

# TITLE III: PROPERTY/LAND USE AND DEVELOPMENT

## CHAPTER II.

### ZONING ORDINANCE

#### ARTICLE I: TITLE, EXEMPTIONS, DEFINITIONS

##### SECTION 1. SHORT TITLE

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

##### SECTION 2. FARMS EXEMPT

In compliance with Chapter 335.2, Code of Iowa, 2011, no regulations or restriction adopted under the provisions of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or restrictions which related to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.

It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

##### SECTION 3. DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "building" shall include the word "structure", and the word "shall" is mandatory and not directory.

Accessory Use Or Structure	A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.
Alley	A public way for the use of vehicles which affords only a secondary means of access to abutting property.
Amusement Place	A completely enclosed building arranged, intended or designed for recreation or , amusement use which is not noxious or offensive due to the emission of odors, gas, smoke, or noise; which is not a menace to public health and safety and which will not substantially or permanently injure the appropriate use of neighboring property.
Apartment	A room or suite of rooms in a multi-family dwelling intended or designed for use as a residence by a single family.
Basement	A story having part but no more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations.
Bed and Breakfast	A private residence which provides lodging and meals for transient guests on an overnight basis for periods not to exceed fourteen (14) consecutive days, in which the host or hostess resides and in which no more than five guest rooms are occupied at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a hotel, motel or restaurant, only serving food to overnight guests.

Billboard	Any structure, other than a building, used for the display of advertising, other than: <ul style="list-style-type: none"> <li>a. Church or similar bulletin board;</li> <li>b. Signs pertaining only to the lease, hire or sale of a building or premises;</li> <li>c. Signs advertising the sale of products grown only upon the premises; or</li> <li>d. An announcement or identification sign with the name and address of the owner or tenant residing on the premises.</li> </ul>
Boarding, Lodging Rooming House	A building other than a hotel where, for compensation and by arrangement, meals, and/or lodging are provided for three (3) or more persons.
Building	Any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals or chattels. When any portion thereof is separated by party walls without windows, doors, or other openings, each portion so separated shall be deemed a separate building, except residential dwellings.
Building, Height of	The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level, between eaves and ridge for gable, hip and gambrel roofs.
Bulk Plant	That portion of property where flammable liquids, or gases, or fertilizers or feeds are received by pipeline, tank cars, or tank vehicles, and are stored in the bulk for the purpose of distributing such products by tank vehicle, pipeline, tank car or container.
Cellar	A story having more than one-half its height below grade. A cellar is not counted as a story for the purpose of height regulations.
Club, Private	A building or portion thereof, or premises owned and/or operated by a corporation, association, person or persons for a social educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.
Commission	Wherever the word "Commission" is used in this Ordinance it shall refer to the Muscatine County Zoning Commission.
Day Care Nursery or Day Care Center	A private agency, institution, establishment or place where supplemental parental care and/or educational work is provided, other than overnight lodging, for six (6) or more unrelated children, for compensation.
District	A section or sections of the unincorporated area or any portion thereof of Muscatine County, Iowa, for which the regulations governing the use of buildings and land, the height of buildings, the size of yards and the intensity of use are uniform.
Dwelling	Any building or portion thereof having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation. The dwelling unit shall be constructed in compliance with the International Residential Code or the U.S. Department of Housing and Urban Development Code under the authority of 42 U.S.C., Dec. 5403, Federal Manufactured Home Construction and Safety Standards.  A dwelling unit shall have a floor area of at least six hundred forty square feet (640'), minimum width of twenty feet (20') at least seventy-five percent (75%) of its narrowest dimension and, unless otherwise noted in this Chapter, be placed on permanent foundation, have a perimeter foundation of masonry construction (load or nonload), and be taxed as real property. Manufactured homes as defined in this Chapter are exempt from the perimeter foundation requirement as long as the foundation system maintain

visual compatibility with the permanent foundation systems of surrounding residential structures.

Dwelling, One-Family	A dwelling arranged, intended or designed for occupancy by one (1) family.
Dwelling, Two-Family	A dwelling arranged, intended or designed for occupancy by two (2) families.
Dwelling, Multiple	A dwelling arranged, intended or designed for occupancy by more than two (2) families, living e independently of each other.
Family	<p>One (1) or more persons who are related by blood, adoption or marriage, living together and occupying single housekeeping units or a group of not more than five (5) persons living together by joint agreement, and occupying single housekeeping units on a nonprofit cost-sharing basis.</p> <p>A single housekeeping unit must share a common entrance and utilities. It may not be built or designed to provide separate access and/or function as a second residence and all portions of the interior dwelling unit must remain mutually accessible.</p>
Farm	<p>“Farming” or “agricultural use” means a condition or activity which occurs in connection with the production of farm products and includes but is not limited to the production, harvesting, handling or storage of crops used for feed, food, seed or fiber; the care, feeding or housing of livestock; the storage, handling, or application of chemicals or fertilizers including manure from livestock; accessory uses that are secondary to that of the farming activities; and provided further that farming does not include the extraction of minerals or the commercial feeding of garbage or offal to swine or other animals.</p> <p>A parcel must be shown by the owner or occupant to be in current active, income-producing farming or agricultural use to be described as a farm. The owner or occupant may show tax evidence from a certified tax professional. (Note: the standard for the showing of agricultural use is taken from Iowa Department of Revenue and Finance’s regulations found at Iowa Administrative Code 701-71.1(3)). Upon such a showing, the zoning administrator shall issue to the owner a certificate of zoning exemption.</p>
Feedlot/ Confinement Operation	Any parcel of land or premises on which the principal use is concentrated on feeding, farrowing and raising cattle, swine, sheep and poultry within a confined area. An open feedlot is defined as one or more unroofed or partially roofed animal enclosures in which animals are confined. A confinement feeding operation is one or more totally roofed animal enclosures in which animals are confined.
Frontage	All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
Garage, Private	An accessory structure or portion of a building in which one or more vehicles are housed, but in which no service or industry connected with motor vehicles is carried on, other than the leasing of space for the housing of vehicles as permitted herein.
Garage, Public	A building or portion thereof, designed, intended or used for the storage, sale, hiring, care of, repair of motor vehicles, which is operated for commercial purposes.
Gasoline Service Station	Any building or portion thereof, used for the dispensing, sale or offering for sale at retail, automotive fuels, oil and similar supplies, but not for the purpose of making other than minor repairs. When the dispensing, sale or offering for sale at retail is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Grade	The average level of the finished surface of the ground adjacent to the exterior walls of the building.
Greenhouse	An enclosed structure, designed for the growing of plants on a wholesale or retail basis. A greenhouse shall be considered a commercial use and shall be confined to commercial districts if the primary products offered for sale are other than those grown on the premises.
Group Home	A dwelling, with single kitchen facilities, occupied by a group of six (6) or more persons, living together by joint agreement, on a non-profit, cost-sharing basis.
Hard Cider	The formation of apple juice or cider yielding an alcoholic beverage.
Home Occupation	<p>A home occupation is an occupation carried on by a member or members of the immediate family residing on the premises where the home occupation is conducted. He or she shall have no employees, other than spouse, parent, or children who also reside on the premises where the home occupation is conducted.</p> <p>A home occupation must be a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes or the farming unit for agricultural purposes, and shall be carried on wholly within the house or outbuildings of the premises where conducted. There shall be no display of goods, no advertising and no signs (either stationary or on vehicles) which shall be stored outside, nor shall any structure be constructed or used for the home occupation other than those ordinarily found at a homestead or farmstead. No motor vehicle larger than a one-ton truck shall be used in connection with the home occupation either for delivery of raw materials or finished product. No more than eight motor vehicles per day shall come to or from the premises where the home occupation is being conducted as a result of the home occupation. The home occupation shall not be objectionable or detrimental to the character of the neighborhood and there shall be no offensive noise, vibration, traffic &amp; parking, smoke, dust, odors, heat, or glare produced.</p> <p>It is the objective of the Home Occupation Regulation to allow a resident of this County to conduct a small related or unrelated personal business from his home or farm as long as that business does not alter in any significant way, or be objectionable to the character of the neighborhood in which it is conducted. Interpretation and enforcement of the Home Occupation Regulations shall be consistent with this objective. Home occupations shall be permissive uses in all Zoning Districts if it is a permitted use under property owners Covenants.</p>
Hotel	A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such it is open to the public in contradiction to a boarding house, or an apartment which are herein separately defined.
Institution	A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
Junk Yard	An area of any lot or parcel of land which is used for the storage, abandonment, or keeping of junk, including scrap metals, or scrap materials or for the abandonment or dismantling of machinery, motor vehicles or other vehicles, or parts thereof.
Junk Vehicle	A motorized vehicle including autos, trucks, motorcycles, race cars, etc., which does not have a current Iowa Department of Transportation registration and has one of two following conditions: parts have been removed for re-use, salvage, or sale; or the vehicle has been incapable of operating under its own power for more than 30 days.
Kennel	Any lot or premise on which four (4) or more dogs, more than six (6) months of age, are bred, boarded, and/or offered for sale.

Lot	A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for its intended use, coverage, and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of: <ul style="list-style-type: none"> <li>(a) A single lot of record;</li> <li>(b) A portion of a lot of record;</li> <li>(c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and</li> <li>(d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.</li> </ul>
Lot, Corner	A lot abutting upon two (2) or more streets at their intersection.
Lot, Depth of	The mean horizontal distance between the front and rear lot lines.
Lot, Flag	A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.
Lot, Line	Property line bounding a lot.
Lot Line, Front	The line separating the front of the lot from a street. When a lot or building site is bounded by a public street and one or more alleys or private street easements or private streets, the front line shall be the nearest right-of-way line of the public street.
Lot Line, Rear	The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
Lot, Through	A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
Lot Area	The total horizontal area within lot lines.
Lot of Record	A lot or parcel of land the deed of which has been recorded in the office of the Recorder for Muscatine County, Iowa prior to the adoption of this Ordinance.
Manufactured Home	A factory built structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403 and is to be used as a place for human habitation as defined by a dwelling unit, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. Any factory-built structure used for human habitation which does not meet all the above requirements is considered a mobile home and shall be regulated as a mobile home.
Mobile Home	A factory-assembled structure equipped with the necessary service connections, designed so as to be readily transported on its own chassis and designed to be used for residential purposes with or without a permanent foundation. Such a structure shall be considered a mobile home whether or not the original running gear, axles, and tongue or hitch have been removed.
Mobile Home Park	A mobile home park shall mean any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are harbored, 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 such mobile home park.
Mobile Home Subdivision	A mobile home subdivision shall mean any site, lot, field, or tract of land upon which two (2) or more occupied mobile homes are harbored. The land of the mobile home subdivision is plotted and developed solely for mobile home usage and all of the land of the subdivision is offered for sale by lots.

