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ORDINANCE NO. 102

ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF

DICKINSON COUNTY, IOWA

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for commercial, industrial, civic, residential, 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 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 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 existing 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 Dickinson County, Iowa."

WHEREAS, the Board of Supervisors of Dickinson County, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and other dangers; to protect the public health and general welfare; to control land use in a way that will minimize the number of conflicting land uses while preserving the separate character of rural and urban development areas; to recognize the economic development potential of the county; to preserve and protect area lakes, wetlands, waterways and natural lands; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of the population; to facilitate the adequate provision of transportation, water, sewer, schools, recreational open space, and other public requirements; to conserve the value of property and buildings; and encourage the most appropriate use of land throughout the county, all in accordance with the Dickinson County Comprehensive Plan.

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

ARTICLE #1
SHORT TITLE AND JURISDICTION

Section 1: SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Dickinson County, Iowa," to the same effect as if the full title was stated.

Section 2: JURISDICTION. In accordance with the provisions of Chapter 335, Code of Iowa and amendatory acts thereto, this Ordinance is adopted by Dickinson County, Iowa, governing the zoning of all lands within the unincorporated area of Dickinson County.

ARTICLE #2
INTERPRETATION OF REGULATIONS

Section 1: INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this Ordinance shall govern.

Section 2: FARMS EXEMPT. In compliance with Section 335.2, Code of Iowa, no regulation or restriction adopted under this ordinance shall apply to land, buildings, or structures which are primarily used for agricultural purposes.

Any nonagricultural uses and structures, though customarily found in unincorporated areas of the county, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a Zoning Compliance Permit in accordance with the provisions of this Ordinance.

ARTICLE #3
DEFINITIONS / USE CLASSIFICATIONS

Section 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 includes the plural and the plural the singular; the word "may" is discretionary and the word "shall" is mandatory. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The use of terms relating to the male gender shall also apply to the female gender.

Abandoned Farmstead: A parcel of land, which was formerly utilized as farm dwelling and/or related outbuildings, which has not been reclaimed for crop production.

Accessory Use: A use or structure located on the same lot, or on a lot within one hundred (100) feet of the principal lot of record, and of a nature customarily incidental and subordinate to the principal use or structure.

Addition: Any construction which increases the height, length, width or floor area of a structure.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and the care and feeding of livestock.

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

Alteration: Any increase in the exterior dimension or volume of a building.

Apartment: A single room or set of rooms occupied as a dwelling unit which is part of a multi-family structure.

Attached: Having one or more walls in common with a principal building, or joined to a principal building by a covered porch or passageway.

Attic: A space under a gable, hip or gambrel or other roof, the finished floor of which is or would be at or entirely above the level of the wall plates of at least two (2) exterior walls, and the height of which, from the attic floor level to the highest point of the roof, does not exceed ten feet (10').

Basement: A story partly underground but having at least one-half (1/2) of its height above the grade as measured from the front of the structure, and also one-half (1/2) of its height above the highest level of the adjoining ground. A basement shall be counted as a story under the provisions of this Ordinance.

Billboard: An off-premise panel of 45 square feet or greater designed to carry outdoor advertising.

Boarding or Lodging House: A building, other than a hotel, where meals are regularly served or lodging furnished for compensation to four (4) or more unrelated persons residing therein.

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

Building: A roofed structure supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.

Building, Accessory: A building which is subordinate to the principal use structure, not attached thereto and used for purposes customarily incidental to those of the principal use structure. Private garages are accessory buildings.

Building Connection: The connection of two (2) or more buildings by means of a porch, breezeway, carport, or other such similar structures, with a roof, shall make them considered as one (1) building. Such structures attached to the principal building shall be considered a part of the principal building.

Building, Detached: A building having no structural connection with another building.

Building, Height of: In all cases roof height is measured from the highest finished grade at the building line to the highest portion of the roof.

Building Line: The setback distance from the front lot line, rear lot line, and side lot lines as provided in this Ordinance.

Building, Principal: The principal building is a non-accessory structure in which the principal use of the lot, on which it is located, is conducted.

Building Wall: The wall of a building forming a part of the main structure. The foundation walls of unenclosed porches, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this Ordinance.

Building, Width of (Minimum): The minimum allowable width and/or length of the principal use structure, including manufactured structures (excluding site additions), moved in structures, or site built structures.

Business: The word "business" or "commercial" when used herein refers to the engaging in the purchase, sale, or exchange of goods and/or services, or the operation for profit of offices or recreational amusement enterprises.

Cellar: A level having more than one-half (1/2) of its height of all walls below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Ordinance.

Commission: The Dickinson County Planning and Zoning Commission.

Condominium: A multi-family dwelling, excluding townhouses, as defined herein where the fee title to each dwelling is held independently of the others and title to common areas is held jointly by dwelling unit title holders.

County: Dickinson County, Iowa.

Court: An open space fully enclosed on at least three (3) adjacent sides by walls of a building. An outer court is any court facing for its full width on a street, or on any other required open space not a court.

Critical Area: A critical area is a natural feature in need of preservation from encroaching and abutting land uses. Such areas include, but would not have to be limited to prime agricultural soils, areas of excessive slope, natural marshes, wetlands, woodlands, flood plains, and vegetative covered buffers.

Curb Elevation: The average of the highest and lowest curb elevation.

Deck: An open, unenclosed, unwalled (railing only) and unroofed structure, and is attached to a principal use structure and subject to setback requirements.

Detached: Fully separated from any other structure; not attached.

District: Any part or parts of Dickinson County, Iowa wherein the regulations of this Ordinance are uniform.

Drive-in Service: A feature or characteristic of a use involving sale of products or provision of services to occupants in vehicles, including drive-in or drive-up windows and drive-through services such as mechanical automobile washing.

Driveway: An area providing vehicular access between a street and an off-street parking or loading area. This designated area must be paved with gravel, asphalt, or concrete.

Dwelling: Any building or portion thereof which is designed or used primarily for residential purposes.

Dwelling, Single Family: A detached building that is arranged, designed or intended to be occupied as the residence of a single family and having no party wall in common with an adjacent building.

Dwelling, Two Family: A detached building that is arranged, designed or intended to be occupied as the residence of two (2) families or housekeeping units living independently of each other.

Dwelling, Multi-Family: An apartment house or dwelling used or intended to be used or occupied as the residence of three (3) or more families or housekeeping units living independently of each other.

Engineer: A duly qualified firm or individual licensed by the State of Iowa designated by the Board of Supervisors.

Essential Services: The erection, construction, alteration, or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare, but not including buildings

Family: An individual or group of individuals living and cooking together on the premises as one housekeeping unit, but a family shall not include more than three (3) individuals not related by blood, marriage, adoption, or foster care agreement.

Floodplain: A geographic area susceptible to periodic inundation from overflow of natural waterways which is based on federally established boundaries.

Floor Area: The square footage 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, unfinished space in a basement, or cellars.

Frontage: all property on one side of a street between two (2) 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 one (1) side between an intersecting street and the dead-end of street.

Garage, Private: An accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business services or industry connected with the motor vehicles is carried on other than leasing of space.

Grade: The average elevation of the finished surface of the ground adjacent the exterior walls of a building. However, when any wall approximately parallels the street and is not more than five (5) feet from a street line, then the elevation of the center line of the street at the center of the wall adjoining the street shall be grade.

Home Occupation: A business or occupation use conducted in a residential zone, which use is incidental and secondary to the residential use and which complies with the following provisions of this Ordinance:

A. Is customarily carried on in a dwelling unit or an attached garage, and;

B. Is carried on by a member of the family residing in the dwelling unit, and;

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

D. Does not employ more than one (1) person outside the immediate family, and;

E. Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal use structure, other than one (1) unlit exterior sign which shall not exceed two (2) square feet in area affixed to the occupation building so as to be flush and parallel to that building, and;

F. Does not occupy more than thirty (30) percent of the area of the total dwelling unit, and;

G. Produces no offensive noise, vibration, smoke, dust, odors, heat, glare, electrical or electronic interferences rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.

H. Home occupations would not be permitted if they would generate more traffic than customary in a residential area.

I. Home occupations shall not include car and boat repair and restoration.

J. Home occupation, farm: an occupation customarily engaged in on a farm, as a supplementary source of income, which:

1. Is clearly incidental and secondary to the operation of the farm, and;

2. Is carried on by a member of the family residing in the farm dwelling, and;

3. Is conducted within or adjacent to the farm dwelling or the customary farm out buildings.

Horticulture: The science and art of growing fruits, vegetables, flowers, ornamental plants, and anything of nursery nature.

Keyholing: Keyholing or funneling is the use of a water front property (whether riparian or not) as a common open space giving water front access to a larger development located away from the waterfront.

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.

Lot: A platted parcel of land intended to be separately owned, developed and otherwise used as a unit or a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law to be separately owned, used, developed, or built upon.

Lot Area: The net horizontal area within bounding lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.

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

Lot Coverage or Building Coverage: The area of a lot covered by buildings or ground level paving, but excluding incidental projecting eaves, balconies, and similar features and excluding landscaping, as defined in Article 23.

Lot, Depth: The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

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

Lot Line, Front: In the case of an interior lot abutting on only one street, the "front lot line" is the street line of such street. In the case of any other lot, it may be such street line as is selected by the owner as the "front lot line" for the purpose of this Ordinance, provided that the principal entrance to such building shall be on the street so selected. Notwithstanding the foregoing in the case of a lot which abuts upon a lake, harbor, canal, or State land along the State lakeshore which abuts the Triboji Beach Subdivision, the front lot line of such lot is the line that abuts upon the lake, harbor, canal, or State land along the State lakeshore which abuts the Triboji Beach Subdivision.

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

Lot Lines: The lines bounding a lot.

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

Lot of Record: A lot which is part of the legal subdivision of Dickinson County, Iowa, the plat of which has been recorded in the office of the Dickinson County Recorder, 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 prior to the effective date of this Ordinance.

Lot, Through: An interior lot having frontage on two parallel, or approximately parallel streets, also called a double frontage lot.

Lot, Width: The distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

Low Impact Development: Low Impact Development (LID) is an approach to land development that uses various land planning and design practices and technologies in an attempt to conserve and protect natural resources.

Mobile Home: As defined by Sect. 435.1(1) of the Code of Iowa; Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle. A mobile home shall not be considered a single family use in a residential district unless converted to real property as described in Section 435.26 of the Code of Iowa.

Mobile Home Park: Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are situated, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. For purposes of this Ordinance all mobile home parks shall be specifically for residential use and not for recreational camping and other temporary uses.

Mobile Home Subdivision: a subdivision designed according to the Dickinson County Subdivision Regulations, and designed only for location of mobile homes on lots which may be owned or leased by the mobile home occupant.

Modular or Manufactured Homes: A Modular Home as defined in Section 435.1(3) of the Code of Iowa and a Manufactured Home as defined in Section 335.30 of the Code of Iowa, are both defined as factory-built structures which are manufactured or constructed to be used as a place for human habitation, but which are not constructed or equipped with a permanent hitch or other device allowing them to be attached or towed behind a motor vehicle, and which do not have permanently attached to their body or frame any wheels or axles.

Mobile Home Space: An area within a mobile home park which is designed for and designated as the location for a single mobile home and the exclusive use of its occupants.

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.

Parking Facility: 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. The term "parking facility" shall include parking lots, parking garages, and parking structures.

Parking Space: An area on a lot or within a building, used or intended for use for off-street parking of a motor vehicle, having permanent means of access to and from a public street or alley

independently of any other parking space, and located in a parking facility meeting the requirements established by this Ordinance. This area must be paved with gravel, asphalt, or concrete. The term "parking space" is equivalent to the term "parking stall" and does not include commercial driveways, aisles, or other features comprising a parking facility. Driveways for one and two family structures may be considered as parking space.

Planned Unit Development (PUD): An area of land owned by one (1) or more persons which is to be developed under uniform control of a uniform plan. The PUD may consist of residential, commercial, industrial, recreational, or educational uses or a combination thereof, but must have continuity in design and development. The PUD does not need to conform to the standard requirements of this ordinance and therefore is subject to approval by the Board of Adjustment upon submittal of a special plan and application.

Porch, Open: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.

Projecting Overhang or Structure: Any floor, wall, bay window, stone or brick veneer, other cantilevered structure; or in the side yards air conditioner, heat pump, condenser and window well; excluding facing or trim, and also excluding attachments provided by utilities for provision and metering of utility services.

Public Assembly: Publicly and/or privately owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.

Public Notice: The publication of the time and place of any public hearing not less than fifteen (15) days prior to the date of said hearing in one newspaper of general circulation in the County.

Public Way: An open or unoccupied space more than 30' in width which is permanently reserved for the purpose of access to abutting property.

Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, and snowmobiles.

Residential Convenience Service: 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 thereof.

Resort: An area providing recreation and entertainment to vacationers or the general public.

Setback Line: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensions, all existing and proposed buildings, structures and uses, and principal site development features including parking, access, drainage patterns, and landscaping, buffer strips, and screening, for a specific parcel of land.

Solar Panels: A device utilizing the sun's rays to produce heat or electricity. If the panels are attached to the principal structure, then they become part of the principal structure. If the panels are a stand-alonjkuie structure, then they are considered an accessory structure.

Story: That part of any building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half (1/2) of its height above the highest level of adjoining ground.

Street, Front: The street or public way upon which a lot abuts. If a lot abuts upon more than one street or public place it shall mean the street designated as the front street in the owner's application for a building permit.

Street, Line: The dividing line between a lot and a public street, alley or place.

Street, Public: A public thoroughfare more than thirty feet (30') in width.

Street Wall: The wall of the building nearest the street under consideration.

Structure: Anything constructed more than one foot off the ground level, erected or built, the use of which requires a location on the ground and designed for the support, enclosure, shelter or protection of people, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage or occupancy.

Substandard Lot: A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the district in which it is located, but which complied with applicable requirements when it was placed on record.

Townhouse: A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group where the fee title to each dwelling is held independently of the others.

Townhouse Group: Two (2) or more contiguous townhouses having common or abutting walls.

Use: The conduct of an activity, or the performance of a function or operation, on a site or in a structure.

1. Accessory Use: A use or activity which is incidental to and customarily associated with a specific principal use on the same site.

2. Principal Use: A use which is a primary function of a lot or structure.

3. Permitted Use: A use listed by the regulations for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accordance with the regulations established by this Ordinance.

4. Conditional Use: A use listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this Ordinance.

Valuation: The one hundred percent (100%) valuation of a building or structure, as determined by the Dickinson County Assessor.

Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from one (1) foot above the average ground level of the graded lot upward. In measuring a yard, the least distance between the lot line and the nearest permitted building foundation shall be used except where there is an overhang projecting beyond the foundation which is not a cornice or eave, then the measurement shall be the least distance between the lot line and foundation subtracting the overhang.

Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of cornices and eaves which project two (2) feet or less from the building. Where the roadway is existing by easement, the front line is the right-of-way line.

Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than cornices and eaves which extend two (2) feet or less from the building. On both corner lots and interior lots, the opposite end of the lot from the front yard shall be considered the rear yard.

Yard, Side: The required open space, unobstructed to the sky, extending from the front yard to the rear yard and measured between the side lot lines and the nearest building, excluding only cornices and eaves which project two (2) feet or less from the building.

Zoning Administrative Officer: The individual appointed by the Board of Supervisors to administer and enforce the provisions of this Ordinance.

Zoning Compliance Permit: A permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.

Section 2: USE CLASSIFICATIONS. The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specifically permitted 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 the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Article 28. In making such determination, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

A. GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES: Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements involving those providing twenty-four (24) hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

1. Single Family Residential: The use of a site for only one dwelling unit.

2. Duplex Residential: The use of a site for two (2) dwelling units within a single building.

3. Two Family Residential: The use of a site for two (2) dwelling units, each in a separate building.

4. Townhouse Residential: The use of a site for at least three (3) and not to exceed eight (8) townhouse dwelling units per structure, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.

5. Condominium Residential: The use of a site for at least three (3) and not to exceed eight (8) dwelling units per structure intended for separate ownership, together with common area serving all dwelling units.

