properties
  - 16) Identification of significant migratory patterns and nesting areas for birds within two (2) miles.
- 6. SHOOTING RANGES:** In an Agricultural and Environmental Conservation District, Shooting Ranges, whether for profit or not for profit, shall be allowed as a Conditional Use only. This is subject to the provisions of [Articles XXVI](#) and [Article XXVII](#) of this Ordinance and Iowa Code Chapter 657.9, and with specific conditions and requirements subject to the approval of the Board of Adjustment to make the shooting them compatible with and acceptable to adjacent uses.

- A. Additionally, the following Minimum Setback Requirements shall be adhered to in all circumstances:
- 1) From residential developments consisting of one (1) to three (3) dwellings:  
twelve-hundred-fifty(1250) feet
  - 2) From residential developments consisting of more than four (4) dwellings:  
twenty five hundred (2500) feet

## **ARTICLE XXVIII**

### **CHANGES AND AMENDMENTS**

#### **Article 28: Changes and Amendments**

- Section 28.1. Procedures
- Section 28.2. Public Hearing
- Section 28.3. Protest Provision
- Section 28.4. Initiation
- Section 28.5. Application for Change in Zoning District Boundaries
- Section 28.6. New Application

#### **SECTION 28.1. PROCEDURES.**

This Ordinance and the district map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall have forty-five (45) days in which to submit its report to the Board of Supervisors. If the Planning and Zoning Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than thirty (30) days following receipt of the recommendation of the Planning and Zoning Commission, the Board of Supervisors shall hold at least one public hearing before adoption of any proposed amendment or rezoning request. Within thirty (30) days following the closing of a public hearing, the Board of Supervisors shall make a specific finding as to whether the change is consistent with the objectives of this Ordinance.

If the Board of Supervisors finds that the proposed change is consistent, it shall introduce an ordinance amending the zoning regulations or amending the zoning map, whichever is appropriate. If the Board of Supervisors finds that the change is not consistent, it shall deny the application. The Board shall not modify a recommendation of the Planning and Zoning Commission until it has requested and considered a report of the Commission on the modification. Failure of the Planning and Zoning Commission to report within thirty (30) days after receipt of the Board of Supervisors request shall be deemed concurrence.

#### **SECTION 28.2. PUBLIC HEARING.**

A public hearing shall be held by the Board of Supervisors before adoption of any proposed amendment to this Ordinance. A notice of such public hearing, indicating the time and place, shall be published not less than seven (7) and no more than 20 days prior to the date of such hearing along with notification of the owners of all property within two hundred (200) feet of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisor's meeting following the published notice.

**SECTION 28.3. PROTEST PROVISION.**

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the Board of Supervisors against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the Board of Supervisors.

**SECTION 28.4. INITIATION.**

Requests for amendments to the Zoning Ordinance or the zoning map may be initiated by one of three ways.

1. The Planning and Zoning Commission or the Board of Supervisors may initiate a text or map amendment.
2. The Planning and Zoning Commission or the Board of Supervisors may initiate a rezoning request.
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this Article. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

**SECTION 28.5. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES**

Applications for rezoning requests shall be filed with the Zoning Administrator on a form provided by the county and shall include the following data and maps:

1. Each application shall be filed and accompanied by a fee as determined by resolution by the Board of Supervisors and shall contain the following information:
  - A. The name and address of the owner and applicant.
  - B. The legal description and local address of the property.
  - C. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
  - D. The present zoning classification and the zoning classification requested for the property.
  - E. The existing use and proposed use of the property.
  - F. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
  - G. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
  - H. A site plan, as prepared in accordance with [Article XVIII](#).
2. The Zoning Administrator may require additional information or maps if they are necessary to enable the commission to determine whether the change is consistent with the objectives of this Ordinance.
3. All fees shall be paid to Sioux County. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.



4. Upon receipt of the application by the Zoning Administrator a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
  - A. Whether or not the current district classification of the property to be rezoned is valid.
  - B. Whether there is a need for additional land zoned for the purpose requested.
  - C. Whether the proposed change is consistent with the current comprehensive land use plan, considering such factors as:
  - D. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
  - E. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
  - F. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

#### SECTION 28.6. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of any regulations prescribed by this Article has been denied by the Board of Supervisors such petition cannot be renewed for one (1) year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change. This provision, however, shall not prevent the Board of Supervisors from acting on its own initiative in any case.

## **ARTICLE XXIX**

### **EFFECTIVE DATE**

#### Article 29: Effective Date

##### Section 29.1. Effective Date

##### SECTION 29.1. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

## ARTICLE XXX

### ADOPTION

ORDINANCE No. 1

ZONING ORDINANCE OF SIOUX COUNTY, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE  
BOARD OF SUPERVISORS OF SIOUX COUNTY, IOWA:

Passed and approved this 19<sup>th</sup> day of August, 2008.

Mark Sybesma  
Chair, Sioux County Board of Supervisors

Lois Huitink  
Sioux County Auditor

I hereby certify that the foregoing document was published as ordinance 1 in the Sioux County  
Capital Democrat in Sioux County, Iowa on the 28<sup>th</sup> day of August, 2008.  
(name of publication)

## EDITORS NOTE

The following ordinances have been adopted amending the official zoning ordinance or map and have not been included as a part of this zoning code, but have been specifically saved from repeal and are in full force and effect.

[illegible]