Modular Housing	Modular housing shall mean a factory-assembled structure which is manufactured or constructed to be used as a place for human habitation but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles.
Motel or Tourism Home	A permanent building or group of buildings designed or arranged primarily for temporary occupancy, so laid out as to provide space for parking vehicles used by the traveling public. Such building, or group of buildings may include quarters for the use of operation personnel.
Motor Vehicle Sales Lot	An established place of business for the purposes of buying, selling, or exchanging vehicles of a type required to be registered in the State of Iowa and regulated by Iowa Code Chapter 322.
Native Winery Or Cider Mill	A facility in which the production of wine or hard cider is less than 50,000 gallons per year; and with onsite or contiguous propagated (growth stage) vineyard or orchard of at least two (2) acres. All of the wine or hard cider shall be produced entirely onsite.
Non-Conforming Use	Lawful use of a building or land at the time of the passage of this Ordinance, or amendment thereto, which use does not conform to the provisions of this Ordinance, or the district in which it is located.
Nursery, Plant	An open area where young trees or plants are raised for transplanting and are available for sale on a wholesale or retail basis. Limited accessory structures are permitted, but their use is limited to the care and distribution of the trees and plants grown on the premises. If the primary products offered for sale are other than those grown on the premises, the operation shall be considered a commercial use and shall be confined to Commercial Districts.
Nursing Home	A home for aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food or shelter and care, for compensation.
Outdoor Shooting Ranges	Outdoor shooting ranges are any uses that include the firing, shooting or any other discharge of firearms, explosives and all weapons, except those uses or activities specifically excluded below. Firing ranges and weapon ranges not located wholly within a building constructed or modified specifically for that purpose are examples of outdoor shooting ranges. Exceptions to this definition are governmental uses, performing military operations for the government, discharging firearms while legally hunting, agricultural uses, the discharge of firearms for purposes of athletic events, theater or other performing arts, any special events granted prior approval by the County for the discharge of firearms, the legal discharge of explosives for approved construction and mining projects, and licenses, legally used fireworks displays. These provisions do not apply to the discharging of firearms on private property not open to the public or recreational shooting by individuals on property where no fee or formal membership is required.
Parking Lot	A parcel of land devoted to unenclosed parking spaces.
Parking Space	A surfaced area, enclosed in the main building or in an accessory structure or unenclosed, having an area of not less than one hundred eighty square feet (180') exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
Permanent Foundation	A site-built or site-assembled system of stabilizing devices when running gear assembly is removed. It must be capable of transferring design dead loads and live loads required by Federal regulations, and other design loads unique to local home

sites, wind, seismic, soil, and water site conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two inches (42") below grade and constructed of materials approved by the most recent edition of the Uniform Building Standards.

Road	All property, other than an alley, dedicated or intended for public or private road, street, highway, freeway, or roadway purposes, or to the public easement thereof.
Road Line	The dividing line between a lot, tract or parcel of land and a contiguous road, street or alley.
Roadside Stand	A structure which is designed for temporary or seasonal use and which is adjacent to a road and is used for sale of farm products, primarily produced or grown on the premises.
Sanitary Landfill	Land utilized for disposing of solid waste in accordance with the rules and regulations of the Environmental Protection Agency and the Iowa Department of Natural Resources.
Seasonal Recreational Cottage	A one-family dwelling or travel trailer intended for seasonal or temporary occupancy only, and not as a year-round family residence. The occupants must maintain a permanent legal residence elsewhere to have the dwelling or travel trailer qualify as seasonal or temporary.
Setback	The required minimum horizontal distance between the building line and the related front, side or rear lot line.
Stable, Public	A building used to lodge or feed four (4) or more horses, and where the horses are boarded for compensation or are offered to the public for riding for compensation.
Story	That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
Story, Half	A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet (3') above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his/her family, or by a family occupying the floor immediately below it, shall be deemed a full story.
Structural Alterations	Any change in the supporting members of a structure such as walls, partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, beyond ordinary repairs and maintenance.
Structure	Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
Substantial Improvement	Any reconstruction, rehabilitation, addition, or other improvement of a structure, which will increase the floor area of an existing building or facility by twenty-five percent or more. This term includes structures which have incurred "substantial damage" regardless of the actual work performed. The term "substantial improvement" does not, however, include either (1) any project for improvement of the structure to correct existing violation of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structures continued designation as a "historic structure".
Subterranean Home	A home which has all but one wall completely covered and landscaped with earth including the roof.
Travel Trailer	A vehicular, portable structure, built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

Wine	As defined by the Code of Iowa, Chapter 123.3 Definitions, or as subsequently amended.
Variance	A modification or variation of the provisions of this Ordinance, as applied to a specific piece of property, where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.
Yard	An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance.
Yard, Front	A yard extending across the full width of the lot, lying between the front lot line and the nearest line of the main building wall, other than unenclosed porches, steps or balconies. The front yard of a corner lot shall be considered the side with an assigned street address.
Yard, Rear	A yard extending across the full width of the lot, lying between the rear lot line and the nearest line of the main building wall, other than unenclosed porches, steps or balconies.
Yard, Side	A yard between the side lot line and the nearest line of the main building wall, extending from the front yard to the rear yard.
Zoning Administrative Officer	The individual appointed by the Board of Supervisors to administer and enforce the provisions of this Ordinance.
Zoning Permit	A permit issued by the Zoning Administrative Officer of Muscatine County, Iowa, for the erection, reconstruction or alteration of a building or structure or the use of land.

## **ARTICLE II: DISTRICTS AND BOUNDARIES**

### **SECTION 1. DISTRICTS**

For the purpose of this Ordinance, the unincorporated area of Muscatine County, Iowa, or portions thereof, is hereby divided into nine (9) classes of districts. The use, height and area regulations are uniform in each class of district, and said districts shall be known as:

- "A-1" Agricultural District
- "R-1" Residential District
- "R-2" Residential District
- "R-3" Residential District
- "M-1" Mobile Home District
- "C-1" Commercial District
- "C-2" Commercial District
- "I-1" Light Industrial District
- "I-2" Heavy Industrial District

### **SECTION 2. OFFICIAL ZONE PLAN**

The boundaries of these districts are located and established as shown upon maps designated as the Official Zone Plan of Muscatine 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, and which maps are properly attested and on file in the office of the Recorder of Muscatine County, Iowa.

### **SECTION 3. DISTRICT BOUNDARIES**

The boundaries of the various districts established by this Ordinance are road lines, alley lines, property lines, lot lines, section lines, quarter lines, center of river, or other lines shown on the official zone maps. Where boundaries are approximately indicated as property or lot lines, the true location of such lines shall be taken as the boundary lines. Where the distance to any boundary line from a road line, property line or lot line, is indicated by the Official Zone Plan, such measurements shall control.

#### **SECTION 4. DISINCORPORATION**

All territory which may hereafter become part of the unincorporated area of Muscatine County, Iowa, that is regulated by this Ordinance, by the disincorporation of any part thereof, shall automatically be classes as lying and being in the "A-1" Agricultural District until such classification shall have been changed by amendment to this Ordinance, as provided by law.

#### **SECTION 5. ROAD AND PUBLIC WAY VACATION**

Whenever any road or other public way is vacated by the official action of the Board of Supervisors of Muscatine County, Iowa, the Zoning District adjoining each side of such road or public way shall automatically extend to the center of such vacation, and all areas included in such vacation shall then and thenceforth be subject to all appropriate regulations of the extended district.

#### **SECTION 6. GENERAL REQUIREMENTS**

Except as hereinafter provided:

- 6.1** No person shall use any land, building or structure for any use other than those permitted in the district in which such land, building or structure is located.
- 6.2** No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
- 6.3** No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- 6.4** No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.
- 6.5** No billboard, bulletin board or temporary sign along any pubic road shall be located in such a manner as to decrease safety by decreasing the sight distance. In any such district, announcement signs or bulletin boards are permitted, provided such signs or boards do not exceed sixteen square feet (16') in area and are erected upon the premises of a charitable, religious, philanthropic or public institution for its own use and are not erected within twenty-five feet (25') of a road line. No fence, hedge billboard, or wall shall be permitted within two hundred feet (200') of the centerline of a road intersection which cannot be viewed over from a point three feet (3') above the traveled roadway.
- 6.6** Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.
- 6.7** No building in the rear of any main building on the same interior lot shall be used for residential purposes.

- 6.8 Subsequent to the passing of this Ordinance, a written permit shall be obtained from the Zoning Administrative Officer when required as provided in Article XVI hereof.

### **ARTICLE III: A-1 AGRICULTURAL DISTRICT**

#### **SECTION 1. GENERAL DESCRIPTION**

The A-1 Agricultural District is intended to encourage the standard agricultural use of those areas which, because of location, soil composition, and other factors, are best suited for agriculture. This District is not intended to be used for new rural subdivisions, but does allow for a limited number of neighborhood and non-agricultural uses, especially near or adjacent to existing urban development and adequately paved roads.

#### **SECTION 2. USES PERMITTED**

Property and buildings in an A-1 Agricultural District shall be used only for the following purposes.