6. Multiple Family Residential: The use of a site for at least three (3) and not to exceed eight (8) dwelling units per structure, with one or more structures on a single lot.

7. Group Residential: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.

8. Timeshare: A single dwelling unit that has shared ownership by two (2) or more owners. The owners have a written agreement between them designating periods of occupancy for each owner. Typically a property management firm provides maintenance of the structure and grounds.

9. Mobile Home Residential: The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.

10. Planned Unit Development (PUD): An area of land owned by one (1) or more persons which is to be developed under uniform control of a uniform plan. The PUD may consist of residential, commercial, industrial, recreational, or educational uses or a combination thereof, but must have continuity in design and development. The PUD does not need to conform to the standard requirements of this ordinance and therefore is subject to approval by the Board of Adjustment upon submittal of a special plan and application.

B. 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.

1. Administrative and Business Offices: Offices 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, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

2. 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 nurseries; hay, feed or grain stores, and tree service firms.

3. Agricultural Animal Husbandry (Limited): The raising of cattle, swine, poultry, horses, sheep, goats or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted completely within enclosed structures. All confinements and waste treatment lagoons shall meet with all State Law and Iowa Department of Natural Resources regulations.

4. Agricultural Animal Husbandry (General): The raising of cattle, swine, poultry, horses, goats or similar farm animals for reproductive stock or for slaughter. This includes residences of owners and employees. All feedlots shall meet with State Law and Iowa Department of Natural Resources regulations.

5. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or equipment sales or services. The following are automotive and equipment use types:

   A. Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.

B. Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.

C. Commercial Off-Street Parking: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

D. Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi parking and dispatching.

E. Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships, and; trailer and recreational vehicle dealerships.

F. 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 homes sales establishments.

G. Automotive Repair Services: Repair of automobiles, noncommercial trucks, 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, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.

H. 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 excluding dismantling or salvage.

I. Vehicle Storage: Long term storage of operational or non-operational vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.

6. 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.

7. 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 office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

8. 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.

9. 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.

   A. Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include but are not limited to bowling alleys, billiard parlors, ice and roller skating rinks, and penny arcades.

   B. Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but are not limited to driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts, and rod and gun clubs.

   C. Indoor Entertainment: Predominately spectator uses conducted within an enclosed building. Typical uses include but are not limited to motion picture theaters, meeting halls and dance halls.

   D. Outdoor Entertainment: Predominately spectator uses conducted in open facilities. Typical uses include but are not limited to sports arenas, racing facilities, and amusement parks.

   E. Marine Services: Establishments engaged in the rental, sales, storage, repair, docking, and servicing of boats and other marine sporting equipment.

10. Communication Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include television and radio broadcasting facilities, telecommunication service centers, cellular phone facilities, or telephone and telegraph service offices.

11. 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, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

12. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.

13. 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.

14. 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 be prohibited.

15. Crop Production: The growing of the usual farm crops for animal feed or for sale for the manufacturing of food products. Typical uses include corn, soybean or wheat fields as well as pasture for grazing of livestock. This includes residences of owners and employees.

16. Farm Operation: Agricultural operations both commercial and family as defined by Section 352.2(6) of the Code of Iowa.

17. 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.

18. Food Sales: Establishments 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.

19. 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.

20. General Retail Sales: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include but are not limited to department stores, apparel stores, furniture stores, non-livestock auction houses or establishments providing the following products or services: household cleaning and maintenance products, drugs, cards, and stationary, notions, books, tobacco products, cosmetics, and specialty items; flowers, 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 (excluding service and installation).

20A. Green Waste: A site used for the storage and processing of organic yard waste.

20B. Horticulture: The growing of fruits, vegetables, flowers, ornamental plants, and anything of nursery nature.

21. Kennels: The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a pet hospital, grooming service, or retail pet store; or the keeping of five (5) or more dogs or their off-spring six months or older, on premises used for residential purposes other than agricultural, or the keeping of more than one (1) dog on property used for business or commercial purposes.

22. Laundry Services: Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical use types include bulk laundry and cleaning plants, diaper services, or linen supply services.

23. 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, or any licensed sales for off-site consumption.

24. 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 for humans, licensed for such practice by the State of Iowa.

25. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

26. Personal Services: Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

27. 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.

28. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.

29. Recreational Storage: The renting of open or enclosed spaces for storage of recreational vehicles, snowmobiles, all terrain vehicles, motorcycles, boats, trailers, hoists and other marine sporting equipment owned by individuals other than the property owner or occupant of the premises.

30. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

31. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on and off premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.

32. Restaurant (General): A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.

33. Riding Academy: A use engaged in the provision of equestrian riding, lessons or for the quartering of horses. Typical uses include saddle clubs, riding stables or liveries.

34. Tavern: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including cocktail lounges, night clubs, bars, and similar uses.

35. Veterinary Services: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.

36. 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:

    A. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks. Campgrounds may be classified as non-profit if operated by an organization meeting the requirements established in Chapter 504A of the Code of Iowa. Otherwise a campground will be considered as for-profit.

    B. Hotel / Motel: Lodging services involving the provision of room and/or board where four or more units are offered for occupancy to the general public. Typical uses include hotels, motels or transient boarding houses.

    C. Bed & Breakfast: A private, owner-occupied housing unit which provides not more than eight 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.

    D. Cottage / Resort Enterprise: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy. Such buildings may include quarters for the boarding of employees.

    E. Commercial Single Family: A single dwelling unit rented to the general public for periods not exceeding one calendar month.

37. Wind Energy Conversion Systems (WECS): Any device such as a wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy, and any meteorological tower.

C. GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES: Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and storage and distribution of products.

1. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials including bulk stations, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

2. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts 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.

3. Light Manufacturing: A use engaged in the manufacture, predominately 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.

4. Recycling Activities: An activity where recoverable resources such as bottles and newspapers are recycled, reprocessed or treated to return such products to a condition in which they may again be used for production.

5. 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.

   A. Gravel Extraction: The exclusive extraction of gravel and sand for purposes established by the County. Gravel Extraction may be considered a use separate from other types of resource extraction.

6. Scrap & 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 in their original forms. Typical uses include automotive wrecking yards, junk yards, paper salvage yards.

7. Stockyards: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales and auction yards.

8. 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 wholesaling, storage and distribution types:

   A. Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.

   B. General Warehousing and Distribution: Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.

D. GENERAL DESCRIPTION OF CIVIC 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.

1. Administrative Services: Offices, administrative, clerical or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county or municipal offices.

2. Aviation Facilities: Landing fields, aircraft parking and service facilities, airport terminals and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

3. 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.

4. Club or Lodge: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

5. College and University Facilities: An educational institution of higher learning which offers course study designed to culminate in the issuance of a degree.

6. Community Recreation: A recreational facility for use by residents and guests of a particular residential development or planned unit development, including both indoor and outdoor facilities.

7. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care of alcoholism, drug addiction, mental disease, or communicable disease.

8. Cultural Services: A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.

9. Day Care Services (Limited): A facility, or use of a dwelling unit or portion thereof, for the care of six (6) or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.

10. Day Care Services (General): A facility, or use of a dwelling unit or portion thereof, for the care of seven (7) or more individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.

11. Detention Facilities: A publicly operated use providing housing and care for individuals confined by law.

12. Flood Control Facilities: A structure that provides for alleviation or control of flooding of areas of developed land uses which are prone to flooding. This term includes but is not limited to dams, levies, holding basins, canals, drainage channels, and spillways.

13. Game Refuge: A use of land providing natural habitat for animals and plant species. Typical uses include prairies, marshes, woodlands and wetlands.

14. Guidance 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, either on a residential or daytime care basis.

15. Hospital Services: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

16. Indoor Recreational Facility: A permanent structure containing facilities for recreational activities, such as tennis, platform games, swimming, exercise rooms, handball, and similar activities.

17. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices and junction boxes which are necessary to support principal development.

18. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

19. Major Utility Facilities: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.

20. Open Spaces: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

21. Outdoor Learning Center: A facility used for educational and research purposes, particularly involved with natural sciences, which may include temporary living quarters and dining facilities for users as well as laboratory facilities directly pertinent to the educational and research conducted using the site.

22. Outdoor Recreational Facilities: A facility located outside which contains facilities such as softball or baseball fields, soccer fields, outdoor tennis courts, playgrounds and similar facilities.

23. Park and Recreation Areas: Publicly or privately owned and operated parks, playgrounds, recreational or open spaces.

24. Primary Educational Facilities: A public, private or parochial school offering instruction at the elementary and middle school level (grades K-8) in the branches of learning and study required to be taught in the public schools in the State of Iowa.

25. Public Assembly: Publicly or privately owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.

26. Railroad Facilities: Railroad yards, depots, equipment servicing facilities, and terminal facilities.

27. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.

28. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including over-night occupancy or care for extended periods of time.

29. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

30. Sanitary Landfill: A disposal project where garbage, refuse, rubbish and other similar discarded solid or semisolid materials are buried between layers of earth.

31. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the senior high school (grades 9-12) levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.

32. Solid Waste Transfer: A public or private use of a site to collect and weigh solid waste for larger scale transport of the waste to sanitary landfills.

33. Transportation Terminals: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation, including bus terminals, and public transit facilities.

34. Wind Energy Conversion Systems (WECS): Any device such as a wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy, and any meteorological tower.

ARTICLE #4
DISTRICTS

Section 1: DISTRICT SYMBOLS. For the purpose and intent of this Ordinance; Dickinson County, Iowa, is hereby divided into the following zoning district classifications and their respective official map symbols.

A-1	Agricultural District
A-2	Environmental District
R-1	Suburban Residential District
R-2	One and Two Family Residential District
R-3	Multi-Family Residential District
R-4	Lakeshore Residential District
R-5	Mobile Home Park and Subdivision District
GC	General Commercial District
HC	Highway Commercial District
RE	Resort Enterprise District
LI	Light Industrial District
HI	Heavy Industrial District

Section 2: BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the "Official Zoning Maps of Dickinson County, Iowa," which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Maps shall be identified by the Chairman of the Board of Supervisors and attested by the County Auditor under the following words:

> "This is to certify that these are the Official Zoning Maps referred to in Article #4 of the Dickinson County Zoning Ordinance adopted on this 25th day of June, 1998."

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Maps shall be made by an Ordinance amending the "Zoning Ordinance of Dickinson County, Iowa." 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 Maps. Such amendatory Ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Maps, together with amending Ordinances, shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the unincorporated areas of the County.

In the event that the Official Zoning Maps are damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by Ordinance, adopt new Official Zoning Maps which shall supercede the prior Official Zoning Maps. The new Official Zoning Maps may correct drafting or other errors or omissions in the

prior Official Zoning Maps, but no such correction shall have the effect of amending the original Zoning Ordinance of Dickinson County, Iowa or any subsequent amendment thereof.

Section 3: INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

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

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

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

D. Boundaries indicated as approximately following municipal corporate boundaries shall be construed as following such boundaries.

E. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of change in shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed as following such center lines.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E previously stated shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the maps.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by subsections A through F previously stated, the Board of Adjustment shall interpret the district boundaries.

Section 4: ROAD OR PUBLIC WAY VACATION. Whenever any road, street, or other public way is vacated by the official action of the Board of Supervisors, the zoning district(s) adjoining each side of such road or public way shall automatically extend to the center of such vacation and all area included in such vacation shall then and thereforth be subject to all appropriate regulations of the extended district.

Section 5: DISINCORPORATION. All territory which may hereafter become part of the unincorporated area of Dickinson County, Iowa, that is regulated by this Ordinance, by the disincorporation of any city, or any part thereof, shall automatically be classified as lying and being within the (R-2) One and Two Family Residential District until such classification shall have been changed by amendment to this Ordinance.

Section 6: GENERAL REGULATIONS. Except as herein provided:

A. No building or structure shall be erected, nor shall any building or land be used, which does not comply with all of the district regulations established by this Ordinance for the district in which the building or land is located and for which a zoning compliance permit is required.

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

C. Every building hereafter erected or structurally altered shall be located on a lot herein defined and in no case shall there be more than one (1) principal use structure on one (1) lot unless otherwise provided in this Ordinance.

D. No building shall be erected or shall be structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Ordinance.

E. Every residence, business, trade or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the requirements and procedures set forth in the Iowa Administrative Code, and approved by the Dickinson County Sanitarian.

ARTICLE #5
AGRICULTURAL DISTRICT (A-1)

Section 1: INTENT. The intent of the Agricultural District is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses; and to preserve, in agricultural use, land suited for eventual development into other uses until such time an orderly and beneficial conversion from agricultural use is provided or programmed.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

Single Family

B) Commercial Uses

Agricultural Animal Husbandry (General)
Agricultural Animal Husbandry (Limited)
Automotive Repair Services
Crop Production
Equipment Repair Services
Farm Operation
Horticulture
Kennels
Outdoor Sports and Recreation
Riding Academy
Veterinary Services

C) Civic Uses

Administrative Services
Game Refuge
Local Utility Services
Maintenance and Service Facilities
Outdoor Learning Center
Park and Recreation Services
Railroad Facilities
Safety Services
Transportation Terminals

D) Industrial Uses

Gravel Extraction

Section 3. CONDITIONAL PRINCIPAL USES.

A) Residential Uses

PUD

B) Commercial Uses

Agricultural Sales and Services
Bed and Breakfast
Campground (For Profit)
Campground (Non-Profit)
Communication Services
Construction Sales and Services (Light)
Convenience Store
Green Waste
PUD
Recreational Storage
Service Station
Wind Energy Conversion Systems (WECS)

C) Civic Uses

Aviation Facilities
Cemetery
College and University Facilities
Detention Facility
Indoor Recreational Facilities
Outdoor Recreational Facilities
Major Utility Facilities
Primary Educational Facilities
Public Assembly
Religious Assembly
Sanitary Landfill
Secondary Educational Facilities
Wind Energy Conversion Systems (WECS)

D) Industrial Uses

Resource Extraction
Scrap and Salvage Services
Stockyards
Warehousing and Distribution (General)

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A) Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

B) Home Occupations

C) Roadside stands for the sale of agricultural produce grown on the premises.

D) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This includes temporary facilities for asphalt and concrete mixing.

E) Essential Services

F) Supplementary Farm Buildings, including one (1) single family dwelling or one (1) mobile home if used by the farm owner or operator, member of the immediate family, or an employee working on the premises.

Section 5: BULK REGULATIONS. The following minimum requirements for nonagricultural uses shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	Ten (10) acres. Existing or abandoned farmsteads shall have a minimum lot area of 20,000 square feet. No minimum requirement for utility facilities.
B.	Minimum Lot Width:	200 feet
C.	Minimum Front Yard Setback:	50 feet
D.	Minimum Side Yard Setback:	50 feet
E.	Minimum Rear Yard Setback:	50 feet
F.	Maximum Height:	No limitation; however, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

ARTICLE #6
ENVIRONMENTAL DISTRICT (A-2)

Section 1: INTENT. The intent of the Environmental District is to identify those portions of Dickinson County which are affected by seasonal flooding, can be considered critical areas, or otherwise best suited as open space buffers between land uses, and are not suitable for structural developments.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Crop Production
Farm Operation

C) Civic Uses

Game Refuge
Local Utility Services
Parks and Recreation Services

D) Industrial Uses

None

Section 3. CONDITIONAL PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Campground (For Profit)
Campground (Non-Profit)

C) Civic Uses

Flood Control Facilities
Outdoor Learning Center

D) Industrial Uses

Gravel Extraction
Resource Extraction

Section 4: SPECIAL CONDITIONS. The following requirement shall apply as minimum requirements in the A-2 district: Along critical portions of the major water courses, no development shall be allowed within the floodway of any water course, excluding bridges, elevated roadways, open space parks, and flood control structures.