- 2.1 Farms.
- 2.2 Feedlots/confinement operations, provided that all feedlots/confinement operations meet the waste treatment requirements of the Iowa Department of Natural Resources.
- 2.3 Public and private forests and wildlife reservations or similar conservation projects.
- 2.4 Roadside stands.
- 2.5 Grain elevators and the usual accessory structures.
- 2.6 Grain bins and buildings for the seasonal or temporary storage of grain.
- 2.7 Plant nurseries.
- 2.8 Accessory structures and accessory uses customarily incident to any of the above uses, but not involving the conduct of a business.
- 2.9 Farmhouses, which are at least ten years old, may be split off and sold in one acre or larger tracts.
- 2.10 Home occupation.
- 2.11 Seed Sales Warehouses and Offices.

#### **SECTION 3. SPECIAL USES PERMITTED**

The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Section 4.3 of Article XV.

- 3.1 (Deleted January 1, 1987.)
- 3.2 Seasonal recreational cottages.
- 3.3 Veterinary establishments and kennels, provided the parcel so used is not within seven hundred and fifty feet (750') of an existing residence excluding that of the petitioner on that parcel.
- 3.4 Airports or landing fields.

- 3.5** (Deleted January 1, 1985.)
- 3.6** Sanitary landfills.
- 3.7** Mobile home dwelling for a period of one (1) year with the right of renewal for additional one (1) year periods for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the care of a person with a severe physical handicap.
- 3.8** Extraction of gravel, sand, stone, clay or other raw materials.
- 3.9** Telecommunications transmission towers.
- Telecommunications transmission towers shall be located on private property outside the public road right-of-way and shall observe a minimum setback of 1.1 times the tower height from any property line, road right-of-way or other structure. All towers and supporting ground equipment shall be completely enclosed within a perimeter fence consisting of a minimum of six feet tall chain link with at least three strands of barbed wire (or equivalent as approved by the Zoning Administrator). All applications for new telecommunications transmission towers shall be accompanied by an affidavit certifying that said tower will be dismantled and removed from the property within 90 days of decommissioning and non-use.
- 3.10** Buildings erected or used by a department of federal, state, county and municipal governments.
- 3.11** Temporary public assemblies; such as carnivals and expositions, for a period not to exceed ten (10) days.
- 3.12** Asphalt or ready-mix concrete plant on a temporary basis for road construction.
- 3.13** Public stables.
- 3.14** Greenhouses.
- 3.15** Sewage disposal and treatment facilities.
- 3.16** Sludge disposal from sewage treatment plants which provided treatment wherein sludge is digested and dried, and then plowed under the soil on which it is applied.
- 3.17** Day care centers or day nurseries.
- 3.18** Public schools and private educational institutions having a curriculum comparable to that given in public schools.
- 3.19** Community buildings, hospitals, public parks and public playgrounds.
- 3.20** Golf courses, except miniature golf course, or practice driving ranges operated for commercial purposes.
- 3.21** Billboards and advertising signs.
- 3.22** Churches and cemeteries.
- 3.23** Rural Residence. The Zoning Board of Adjustment may issue a special use permit to establish a rural residence in an Agricultural Use Zone. The intent of this provision is to allow, under certain circumstances, construction of single-family homes in rural Muscatine County without requirement of a farm use. The goal is to minimize conflict with existing and future farm uses, while allowing

development of property. In making this determination, the Zoning Board of Adjustment shall consider the following factors:

- a. Proximity to State Regulated Livestock Operations: Livestock Operations have a significant impact on their neighbors, and have a higher potential of conflict with rural residences. Applications which concern property closer than the current specified setback requirements set forth by the Iowa Code from the nearest livestock operation required under state law to submit and implement manure management plans shall be denied. The distance shall be measured in feet from the closest point of the proposed residence to the closest point of the confinement feeding operation structure as that term is defined in Iowa Code section 459.202.
- b. CSR rating of the land: Muscatine County's rich soil is an asset to be valued and protected, while being utilized to its greatest potential. Applications, which the proposed property has a Corn Suitability Rating of 55 or higher as calculated by weighted average of the entire parcel, should generally not be granted. This factor is of high importance.
- c. Proximity to a paved road: Residential development on or within 1 mile traveled distance of a paved road makes the provision of services more efficient and reduces the conflicts caused by crushed rock roads. This factor is of moderate importance.
- d. Proximity to other rural residences: High density and concentration of rural residences should be discouraged, as increasing the potential for conflict with agricultural uses. A separation distance of 1,250 feet should be met between the proposed rural residence and existing neighboring residences, distances less than 750 feet may be denied. If an area is particularly suited for residential use, its rezoning should be considered. This factor is of moderate importance.
- e. Proximity to city limits: Residential development is more efficient when it occurs near already existing infrastructure and services. This factor is of moderate importance.
- f. Other factors: Other factors produced by active agricultural uses create potential for conflict with residential uses. Those include sound, dust, odor, visual appearance and other externalities of active farm operations. A separation distance of 1250 feet should be met between the proposed rural residence and neighboring feedlots, grain dryers and silos. This factor is of moderate importance.

**3.24** Electric substations, switching stations, and similar public utility facilities, including all equipment and structures necessary to permit their operation and use.

**3.25** Bed and breakfast.

**3.26** Native Winery or Cider Mill. Native wineries or cider mills are subject to the following requirements:

- (a) Sale of wine and other items. Wholesale and retail sale of wine for off premises consumption is allowed pursuant to a Class "A" Wine Permit issued by the State of Iowa. Retail sales of items other than wine are allowed as long as the items are directly related to wine and incidental to onsite retail sales.
- (b) Onsite Wine Sampling. Wines may be sampled on the premises where manufactured when no charge is made for sampling and the sampling size is one ounce or less.

(c) Onsite Wine Consumption. Sale of wine for consumption onsite is allowed pursuant to a Class "C" Native Wine Permit issued by the Board of Supervisors and must be in accordance with State of Iowa Alcohol Beverages Division regulations.

(d) Special Event Permit. Any special event at which (1) wine will be sold for onsite consumption, and (2) attendance of more than 35 persons is anticipated requires approval of the Board of Supervisors.

**3.27** Youth and religious camps and retreat facilities and uses incidental to these uses.

**3.28** Commercial wind energy conversion systems.

**3.29** Outdoor Shooting Range

(a) Permitted in the A-1 Agricultural District with a Special Use Permit approved by the Board of Adjustment. Also requires Zoning Commission review and approval of the proposal according to Chapter 657.9, Code of Iowa.

(b) All outdoor shooting ranges must be a minimum of 750 feet from the nearest residence or habitable structure and be designed by an architect or professional engineer licensed in the State of Iowa using established guidelines for range design.

(1) In designing an outdoor shooting range, the primary concern shall be ensuring the health, safety and welfare of the participants, staff, spectators and surrounding inhabitants.

(2) The construction of the range must be certified by the professional designer that the range was constructed according to the design.

(c) When applying for a Special Use Permit, the applicant shall provide, in addition to what is otherwise required for a special use permit, the following information:

(1) Location of the operation.

(2) Description of the shooting range and operation procedures including:

(a) Detailed description of the operation.

(b) Types and calibers of weapons and ammunition proposed to be used and means of weapon and ammunition storage.

(c) Safety procedures, rules and regulations proposed.

(d) Days and hours of operation.

(e) Noise abatement methods and procedures.

(f) Methods used for range clean up and maintenance including lead abatement and disposal.

(3) Special considerations for the design of the backstop, berms and the bullet impact areas along with proposed landscaping and buffering are of critical importance. Also, a means of restricting unauthorized access onto the range by perimeter fencing, gates, etc., shall be addressed. An Environmental assessment or an Environmental Impact Statement for the site and an End Use Plan which addresses the issue of lead mitigation and abatement for the range shall be submitted for Board of Adjustment review and consideration.

- (d) For all outdoor shooting ranges, proper legal documents must be presented that outline:
  - (1) Post operation cleanup procedures.
  - (2) Legal responsibility for the environmental pollution that could occur after the facility is closed; and
  - (3) Financial ability to clean up any possible pollution that could occur after the facility is closed.
- (e) The owner/operator may be required to submit a bond or surety which would guarantee and cover any or all of the cost of cleanup necessary after range abandonment or ceasing of its operation.

**3.30** Satellite LP Gas Storage and Distribution Sites. The Board of Adjustment may issue a Special Use Permit to establish a Satellite Liquid Propane Storage and Distribution Site in an Agricultural Use Zone. The intent of this provision is to allow, under certain circumstances, the establishment of Satellite Liquid Propane Storage and Distribution Sites that are compatible with existing and future land uses in Agricultural Districts. In making this determination, the Zoning Board of Adjustment **shall** consider the following factors:

- a. Total capacity of the site: The total liquid capacity permitted on a site **shall not** exceed 60,000 gallons.
- b. Proximity to existing structures: Satellite Liquid Propane Storage and Distribution Sites **shall** be located a minimum of 750' from any other existing structure.
- c. Public Road access requirements: Satellite Liquid Propane Storage and Distribution Sites **shall** have frontage to a paved road and be of sufficient area to provide for a complete truck turn around without backing onto or off of the public roadway.
- d. Fencing: All structures **shall** be completely enclosed within a chain link fence with a minimum height of at least 6'. Alternate fencing materials may be considered and allowed by the Zoning Official.
- e. Other Permits required: The owner or operator of the site shall provide Muscatine County Zoning Office with copies of all applicable permits and letters of authorization from the Iowa State Fire Marshall's Office prior to commencing operation of the site. Upon a Special Use Permit being issued by Muscatine County, the owner or operator of the site shall see to it that all required site plan reviews and building permits are obtained from the appropriate authority before any development of the site commences.

**SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

- 4.1 Height Regulations.** No structure shall be erected adjacent to a residential district without providing a set-back from the residential district boundary equal to the height above thirty feet (30') plus the appropriate Agricultural District yard requirement.
- 4.2 Lot Area.** Every lot or tract of land upon which a one-family dwelling or mobile home for hardship purposes is erected shall have an area of not less than one (1) acre. However, seasonal recreational cottages are allowed, when authorized by a special use permit, to be constructed on lots of not less than twenty thousand square feet (20,000 sq. ft.), as provided in Paragraph 4.3 of Article XV.
- 4.3 Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed.

		Front	Side	Rear
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	<u>Lot Width</u>	<u>Yard Depth</u>	<u>Yard* Depth</u>	<u>Yard Depth</u>
One-Family Dwelling	150 ft.	50 ft.	10 ft.	40 ft.
Public, Semi-Public and Public Service Buildings	150 ft.	75 ft.	25 ft.	50 ft.

\* 37 feet on corner lots

## **SECTION 5. ADDITIONAL REGULATIONS**

- 5.1** Access to Public Roads. No driveway, frontage road, connection or other access to the public road shall be closer than one thousand feet (1,000') from any other such access on the same side of said public road. When two adjacent residential lots abut and extend along any public road or highway, said lots shall use a common access to said public road or highway. When three or more residential lots adjacent to each other abut and extend along any public road or highway, access to said lots shall be by a frontal road, located parallel to and back of the right-of-way line of the public road. No frontage road shall be located closer than sixty feet (60') from the center of any public road.
- 5.2** Measurement of Lot Area. For the purpose of determining area of residential lots, all measurements shall be exclusive of public road right-of-way.
- 5.3** Flag Lots. Flag lots may be considered when an existing dwelling is being subdivided from other property.

## **ARTICLE IV: R-1 RESIDENTIAL DISTRICT**

### **SECTION 1. GENERAL DESCRIPTION**

The R-1 Residential District is intended to provide regulations for those areas within the County designated for subdivisions composed for estate type lots.

### **SECTION 2. USES PERMITTED**

Property and buildings in an R-1 District shall be used only for the following purposes.

- 2.1** Agricultural crops, but not the raising of farm animals or poultry, in lots less than two (2) acres in size.
- 2.2** One-family dwellings.
- 2.3** Churches.
- 2.4** Public and private forests and wildlife reservations or similar conservation projects.
- 2.5** Bulletin boards, and temporary signs of charitable, religious, philanthropic or public institutions pertaining to new construction, lease or sale of the building or premises, but such signs shall be removed as soon as the construction is completed or the building or premises sold or leased.
- 2.6** Accessory structures and accessory uses customarily incidental to any of the above uses, but not involving the conduct of a business.
- 2.7** Home occupation.

### **SECTION 3. SPECIAL USES PERMITTED**

The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Paragraph 4.3 of Article XV.

- 3.1 Seasonal recreational cottages.
- 3.2 Kennels, provided the parcel so used is not within seven hundred and fifty feet (750') of an existing residence, excluding that of the petitioner on that parcel.
- 3.3 Airports or landing fields.
- 3.4 (Deleted January 1, 1985.)
- 3.5 Mobile home dwelling for a period of one (1) year with the right of renewal for additional one (1) year periods for those instance where a unique and substantial hardship is found to be in existence for the protection of property or for the care of a person with a severe physical handicap.
- 3.6 Extraction of gravel, sand, stone, clay or other raw material.
- 3.7 Telecommunications transmission towers.

Telecommunications transmission towers shall be located on private property outside the public road right-of-way and shall observe a minimum setback of 1.1 times the tower height from any property line, road right-of-way or other structure. All towers and supporting ground equipment shall be completely enclosed within a perimeter fence consisting of a minimum of six feet tall chain link with at least three strands of barbed wire (or equivalent as approved by the Zoning Administrator). All applications for new telecommunications transmission towers shall be accompanied by an affidavit certifying that said tower will be dismantled and removed from the property within 90 days of decommissioning and non-use.

- 3.8 Buildings erected or used by a department of federal, state, county and municipal governments.
- 3.9 Cemeteries.
- 3.10 Sewage disposal and treatment facilities.
- 3.11 Day care centers or day nurseries.
- 3.12 Public schools and private educational institutions having a curriculum comparable to that given in public schools.
- 3.13 Community buildings, hospitals, public parks and public playgrounds.
- 3.14 Golf courses, except miniature golf courses, or practice driving ranges operated for commercial purposes.
- 3.15 Bed and breakfast.
- 3.16 Electric substations, switching stations, and similar public utility facilities, including all equipment and structures necessary to permit their operation and use.

#### **SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

- 4.1 **Height Regulations.** No building shall exceed two and one-half (2-1/2) stories or thirty five feet (35') in height, except as hereinafter provided.

**1.2 Lot Area.** Every lot or tract of land upon which a one-family dwelling or mobile home for hardship purposes is erected shall have an area of not less than one (1) acre. However, seasonal recreational cottages are allowed, when authorized by a special use permit, to be erected on lots of not less than twenty thousand square feet (20,000 sq. ft.), as provided in Paragraph 4.3 of Article XV.

**4.3 Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed:

	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard* Depth</u>	<u>Rear Yard Depth</u>
One-Family Dwelling	150 ft.	50 ft.	15 ft.	40 ft.
Public, Semi-Public and Public Service Buildings	150 ft.	75 ft.	25 ft.	50 ft.

\* 37 feet on corner lots

**ARTICLE V: R-2 RESIDENTIAL DISTRICT**

**SECTION 1. GENERAL DESCRIPTION**

The R-2 Residential District is intended to provide regulations for those area within unincorporated communities and adjacent to incorporated areas intended for moderately dense residential development. This district permits residential development on smaller lots than in the R-1 Residential District.

**SECTION 2. USES PERMITTED**

Property and buildings in an R-2 Residential District shall be used only for the following purposes.

**2.1** Any use permitted in the R-1 Residential Districts.

**SECTION 3. SPECIAL USES PERMITTED**

The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Paragraph 4.3 of Article XV.

**3.1** Mobile home dwelling for a period of one (1) year with the right of renewal for additional one (1) year periods for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the care of a person with a severe physical handicap.

**3.2** Buildings erected or used by a department of the federal, state county and municipal governments.

**3.3** Sewage disposal and treatment facilities.

**1.4** Day care centers or day nurseries.

**3.5** Bed and breakfast.

**3.6** Electric substations, switching stations, and similar public utility facilities, including all equipment and structures necessary to permit their operation and use.

**SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

**4.1 Height Regulations.** No building shall exceed two and one-half (2-1/2) stories nor thirty-five feet (35') in height, except as hereinafter provided.

**4.2 Lot Area.** Every lot or tract of land upon which a one-family dwelling or mobile home not served by a central sewage system is erected shall have an area of not less than twenty thousand square feet (20,000 sq. ft.). If a central sewerage system is provided, the lot shall have an area of not less than fifteen thousand square feet (15,000 sq. ft.).

**4.3 Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed:

	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard* Depth</u>	<u>Rear Yard Depth</u>
One-Family Dwelling	100 ft.	35 ft.	12 ft.	40 ft.
Public, Semi-Public and Public Service Buildings	100 ft.	52 ft.	25 ft.	50 ft.

\* 30 ft. on corner lots

## **SECTION 5. ADDITIONAL REQUIREMENTS**

The developer shall meet the following requirements for lots with areas less than twenty thousand square feet (20,000 sq. ft.).

**5.1 Provision of Water.** The developer shall provide a community well capable of providing all dwellings an adequate supply of water.

**5.2 Disposal of Sanitary Sewage.** The developer shall provide a central sewerage system capable of serving all dwellings. Design and construction of the system shall meet the requirement of the Muscatine County Board of Health.

## **ARTICLE VI: R-3 RESIDENTIAL DISTRICT**

### **SECTION 1. GENERAL DESCRIPTION**

The R-3 Residential District is intended to provide regulations for those areas adjacent to incorporated areas intended for high density residential development. This district permits all uses permitted in the R-1 Residential District, multi-family dwellings and nursing homes.

### **SECTION 2. USES PERMITTED**

Property and buildings in an R-3 Residential District shall be used only for the following purposes.

**2.1** Any use permitted in the R-1 Residential District.

**2.2** Two-family and multiple-family dwellings and apartments.

**2.3** Nursing homes.

### **SECTION 3. SPECIAL USES PERMITTED**

The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Paragraph 4.3 of Article XV.

**3.1** Mobile home dwelling for a period of one (1) year with the right of renewal of additional one (1) year periods for those instances where a unique and

substantial hardship if found to be in existence for the protection of property or for the care of a person with a severe physical handicap.

- 3.2 Group homes.
- 3.3 Buildings erected or used by a department of the federal, state, county and municipal governments.
- 3.4 Rooming and boarding houses.
- 3.5 Sewage disposal and treatment facilities.
- 3.6 Day care centers and nurseries.
- 3.7 Bed and breakfast.
- 3.8 Electric substations, switching stations, and similar public utility facilities, including all equipment and structures necessary to permit their operation and use.

**SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

- 4.1 **Height Regulations.** No buildings shall exceed two and one-half (2-1/2) stories nor thirty-five feet (35') in height, except as hereinafter provided.
- 4.2 **Lot Area.** Every lot or tract of land upon which a one-family dwelling, two-family dwelling or multiple-family dwelling is erected shall have an area of not less than fifteen thousand square feet (15,000 sq. ft.) for a one-family dwelling, and five thousand square feet (5,000 sq. ft.) for every additional family.
- 4.3 **Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed:

	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard* Depth</u>	<u>Rear Yard Depth</u>
One-Family Dwelling	90 ft.	35 ft.	10 ft.	40 ft.

\* 25 feet on corner lots

**SECTION 5. ADDITIONAL REQUIREMENTS**

The developer shall meet the following requirements and those stated in Article XIII, Section 3 of this Ordinance:

- 5.1 **Provision of Water.** The developer shall provide a community well capable of providing all dwellings an adequate supply of water.
- 5.2 **Disposal of Sanitary Sewage.** The developer shall provide a central sewerage system capable of serving all dwellings. Design and construction of the system shall meet the requirements of the Muscatine County Board of Health.