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	None
B.	Minimum Lot Width:	None
C.	Minimum Front Yard Setback:	50 feet
D.	Minimum Side Yard Setback:	50 feet
E.	Minimum Rear Yard Setback:	50 feet
F.	Maximum Height:	No limitation; however, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

ARTICLE #7
SUBURBAN RESIDENTIAL DISTRICT (R-1)

Section 1: INTENT. The intent of the Suburban Residential District is to provide for a transitionary area between agricultural and urban land uses to be applied in areas contiguous to or in close proximity to built up areas.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

Duplex
Single Family

B) Commercial Uses

Campground (For Profit)
Campground (Non-Profit)
Crop Production
Farm Operation

C) Civic Uses

Administrative Services
Flood Control Facilities
Local Utility Services
Outdoor Learning Center
Parks and Recreation Services

D) Industrial Uses

None

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Bed and Breakfast

C) Civic Uses

Cemetery
Game Refuge
Major Utility Facilities

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY STRUCTURE AND USES.

A. Private garage or carport.

B. Private swimming pools and tennis courts.

C. Private non-commercial greenhouses

D. Essential Services

E. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

G. Home Occupation.

H. Stables provided that the lot area contains a minimum of three (3) acres and a density not greater than one (1) horse and any of its offspring under two years old per acre.

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

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	One (1) acre
B.	Minimum Lot Width:	150 feet
C.	Minimum Front Yard Setback:	75 feet
D.	Minimum Side Yard Setback:	15 feet

E.	Minimum Rear Yard Setback:	25 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.
G.	Minimum Building Width:	22 feet except for permitted accessory structures.

ARTICLE #8
ONE AND TWO FAMILY RESIDENTIAL DISTRICT (R-2)

Section 1: INTENT. The intent of the One and Two Family Residential District is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

Duplex
Single Family

B) Commercial Uses

None

C) Civic Uses

Administrative Services
Colleges and University Facilities
Cultural Services
Local Utility Services
Parks and Recreation Services
Primary Educational Facilities
Religious Assembly
Secondary Educational Facilities

D) Industrial Uses

None

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

Planned Unit Development (PUD)

B) Commercial Uses

Bed and Breakfast
Commercial Off-Street Parking

C) Civic Uses

Club or Lodge
Community Recreation
Convalescent Services
Daycare Services (Limited)
Daycare Services (General)
Guidance Services
Hospital Services
Major Utility Facilities
Residential Care Services

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES.

A. Private garage or carport.

B. Private swimming pools and tennis courts.

C. Private non-commercial greenhouses

D. Essential Services

E. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

G. Home Occupation.

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	10,000 square feet on properties with public sanitary sewer 20,000 square feet on properties without public sanitary sewer
B.	Minimum Lot Width:	80 feet on properties with public sanitary sewer 100 feet on properties without public sanitary sewer
C.	Minimum Front Yard Setback:	35 feet
D.	Minimum Side Yard Setback:	8 feet
E.	Minimum Rear Yard Setback:	25 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.
G.	Common Wall:	Where multi-family dwellings are contained in one building, bulk regulations shall apply to the entire building and not each individual unit.
H.	Minimum Building Width:	22 feet except for permitted accessory structures.

ARTICLE #9
MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

Section 1: INTENT. The intent of the Multi-Family Residential District is to provide for living areas within the County for development of multiple family dwellings and single family dwellings which are compatible in character and density with the multiple family residential environment.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

Duplex
Condominium
Group
Multiple Family
Single Family
Townhouse

B) Commercial Uses

None

C) Civic Uses

Administrative Services
Club or Lodge
College and University Facilities
Convalescent Services
Cultural Services
Guidance Services
Hospital Services
Local Utility Services
Primary Educational Facilities
Religious Assembly
Residential Care Services
Secondary Educational Facilities

D) Industrial Uses

None

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

Planned Unit Development (PUD)

B) Commercial Uses

Bed and Breakfast
Commercial Off-Street Parking
Funeral Services
Medical Offices

C) Civic Uses

Daycare Services (Limited)
Daycare Services (General)
Major Utility Facilities

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES.

A. Private garage or carport.

B. Private swimming pools, tennis courts, playground areas, and multi-family entertainment and services centers, provided that such areas shall not be located in the front of the principal building and provided that swimming pools be fenced with a minimum of six (6) feet in height.

C. Private non-commercial greenhouses.

D. Essential Services.

E. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

G. Home Occupation.

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	Single Family and Duplex - 7,000 square feet Multi-Family, Townhouse, and Condominium - 2,000 square feet per unit, with an absolute minimum of 10,000 square feet All other uses - 10,000 square feet
B.	Minimum Lot Width:	50 feet
C.	Minimum Front Yard Setback:	35 feet
D.	Minimum Side Yard Setback:	8 feet
E.	Minimum Rear Yard Setback:	25 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.
G.	Common Wall:	Where multi-family, town house, and condominium dwellings are contained in one building, bulk regulations shall apply to the entire building and not each individual unit.
H.	Minimum Building Width:	22 feet except for permitted accessory structures.

ARTICLE #10
LAKESHORE RESIDENTIAL DISTRICT (R-4)

Section 1: INTENT. The intent of the Lake Residential District is to provide for special restrictions to protect the amenities and aesthetic qualities of residential property with lake frontage.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

Duplex
Single Family

B) Commercial Uses

Commercial Cottage
Commercial Single Family

C) Civic Uses

Local Utility Service

D) Industrial Uses

None

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

Condominium
Multiple Family
Planned Unit Development
Timeshare
Townhouse

B) Commercial Uses

Bed and Breakfast

C) Civic Uses

None

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A. Private garage or carport.

B. Private swimming pools, tennis courts, playground areas, and multi-family entertainment and services centers, provided that such areas shall not be located in the front of the principal building and provided that swimming pools be fenced with a minimum of six (6) feet in height.

C. Private non-commercial greenhouses.

D. Essential Services.

E. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

G. Home Occupation.

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	Single Family and Duplex - 7,000 square feet Multi-Family, Townhouse, and Condominium - 2,500 square feet per unit, with an absolute minimum of 10,000 square feet All other uses - 10,000 square feet
B.	Minimum Lot Width:	Single Family and Duplex - 50 feet All other uses - 100 feet
C.	Minimum Front Yard Setback:	30 feet

D.	Minimum Side Yard Setback:	Single Family and Duplex - 5 feet All other uses - 8 feet
E.	Minimum Rear Yard Setback:	25 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.
G.	Common Wall:	Where multi-family, town house, and condominium dwellings are contained in one building, bulk regulations shall apply to the entire building and not each individual unit.
H.	Front Lot Line:	The front lot line shall be the line bounding the "Ordinary High Water Mark," or the line on the lake side of the lot.
I.	Minimum Building Width:	22 feet except for permitted accessory structures.

ARTICLE #11
MOBILE HOME RESIDENTIAL DISTRICT (R-5)

Section 1: INTENT. The intent of the Mobile Home District is to provide for mobile homes located in areas of the County where such use is compatible with existing and future development. This district shall be well served by arterial streets to provide adequate access and planned development that is compatible with the character of adjacent land uses.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

Mobile Home Park
Mobile Home Subdivision

B) Commercial Uses

None

C) Civic Uses

Local Utility Services

D) Industrial Uses

None

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Campground (For Profit)

C) Civic Uses

Major Utility Facilities

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A. Essential Services.

B. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

D. Home Occupation.

E. Sale of mobile homes for use on the premises only, provided that such mobile homes are skirted and connected to all utilities.

Section 5: SPECIAL REQUIREMENTS FOR MOBILE HOME PARKS. Mobile Home Parks within the (R-5) district shall be subject to the following special requirements:

A. In all mobile home parks except as provided in this Ordinance there shall be one (1) or more recreation areas which shall be safe and easily accessible to all residents. The size of such recreation areas shall be based upon a minimum of 250 square feet per lot. No outdoor recreation area shall contain less than 5,000 square feet.

B. Each mobile home shall be served with water and sanitary sewer utilities, service facilities for bathing, laundry, as required by state and county health regulations.

C. If said mobile home park development plan contains no dedication to the county of streets or utilities, it should be understood that the facilities of the county shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection or other related services.

D. Exposed ground surfaces in all parts of every mobile home park shall be paved, covered with stone screening, or other solid material, or protected with vegetation or other material capable of preventing soil erosion and objectionable dust.

E. Adequate provisions shall be made to handle all surface and storm drainage water and shall be reviewed and approved by an Engineer as defined by this Ordinance.

F. No part of the mobile home park shall be used for nonresidential purposes, except such uses that are required for services, well-being of park residents, and for the management or maintenance of the park. Nothing contained in this section shall be deemed to prohibit the sale by an owner of a mobile home located on a mobile home stand connected to the

pertinent utilities. Any sale of mobile homes in place on the mobile home stand shall in no way relieve any parties involved from complying with all regulations of this Ordinance.

G. All roads shall be hard surfaced and be at least 25 feet in width.

Section 6: BULK REGULATIONS FOR A MOBILE HOME PARK. The following minimum requirements shall be observed, subject to modification contained in Article 17 of this Ordinance.

A.	Minimum Park Area:	Five (5) acres
B.	Minimum Park Width:	300 hundred feet
C.	Minimum Front Perimeter Width:	35 feet
D.	Minimum Side Perimeter Width:	10 feet
E.	Minimum Rear Perimeter Width:	10 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

No part of the required park perimeter widths may be used to satisfy any portion of the individual trailer lot requirements.

Section 7: BULK REGULATIONS FOR INDIVIDUAL LOTS OF A MOBILE HOME PARK. The following minimum requirements shall be observed, subject to modification contained in Article 17 of this Ordinance.

A.	Minimum Lot Area:	3,000 square feet
B.	Minimum Lot Width:	30 feet
C.	Minimum Front Yard Setback:	10 feet
D.	Minimum Side Yard Setback:	Seven and one-half (7 1/2) feet; however, the side yard may be reduced to two (2) feet provided that the minimum distance between mobile homes shall be maintained at 15 feet.
E.	Minimum Rear Yard Setback:	10 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other

restricted air space required for the protection of an existing airport.

Section 8: SPECIAL REQUIREMENTS FOR MOBILE HOME SUBDIVISION. Mobile Home Subdivisions within the (R-5) district shall be subject to the following special requirements:

A. No mobile home shall be located in any Mobile Home Subdivision, until a Mobile Home Subdivision Plan is officially approved by the Board of Supervisors and the requirements of the Subdivision Ordinance of Dickinson County, Iowa, have been complied with.

B. Exposed ground surfaces in all parts of every mobile home park shall be paved, covered with stone screening, or other solid material, or protected with vegetation or other material capable of preventing soil erosion and objectionable dust.

C. In all mobile home parks except as provided in this Ordinance there shall be one (1) or more recreation areas which shall be safe and easily accessible to all residents. The size of such recreation areas shall be based upon a minimum of 250 square feet per lot. No outdoor recreation areas shall contain less than 5,000 square feet.

D. Each mobile home shall be served with water and sanitary sewer utilities, service facilities for bathing, laundry, as required by state and county health regulations.

E. If said mobile home subdivision development plan contains no dedication to the county of streets or utilities, it should be understood that the facilities of the county shall not be used for maintenance or streets, sidewalks, and water and sewer lines, garbage collection or other related services.

F. Adequate provisions shall be made to handle all surface and storm drainage water and shall be reviewed and approved by an Engineer as defined by this Ordinance.

G. All roads shall be hard surfaced and be at least 25 feet in width.

Section 9: BULK REGULATIONS FOR LOTS IN MOBILE HOME SUBDIVISIONS. The following minimum requirements shall be observed, subject to modifications contained in Article 17 of this Ordinance.

A.	Minimum Lot Area:	5,000 square feet
B.	Minimum Lot Width:	50 feet
C.	Minimum Front Yard Setback:	30 feet

D.	Minimum Side Yard Setback:	Seven and one-half (7 1/2) feet; however, the side yard may be reduced to two (2) feet provided that the minimum distance between mobile homes shall be maintained at 15 feet.
E.	Minimum Rear Yard Setback:	15 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.
G.	Minimum Lot Depth:	100 feet

ARTICLE #12
GENERAL COMMERCIAL DISTRICT (GC)

Section 1: INTENT. The intent of the General Commercial District is to provide an area for service establishments that cannot be classified as highway oriented, but located within the County adjacent to a community and can be considered as an extension of the community's central business district.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Administrative and Business Offices
Bed and Breakfast
Building Maintenance Services
Business Support Services
Communication Services
Construction Sales and Services (Light)
Consumer Repair Services
Convenience Storage
Convenience Store
Financial Services
Food Sales
General Retail Sales
Hotel/Motel
Indoor Sports and Recreation
Indoor Entertainment
Laundry Services
Liquor Sales
Marine Services
Medical Offices
Personal Improvement Services
Personal Services
Pet Services
Professional Office
Recreational Storage
Restaurant (Convenience)
Restaurant (General)
Service Station
Tavern

C) Civic Uses

Administrative Services
Guidance Services
Indoor Recreational Facilities
Outdoor Recreational Facilities
Local Utility Services

D) Industrial Uses

Custom Manufacturing

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Adult-Oriented Establishments
Commercial Off-Street Parking
Outdoor Entertainment

C) Civic Uses

Daycare Services (General)
Major Utility Facilities
Religious Assembly

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A. Essential Services.

B. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	None.
B.	Minimum Lot Width:	None.
C.	Minimum Front Yard Setback:	None.
D.	Minimum Side Yard Setback:	None, except that a side yard of 12 feet shall be provided when the use is adjacent to a residential district.
E.	Minimum Rear Yard Setback:	None, except that a rear yard of 25 feet shall be provided when the use is adjacent to a residential district.
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

ARTICLE #13
HIGHWAY COMMERCIAL DISTRICT (HC)

Section 1: INTENT. The intent of the Highway Commercial District is to establish the location of areas best suited to the needs of highway-related business types whose primary function is catering to traffic generated by the adjacent major roadway. These uses are also characterized by the need for larger lot sizes and the need to supply off street parking.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Administrative and Business Offices
Agricultural Sales and Services
Automotive Rental
Automotive Repair Services
Automotive Sales
Automotive Washing
Bed and Breakfast
Building Maintenance Services
Business Support Services
Business or Trade School
Commercial Off-Street Parking
Communication Services
Construction Sales and Services (Light)
Consumer Repair Services
Convenience Storage
Convenience Store
Equipment Repair Services
Equipment Sales
Financial Services
Food Sales
General Retail Sales
Hotel/Motel
Indoor Entertainment
Laundry Services
Liquor Sales
Marine Services
Medical Offices
Personal Improvement Services
Personal Services

Pet Services
Professional Office
Recreational Storage
Restaurant (Convenience)
Restaurant (General)
Tavern
Riding Academy
Service Station
Veterinary Services

C) Civic Uses

Administrative Services
Club or Lodge
Cultural Services
Guidance Services
Hospital Services
Indoor Recreational Facilities
Outdoor Recreational Facilities
Local Utility Services

D) Industrial Uses

Custom Manufacturing

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Adult-Oriented Establishments
Campground (For Profit)
Campground (Non-Profit)
Funeral Services
Outdoor Entertainment
Outdoor Sports and Recreation

C) Civic Uses

Major Utility Facilities
Public Assembly
Religious Assembly

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A. Essential Services.

B. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	10,000 square feet
B.	Minimum Lot Width:	100 feet
C.	Minimum Front Yard Setback:	50 feet
D.	Minimum Side Yard Setback:	12 feet
E.	Minimum Rear Yard Setback:	25 feet
F.	Maximum Height:	35 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

ARTICLE #14
RESORT ENTERPRISE DISTRICT (RE)

Section 1: INTENT. The intent of the Resort Enterprise District is to establish the location of areas best suited to providing accommodation and vacation activity facilities and amenities for the vacationing public within the "Iowa Great Lakes" portion of Dickinson County.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

Condominium
Duplex
Single Family
Timeshare
Townhouse

B) Commercial Uses

Bed and Breakfast
Campground (For Profit)
Campground (Non-Profit)
Cottage/Resort Enterprise
Commercial Cottage
General Retail
Hotel/Motel
Restaurants/General
Timeshare

C) Civic Uses

Local Utility Services

D) Industrial Uses

None

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

Planned Unit Development (PUD)

B) Commercial Uses

Convenience Stores (Includes gasoline sales)

Indoor Recreational Facilities
Marine Services
Outdoor Entertainment
Outdoor Sports and Recreation
Planned Unit Development (PUD)

C) Civic Uses

Clubs or Lodges
Community Recreation
Public Assembly

D) Industrial Uses

None

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A. Essential Services.

B. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	Ten (10) acres, all in one parcel, not bisected by a public roadway.
B.	Minimum Lot Width:	300 feet.
C.	Minimum Front Yard Setback:	60 feet.
D.	Minimum Side Yard Setback:	For the perimeter side yard of the entire property – 20 feet, both side yards shall total at least 45 feet. Distance between principal buildings on the same parcel of land shall be 24 feet.
E.	Minimum Rear Yard Setback:	50 feet.

F.	Maximum Height:	50 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.
G.	Front Lot Line:	When a lot bounds a permanent body of water, the front lot line shall be the line bounding the "Ordinary High Water Mark," between the water and the building. When a lot abuts a golf course, the front lot line shall be the boundary between the building and the golf course.
H.	Density of Dwellings:	Dwelling units associated with a resort shall not exceed a density of 10 units per acre.
I.	Green Belt Buffer:	Where the RE district abuts, adjoins, or is adjacent to a residential district, a green belt buffer shall be established. A green belt, minimum width of 10 feet shall be completed within six (6) months of construction and shall thereafter be maintained with vegetative cover and permanent shrubs, hedges, or trees at least six (6) feet in height which will provide a screen between the districts.

ARTICLE #15
LIGHT INDUSTRIAL DISTRICT (LI)

Section 1: INTENT. The intent of the Light Industrial District is to provide space for certain commercial uses and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby nonindustrial uses from undesirable environmental conditions.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Agricultural Sales and Services
Automotive Repair Services
Construction Sales and Services
Convenience Storage
Equipment Repair Services
Equipment Sales
Research Services

C) Civic Uses

Administrative Services
Local Utility Services
Maintenance and Service Facilities
Transportation Terminals

D) Industrial Uses

Custom Manufacturing
Light Manufacturing
Warehousing and Distribution (Limited)

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

None

C) Civic Uses

Major Utility Facilities

D) Industrial Uses

Recycling Activities
Warehousing and Distribution (General)

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A. Essential Services.

B. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	10,000 square feet.
B.	Minimum Lot Width:	80 feet
C.	Minimum Front Yard Setback:	50 feet.
D.	Minimum Side Yard Setback:	12 feet.
E.	Minimum Rear Yard Setback:	25 feet.
F.	Maximum Height:	50 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

ARTICLE #16
HEAVY INDUSTRIAL DISTRICT (HI)

Section 1: INTENT. The intent of the Heavy Industrial District is to provide space for those industrial uses which are most hazardous and undesirable for locations in other districts or adjacent to residential land uses.

Section 2: PERMITTED PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Convenience Storage
Construction Sales and Services
Research Services

C) Civic Uses

Railroad Facilities
Transportation Terminals
Local Utilities

D) Industrial Uses

Gravel Extraction
Light Manufacturing
Warehousing and Distribution (General)

Section 3: CONDITIONAL PRINCIPAL USES.

A) Residential Uses

None

B) Commercial Uses

Agricultural Animal Husbandry (General)
Green Waste

C) Civic Uses

Major Utility Facilities
Solid Waste Transfer

D) Industrial Uses

Basic Industry
Scrap and Salvage Services
Stockyards

Section 4: PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

A. Essential Services.

B. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

D. Living quarters used by custodians or watchmen of the property.

Section 5: BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this Ordinance:

A.	Minimum Lot Area:	10,000 square feet.
B.	Minimum Lot Width:	75 feet
C.	Minimum Front Yard Setback:	50 feet.
D.	Minimum Side Yard Setback:	12 feet.
E.	Minimum Rear Yard Setback:	25 feet.
F.	Maximum Height:	50 feet. However, no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

ARTICLE #17
ADDITIONAL AREA AND HEIGHT REGULATIONS

Section 1: INTENT. The regulations set forth in this Article qualify, supplement, or modify the area and height regulations set forth elsewhere in this Ordinance.

Section 2: YARDS.

A. In any district where neither a public water supply nor a public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district, or the following minimum requirements, whichever is greater; subject to the approval of the Dickinson County Sanitarian.

   1. Lot area of 20,000 square feet; lot width of 100 feet; however, where a public water supply or public sanitary sewer system is available, these requirements shall be 10,000 square feet and 80 feet, respectively.

   2. Based upon the percolation tests of the soil and other known data, the Dickinson County Board of Health and the Dickinson County Sanitarian may require greater lot areas and widths than indicated for each district.

B. Where thirty (30) percent or more of the block front is improved with buildings, no part of any new building shall project beyond a line adjoining the two (2) furthest projecting points of the building on either side thereof, or, where there are buildings on only one (1) side then the furthest projecting points of the two (2) closest buildings thereof, or where there is only one (1) building on either side then the furthest projecting point of the one (1) building. However, no building shall be required to provide a front yard greater than forty (40) feet or less than twenty-five (25) feet.

C. In the case where the block front improved with buildings amounts to less than 30 percent of the total number of lots, including vacant lots, on one (1) side of the street between two (2) intersecting streets, the required minimum yards of the district shall be observed.

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

E. The required side yard on the street side of a corner lot 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. The minimum required lot width for a corner lot shall be increased by 20 feet, so as to allow for the additional street side yard.

F. A lot of record at the time of passage of this Ordinance having a lot depth of less than 100 feet may have the required rear yard reduced in order to meet the front yard requirement, provided, however, that no rear yard shall be less than twenty feet.

G. 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 and one-half (2 1/2) feet and 10 feet above the ground shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points which are 25 feet distant from the intersection of the right-way-lines, and measured along the right-of-way lines.

H. Unenclosed and unroofed porches and decks may project from the building wall into the required front and rear yard setbacks not more than five (5) feet.

Section 3: FENCES. Fences in residential districts shall not exceed four (4) feet in height in any required front yard, and shall not exceed six (6) feet in height in any required side or rear yard subject to the further restriction in Section 2G above. These height measurements must be measured from the grade of the lot. Fences in excess of six (6) feet will be allowed in cases of tennis courts or swimming pools. Fences must be uniform in style, construction, and appearance on both sides. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.

Section 4: BUILDINGS HAVING ACCESS. Every principal use building hereafter erected or structurally altered shall be on a lot or parcel having frontage of not less than 30 feet on a public street or road.

Section 5: USE OF THE PUBLIC RIGHT-OF-WAY. 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 required by this Ordinance.

Section 6: TEMPORARY BUILDING. Temporary buildings with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within 30 days after completion or abandonment of the construction work.

Section 7: ACCESSORY BUILDINGS. Accessory buildings and uses customarily incidental to that of the main building may be erected or established as permitted, provided they comply with the following:

A. No accessory building shall be located within three (3) feet of any side or rear lot line, or within 10 feet of any thoroughfare. However, in the R-4 district no accessory use building shall be located within five (5) feet of any side lot line.

B. No accessory building in any district shall be erected within six (6) feet of any buildings on adjacent lots, and within six (6) feet of any buildings on the same lot. The accessory

buildings shall not occupy more than 30 percent of the required yard; except that a 12 foot by 24 foot garage may be built in any case.

C. No accessory building shall exceed a height of 22 feet.

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

E. A swimming pool and tennis court may be located in any yard, but not closer than 10 feet to any lot line, except swimming pools and tennis courts shall not be located in the front yard of the R-4 district.

F. No accessory building shall be used for dwelling purposes.

G. An open unenclosed uncovered steps, ground level patio, or concrete slab driveway may project into a required yard.

Section 8: BUILDING HEIGHT. The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, wind power generation systems, 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.

Section 9: YARD AND FENCING REQUIREMENTS FOR OPEN-AIR SALES, DISPLAY, AND STORAGE USES. All open-air sales, display, and storage, including new and used farm implements and equipment sales and storage or new and used truck, auto, boat, recreational vehicles, or other motorized equipment sales and storage shall be located in accordance with the following minimum requirements:

A. The open-air sales, display, and storage area shall be surfaced at a minimum with granular, aggregate, or crushed stone or rock material at a uniform depth of at least three (3) inches.

B. The sides and rear lot lines when abutting properties are used for residential dwellings, shall be required to be screened with a wall or fence with its surface at least fifty (50) percent solid and at least eight (8) feet in height. The fence shall not be required to extend beyond the front set back line.

C. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating traffic hazards.

D. No lighted signs or revolving beacons shall be permitted closer than 75 feet to any residential properties and less than 15 feet above the ground or more than 35 feet above the ground.

E. The open-air area shall be maintained to be reasonably free of weeds, debris, trash, and other objectionable materials.

Section 10: MAXIMUM GROUND COVER.

A. The sum total of the ground area covered by all structures including but not limited to patios, driveways, sidewalks, and other water impermeable structures and surfaces shall not exceed seventy-five (75) percent of the lot on which the structures are located for all permitted or conditional uses within all Residential Districts and RE Resort Enterprise District.

B. The sum total of the ground area covered by all structures including, but not limited to patios, driveways, sidewalks or other water impermeable structures shall not exceed eighty (80) percent of the lot on which the structures are located for all permitted or conditional uses within the R-5 Mobile Home Residential District, LI Light Industrial District, and HI Heavy Industrial District.

C. The sum total of the ground area covered by all structures, including but not limited to patios, driveways, sidewalks or other water impermeable structures shall not exceed ninety (90) percent of the lot on which the structures are located, for all permitted or conditional uses within the GC General Commercial District.

Section 11: KEYHOLE PROVISION.

A. Any lot or parcel of land contiguous to a body of water, whether riparian or not, to be dedicated for the purpose of providing access to the body of water (whether by easement, license, dedication, share ownership or declaration to horizontal property regime), the access privilege to be reasonably enjoyed by owners or occupants of other lots, units, dwellings or holders of share interest; must have a minimum of 25 linear feet of water frontage for each lot, unit, dwelling or share interest; however said lot or parcel of land so situated shall have no less than 100 feet of water frontage. The keyhole provision does not apply to the Resort Enterprise District.

Section 12: WATER QUALITY MANAGEMENT PLAN.

In all zoning districts, when one acre or more of land is going to be disturbed, a water quality management plan for that disturbed land shall be required. The plan shall be developed to comply with any Statewide Urban Design and Specifications (SUDAS) that apply and shall manage water quality volume of 1.25 inches by infiltration process according to the Iowa Stormwater Management Manual. This plan shall be designed by a licensed engineer.

A water quality management plan addressing drainage as a result of the structure being permitted is required. Low Impact Development should be incorporated into the plan unless the site is not suitable in supporting Low Impact Development practices.

When a vacant lot(s) to be improved exceeds an impervious surface of 60% or more or when an improved lot exceeds a net increase of impervious surface of 25% or more, the property owner shall comply with Statewide Urban Design and Specifications (SUDAS) and shall manage water quality volume of 1.25 inches by infiltration process according to the Iowa Stormwater Management Manual. This plan shall be designed by a licensed engineer.

ARTICLE #18
OFF STREET PARKING

Section 1: INTENT. 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:

Section 2: GENERAL PROVISION.

A. All off street parking spaces required by this regulation shall be located on the same lot of the use it serves or on some nearby land. However, all off-street parking for residential lots shall exist on the same lot.

B. Owners of two (2) or more uses or parcels of land may agree to utilize jointly 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. The minimum number of required parking spaces is the sum total of that required for each cooperative land use. However, all off-street parking for residential lots shall exist on the same lot.

C. Yard area required to remain open under maximum ground cover provisions and front yard for residential districts may be used for off street parking; however, that portion of a permitted driveway lying within the front yard may be used to satisfy the off street parking requirements of this Ordinance.

D. A plan, drawn to scale, indicating how the off street parking and loading requirements are to be fulfilled, shall accompany an application for a zoning compliance permit. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

E. Whenever a building or use constructed or established after the effective date of the Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 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 50 percent 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.

F. No off street parking will be permitted in the front yard of a Residential District, except for motor vehicles and trucks (one (1) ton or less) on driveways.

G. All off street parking shall be paved with rock, gravel, asphalt, or concrete surfacing provided however that no water impermeable surfacing shall be used where to do so would exceed the maximum ground cover provisions in the district.

Section 3: OFF STREET PARKING REQUIREMENTS. At the time of construction, alteration, moving in, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

A. Single Family, Duplex, and Two Family Residential: Two (2) spaces per dwelling unit.

B. Multi-family, Condominium, Group, Timeshare, and Townhouse Residential: Two (2) spaces for each of the first twelve (12) units and one and one fourth (1 1/4) spaces for each additional dwelling unit.

C. Visitor Habitation: One and one-half (1 1/2) spaces per lodging unit and one (1) space for each two (2) employees.

D. Hospitals Services, Residential Care, and Convalescent Services: One (1) space for every four (4) patient beds and one (1) space for each two (2) employees.

E. Public & Religious Assembly, Indoor & Outdoor Entertainment: One (1) space for every four (4) seats or one (1) space per 500 square feet of gross floor area, whichever is greater (excludes Dance Halls).

F. Financial & Medical Services, Professional Offices: One (1) space per 200 square feet of gross floor area.

G. Primary Educational Facilities: One (1) space per classroom and one (1) space for every six (6) seats in the auditorium.

H. Secondary Educational, Business or Trade School, and College or University Facilities: Two (2) spaces per classroom and one (1) space for every four (4) seats in the largest facility for public assembly.

I. Industry, Manufacturing, & Warehousing: One (1) space for every two (2) employees on the largest working shift.

J. Scrap and Salvage Yards: One (1) space per 100 square feet of display or floor area.

K. Automobile and Equipment Sales and Service: One (1) space for each 300 square feet of floor area one (1) space for each four (4) regular employees.

L. Funeral Services: Fifteen (15) spaces, or one (1) space for each four (4) seats in the principal auditorium or four (4) spaces for each service or viewing room, whichever is greater. In addition, one (1) space for each two (2) regularly employed persons.

M. Dance Halls & Non-Livestock Auction Houses: One (1) space for each 100 square feet of floor area, or one (1) space for each four (4) seats of maximum seating capacity, whichever is greater.

N. Large Item Display Retail Stores: One (1) space per each 400 square feet of floor area.

O. Restaurants & Taverns: One (1) space for each 50 square feet of floor area devoted to patron use, and one (1) space for each four (4) employees.

P. Retail Stores: Stores over 2000 square feet One (1) space for each 100 square feet of floor area; Stores under 2,000 square feet One (1) space for each 500 square feet of floor area, and one (1) space for each person employed on the premises; however, there shall not be less than five (5) spaces.

Section 4: DEVELOPMENT AND MAINTENANCE.

A. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. Where the parking lot adjoins a Residential District, it shall be set back at least five (5) feet from the Residential District boundary.

B. Any parking lot for more than two (2) vehicles in a commercial or industrial district shall be surfaced with an asphaltic or portland cement binder pavement or such other surface as shall be approved by the County Engineer so as to provide a durable surface; shall be so graded and drained as to expeditiously dispose of all surface water accumulation within the area; and shall be so arranged as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

C. Lighting used to illuminate any off street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any Residential District.

D. Off street parking facilities for all commercial and industrial districts shall be designed so as to provide entrance and exit by forward movement of the vehicle. The backing or backward movement of vehicles from off street parking facilities on to other than local streets as designated on the Major Thoroughfare Plan shall be strictly prohibited.

Section 5: COMPUTATION OF SPACES.