**ARTICLE VII: M-1 MOBILE HOME DISTRICT**

**SECTION 1. GENERAL DESCRIPTION**

The M-1 Mobile Home District is intended to provide regulations for those areas in the County designate for mobile home parks and subdivisions.

**SECTION 2. USES PERMITTED**

Property and buildings in an M-1 Mobile Home District shall be used for only for the following purposes.

- 2.1 Mobile Home Parks.
- 2.2 Mobile Home Subdivisions.
- 2.3 Travel Trailer Parks.

**SECTION 3. LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

The following minimum requirements shall be observed:

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard Depth</u>	<u>Side Yard* Depth</u>	<u>Rear Yard Depth</u>
Mobile Home Parks	5,000 sq. ft.	50 ft.	10 ft.	10 ft.	10 ft.
Mobile Home Subdivisions	7,000 sq. ft.	60 ft.	35 ft.	10 ft.	10 ft.

\* 25 feet on corner lots

**SECTION 4. PLAN REQUIRED**

Each petition for a change to the M-1 zoning classification submitted to the Muscatine County Board of Supervisors shall be accompanied by a mobile home park, mobile home subdivision or travel trailer park plan. Said plan will conform to the requirements of the Muscatine County Subdivision Regulations and the Mobile Home Park and Travel Trailer Park Ordinance.

**ARTICLE VIII: C-1 COMMERCIAL DISTRICT**

**SECTION 1. GENERAL DESCRIPTION**

The C-1 Commercial District is intended for the provision of business and personal services that serve neighborhood needs. These commercial uses are generally compatible with residential development. This district is a restricted commercial district limited to a narrow range of retail services and convenience goods.

**SECTION 2. USES PERMITTED**

Property and building in a C-1 Commercial District shall be used only for the following purposes and similar uses.

- 2.1 Agricultural crops but not the raising of farm animals or poultry in lots less than two (2) acres.
- 2.2 Billboards pertaining only to a use conducted or product sold on the premises.
- 2.3 Antique shops.
- 2.4 Bakeries, except wholesale.
- 2.5 Banks.
- 2.6 Barber shops, beauty parlors
- 2.7 Bicycle sales and repair shops, but not motorcycle repair shops.
- 2.8 Book shops.
- 2.9 Catering and delicatessen shops.
- 2.10 Dressmaking, millinery and tailoring shops.
- 2.11 Drug stores or fountains including books and reading matter, stationary, tobacco, and pharmacy.
- 2.12 Dyeing and cleaning pick-up stations.
- 2.13 Electric, radio and television sales and repair shops.
- 2.14 Florist shops.
- 2.15 Food markets including specialty items such as bakery goods, delicatessen goods, meats and confectionery.
- 2.16 Gasoline service stations.
- 2.17 Hardware stores.
- 2.18 Hobby shops.
- 2.19 Laundromats.
- 2.20 Locksmiths and gunsmiths.
- 2.21 Medical and dental clinics.
- 2.22 Milk distributing stations, but not milk processing concerns.
- 2.23 Music stores.
- 2.24 Offices, business & professional.
- 2.25 Paint and wallpaper stores.
- 2.26 Parking lots.
- 2.27 Photographic studios.
- 2.28 Restaurants, cafes, and soda fountains serving non-alcoholic beverages.

- 2.29 Shoe repair shops.
- 2.30 Sporting good stores.
- 2.31 Theaters except open air drive-in theaters.
- 2.32 Accessory structures and uses customarily incidental to any of the above uses.

### **SECTION 3. SPECIAL USES PERMITTED**

The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Paragraph 4.3 of Article XV.

- 3.1 Billboards and advertising signs.
- 3.2 Buildings erected or used by a department of the federal, state, county and municipal governments.
- 3.3 Boarding houses and rooming houses.
- 3.4 Living and/or sleeping quarters shall be permitted when constructed above the ground floor.
- 3.5 Day care centers or day nurseries.
- 3.6 Restaurants, cafes, soda fountains, bars and taverns serving alcoholic beverages.
- 3.7 Sewage disposal and treatment facilities.
- 3.8 Mortuaries.
- 3.9 Electric substations, switching stations, and similar public utility facilities, including all equipment and structures necessary to permit their operation and use.

### **SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENT**

- 4.1 **Height Regulations.** No building shall exceed two and one-half (2-1/2) stories nor thirty-five feet (35') in height, except as hereinafter provided.
- 4.2 **Lot Area.** No requirements.
- 4.3 **Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed.
  - 4.31 Lot Width - None, except when lot is used for residential purposes, then ninety feet (90').
  - 4.32 Front Yard Depth - Twenty-five feet (25'); and thirty-five feet (35') for residential uses.
  - 4.33 Side Yard Depth - None; except where lot adjoins a Residential or Agricultural District, then ten feet (10'); or when a corner lot, then twenty-five feet (25').
  - 4.34 Rear Yard Depth - None; except where lot adjoins a Residential or Agricultural District, then forty feet (40').

## **SECTION 5. ADDITIONAL REQUIREMENTS**

The developer shall comply with the requirements for the provisions of water and disposal of sanitary sewage established by the Muscatine County Board of Health and stated in Section 3 of Article XIII.

## **ARTICLE IX: C-2 COMMERCIAL DISTRICT**

### **SECTION 1. GENERAL DESCRIPTION**

The C-2 Commercial District is for personal and business services and general retail trade. The nature of this district is one of relatively high traffic generation and the uses are not necessarily compatible with residential development. This district is to provide areas in the unincorporated portion of the County where there can be a concentration of general commercial activities.

### **SECTION 2. USES PERMITTED**

Property and buildings in a C-2 Commercial District shall be used only for the following purposes and similar uses.

- 2.1** Any use permitted in the C-1 Commercial District.
- 2.2** Private Clubs.
- 2.3** Amusement places, including: bowling alleys, miniature golf courses, pool halls, dance halls, skating rinks and similar amusement facilities.
- 2.4** Automobile, motorcycle, trailers and farm implement establishments for display, hire, sales and service.
- 2.5** Bars and taverns.
- 2.6** Drive-in eating establishments.
- 2.7** Furniture stores.
- 2.8** Garages, public.
- 2.9** Garden supply and seed stores.
- 2.10** Gift and souvenir shops.
- 2.11** Mobile home sales.
- 2.12** Monument sales.
- 2.13** Motels, tourist homes and hotels.
- 2.14** Plumbing and heating stores.
- 2.15** Restaurants and cafes.
- 2.16** Living and/or sleeping quarters shall be permitted when constructed above the ground floor.
- 2.17** Veterinary establishments and kennels, provided the parcel so used is not within seven hundred and fifty feet (750') of an existing residence excluding that of the petitioner on that parcel.

2.18 Rental storage units.

### **SECTION 3. SPECIAL USES PERMITTED**

The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Section 4.3 of Article XV.

3.1 Public tracks of trails to be used by motorized vehicles for a fee.

3.2 Sewage disposal and treatment facilities.

3.3 Billboards and advertising signs.

### **SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

4.1 **Height Regulations.** No structure shall exceed thirty-five feet (35') in height.

4.2 **Lot Area.** No requirements.

4.3 **Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed.

4.31 Lot Width - None

4.32 Front Yard Depth - Eighty feet (80') or one hundred thirty feet (130') from the centerline of the traveled way, whichever is greater.

4.33 Side Yard Depth - None; except for corner lots, then fifty feet (50') or one hundred feet (100') from the centerline of the traveled way, whichever is greater; or where lot adjoins a Residential or Agricultural District, then twenty-five feet (25').

4.34 Rear Yard Depth - None; except when lot adjoins a Residential or Agricultural District, then forty feet (40').

### **SECTION 5. ADDITIONAL REQUIREMENTS**

The developer shall comply with the requirements for the provision of water and disposal of sanitary sewage established by the Muscatine County Board of Health and stated in Section 3 of Article XIII.

## **ARTICLE X: I-1 LIGHT INDUSTRIAL DISTRICT**

### **SECTION 1. GENERAL DESCRIPTION**

The I-1 Light Industrial District permits those industrial and commercial uses which are not objectionable due to the emission of smoke, dust, odor or noise. Residential uses are prohibited.

### **SECTION 2. USES PERMITTED**

Property and buildings in an I-1 Light Industrial District shall be used only for the following purposes.

2.1 Agricultural crops but not the raising of farm animals or poultry in lots less than two (2) acres.

2.2 Billboards and advertising signs.

2.3 Lumber yards.

- 2.4 Storage yards.
- 2.5 Truck terminals.
- 2.6 Wholesale and storage warehouses.
- 2.7 Any commercial or light industrial use which is carried on entirely within buildings, which is not noxious or offensive due to the emission of odors, gas, smoke, or noise, which is not a menace to public health and safety and which will not substantially or permanently injure the appropriate use of neighboring property.

### **SECTION 3. SPECIAL USES PERMITTED**

The following special uses may be permitted upon review by the Board of Adjustment in accordance with the provisions contained in Paragraph 4.3 of Article XV.

- 3.1 Airports or landing fields.
- 3.2 Buildings erected or used by a department of the federal, state, county and municipal governments.
- 3.3 Extraction of gravel, sand, stone, clay or other raw materials.
- 3.4 Telecommunications transmission towers.

Telecommunications transmission towers shall be located on private property outside the public road right-of-way and shall observe a minimum setback of 1.1 times the tower height from any property line, road right-of-way or other structure. All towers and supporting ground equipment shall be completely enclosed within a perimeter fence consisting of a minimum of six feet tall chain link with at least three strands of barbed wire (or equivalent as approved by the Zoning Administrator). All applications for new telecommunications transmission towers shall be accompanied by an affidavit certifying that said tower will be dismantled and removed from the property within 90 days of decommissioning and non-use.

- 3.5 Sanitary landfills.
- 3.6 Sewage disposal and treatment facilities.
- 3.7 Electric substations, switching stations, and similar public utility facilities, including equipment and structures necessary to permit their operation and use.
- 3.8 Commercial wind energy conversion systems.

### **SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

- 4.1 **Height Regulations.** No structure shall be erected adjacent to a residential district without providing a set-back from the Residential District boundary equal to the height of the building above thirty feet (30') plus the appropriate Light Industrial yard requirement.
- 4.2 **Lot Area.** No requirements.
- 4.3 **Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed:
  - 4.31 Lot Width - None

- 4.32** Front Yard Depth - Forty feet (40').
- 4.33** Side Yard Depth - None; except for corner lots, then twenty-five feet (25'); or where lot adjoins a Residential or Agricultural District, then ten feet (10').
- 4.34** Rear Yard Depth. None; except where lot adjoins a Residential or Agricultural District then forty feet (40').

## **SECTION 5. ADDITIONAL REQUIREMENTS**

The developer shall comply with the requirement for the provision of water and disposal of sanitary sewage established by the Muscatine County Board of Health and stated in Section 3 of Article XIII.

## **ARTICLE XI: I-2 HEAVY INDUSTRIAL DISTRICT**

### **SECTION 1. GENERAL DESCRIPTION**

The I-2 Heavy Industrial District is similar to the I-1 Light Industrial District, except that it permits, as special uses, certain additional, more offensive industrial uses upon the approval of the Board of Adjustment.

### **SECTION 2. USES PERMITTED**

Property and buildings in an I-2 Heavy Industrial District shall be used only for the following purposes:

- 2.1** Any uses permitted in the "I-1" Light Industrial District.

### **SECTION 3. SPECIAL USES PERMITTED**

The following special uses, and those of similar nature, scope and potential impact, may be permitted upon review by the Board of Adjustment in accordance with provisions contained in Section 4.3 of Article XV.

- 3.1** Acid manufacture.
- 3.2** Bulk plants.
- 3.3** Cement, lime, gypsum or other similar manufacture.
- 3.4** Distillation of bones.
- 3.5** Explosive manufacture and storage.
- 3.6** Fat rendering.
- 3.7** Fertilizer manufacture.
- 3.8** Gas manufacture.
- 3.9** Garbage, offal or dead animal disposal.
- 3.10** Glue manufacture.
- 3.11** Junk yards.
- 3.12** Packing plants and slaughter houses.
- 3.13** Petroleum refining.

- 3.14 Sewage disposal and treatment facilities.
- 3.15 Starch manufacture.
- 3.16 Stockyards.
- 3.17 Airports and landing fields.
- 3.18 Extraction of gravel, sand, stone, clay or other raw materials.
- 3.19 Telecommunications transmission towers.

Telecommunications transmission towers shall be located on private property outside the public road right-of-way and shall observe a minimum setback of 1.1 times the tower height from any property line, road right-of-way or other structure. All towers and supporting ground equipment shall be completely enclosed within a perimeter fence consisting of a minimum of six feet tall chain link with at least three strands of barbed wire (or equivalent as approved by the Zoning Administrator). All applications for new telecommunications transmission towers shall be accompanied by an affidavit certifying that said tower will be dismantled and removed from the property within 90 days of decommissioning and non-use.

- 3.20 Sanitary landfills.
- 3.21 Asphalt plants.
- 3.22 Ready-mix concrete plants.
- 3.23 Electric substations, switching stations, and similar public utility facilities, including all equipment and structures necessary to permit their operation and use.
- 3.24 Steel manufacturing, processing, and fabricating, including the use of equipment and processes incidental thereto.
- 3.25 Businesses and facilities ancillary or related to or integrated with steel manufacturing, processing, and fabricating facilities, including businesses or facilities which provide materials, supplies, or services to, or process or handle products, by-products, or other substances from such steel facilities, and including businesses or facilities which purchase, process or fabricate steel products.
- 3.26 Rural electric cooperative power generating stations.
- 3.27 Commercial wind energy conversion systems.

**SECTION 4. BUILDING HEIGHT, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

- 4.1 **Height Regulations.** No requirement, except that no structure shall be erected adjacent to an Agricultural, Residential, or Commercial District without providing a setback from such boundary equal to the height of the building above thirty feet (30') plus the appropriate district yard requirement for an Agricultural or Commercial District and a setback from such boundary of no less than one hundred feet (100') plus the appropriate district yard requirement for a Residential District.
- 4.2 **Lot Area.** No requirements.

**4.3 Lot Width and Yard Setback Requirements.** The following minimum requirements shall be observed:

**4.31** Lot Width - None

**4.32** Front Yard Depth - Forty feet (40').

**4.33** Side Yard Depth Twenty-five feet (25') for corner lots. Ten feet (10') where lot adjoins Agricultural District. One hundred feet (100') where lot adjoins Residential District. All other districts, none.

**4.34** Rear Yard Depth - None; except where lot adjoins Agricultural District, then forty feet (40') or Residential District, then one hundred feet (100').

## **SECTION 5. ADDITIONAL REQUIREMENTS**

The developer shall comply with the requirements for the provision of water and disposal of sanitary sewage established by the Muscatine County Board of Health and stated in Section 3 of Article XIII.

## **ARTICLE XII: PLANNED UNIT DEVELOPMENT**

### **SECTION 1. GENERAL DESCRIPTION**

The Planned Unit Development is intended to provide optional methods of land development in areas of the County where existing topography and other natural physical conditions require flexibility in development design. A Planned Unit Development may consist of conventionally subdivided lots or provide for nontraditional techniques of development, which are consistent with the intent of Muscatine County's Comprehensive Plan and Zoning Ordinance.

### **SECTION 2. USES PERMITTED**

The uses permitted within a Planned Unit Development shall include all types of residential structures and any other uses approved by the Board of Supervisors; provided, that approving such mixed uses, the Board of Supervisors attach such conditions necessary to protect the public welfare.

### **SECTION 3. AREA, GROSS AREA DENSITY, LOT AREA, LOT WIDTH AND YARD SETBACK REQUIREMENTS**

**3.1** Area Requirement. Planned Unit Development shall comprise a land area of not less than five (5) acres.

**3.2** Gross Area Density. The gross area density shall be computed by dividing the total area of the subject parcel by the number of lots to be platted. The gross area density shall not be less than the required minimum lot area for the district in which the parcel is located.

**3.3** Lot Area. The area of each lot to be platted shall be not less than three-fourth (3/4) of the minimum lot area for the district in which the parcel is located.

**3.4** Lot Width and Yard Setback Requirements. The requirements for lot width, front yard depth, side yard depth and rear yard depth for each lot to be platted shall be not less than three-fourths (3/4) of those required for the district in which the parcel is located.

### **SECTION 4. ADDITIONAL REQUIREMENTS**

The developer shall also meet the following requirements:

**4.1** Parking Requirements. Off street parking shall be provided as presented in Section 5 of Article XIII, Muscatine County Zoning Ordinance.

- 4.2 Street Improvements. Streets shall meet the requirements outlined in the Muscatine County Subdivision Ordinance.
- 4.3 Disposal of Sanitary Sewage. The developer will make provisions for the safe disposal of sanitary sewage, as outlined in the Muscatine County Onsite Waste Water Ordinance.
- 4.4 Provision of Water. The developer will provide a clean, adequate supply of water for each dwelling unit in the development, as outlined in the Muscatine County Water Wells Ordinance.
- 4.5 Storm Water Management. As outlined in the Muscatine County Zoning Ordinance.

## **SECTION 5. PLAN SUBMITTAL**

The petitioner shall submit to the Zoning Commission and Board of Supervisors a development plan for the entire tract of land. The plan as submitted shall be accompanied by the following:

A written statement that introduces the project and describes in detail any elements of the project that is not readily apparent in the exhibits.

A site plan showing locations of all streets, on-street and off-street parking, buildings and other structures and, where applicable, any bicycle paths and trails; should include lots, boundary lines, dimensions, setbacks, easements, north arrow and written scale.

A plan showing all existing and proposed utility systems including sanitary sewers, onsite waste water systems, storm sewers, water, electric, gas and telephone lines.

Typical elevations showing all four (4) sides of any structure(s) proposed in the plan; should be of detail to show building heights, roof lines, materials, colors, textures and general design; for commercial and industrial projects, conceptual sign plans showing sign type, size and location must be included.

For residential projects, floor plans showing all model types must be submitted; floor plans may also be required for commercial projects.

A table listing land coverage by percentage and acreage for the following: landscaped areas and natural open space, building coverage, parking, streets and sidewalks and recreation areas.

A topographic map of the property showing contour intervals of two feet (2') may be required dependant on project (verify with Zoning Administrator).

A grading plan showing existing and proposed contours and the depth of all cuts and fills; on both the grading plan and topographic map, contour lines should be carried a minimum of fifty (50) feet beyond the project boundaries; the grading plan should show direction of drainage, retaining wall (height and materials), building pad elevations and finished floor elevations.

A landscape plan showing the natural open space, if any, which will remain upon completion of development, all existing trees, and the precise boundaries of additional landscaping; the landscape plan must include the following: species (botanical and species names), dimensions and locations of all proposed trees, shrubs and groundcover, paving materials and fencing materials.

Commercial developments must include a specification of the permitted and conditional uses desired in the development.

For certain developments, a traffic analysis prepared by a licensed traffic engineer may be required.

A statement that if the development plan be approved, proponents of the proposed development will agree to start construction within a reasonable period and that specified phases of the development will be carried out in conformity with said plan upon a reasonably projected time schedule.