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

B. Is the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirement of the various uses computed separately.

ARTICLE #19
OFF STREET LOADING

Section 1: REQUIREMENTS. At the time of construction, alteration, or enlargement of a structure or building having a gross floor area of ten thousand (10,000) square feet or more, off street loading areas shall be provided and maintained for all uses as follows:

Loading Area	Gross Floor Area
One (1) space not less than ten (10) feet in width and forty (40) feet in length	For ten thousand (10,000) to twenty thousand (20,000) square feet
One (1) space not less than ten (10) feet in width and forty (40) feet in length	For each additional twenty thousand (20,000) square feet or fraction thereof

ARTICLE #20
SIGN REGULATIONS

Section 1: INTENT. Signs and billboards are regulated to provide the opportunity for effective, compatible and orderly communication, and to reduce confusion and hazards from unnecessary and indiscriminate use of communications facilities without harming or polluting the environment and scenery. Hereafter no sign shall be erected, constructed, altered or modified except as provided by this Article and Ordinance.

Section 2: SIGNS PROHIBITED. Billboards in any district. No signs except home occupation, temporary real estate, model home and construction signs, temporary special event and informational signs, and notice signs are permitted in any residential district.

Section 3: SIGN REQUIREMENTS FOR PERMITTED SIGNS. In all residential districts, home occupation, temporary real estate, model home and construction signs, temporary special event and informational signs, and notice signs shall comply with the following:

A. Home Occupation. No more than one (1) unlit sign no larger than two (2) square feet, affixed flush and parallel to a wall of the structure housing the home occupation.

B. Temporary Real Estate, Model Home and Construction Signs. Such signs shall be unlit, no larger than ten (10) square feet in area and shall be removed promptly after the purpose of the sign has been fulfilled.

C. Temporary Special Event or Informational Signs. Special events signs such as garage sale or similar non-recurring occasion shall be unlit, no larger than ten (10) square feet and removed within 24 hours of the event when in a residential district. So long as such signs are in conformity with this section, approval by the Zoning Administrator is not required.

D. Notice Signs. Signs which give notice or are for protection such as "no trespassing", "private", "no hunting", so long as unlit, not in excess of three square feet and do not impair hinder view of traffic, are permitted without approval of Zoning Administrator.

Section 4: SIGN REQUIREMENTS FOR PERMITTED SIGNS. In all non-residential districts signs are permitted except as follows:

A. Hazardous Signs. No sign shall, by reason of its location, lighting size, color or intensity, create a hazard to the safe, efficient movement of vehicular or

pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as “stop”, “caution”, “warning”, etc. unless such sign is intended to direct traffic within the premises.

B. Interference. No sign, nor any guys, stay or attachment thereto shall be erected, placed or maintained in such a manner as to interfere with firefighting equipment or personnel or any electric light, power, telephone, telegraph or T.V. cable wires or supports thereof.

C. Clearance. All signs located over public rights of way or any public access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade level.

D. Sign in Right-of-Way. No signs other than government signs shall be erected within any public rights of way except as specifically provided herein.

1. Temporary Special Event of Information Signs. Such signs shall be permitted in public rights of way so long as they are unlit, no more than four (4) square feet, do not block or hinder view of traffic and are removed within 24 hours of the event or purpose of the sign, not to exceed five (5) days.

E. Illumination. All illuminated signs shall be constructed so as to direct the light away from adjacent residential properties and to prevent glare on public roads.

ARTICLE #21
CONDITIONAL USES

Section 1: PROCEDURES AND REQUIREMENTS. Allowable conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance, In granting a conditional use permit, the Board of Adjustment will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 2: APPLICATION FOR CONDITIONAL USE PERMIT. An application for a conditional use permit may be initiated by a property owner or his authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. An abstractor's certificate which shows the names and last known addresses of the owners of all property within 500 feet of the property for which the conditional use is requested is required. The abstractor's certificate will be ordered by the Zoning office and billed to the applicant. Also a site plan and other such plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee of $350.00, which is subject to change by amendment of this Ordinance.

Section 3: PROCEDURE. A conditional use permit shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:

A. The Board of Adjustment shall schedule a public hearing in relation to the conditional use request. Notice shall be given to the public hearing as required by State Statute by publication in the official County newspaper(s). The Zoning office shall give notice by ordinary mail to all property owners located within 500 feet by mailing such notice to the last known addresses of those to be thus notified by depositing such notice with sufficient postage in the United States mail at least fifteen (15) days prior to the public hearing. An affidavit of mailing shall be obtained for each notice mailed.

B. The Board of Adjustment shall determine that it is empowered under this Ordinance to grant the conditional use as described in the application, and the granting of the conditional use will not adversely affect the public interest pursuant to testimony presented at the public hearing;

C. In granting any conditional use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance and punishable under Article 26 of this Ordinance.

D. The concurring vote of three (3) members of the Board of Adjustment grants a conditional use permit. An order of the Board of Adjustment granting a conditional use permit shall be valid for a period no longer than six (6) months from the date of such an order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced.

E. The Zoning Administrator shall determine whether or not the request for conditional use is in conflict with the Dickinson County Comprehensive Plan. The Zoning Administrator shall provide the Board of Adjustment a written statement of such determination.

Section 4: STANDARDS. The Board of Adjustment shall consider the following factors when determining whether a conditional use permit should be granted:

A. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the county.

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

C. That the establishment of the conditional use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.

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

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

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

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

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

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

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

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

L. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestions.

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

N. That the use will not be in conflict with the Dickinson County Comprehensive Plan.

Section 5: SUPPLEMENTAL STANDARDS. In addition to the general standards outlined in Section 4 above, specified uses shall adhere to standards as follows:

A. 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-1) and Industrial (LI and HI) Districts under a conditional use permit.

The application for a conditional use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

1. The yards shall be at least 500 feet distant in all directions from any residential building.

2. The out-of-doors 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 may be planted no less than 50 feet wide with deciduous and evergreen trees and large shrubs to provide a landscape screen at least 10 feet high.

3. An off-street parking or service area in connection with the yards may be located outside the screened-in area.

B. Planned Unit Development (PUD):

1. Purpose. The purpose of PUD regulations is to encourage 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.

The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, welfare, and convenience both in the use and occupancy of buildings and facilities in planned groups. A planned unit development to be eligible under this Article must be:

a) In accordance with the Comprehensive Plan of the county and with the regulations of this Ordinance.

b) An effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area.

c) So designed in its space allocation, orientation, landscaping, circulation system, materials and other features as to produce an environment of stable and desirable character, complimenting the design values of the neighborhood.

2. Tract Land Use.

a) Minimum Area. A PUD containing other than residential uses shall include not less than three (3) acres of contiguous land.

b) Open Space. A minimum of 25 percent of planned unit site area shall be developed as common open space. Parking areas and vehicle access facilities shall not be considered in calculating open space.

c) Land Use. At least sixty-five (65) percent of the PUD site exclusive of open space shall be devoted to those uses permitted in the zone district in which the PUD is located. Proposed land uses shall not adversely affect surrounding development, and shall be in accordance with the objectives and policies of the Dickinson County Comprehensive Plan.

d) Unity of Control. 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 or supervision of a central authority, or otherwise subject to such supervision lease or ownership control as may be necessary to carry out the provisions herein.

3. Application Procedures. Planned Unit Developments shall be subject to the approval of the Zoning Board of Adjustment based upon review and recommendations by the Planning and Zoning Commission.

a) General Development Plan. The applicant shall file a General Development Plan which shall include the following information:
i) A statement describing the general character of the intended development.

ii) An accurate map of the project area including its relationship to surrounding properties, existing topography, and key features.

iii) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval:

a. The pattern of proposed land use including shape, size, and arrangement of proposed use areas, density and environmental character.

b. The pattern of public and private streets.

c. The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.

d. A utility plan.

iv) Appropriate statistical data on the size of the development, ratio of various land uses, percentage of multi-family units by number of bedrooms, expected staging, and any other plans or data pertinent to evaluation by the county

v) General outline of intended organizational structure related to property owners' association, deed restrictions and private provision of common services.

b) Specific Implementation Plan. A specific and detailed plan for implementation of all or a part of a proposed PUD after approval of the General Development Plan must be submitted within one (1) year. The specific implementation plan shall be submitted for review by the Planning and Zoning Commission and approval or disapproval by the Zoning Board of Adjustment and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

i) An accurate map of the area covered by the plan including the relationship to the total general development plan.

ii) The pattern of public and private roads, driveways, walkways, and parking facilities.

iii) Detailed lot layout and subdivision plat where required.

iv) The arrangement of building groups, and their architectural character;

v) Sanitary sewer and water mains.

vi) Grading plan and storm drainage.

vii) The location and treatment of open space areas and recreational or other special amenities.

viii) The location and description of any areas to be dedicated to the public, if any.

ix) General landscape treatment.

x) Proof of financing capability or performance capability.

xi) A development-schedule indicating (1) the approximate date when construction of the project can be expected to begin, (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin, (3) the anticipated rate of development of each of the stages will be completed, and 4) the area and location of common open space that will be provided at each stage.

xii) Agreements, bylaws, provisions, or covenants which govern the organizational structure, use, maintenance, and continued protection of the PUD and any of its common services, common open areas, or other facilities;

xiii) Any other plans, documents, or schedules requested by the Board of Adjustment.

4. Criteria for Approval: As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether it is consistent with the spirit and intent of this Ordinance, it has been prepared with competent professional advice and guidance, and it produces significant benefits in terms of environmental design.

a) Character and Intensity of Land Use. In a PUD, the use proposed and the intensity and the arrangement on the site shall be of visual and operational character which:

b)

i) Is compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth, and open space.

ii) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.

iii) Would not adversely affect the anticipated provision for school or other municipal services.

iv) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.

b) Economic Feasibility and Impact. The proponents of a PUD application shall provide evidence satisfactory to the Zoning Board of Adjustment of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the county or the values of surrounding properties.

c) Engineering Design Standards. The width of street right-of-way, width and location of street or other paving, location of sewer and water lines, provision for storm water drainage, or other similar environmental engineering consideration shall be in no case less than those necessary to ensure the public safety and welfare of county residents.

d) Preservation and Maintenance of Open Space. In a PUD, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public:

i) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the county as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of building site and operational plans by the Planning Commission. All easements are subject to acceptance by the Board of Supervisors.

ii) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner assuring maintenance and assessing such cost to individual properties shall be included in a contractual agreement with the county and shall be included in the title to each property.

iii) Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the county and made a part of the conditions of the plan approval.

e) Implementation Schedule. The proponents of a PUD shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Board of Adjustment including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effects upon the county as a result of termination at that point.

5. Approval of the Specific Implementation Plan.

a) Following a review of the specific implementation plans, the Planning and Zoning Commission shall recommend to the Board of Adjustment that the plans be approved as submitted, approved with modifications, or disapproved.

b) Upon receipt of the Planning and Zoning Commission recommendation, the Board of Adjustment may approve the plan and authorize the development to proceed accordingly, or disapprove the plan.

c) In the event of approval of the Specific Implementation Plan, the building, site, and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the county offered or required with regard to project value, character, and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within 90 days in the County Recorder's Office. This shall include posting a performance bond or certified check in an amount determined by the Board of Adjustment with Dickinson County, Iowa, guaranteeing that required improvements will be constructed according to the approved implementation schedule. This shall be accomplished prior to the issuance of any compliance permit.

d) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Board of Adjustment and Planning Commission and if such change or addition constitutes a substantial alteration of the original plan, the procedures in the above shall be required.

e) If construction of the PUD does not commence within two (2) years of the official recording of the implementation schedule, then the PUD shall be voided.

C. Outdoor Entertainment Facilities. All commercial recreation and or amusement parks shall be subject to the issuance of a conditional use permit.

1. Authorization for a conditional use permit may be granted under the following conditions:

a) Buildings involving the large assemblages of people (150 or more) shall not be located less than 300 feet from any existing dwelling site.

b) Uses involving nuisances such as noise, vibration, pollution, etc., shall not be located less than 500 feet from any residential district or less than 1000 feet from an existing dwelling.

c) Uses involving large assemblages exceeding 150 people shall not be located where the arterial traffic system is inadequate to provide for the increased traffic density.

d) Uses involving the extensive use of exterior lighting shall not be located where such lighting may be hazardous to air or ground trafficways and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity.

D. Wind Energy Conversion Systems (WECS).

1. All wind Energy Conversion System (WECS) projects shall be located only in the Agricultural (A-1) District under a conditional use permit. Applicants shall follow all procedures and requirements of Article #21, Conditional Uses, and also meet the requirements herein. If a property owner in the A-1 Agricultural District requests to construct a single turbine on their property for primarily personal use, or if a WECS owner/developer requests to construct a meteorological tower, any requirements of this Section 5. D may be waived by the Board of Adjustment.

2. Pre-application Informational Conference Required. Whenever a WECS development is proposed in the jurisdiction of Dickinson County, the owner/developer of the WECS planned development is required to hold a public informational conference on the proposed WECS development. This conference shall be held a minimum of 30 days and a maximum of 90 days prior to the date of the first public hearing with the Board of Adjustment. The conference shall be held in Dickinson County at a place adequate in size to serve the anticipated attendance. The conference shall be advertised in the official county newspaper once a week for the two weeks prior to the conference. The ad in the newspaper shall be a minimum size of 1/8 page. The ad shall include as a minimum the name of the proposed project, a contact person for the proposed project, the location of the proposed project, the time and place of the conference and a description of the proposed project. The owner/developer of the proposed WECS project is responsible in meeting all of these requirements and shall provide documentation to the county that all of these requirements have been met.

3. Agency Notification and Review. The WECS project owner/developer is responsible in notifying the following agencies of their planned project and allowing the agency 120 days to do a preliminary review. Documentation of notification of these agencies, and any reports from the agencies are to be provided to the county 30 days prior to the Board of Adjustment first public

hearing on such matter. If the agency does not act within 120 days, the plan may be deemed approved by the agency. It is recommended that any issues be addressed prior to the public hearing.

Federal Aviation Administration
Army Corps of Engineers
Bureau of Land Management
U.S. Fish and Wildlife
U.S. Department of Agriculture (Local FSA and NRCS)
Environmental Protection Agency
Federal Communications Commission
State Department of Transportation.
Iowa Department of Natural Resources
Iowa Utilities Board
Office of State Archaeologist
Dickinson County Engineer's Office
Dickinson County Board of Health
Dickinson County Conservation Board
Local EMS Fire and Rescue

4. Notification. Notice shall be given by ordinary mail to all property owners located within one (1) mile of the property for which the conditional use is requested.

5. Setbacks.

a) Structures.

1) The Wind Energy Conversion System (WECS) is to be placed no less than the greater of two times the total height of the WECS turbine measured from the base to the rotor tip in its highest position, or 1200 feet, from any human occupied dwelling. A human occupied dwelling is defined as one capable of being occupied for residential purposes. The measurement between the dwelling and turbine is to be taken from the nearest point of the human occupied dwelling to the center of the turbine base. A greater setback may be required to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living in these dwellings. All of this to be addressed as part of the application by the owner/developer.

2) The Wind Energy Conversion System (WECS) is to be placed 500 feet from any unoccupied non-human dwelling structures. An unoccupied non-human dwelling structure is defined as one not capable of being occupied for residential purposes. The measurement is to be taken from the nearest point of the unoccupied non-human dwelling structures to the center of the turbine base.

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. The Wind Energy Conversion System (WECS) is to be placed 1.1 times the height of the WECS turbine from the base to the rotor tip in its highest position from the nearest point of the public road right of way. This measurement to be taken from the center of the turbine base.

d) Overhead Utility. The Wind Energy Conversion System (WECS) is to be placed 1.1 times the height of the WECS turbine from the base to the rotor tip in its highest position from the overhead utility line or structure. This measurement to be taken from the center of the turbine base.

e) Public Lands and Water. It is required that the owner/developer have a preliminary review with the Iowa Department of Natural Resources (IDNR) early in the planning stages of all WECS projects located in Dickinson County. This review will allow the IDNR to present scientific research showing the detrimental impacts of siting WECS near wildlife habitats and will allow the IDNR to explain why no WECS will be allowed on private lands within 1/8 mile (660') of lands and waters owned and/or managed or under control of the IDNR (subject to Dickinson County Board of Adjustment approval and the section 12 variance clause). The review will also allow IDNR staff to identify other sensitive water quality and wildlife habitat concerns near public lands and waters, and to work with the owner/developer to voluntarily identify alternative WECS siting options that minimize negative impacts to said environmentally sensitive areas.

f) Density. Turbine spacing will vary depending on common industry practice and specifications. Owner/developers shall consider the public interest and the natural environment, and maintain the intent and purpose of this section.