## **SECTION 6. APPROVAL AND ACCEPTANCE PROCEDURE**

The following procedures shall be followed in order to secure approval of a Planned Unit Development:

- 6.1** Any owner or development who wished to secure the County Zoning Commission and County Board of Supervisors approval of his/her proposed planned unit development and plat shall submit to the County Zoning Commission and County Board of Supervisors seven (7) print copies and one (1) digital copy, in a format specified by the County Zoning Administrative Officer, of said plan and other required information.
- 6.2** The County Zoning Commission and County Board of Supervisors shall study such development plan, plat and other information received from the Muscatine County Board of Health, the Muscatine Soil Conservation District, and the County Engineer and shall within sixty (60) days of receipt, approve or reject such plan and plat.
- 6.3** The development plan shall not be approved unless it includes a complete plan for soil erosion and sediment control, developed in accordance with the technical standards and specifications of the Muscatine Soil Conservation District and approved by the Soil Conservation District. The developer shall attach a statement to the erosion and sediment control plan certifying that the construction and/or development will be done in accordance with the plan. Within thirty (30) days of the receipt of the materials from the Zoning Administrative Officer, the Soil Conservation District shall notify in writing the Zoning Administrative Officer that the erosion and sediment control plan has been (1) approved, (2) approved subject to modification, or (3) disapproved. If disapproved, the Soil Conservation District shall submit to the Zoning Administrative Officer, a statement setting forth reasons for disapproval, and indicating in what way this plan fails to conform to the technical standards and specifications of the Soil Conservation District.
- 6.4** Upon approval by the County Zoning Commission, said development plan and plat shall be submitted by the Commission to the County Board of Supervisors for final approval and acceptance of all easements. Streets, ways, park or public areas will not be dedicated and accepted by the County as public responsibility unless the County deems the improvements as a necessity for the public good of the County residents. All improvements to be dedicated to the County will meet the specifications and standards of the County Board of Supervisors.
- 6.5** If the County Zoning Commission does not approve the development plan and plat of a planned unit development, the County Board of Supervisors may approve said development plan and plat by a two-thirds (2/3) vote of the entire membership of the Board. Provisions for the acceptance of easements, streets, ways, parks or public areas will be the same as provided in Sub-section 6.4.
- 6.6** The County Zoning Commission and County Board of Supervisors may direct that the owner or developer attend any deliberation on the submitted plat and plan.
- 6.7** The County Zoning Commission and County Board of Supervisors may reject any development plan and plat with specific recommendations to the owner or developer.

**6.8** Approval of the development plan and plat by the County Board of Supervisors shall be null and void if the plat is not recorded within sixty (60) days after the date of approval unless application for an extension of time is made in writing during said sixty (60) days period to the County Board of Supervisors and approved.

## **SECTION 7. RECORDING OF DEVELOPMENT PLANS**

Following the approval of a final development plan, a copy of the plan and plat shall be filed according to the stipulations of the Muscatine County Subdivision Ordinance. The restrictions on development and all other responsibility for compliance with the approved plan shall be binding upon all applicants, successors, grantees and shall limit and control the use of the planned development project as set forth herein.

## **ARTICLE XIII: SUPPLEMENTARY USE REGULATIONS**

### **SECTION 1. RESIDENTIAL USE OF CELLARS AND BASEMENTS**

No cellar shall be occupied for dwelling purposes and no basement shall be occupied for dwelling purposes, unless at least one (1) story of the house above the cellar or basement has been enclosed or roofed. This prohibition may be waived on a temporary basis by the Board of Adjustment, and does not include subterranean homes.

### **SECTION 2. SEASONAL RECREATIONAL COTTAGES**

A seasonal recreational cottage may be permitted as a special use in an A-1 Agricultural District or in an R-1 Residential District. Such a seasonal or temporary residence may be located, upon approval by the Board of Adjustment, in accordance with Section 4.3 of Article XV, along a river, lake or stream or in another area suited for recreational use, provided that it complies with the area, lot width, yard, and height requirements of the R-2 Residential District. Each seasonal recreational cottage shall be located on an individually platted lot. There shall be no more than one cottage on each platted lot.

### **SECTION 3. REVIEW BY BOARD OF HEALTH**

Prior to issuing a zoning permit for any residential, commercial or industrial use, the Zoning Administrative Officer, shall have on file a plan which has been approved by the Muscatine County Board of Health showing the location, type and layout of the water supply and sewage disposal systems to serve such use.

### **SECTION 4. ACCESSORY STRUCTURE AND USES**

Accessory structures and uses customarily incidental to that of the main building may be erected or established upon any lot or tract of land, provided they comply with the following:

- 4.1** Accessory structures, which are not a part of the main structure, may be built in a rear yard within five feet (5') of the rear lot line and within five feet (5') of the side lot line, but shall not occupy more than thirty-five percent (35%) of the rear yard.
- 4.2** If any portion of a detached accessory structure is within a side yard of a main building on the same lot, such detached accessory structure shall not be nearer to the side lot line than would be required for the building wall of a main building on the same lot.
- 4.3** No detached accessory structure is permitted within the limits of a front yard.
- 4.4** No detached accessory structure may be placed in any rear yard or any side yard closer than ten feet (10') from the dwelling unless a firewall is constructed and meets all set back requirements.
- 4.5** No accessory structure shall be used for dwelling purposes.

- 4.6 Not more than one vehicle housed in a private garage may be a commercial vehicle or of more than three (3) tons capacity; and not more than three (3) spaces in a private garage may be leased to persons other than the residents on the premises.
- 4.7 An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten feet (10').
- 4.8 A mobile home cannot be used as an accessory structure.
- 4.9 When a property in any District adjoins property being used for agricultural purposes, the property owner of the land adjoining agricultural property shall assume the responsibility of construction and maintenance of a fence along the common boundary between the agricultural property and the adjacent property in any District. The fence shall be of thirty-two inch (32") woven wire construction, with steel or wooden posts set every twelve feet (12'), and with three (3) strands of barbed wire. The non-agricultural property owner must transfer this responsibility to the subsequent property owner of the non-agricultural property.

## **SECTION 5. PARKING REGULATIONS**

- 5.1 **Provisions of Off-Street Parking.** Off-street parking shall be provided for use in conjunction with occupancies of buildings, constructed, converted, or remodeled as hereinafter defined. Off-street parking space for other buildings shall be provided within the building, on the premises, or on a permanently reserved space on another lot, any portion of which is within two hundred feet (200') of said building.
- 5.2 **Minimum Requirements.** The following minimum number of off-street parking spaces shall be provided.
  - 5.21 Two (2) off-street parking spaces shall be provided for each family unit within a single-family, two-family, or multiple-family dwelling.
  - 5.22 Hotels, motels and lodging houses hereafter erected shall provide one (1) off-street parking for each individual sleeping or living unit plus one (1) off-street parking space for each two (2) employees at work at the same time.
  - 5.23 Churches, schools, auditorium, theaters, stadiums or other similar places of public assembly, hereafter erected shall provide one (1) off-street parking space for each three (3) seats of the audience seating capacity provided in the main auditorium or stadium.
  - 5.24 Commercial buildings, lodges, clubs and fraternal organizations hereafter erected shall provide one (1) parking space for each two hundred square feet (200') of the floor area of the main building plus one (1) parking space for each two (2) employees at work at the same time.
  - 5.25 Office buildings, including professional and private office buildings hereafter erected shall provide one (1) off-street parking space for each two hundred and fifty square feet (250') of floor area in the building.
  - 5.26 Public and semi-public buildings and similar institutions hereafter erected shall provide one (1) off-street parking space for each two hundred and fifty square feet (250') of floor area in the building.
  - 5.27 Industrial buildings hereafter erected shall provide one (1) off-street parking space for each four hundred square feet (400') of floor area of the main building or for each three (3) employees, whichever is greater.

**5.28** Off-street parking space shall be provided for any increase in floor area of any existing building in the same ratio as above requirements for the particular use for which the building addition is intended.

**5.3 Additional Parking Requirements.** Storage of junk vehicles shall not be parked or stored in any R-1, R-2, R-3 or M-1 District except in a carport or enclosed building.

**5.4 Loading and Unloading Zones.** Any building erected or converted for any commercial or industrial use shall provide not less than one (1) truck unloading space either within the building or upon the lot and adjacent to the building for each ten thousand square feet (10,000 sq. ft.) of floor area or fraction thereof.

## **SECTION 6. ACCESS TO COUNTY ROADS**

After the effective date of this Ordinance, access to County roads shall be granted to a property owner or subdivider by the County Engineer after he has made a thorough study and heard evidence on the proposal.

## **SECTION 7. SCREENING OF JUNK YARDS**

Junk yards shall be screened from the view of public roadways, be fenced or shrubbery or other natural materials constructed, installed, or planted to a minimum height of eight feet (8').

## **SECTION 8. PRIVATE IMPROVEMENTS NEAR PUBLIC HIGHWAY RIGHT-OF-WAYS**

Wells, septic filter fields, seepage beds, or other private improvements or installations may be prohibited within fifty feet (50') of the right-of-way of a public highway.

## **SECTION 9. MUNICIPAL SANITARY SEWER REQUIRED WITHIN TWO (2) MILES OF A MUNICIPALITY**

Development in the M-1, R-1, R-2, R-3, C-1, C-2, I-1, I-2, and Planning Unit Development Districts within the extraterritorial jurisdiction boundary (2 miles) of a municipality shall be connected to that municipality's sanitary system unless:

- 9.1** The municipality provides an affidavit stating that they cannot serve the district due to technical limitations; or
- 9.2** Other reasons of infusibility are deemed valid by the Zoning Administrative Officer.

## **SECTION 10. MUNICIPAL WATER REQUIRED WITHIN TWO (2) MILES OF A MUNICIPALITY**

Development in the M-1, R-1, R-2, R-3, C-1, C-2, I-1, I-2, and Planned Unit Development District within the extraterritorial jurisdiction boundary (2 miles) of a municipality shall be connected to that municipality's water system unless:

- 10.1** The municipality provides an affidavit stating that they cannot serve the district due to technical limitations; or
- 10.2** Other reasons of infusibility are deemed valid by the Zoning Administrative Officer.