6. Duration of Conditional Use Permit. The conditional use permit is valid so long as it is used as a Wind Energy Conversion System (WECS) as defined in the Dickinson County Zoning Ordinance, “Any device such as a wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy or a discontinued use of no more than one year unless otherwise specified by the Board of Adjustment.”

7. Discontinuation and Decommissioning. In the event of abandonment or discontinued use of one or more devices within the WECS, the owner/developer of the WECS shall be responsible for dismantling the WECS and returning the property to its original use. A WECS shall be considered a discontinued use or abandonment after one year without energy production. Any plan that varies from this can only be approved by the Board of Adjustment. All WECS and accessory facilities for the WECS shall be removed within 180 days of the discontinuation of use. Each WECS project shall have a decommissioning plan outlining the anticipated means of removing the WECS upon becoming a discontinued use. This plan shall be submitted with the application.

8. Mitigation of Damages to Public Infrastructure.

a) Drainage system. The owner/developer of the WECS shall remedy any adverse effect on any duly established drainage district caused by construction of the WECS project.

b) Roads. Costs of repair of damage and any maintenance to county roads, rights-of-way, or any county infrastructure resulting from the construction phase of the WECS project shall be the responsibility of the owner/developer of the WECS.

c) Electronic interference. Any substantiated interference with electronic devices shall be remedied by the owner/developer of the WECS.

(Documentation required from the owner/developer accepting any responsibility of a, b, and c above as part of the application.)

9. Color, finish, and markings. WECS shall to the extent reasonably possible, use materials, color, and texture that will blend with the natural setting and existing environment. All WECS will be marked as required by FAA. Any guy wires will have a colored spherical marker.

10. Signage. The WECS shall not be used for display of any advertising except for reasonable identification of the manufacturer or project owner/operator and any safety signs. Documentation showing any signage is required with the application.

11. A general visual simulation of the project area may be required at the time of application. This determination to be made by the Zoning Administrator prior to the application, with the understanding that the Board of Adjustment can require additional information.

12. Variances. Where in the case of a particular proposed WECS project, it can be shown that a strict compliance with the requirements of Ordinance 102, Article 21, Section 5.D. would result in extraordinary hardship to the owner/developer, because of unusual conditions, the Board of Adjustment may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this section. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the Board of Adjustment may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

13. Documentation is required by the owner/developer at the time of application for all items 1 – 12 of this section.

ARTICLE #22
NONCONFORMING USES

Section 1: INTENT. Structures and uses of land and structures existing within the various zoning districts of this Ordinance or Amendments thereto which were lawful prior to the adoption of this Ordinance, but which would be prohibited, regulated or restricted under provisions of this Ordinance will be allowed to exist, but are declared by the Ordinance to be incompatible with permitted uses in the zoning districts involved. Such nonconformities may only expand or extend in compliance with Section 4 of this Article.

Section 2: NONCONFORMING LOTS OF RECORD IN ANY DISTRICT IN WHICH PERMITTED PRINCIPAL USES ARE ALLOWED. Permitted principal uses and customary accessory buildings may be erected on any single lot in a plat of record at the effective date of adoption or, amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of yard requirements shall be obtained through action of the Board of Adjustment.

Two (2) or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this Ordinance. No portion of said parcel which does not meet lot width and area requirements established by this Ordinance, shall be sold and then used, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 3: NONCONFORMING USES OR STRUCTURES IN ANY RESIDENTIAL DISTRICT. Existing structures or premises devoted to a use not permitted by this Ordinance in the district in which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

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

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

Section 4: NONCONFORMING USES OR STRUCTURES IN ANY NON-RESIDENTIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to nonconforming uses in a non-residential district, subject to the following exception:

A. Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance. Where a structure encroaches on the adjacent property under a legal right all alterations will require a variance.

Section 5: PERMITTED STRUCTURES AND USE OF LAND AND STRUCTURES MADE NONCONFORMING BY THE REQUIREMENTS OF THE BULK REGULATIONS. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

Section 6: REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure which is damaged less than 50 percent of assessed value in such a manner as to require its repair or replacement shall be permitted to be repaired, restored, or reconstructed and used as before such damage, provided that such repair, restoration, or reconstruction is confined to the existing foundation or to the size of the building prior to its damage or destruction. Under no circumstances shall such a nonconforming building or structure be restored or reconstructed unless the same is completed within eighteen months from the date of such damage, and under no circumstances shall any nonconforming building or structure which is repaired, restored or reconstructed be enlarged from its size prior to the damage which will cause its repair, restoration or reconstruction. If a structure is damaged more than 50 percent of assessed value all rebuilding must conform to provisions of this Ordinance.

Section 7: USES UNDER CONDITIONAL PROVISION. Any use for which a conditional use is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

ARTICLE #23
LANDSCAPING OF LAKESHORE PROPERTY

Section 1: PURPOSE. This ordinance is adopted for the following purposes:

A. The prevention of erosion and siltation and preventing soil and chemicals from entering or flowing into the public lakes within Dickinson County, Iowa.

B. The protection and conservation of the natural terrain of the shoreline of the public lakes within Dickinson County, Iowa, including protection of native vegetation and plant cover.

C. The protection of the water quality of the public lakes within Dickinson County, Iowa and the conservation and protection of the natural shoreline terrain and vegetation along the lakes and the strengthening and preservation of the county's unique environmental heritage.

D. To provide flexibility in accomplishing these purposes as required by persons responsible for lakeshore bank maintenance.

E. To provide uniformity among governmental entities.

Section 2: DEFINITIONS.

A. Lake. "Lake" when used in this ordinance shall mean all publicly owned lakes, or the portion thereof, including all canals, harbors, marinas and other navigable waters, located within the unincorporated areas of Dickinson County, Iowa.

B. Shoreline Bank. The shoreline bank of the lake, for the purpose of this ordinance, shall include all real property adjacent to a lake which lies between the ordinary high water mark and the front yard building setback line.

C. Bank Toe/Base. For the purpose of this ordinance, the bank toe/base shall be that area of the bank at the ordinary high water mark line (see sketch below).

D. Bank Ground Cover. Any natural vegetation existing or added so as to provide protection from erosion and to promote a green face.

E. Ordinary High Water Mark. As used in this ordinance, the term ordinary high water mark means the boundary line between the bank and of the lake as determined by the Iowa Department of Natural Resources.

F. Lot. "Lot," as used in this ordinance, shall mean a parcel of land under common ownership which is adjacent to a lake.

G. Landscaping. Landscaping shall mean that comprehensive array of activities pursuant to which rock or soil is cut into, dug, filled, quarried, uncovered, displaced or relocated and which includes removal of viable plant life, rock or soil deposited by persons in the past or by natural means and replaced by any manner or terracing by rock, timbers, retaining walls or other means. Landscaping shall not mean the act of excavating real property for construction of a foundation or otherwise preparing the same for construction or erection of a dwelling or other building.

H. Strip. The permanent removal of viable native vegetation or other viable plant life without immediately replacing the same with other vegetation that is equally effective in retarding erosion and preserving the natural appearance of the shoreline bank. This provision shall not be construed to prohibit the pruning or trimming of existing vegetation nor the removal of harmful, poisonous, dead or noxious plant life from the shoreline bank.

I. Administrator. That person appointed by the Dickinson County Board of Supervisors to administer and enforce the provisions of this ordinance.

J. Person. The term "person" shall mean any individual, person, corporation or other entity.

K. Surface Drainage. Water derived from rains and melting snow that is diffused over the surface of the ground and flows toward the lake through the proposed project area.

L. Ground Water Drainage. Water beneath the surface of the ground which either flows or moves through the subsurface strata under the proposed project area.

M. Rip Rap. A layer of natural rock or stone for protection of earth slopes against erosion from stream flow or wave action (preferably nominal 12" average diameter in combination with larger diameter).

N. Liners. Fabric for use under rip rap, around subdrain pipe, behind walls, etc. for protection of earth slopes against erosion from surface drainage, ground water drainage, stream flow and wave action.

O. Sheeting. Structural material used to structurally support embankments for protection against erosion from stream flow and wave action and to support embankment to prevent earth shear.

P. Pilings. Structural materials excavated, bored or driven to a deeper soil stratum having a high bearing capacity to provide required bearing capacity to support loads from above.

Q. Terracing. Cutting and shaping of the earth to create various levels having one or more vertical or sloping sides and one or more level planes.

R. Benching. When backfilling, necessary widening by excavation to assist in the placement of backfill materials in level lifts for uniform compaction.

S. Cribbing. A frame of wood, timber or other structural materials used to retain a bank of earth when lateral clearance will not provide normal earth slopes.

T. Adjoiners. Adjoining lands touching the subject land that have a direct result on the subject land and the proposed project.

U. Green Face. Bank ground cover used to provide vegetation cover of exposed earth.

Section 3: PROHIBITED ACTS.

A. No person shall landscape, strip, burn or chemically defoliate a shoreline bank, in any manner, without first obtaining a permit from the administrator, as required by this ordinance.

B. No person shall landscape, strip, burn or chemically defoliate a shoreline bank, in any manner, which is not in conformity with the permit application and permit issued pursuant to this ordinance.

C. No person shall dispose of or bury any yard waste, debris, or construction waste on a shoreline bank.

Section 4: APPLICATION FOR LANDSCAPING PERMIT.

A. An application for a landscaping permit shall be submitted to the administrator by the property owner or authorized representative. The application shall be made on forms provided by the administrator and shall include the following:

1. The owner or owners of the property.

2. The legal description and mailing address of the property.

3. A site plan which shall include the size and dimensions of the lot, the location of all improvements, the nature and location of all existing drainage facilities and the configuration and approximate grade or slope of the existing shoreline bank in relation to the high water line, a detailed plan and elevation view to scale of all proposed landscaping modifications including proposed drainage facilities and runoff control, bank stabilization, ground water interception, green face promotion, plantings and all other related landscaping modifications.

Section 5: FEE. The application shall be accompanied by a non-refundable application fee in the amount of $50.00 plus $2.00 per $100.00 of estimated cost of improvements covered by the permit, but not to exceed the amount of $300.00, payable to Dickinson County, Iowa.

Section 6: ADMINISTRATION EVALUATION. Within fourteen (14) days of the submission of an application, the administrator shall review and evaluate the application, shall conduct a site inspection and may request such additional information from the applicant as the administrator determines is necessary to complete the evaluation of the application. Periods of time during which the administrator is awaiting receipt of additional information shall not be included in the fourteen day evaluation process. The administrator shall then issue the permit or shall provide a written statement of the reasons for denial.

The administrator shall issue a permit for the proposed landscaping activities only if the administrator determines that the following criteria are satisfied:

A. Surface Drainage. Adequate provisions or improvements are provided to intercept surface water drainage that causes erosion or siltation. No permit shall be used for landscaping activities which continue the potential for erosion or siltation, or which do not reduce the surface water drainage potential to minimize it to the extent existing prior to the landscaping activities.

B. Groundwater Drainage. Adequate facilities and provisions shall be provided to intercept drainage of groundwater; thus reducing the potential for bank failure, erosion or siltation.

C. Bank Stabilization. The preferred method of bank stabilization shall be vegetation, supplemented and enhanced as necessary by rock riprap. Vegetation and rock may be supplemented as necessary with liners, sheeting, pilings or other construction materials, or by terracing, benching or cribbing. Such supplemental bank stabilization modifications shall be incorporated in landscaping activities only when vegetation and rock provide inadequate bank stabilization. Such supplemental bank stabilization features shall be constructed to be covered with vegetation and rock to the extent reasonably possible.

D. Decorative, Access and Use Additions to a Shoreline Bank. Platforms, decks, porches, steps and walkways shall not be utilized for bank stabilization, but may be incorporated with landscaping activities in a manner which does not increase the potential for erosion or siltation. All such modifications shall be permanently and effectively anchored into the bank. Platforms, decks, porches, steps and walkways shall conform to applicable zoning regulations, but steps and walkways shall not exceed 48" in width.

E. The following administration check list shall be the basis for the Administrator to judge compliance with Section 6.

Permit (Administrators) Check List:

	Complies	Not. Applic.	Does Not Comply
A. Interception of surface water above the shoreline bank to an acceptable outlet:	_____ (Go to B)	XXXXXX	_____ (Go to A1)
1. Plan includes intakes, catch basins and piping from subject property to an acceptable outlet	_____	_____	_____
2. Plan includes intercepting runoff from adjoiner's property to acceptable outlet where applicable	_____	_____	_____
3. Plan includes intercepting roof downspouts from subject property where applicable	_____	_____	_____
4. Plan includes intercepting adjoiner's roof downspouts where necessary.	_____	_____	_____

Note: Where possible promote natural drainage away from the lake bank into a settling basin or natural slough.

Administrator's Comments:

	Complies	Not. Applic.	Does Not Comply
B. Bank Toe/Base Stabilization:			
1. Existing BankToe/Base requiring no further improvements	_____ (Go to C)	XXXXXX	_____ (Go to A1)
2. If noncomplying above, indicate which of the following methods proposed for compliance			
a) Large rock riprap (+12" average diameter)	_____	_____	_____
b) Engineering Fabric underliner	_____	_____	_____

c) Steel sheet piling behind natural rock face	_____	_____	_____
d) Plastic sheet piling behind natural face	_____	_____	_____
e) Planting new vegetation (trees shrubs, sod, grass)	_____	_____	_____
f) DNR permit obtained where applicable	_____	_____	_____
g) Other approved materials	_____	_____	_____

List other materials

C. Interception of Groundwater/Bank Seepage:

	Complies	Not Applic.	Does Not Comply
1. No visible or historical evidence of groundwater/bank seepage requiring no further improvement	_____ (Go to D)	XXXXXXX	_____ (Go to C2)
2. If noncomplying above, indicate which of the following methods proposed for compliance			
a) Perforated drain pipe with porous backfill encasement intercepting groundwater.	_____	_____	_____
b) French drains with porous backfill and weep holes through walls.	_____	_____	_____
c) Engineering filter fabric behind field stone.	_____	_____	_____
d) Prior approved alternative methods (requires detailed submittals)	_____	_____	_____

D. Promotes a Green Face:

1. Natural, no existing vegetation disturbed and no walls proposed requiring additional plantings.	_____	XXXXXX	_____
2. If noncomplying above, indicate which of the following methods proposed for compliance:	(Go to E)		(Go to D2)

a) Sodding lake bank	_____	_____	_____
b) Seeding native grasses	_____	_____	_____
c) Tree and bush plantings (List no., size, type & spacing)	_____	_____	_____
d) A combination of vegetative covers noted above (List no., size, type & spacing)	_____	_____	_____

E. Terracing/Benching and Related Construction:

1. No new proposed terracing benching proposed	_____ (Go to F)	XXXXX	_____ (Go to E2)

2. If noncomplying above, indicate which of the following type of terracing/benching is proposed for compliance:

a) Terracing, No. of terraces
Type of materials
Size_____ Length
Maximum slope: Rise_____Run_____
Height/Wall _____

b) Benching, No. of benches
Maximum slope: Rise_____ Run
Height/Bench_____ _____ _____ _____

c) Cribbing, Type_____
Details Provided____ _____ _____ _____

d) Anchors
Type/Materials____
Spacing_____
Number_____ _____ _____ _____

e) Tiebacks,
Type/Materials____
Spacing____
Number_____ _____ _____ _____

f) Backfill,
Type____
Compacted_____
Lift Heights____ _____ _____ _____

g)	Wall Drainage, Pipe_____ Weep Holes_____ Type_____ Size_____	_____	_____	_____

F. Accompanying Submittals

a)	Detailed Construction Cost Estimate by Contractor Total Project Cost $_____	_____	_____	_____
b)	Legal Description of Property included	_____	_____	_____
c)	To scale plan included	_____	_____	_____
d)	Elevation views included	_____	_____	_____
e)	Improvements proposed details included	_____	_____	_____
f)	Provisions for a silt screen included as needed	_____	_____	_____

Section 7: EXCEPTIONS.

A. Emergency. Limited activity as reasonable and immediately necessary to prevent loss of life, serious personal injury, significant property damage or serious threat to public health and welfare may be accomplished without first making application for a permit. As soon as reasonably possible after the undertaking of emergency action, an application pursuant to this ordinance shall be made to the administrator.

B. Repairs. Structures lawfully constructed and existing prior to the adoption of this ordinance may be repaired or restored to substantially original condition notwithstanding the other provisions of this ordinance. However, no such repair or restoration shall be accomplished until an application for the repair or restoration is filed with and approved by the administrator.

ARTICLE #24
SEDIMENT AND SILTATION CONTROL

Section 1: PURPOSE. In order to protect the beauty and integrity of the land in Dickinson County, Iowa. It is the purpose of this article to prevent soil movement off property where land disturbing activity is being done by requiring the installation of silt screen fence prior to, during, and after said activity until such time there is no threat of soil movement.

Section 2: DEFINITIONS. For the purpose of this ordinance, these words have the following meanings:

1. "Silt Screen" shall mean a fencing screen material manufactured for the purpose of capturing and maintaining soil, silt and sediment from water and gravity runoff from a land slope.

2. "Silt Screen Fence" shall mean a length of Silt Screen supported by steel posts to form a continuous soil, silt or sediment barrier.

3. "Lot" shall mean a parcel of land under one descriptive ownership whether singular, joint or in common, and located in Dickinson County, Iowa outside the boundaries of any incorporated municipality of Dickinson County, Iowa.

4. "Land Disturbing Activity" shall mean any activity which changes the state or condition of a land, including but not limited to, tilling, clearing, grading, excavating, transporting or filling of land which may result in Siltation movement off of the subject lot, but does not include:

    a. Tilling, planting or harvesting of agricultural, horticultural or forest crop lands.

    b. Minor Land Disturbing Activity, including home gardening, repairs and maintenance work.

    c. Installation of fence posts, sign posts, telephone posts, electric posts, and other kinds of posts or poles.

    d. Activity for installation of septic tanks or septic drainage fields unless said activity is to service construction which requires Land Disturbing Activity.

    e. Activity associated with construction and repair of railroad tracks, right of way, bridges, communication facilities, or other railroad related construction or repair.

f. Emergency activity to protect life or property.

5. "Person" shall mean an individual, partnership, co-operative, association, organization, corporation, or any lawful successor, transferee, or assignee of said individual, partnership, co-operative, association, organization, or corporation.

6. "Administrator" shall mean the individual appointed by the Board of Supervisors to administer and enforce the provisions of this ordinance.

7. "Siltation" shall mean the transportation by water and/or gravity of soil particles.

Section 3: PERMIT. No person shall engage in, or employ, solicit or allow another to engage in, any Land Disturbing Activity on a Lot located within Dickinson County without first obtaining a permit from the Administrator. It shall be the responsibility of the person having ownership or control of a Lot to obtain a permit required by this ordinance. An applicant shall pay a permit fee of $25.00 before receiving a permit if, after said determination, a silt screen fence is deemed necessary as required by this ordinance.

Section 4: PERMIT APPLICATION. A person seeking a permit shall file a silt control plan showing anticipated compliance with this ordinance with the Administrator accompanied by the required fee.

Section 5: PERMIT REQUIREMENTS. No zoning compliance permit shall be issued until a Silt Screen Fence has been installed on the Lot within Dickinson County where Land Disturbing Activity is anticipated in accordance with the following directives:

a. The Silt Screen Fence shall be installed below the direction of run-off from the Lot.

b. The Silt Screen Fence shall be installed to run the entire length of the Land Disturbing Activity and be blocked on each end to prevent run-off around the ends of the fence.

c. The Silt Screen shall have a minimum width of 36" and be installed in such a manner so that the bottom of the screen is dug into the surface of the Lot a minimum of 12" with the backfill soil compacted.

d. The Silt Screen Fence support posts shall be made of steel and be spaced along the entire length of the fence with a maximum distance of 8' between the posts. Said posts shall extend above the Silt Screen and be placed into the ground at a depth consistent with their design and adequate support of the Silt Screen.

Section 6: DURATION. The Silt Screen Fence shall remain in place on the Lot and be maintained until all Land Disturbing Activity is completed and sufficient coverage exists to prevent any run-off siltation from the Lot.

ARTICLE #25
ENFORCEMENT

Section 1: ADMINISTRATOR. The Dickinson County Board of Supervisors shall appoint a Zoning Administrative Officer. It shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the county or in another governmental agency.

Section 2: ZONING COMPLIANCE PERMITS. No land shall be occupied or used, and no building or structure hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance. No compliance permit shall be required for portable recreation structures such as doghouses, treehouses, playhouses and playground equipment.

No change of use shall be made in any building or part thereof, now or hereafter erected, nor shall any structure be altered without a permit issued thereto by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance.

The activity allowed by a zoning compliance permit shall be commenced within six (6) months from the date of the permits issue, without which the permit shall expire on said date and be of no effect hereunder. Any building structure allowed by a zoning compliance permit shall, within one year of the date of the permit's issue, have all of its external components completed and the building lot made to finished grade and clear of all construction and excess earthen materials.

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

Section 3: APPLICATION FOR COMPLIANCE PERMIT. Compliance permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Permits shall be kept on file in the office of the Zoning Administrative Officer, 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. Compliance permits shall be posted within 10 days after issuance of the permit and shall remain posted for the duration of construction.

Section 4: SITE PLAN. Each application for a compliance permit shall be accompanied by a site plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon accurate locations of lot pins and lot lines, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, site drainage of storm

water and runoff control provisions, and such other information as may be necessary to provide for the enforcement of this Ordinance.

A survey of property may be ordered by the Zoning Administrator, where in the opinion of the Administrator, the current lot lines are in doubt or question, or where the lot pins cannot be located with any degree of certainty. In the event of an ordered survey, all four or more lot pins that are required for a lot must be located by a certified land surveyor and clearly marked.

Section 5: CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS, AND PERMIT. Compliance permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article 26.

Section 6: FEES. Before receiving a compliance permit, the owner or his agent shall pay to the County a permit fee set by resolution of the Board of Supervisors. City, county, state, and federal government shall be exempt from paying said fees.

Section 7: CONDITIONAL USES. A compliance permit for a conditional use may be issued by the Administrative Officer upon the order of the Board of Adjustment.

ARTICLE #26
VIOLATION AND PENALTY

Section 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 500 dollars or imprisonment of not more than thirty 30 days for each offense and in addition shall pay all costs incurred in the case. Each day that a violation is permitted to exist constitutes a separate offense.

Section 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 Dickinson County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business, or use in or about said premises.

ARTICLE #27
PLANNING AND ZONING COMMISSION

Section 1: INTENT. The members of the existing Planning and Zoning Commission are hereby confirmed to continue their appointed terms of office. Future members of the Planning and Zoning Commission shall be appointed by the Board of Supervisors for a term of five (5) years. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the resigning member.

Section 2: MEMBERSHIP AND TERMS OF OFFICE. All members shall be citizens and residents of Dickinson County, Iowa. All members shall be appointed by a resolution of the Board of Supervisors. At all times a majority shall reside in the unincorporated area of Dickinson County, Iowa. The term of office of the Commission members shall be five (5) years. The expiration of all terms of office shall occur the first Monday in January following the duration of the designated term, provided that all members shall hold office until their successor are appointed and approved. A person appointed to fill an occurring vacancy shall only serve out the remainder of the term of the member replaced.

Section 3: QUORUM. A majority of the membership of the Commission shall constitute a quorum, and a quorum shall be required to conduct the business of the Commission. Actions on Ordinance adoptions and amendments, rezoning and zoning map changes, and subdivision final plat approval shall require a majority vote of the entire Commission membership.

Section 4: MEETINGS. The Planning and Zoning Commission shall meet once per month or on call of the Chairperson or on call of the Board of Supervisors. There shall be an annual joint meeting with the Board of Supervisors to discuss the Commission's proceedings and activities, suggestions for plan, policy, ordinance revisions and other items relating to the Commission's duties.

Section 5: OFFICERS. The Planning and Zoning Commission shall elect a chairperson and vice-chairperson from among its membership. Terms for Officers shall be one (1) year. The election shall take place at the first Commission meeting of the calendar year. Officers shall assume their positions immediately following the election.

Section 6: REMOVAL OF COMMISSION MEMBERS. Planning and Zoning Commission members are appointed by the Board of Supervisors. They serve at the Board's pleasure and may be removed at the Board's discretion, which would require a unanimous vote of all Board of Supervisors members.

Section 7: ADMINISTRATIVE RULES. The first order of business for the initial appointed Planning and Zoning Commission shall be to adopt and follow a set of administrative rules. This set of rules shall provide for all duties and procedures for normal business of the Commission, and shall not supercede any requirement of the Commission set forth herein. These rules shall also provide for a procedure for their own amendment.

Section 8: POWERS AND DUTIES. The powers and duties of the Planning and Zoning Commission include but are not limited to the following: To prepare, recommend to the Board of Supervisors, and maintain a comprehensive plan for the physical development of the County; to accomplish other special studies related to land use development as requested by the Board of Supervisors; to prepare, recommend to the Board of Supervisors, review and update, and recommend proposed changes to a Zoning Ordinance and Subdivision Regulations for unincorporated areas of the County; and to hold public hearings as necessary to receive comments from the public regarding any of the aforementioned or other land use issues.

ARTICLE #28
BOARD OF ADJUSTMENT

Section 1: CONFIRMATION OF EXISTING BOARD OF ADJUSTMENT. The members of the existing Board of Adjustment are hereby confirmed to continue their appointed terms of office. Future members of the Board of Adjustment shall 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 a public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the resigning member.

Section 2: PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his/her absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Zoning Administrative Officer may be an ex-officio member and act as secretary for the Board of Adjustment.

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 of the Administrative Officer. The presence of three (3) members shall constitute a quorum.

Section 3: HEARINGS, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning the interpretation or administration of this Ordinance may be made by any person aggrieved or by any officer or bureau of Dickinson County affected by a decision of the Administrative Officer. Such appeal shall be made within thirty (30) days of the issuance or denial of the permit, by filing with the Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The request for appeal shall be accompanied by $500.00 fee to cover administrative costs of the appeal or such amount that may be set from time to time by resolution by the Board of Supervisors to cover administrative costs. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was made.

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

Section 4: STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case,

proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer from whom the appeal is taken and upon due cause shown.

Section 5: POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

A. 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 Administrative Officer in the enforcement of this Ordinance.

B. Conditional Uses: To hear and decide only such applications for conditional use as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, and as provided for in Article 21 of this Ordinance.

C. Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance is authorized only for height, area and size of structures, or size and area of lots, yards, and open spaces. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

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

   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 other districts.

2. A written application for a variance shall be accompanied by an abstractors certificate which shows the names and current addresses of the owners of all property within 500 feet of the property for which the variance is requested.

3. Notice of public hearing shall be given to those property owners by ordinary mail by mailing such notice to the last known addresses of those to be thus notified by depositing such notice with sufficient postage in the United States mail at least 15

days prior to the public hearing. An affidavit of mailing shall be obtained for each notice mailed. Notice shall be given to the public by publication in the official County newspaper(s) 15 days prior to the public hearing.

4. The public hearing shall be held. Any Party may appear in person, by agent, or by attorney.

5. 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.

6. 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.

7. The application for a variance shall be accompanied by a fee of $350.00 which may be subject to change by resolution of the Board of Supervisors.

8. 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 26 of this Ordinance.

Section 6: DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in application of this Ordinance.

Section 7: APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by laws of the State and particularly by Chapter 335, Code of Iowa.

ARTICLE #29
CHANGES AND AMENDMENTS

Section 1: PROCEDURES. This Ordinance and the districts created by said Ordinance may be amended from time to time. However, no amendments shall become effective unless it shall have been proposed by, or shall have been first submitted to the Planning and Zoning Commission for review, recommendation and public hearing. A notice of such public hearing shall be published at least 15 days prior to the date established for such hearing. Such notice shall include the time and place for public hearing. After said hearing, the Planning Commission shall have 45 days in which to submit its report to the Board of Supervisors. If the Commission fails to submit a report within the 45 day period, it shall be deemed to have approved the proposed amendment.

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 shall be published at least 15 days prior to the date established for such hearing. Such notice shall include the time and place for the public hearing.

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 20 percent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendments shall not be passed except by the favorable vote of sixty 60 percent of all the members of the Board of Supervisors.

Section 2: APPLICATION FOR CHANGE IN ZONING ORDINANCE. Any person may submit to the Board of Supervisors an application requesting a change in the Zoning Ordinance.

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

1. The legal description and local address of the property, if applicable;

2. The present zoning classification and the zoning classification requested for the property (for rezoning).

3. The existing use and proposed use of the property (for changes in use classification).

4. An abstractor's certificate which shows the names and current addresses of the owners of all property within 500 feet of the property for which the change is requested, if applicable.

5. A statement of the reasons why the applicant feels the present Zoning Classification is no longer valid.

6. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within 500 feet thereof, including streets, alleys, railroads, and other physical features. The scale of the map shall be 400 feet to one (1) inch. A scale of other than 400 feet to one (1) inch may be used if prior approval is obtained from the County Board of Supervisors.

B. Upon receipt of the application by the Administrative Officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:

1. Whether the current district classification of the property to be rezoned is valid;

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

3. Whether the proposed change is consistent with the current Comprehensive Plan considering such factors as:

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

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

c) Whether the rezoning would result in environmental damage to area lakes and rivers.

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

C. The Commission shall report its determinations and recommendations to the Board of Supervisors within 45 days from receipt of the application. However, when no report is issued within that time, the application will be deemed approved by the Commission. The Board of Supervisors shall then hold a public hearing as provided by State Statute.

ARTICLE #30
SEVERABILITY CLAUSE

Section 1: SEVERABILITY. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ARTICLE #31
REPEAL OF CONFLICTING ORDINANCES

Section 1: REPEAL. All provisions of the existing Dickinson County Zoning Ordinance No. 100, Silt Screen Ordinance No. 900, Landscaping of Lakeshore Property Ordinance No. 94-3, and all amendments made thereto in conflict herewith are hereby repealed.

ARTICLE #32
ADOPTION

This Ordinance shall be in full force and effect from and after September 1, 1998.

PASSED THIS 25th DAY OF June, 1998

Wayne Northey
CHAIRPERSON, DICKINSON COUNTY
BOARDOF SUPERVISORS

ATTEST:

Nancy Reiman
AUDITOR, DICKINSON COUNTY

ARTICLE #33
P.M.C. OVERLAY DISTRICT

Section 1. Intent: The intent of the P.M.C. Overlay District is to provide zoning requirements that specifically relate to P.M.C. allowed structures and uses. At the time P.M.C. would change from the approved principal or conditional uses allowed, this Overlay District would become null and void and the original R-4 Zoning District would be in effect.

Section 2. Permitted Principal Uses.

A) Residential Uses
   Single Family

B) Commercial Uses
   None

C) Civic Uses
   None

D) Industrial Uses
   None

Section 3. Conditional Principal Uses.

A) Residential Uses
   Duplex

B) Commercial Uses
   None

C) Civic Uses
   Club or Lodge
   Community Recreation
   Indoor Recreational Facilities
   Local Utility Services
   Major Utility Services
   Open Space
   Outdoor Recreational Facilities

D) Industrial Uses
   None

Section 4. Permitted Accessory Uses and Structures

A) Private garage or carport.

B) Private swimming pools, tennis courts, playground areas, and multi-family entertainment and services centers, provided that such areas shall not be located in the front of the principal building and provided that swimming pools be fenced with a minimum of six (6) feet in height.

C) Private non-commercial greenhouses.

D) Essential Services.

E) Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures that have received a conditional permit.

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

G) Home Occupation.

Section 5. Bulk Regulations for P.M.C. Inc. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this ordinance:

A) Minimum lot area:	Existing at the time of adoption of this article.
B) Minimum lot width:	Existing at the time of adoption of this article.
C) Minimum front perimeter width:	25 feet.
D) Minimum side perimeter width:	5 feet.
E) Minimum rear perimeter width:	10 feet.

Section 6. Bulk Regulations for Individual Lot Spaces Within P.M.C. Inc. The following minimum requirements shall be observed subject to modifications contained in Article 17 of this ordinance:

A) Minimum lot area:	Existing at the time of adoption of this article.
B) Minimum lot width:	Existing at the time of adoption of this article.
C) Minimum front yard setback:	For structures which front the parking area, no part of any structure is permitted to project beyond a line

	adjoining the two (2) adjacent corners of the two (2) nearest buildings and shall have a minimum setback of 10 feet. For structures which front on the lake, no part of any structure is permitted to project beyond a line adjoining the two (2) adjacent corners of the two (2) nearest buildings and shall have a minimum setback of 25 feet.
D) Minimum side yard setback:	3 feet.
E) Minimum rear yard setback:	5 feet.
F) Maximum height:	Two story not to exceed twenty-six (26) feet. However no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.
G) Minimum width:	None.

H) Existing Structures: Reference Section 7, Site Plan of P.M.C. Inc.

1. Maintenance to existing structures is allowed at any time.

2. Existing structures may be replaced or improved at any time provided:

   i. The structure is replaced upon the same footprint as the original or existing structure, except that the footprint of the original structure may be amended to square off irregularly shaped structures equal to the widest portion of the structure.

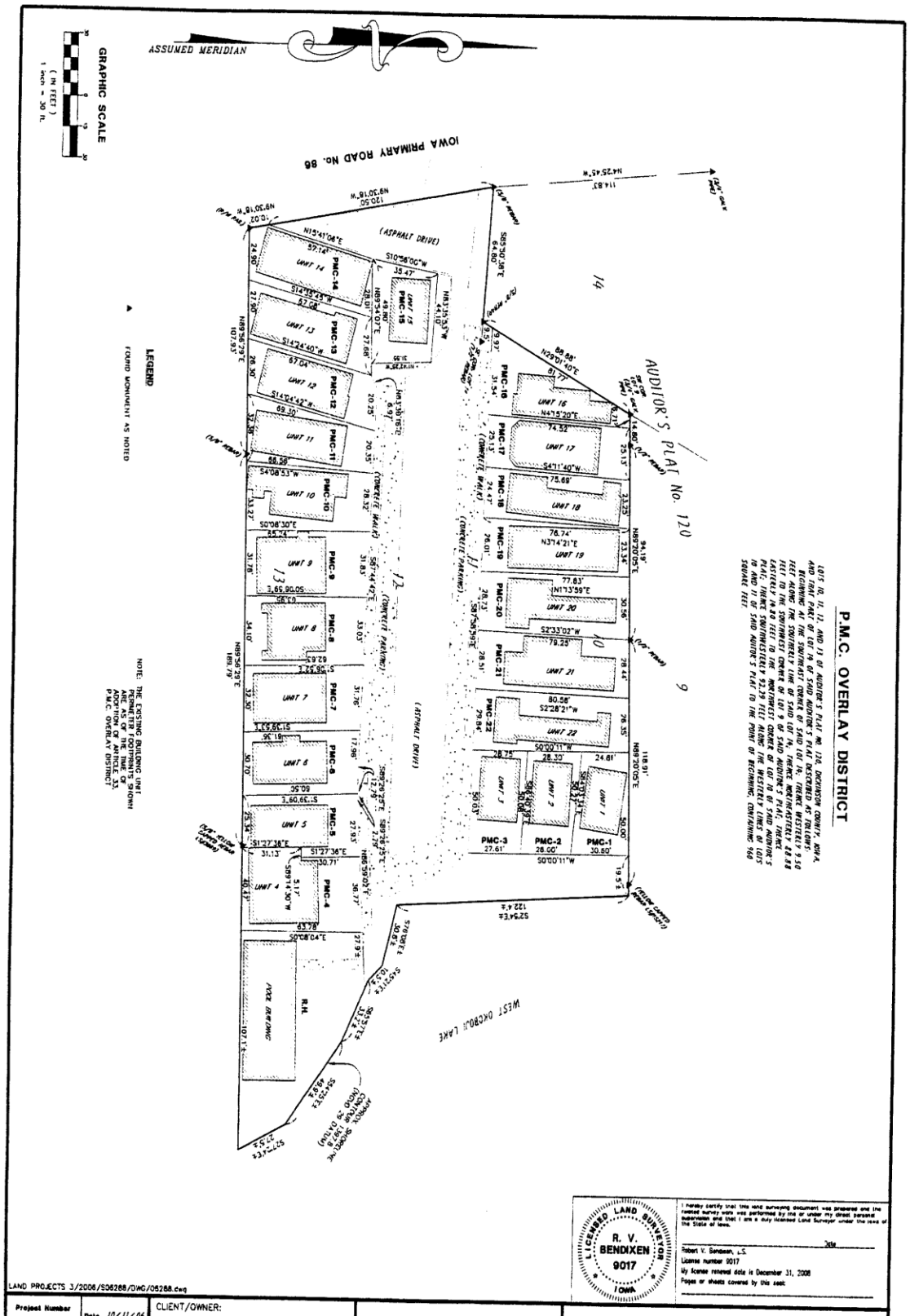
   ii. The structure does not exceed two stories, twenty-six (26) feet in height from the ground to the tallest point of the roof. However no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of an existing airport.

   iii. The structure must comply with the bulk regulations of Section 5.

Section 7. Site plan of P.M.C. at the time of adoption of Article 33.

"See attached survey"

Note: P.M.C. is not a platted subdivision. All individual owners of P.M.C. own a pro rata share, as the shares may be distributed, in all the land that P.M.C. owns. The P.M.C. site plan is to be used to show existing layout of improvements at the time of adoption of Article 33. All existing structures at the time of adoption of this article are grandfathered in and are allowed.


P.M.C. OVERLAY DISTRICT
LOTS 10, 11, 12, AND 13 OF AUDITOR'S PLAT NO. 120, DICKINSON COUNTY, IOWA, AND THAT PART OF LOT 14 OF AUDITOR'S PLAT NO. 120 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 14; THENCE NORTHERLY 119.59 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 14; THENCE NORTHWESTERLY 119.88 FEET TO THE SOUTHWEST CORNER OF LOT 9 OF SAID AUDITOR'S PLAT; THENCE EASTERLY 14.80 FEET TO THE NORTHWEST CORNER OF LOT 10 OF SAID AUDITOR'S PLAT; THENCE SOUTHWESTERLY 92.39 FEET ALONG THE WESTERLY LINES OF LOTS 10 AND 11 OF SAID AUDITOR'S PLAT TO THE POINT OF BEGINNING, CONTAINING 968 SQUARE FEET.
ASSUMED MERIDIAN
GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.
IOWA PRIMARY ROAD No. 86
AUDITOR'S PLAT No. 120
(ASPHALT DRIVE)
WEST OKOBOJI LAKE
LEGEND
FOUND MONUMENT AS NOTED
NOTE: THE EXISTING BUILDING UNIT PERIMETER FOOTPRINTS SHOWN ARE AS PER THE ADOPTION OF ARTICLE 33 P.M.C. OVERLAY DISTRICT
LICENSED LAND SURVEYOR
R. V. BENDIXEN
9017
IOWA
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Date
Robert V. Bendixen, L.S.
License number 9017
My license renewal date is December 31, 2006
Pages or sheets covered by this seal:
LAND PROJECTS 3/2006/S06288/DWG/06288.dwg
Project Number S06288
Sheet 1 OF 1
Date 10/11/06
Designer
Draftsman C.J.T.
Checker R.V.B.
CLIENT/OWNER:
P.M.C., INC.
P.M.C. SITE PLAN
UPON LOTS 10, 11, 12, 13 AND PART OF LOT 14 OF AUDITOR'S PLAT NO. 120, DICKINSON COUNTY, IOWA
JACOBSON-WESTERGARD & ASSOCIATES, INC.
106 S. SIXTH ST. ESTHERVILLE, IOWA
CONSULTING ENGINEERS
LAND SURVEYING

ARTICLE #34
WEST OKOBOJI HARBOR, FIRST ADDITION AND SECOND ADDITION OVERLAY DISTRICT

Section 1. INTENT: The intent of the West Okoboji Harbor, First Addition to West Okoboji Harbor, and Second Addition to West Okoboji Harbor Overlay District is to provide zoning requirements that specifically relate to the West Okoboji Harbor Additions regarding allowed structures, uses, etc. The West Okoboji Harbor three additions were a planned development project unique to the area of said additions, which involve artificially constructed waterways/canals, boardwalks, required membership in lot owners' associations with dues, and requirements concerning construction approval by a design committee, all of which are part of the original three plats and are part of the original three sets of bylaws of said owners' association.

The restrictive covenants which were parts of the three platting procedures have all expired by operation of law. The current zoning classification for said three additions is residential lakeshore R-4, which current zoning provisions in some respects do not provide adequate protection to lot owners in the three West Okoboji Harbor additions due to the unique physical nature of said three additions.

The three plats as referred to above established the West Okoboji Lot Owners Association, an Iowa corporation, a board of governors thereof, a design committee, and bylaws regarding the same. With further regard to the design committee, the recorded and amended bylaws now provide that "all plans and specifications for construction and placement of dwellings upon lot sites, exterior remodeling, docks, hoists, driveways, fences and retaining walls must first be presented to said (design) committee and meeting with its approval before any work on the lot relating to said constructions shall be started. Said amended bylaws do provide for appeal procedures from decisions of the design committee.

It shall be the intention of said Lot Owners Association as well as the board of governors thereof and the design committee to enforce existing rules and regulations as well as the following rules and regulations. It is the further intent of the Dickinson County Board of Supervisors and the said association, board of governors, and design committee that existing and following rules be enforced in a reasonable, practical and logical manner.

Section 2. APPLICABLE ZONING. Unless specifically provided for below and otherwise, the existing Dickinson County zoning regulations shall apply to the West Okoboji Harbor Plat, First Addition West Okoboji Harbor, and Second Addition to West Okoboji Harbor. (Lakeshore residential district – R-4.) This overlay district is not applicable to the following West Okoboji lakeshore lots: Lots 1, 2, 3, 4, and 5, Plat of Furman Point, Dickinson County, Iowa and Lots 1, 2, 3, 4, and 5, West Okoboji Harbor, Dickinson County, Iowa.

Section 3. RENTING. The renting of any condominium unit, apartment, or dwelling of any kind within any of the said three additions may not be less than for one month increments.

Section 4. FENCES. No fences may be constructed on the front-waterway/canal side of any lot running from the residence structure toward said waterways. Rear (street) side and side yard fences are allowable as approved by the design committee.

Section 5. LANDSCAPING. Any landscaping within said three plats must be approved by the above referred to design committee.

Section 6. TEMPORARY BUILDINGS AND STORAGE. Temporary buildings, fish houses, non permanent structures, motor homes, inoperable motor vehicles, boats, trailers, recreational vehicles, campers, or similar type vehicles may not be stored outside of an enclosed structure for more than fourteen (14) days in any one calendar year without written permission of the above referred to design committee.

Section 7. COMMERCIAL VEHICLES. Except in new construction situations and except for situations involving deliveries, no commercial vehicles, trailers, equipment, or machinery may be kept outside of an enclosed structure for more than fourteen (14) days in any one calendar year without permission of the design committee.

Section 8. ANIMAL KENNELS. The construction and use of any animal kennels is prohibited.

Section 9. LANDSCAPE IRRIGATION. Due to the fact that the three Harbor associations provide domestic water services to lot owners within the three additions via private wells owned by the associations, the water source for landscape irrigation must be from the canal/waterway waters and not from individual wells located within any of the three Harbor additions, and also not from the water system provided to lot owners within the three Harbor additions.

Section 10. SATELLITE DISHES AND OTHER OUTSIDE ELECTRONIC COMMUNICATION APPURTENANCES. No ground mounted satellite dishes or other ground mounted outside communication equipment shall be permitted except with approval of the above referred to design committee.

Section 11. CLOTHESLINES. No permanent outside clotheslines are permitted. This provision shall not be deemed to prevent the temporary outside hanging and drying of wet bathing suits, beach towels, life jackets, and related items so long as the same is accomplished in a reasonable manner which is not disapproved or prohibited by the Board of Governors of the West Okoboji Lot Owners Association.

Section 12. OUTSIDE LIGHTING. All permanent exterior lighting must be approved in writing by the above referred to design committee.

Section 13. BOARDWALKS. The use of boardwalks running along the canals/waterways shall be subject to all reasonable rules and conditions as directed and enacted by the board of governors of the lot owners' associations for the three Harbor additions.

Section 14. SOLID WASTE CONTAINERS. Regarding single family dwellings/houses, no trash/garbage containers may remain in public view except on the specified days of solid waste collection. However, in condominium and multiple family dwellings, structures are permitted to allow outdoor storage of solid waste containers. The construction of said structures may be accomplished only with the advanced permission of the design committee.

Section 15. NEW OUTSIDE CONSTRUCTION. All outside construction and/or alterations shall be subject to the written advance permission and approval of the above referred to design committee.

Section 16. ENFORCEMENT. If a dispute should arise concerning the applicability of the foregoing overlay provisions or the enforcement of the same, the West Okoboji Harbor Lot Owners Association shall take all reasonable enforcement steps including but not limited to judicial action to reach a resolution of any such disputes. Submitting disputes to the Dickinson County Planning and Zoning Commission, the Dickinson County Board of Adjustment, and/or the Dickinson County Board of Supervisors shall only be done after exhaustion of other remedies by the said lot owners association.

Section 17. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 18. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 19. This ordinance is passed pursuant to the authority granted by Section 380.8, The Code of Iowa.

ARTICLE #35. ADULT-ORIENTED ESTABLISHMENT REGULATIONS

1) *Purpose.*

The County of Dickinson finds:

a. Adult-oriented 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 Dickinson County:
b. Adult-oriented 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-oriented establishments in order to protect the health and well-being of the Dickinson County residents;
d. Adult-oriented 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. The County of Dickinson wants to prevent these 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 neighborhoods; and deter the spread of blight;
f. It is not the intent of this article to suppress any speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult-oriented 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:
(a) showing of specified anatomical areas in a state of sexual stimulation or arousal;
(b) actual or simulated acts of sexual intercourse, sodomy, or sado-masochism; or
(c) fondling or erotic touching of specified anatomical areas.

3) *Locational Requirements and Restrictions*.

An adult-oriented establishment shall be permitted within the County of Dickinson only in the General Commercial and Highway Commercial Zoning District upon receipt of a conditional use permit in accordance with the procedures set forth in Article 21, and a detailed site plan which 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 mile of the borders of a residential district.
b. Adult-oriented establishments shall be prohibited within one mile of any church, synagogue, mosque, temple, or other place of religious worship.
c. Adult-oriented establishments shall be prohibited within one mile 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 mile of any public park or playground.
e. Adult-oriented establishments shall be prohibited within one mile of any daycare home or daycare business.
f. Adult-oriented establishments shall be prohibited within one mile of any other adult

entertainment business.

g. Adult-oriented establishments shall be prohibited within one mile of any existing establishment selling alcoholic beverages for consumption on premises.

4) *Development Design Standards*.

a. *Exterior*. It shall be unlawful for an owner of an adult-oriented establishment:

i. to allow the merchandise or activities of the establishment to be visible from a point outside the establishment

ii. to allow the exterior portion of the adult-oriented establishment 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.

iii. to allow exterior portions of the establishment to be painted other than a single color.

b. *Signage*. The operator shall comply with Article 20. Additionally, 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 Article 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 drivers license issued by a state reflecting that person’s age.

7) *Hours of Operation*.
An adult-oriented establishment may remain open for business no longer than the hours of 10:00 a.m. to 2:00 a.m., seven days a week.