## **ARTICLE XIV: NON-CONFORMING USES**

### **SECTION 1. NON-CONFORMING USE MAY BE CONTINUED**

The lawful use of structures existing on the effective date of this Ordinance, although such use does not conform to the provision hereof, may be continued, but if such non-conforming use is discontinued for a period of one (1) year, any future use of such premises shall be in conformity with the provisions of this Ordinance.

## **SECTION 2. NON-CONFORMING USE MAY BE EXTENDED**

The lawful use of a building existing on the effective date of this Ordinance may be extended throughout the building, provided such building was so arranged or designed for such non-conforming use on the date this Ordinance became effective.

## **SECTION 3. NON-CONFORMING USE RECONSTRUCTED**

No structure which has been damaged by fire, explosion, an Act of God, or the public enemy to the extent of more than sixty-five percent (65%) of its fair market value, shall be restored except in conformity with the regulations of this Ordinance.

## **SECTION 4. NON-CONFORMING USES SUBSTITUTED**

The substitution of one non-conforming use for another will be permitted when such substituted use is of the same or more restrictive type of use and will not increase congestion in the street, or endanger the health, safety, morals or general welfare of the district in which it is located. There shall be no increase in the building or lot area to accommodate such substituted use.

## **SECTION 5. NON-CONFORMING LOT**

If a lot of record has less area or width than is required to meet the requirements of the District within it lies, this lot may be used for any uses permissible within said District.

## **ARTICLE XV: BOARD OF ADJUSTMENT**

### **SECTION 1. CREATION AND MEMBERSHIP**

A Board of Adjustment is hereby established and shall consist of five (5) members appointed by the Muscatine County Board of Supervisors. The five (5) members first appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years respectively. Thereafter terms shall be five (5) years and vacancies shall be filled by any member whose term becomes vacant. The County Board of Supervisors shall have the power to remove any member of the Board of Adjustment for cause, upon written charges and after public hearing.

### **SECTION 2. CHAIRMAN AND MEETINGS**

The Muscatine County Board of Supervisors shall name one of the members of the Board of Adjustment as Chairman for the first year, and thereafter such Chairman shall be elected by the Board of Adjustment. Such Chairman shall serve for a term of one (1) year only. All meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. Such Chairman, or in his absence, the Acting Chairman may administer oaths, and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

The Board of Adjustment, shall keep minutes of its proceedings, showing the vote of each member on every questions, or if absent or failing to vote, indicate such fact, and shall keep complete records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board of Adjustment shall be immediately filed in the office of the Zoning Administrative Officer, and shall be a public record. The Board of Adjustment shall adopt its own rules of procedure not in conflict with this Ordinance, or with the Iowa

Statute. The Board of Adjustment shall not be compensated, except for necessary expenses.

### **SECTION 3. APPEALS**

The Board of Adjustment shall hear and decide appeals from any review, order, requirements, decision or determination made by the Zoning Administrative Officer in the enforcement of this Ordinance. Such appeal shall be taken within a period of not more than three (3) months, and in the manner prescribed by the rules of the Board of Adjustment, by filing with the Zoning Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee established by the Board of Supervisors to the Treasurer of Muscatine County, Iowa, in care of the Zoning Administrative Officer. When notice of the appeal is filed, the Zoning Administrative Officer shall transmit all of his records, or certified copies thereof, regarding the appeal to the Board of Adjustment, including a carbon copy of his letter to an applicant who has been refused a zoning permit. The Board of Adjustment shall take action upon this appeal within sixty (60) days.

### **SECTION 4. POWERS**

The Board of Adjustment shall have the following powers, and it shall be its duty:

- 4.1** To hear and decide appeals, after a public hearing, where it is alleged that there is error of law in any order, requirement, decision or determination made by the Zoning Administrative Officer in the enforcement of this Ordinance as provided in Section 3 of Article XV.
- 4.2** To permit upon petition by a property owner and after a public hearing, exceptions to the terms of this Ordinance as follows:
  - 4.21** To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of the adoption of this Ordinance.
  - 4.22** To permit, where the boundary line of a district divides a tract of land of not more than ten (10) acres under a single ownership, adjustment of such a line to conform with the topography of the ground where such tract is being subdivided, provided such a variation does not extend for a distance of more than five hundred feet (500'), and does not come closer than three hundred feet (300') to any boundary of a tract.
  - 4.23** To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the zoning maps fixing the several districts accompanying and made a part of this Ordinance, where the road layout actually on the ground varies from the road layout as shown on the zoning maps aforesaid.
  - 4.24** To permit the reconstruction of non-conforming building which has been damaged by explosion, fire, Act of God, or the public enemy, to the extent of more than sixty-five percent (65%) of its fair market value, where the Board finds some compelling public necessity requiring the continuance of the non-conforming use, and the primary purpose of continuing the non-conforming use is not to continue a monopoly.
- 4.3** To authorize by special use permit and after a public hearing, the location, construction or structural alteration of any of the buildings, structures or uses cited as Special Uses Permitted in a given district. No action shall be taken by the Board of Adjustment hereunder until they have reviewed the Muscatine

County Development Proposal Review checklist, have held a public hearing and have possession of a copy of Approved Permits by the Iowa Department of Environmental Quality and/or Iowa State Board of Health, when these statutes are applicable.

Prior to granting any special use permit, the Board of Adjustment shall determine the effect of the proposed use upon the character of the neighborhood, the adjoining property values, the adequacy of the county road to handle the additional traffic, the potential traffic hazards, the impact on the water table, the handling of sewage wastes and storm water runoff, the potential of increasing the base flood elevation and other matters relating to public safety, public health and general welfare.

**4.4** To grant upon petition by a property owner and after a public hearing, a variance in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of the provision of this Ordinance due to an irregular shape of the lot, topography, or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

**4.5** To authorize, upon petition and after a public hearing, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction or alteration of buildings, or structures, or the use of land will impose upon him practical difficulties or particular hardships, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board of Adjustment is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this Ordinance, and at the same time the surrounding property will be properly protected.

## **SECTION 5. VOTING**

In exercising the above powers, the concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrative Officer, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance. Every variation granted or denied by the Board of Adjustment shall be accompanied by a written finding of fact based on testimony and evidence, and specifying the reason for granting or denying the variation.

## **SECTION 6. HEARINGS**

The Board of Adjustment, shall fix a reasonable time for the hearing of an appeal or petition, and give due notice thereof to the parties, and decide the same within a reasonable time. It shall give at least four (4) but not more than twenty (20) days notice of the time and place of such hearing by insertion in an official newspaper, or a paper of general circulation in the County. At the hearing, any party may appear in person, or by agent, or by attorney. The Board of Adjustment may reverse or confirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Any person or persons jointly or severely aggrieved by a decision of the Board of Adjustment under the provisions of this Ordinance and Chapter 335 of the Code of Iowa, as amended, or any tax payer, or any officer, department or bureau of Muscatine County, Iowa, may present to a court of record a petition, duly verified setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision by the Board of Adjustment.

## **SECTION 7. BOARD OF SUPERVISORS REVIEW**

The Board of Supervisors may provide for its review of variances granted by the Board of Adjustment before their effective date. The Board of Supervisors may remand a decision to grant a variance to the Board of Adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.

## **ARTICLE XVI: ZONING PERMITS**

### **SECTION 1. PERMITS REQUIRED**

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, stating that the building and use comply with the provisions of this Ordinance; provided, however, that no permit shall be required for agricultural uses.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the change is in conformity with the provisions of this Ordinance.

The owner of a non-conforming use in existence at the time of passage of this Ordinance shall make application for the permit within twelve (12) months after the effective date of this Ordinance. The application shall be accompanied by affidavits of proof that such non-conforming use was established prior to the enactment of this Ordinance.

### **SECTION 2. APPLICATION FOR ZONING PERMIT**

Each application for a zoning permit shall be on approved forms and shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot or tract to be built upon or used, the size, shape and location of the structure to be erected, and such other information as may be necessary to provide for the enforcement of this Ordinance.

### **SECTION 3. SITE PLAN REVIEW**

**3.1 Purpose.** In accordance with the Muscatine County Comprehensive Plan, it is essential that new developments and substantial improvements to existing developments meet established minimum standards for the design of such developments to protect existing developments, to insure adequate provisions for public/private utilities, such as sewer, water, and roads, and promote the health, safety, and general welfare of the public.

**3.2 Application.** A site plan review is required prior to the issuance of a zoning permit whenever a person, firm, corporation or other group (herein referred to as the 'developer' or 'applicant') wishes to develop or substantially improve a tract of land and/or structure zoned commercial (C-1 or C-2), industrial (I-1 or I-2) or planned unit development. If the proposed use is a principal permitted use within that Zoning District, the Zoning Administrative Officer will review the site plan; for special permitted uses, the site plan will be reviewed by the Zoning Administrative Officer after the Special Use Permit has been issued by the Board of Adjustment.

**3.3 Procedure.** The developer shall submit a letter of application and three (3) copies of the site plan together with a fee, established by the Board of Supervisors, to the Zoning Administrative Officer, who will determine if all necessary and required information is provided for review. Once all the required information is received, the Zoning Administrative Officer shall immediately forward copies of the Site Plan to the County Engineer and the County Health Officer for their review and recommendations.

**3.31** The Zoning Administrative Officer shall review the Site Plan proposal and receive a report from the County Engineer and the County Health Officer. The Zoning Administrative Officer shall make a determination of conditions for approval of the site plan within thirty-five (35) days from its submission. If no action is forthcoming within the thirty-five (35) days, the site plan shall be deemed approved and a zoning permit shall be issued.

**3.32** The developer may appeal the conditions placed on the proposed development by notifying in writing the Board of Supervisors. Such appeal shall be made within thirty (30) days of the Zoning Administrative Officer's decision and shall specify what relief is requested of the Board of Supervisors. The Board shall hear said appeal within fifteen (15) days and act upon the appeal at a regular Board meeting within thirty (30) days of appeal receipt.

**3.33** A zoning permit may only be issued after Zoning Administrative Officer approval or decision of the Board of Supervisors on appeal.

**3.4 Site Plan Review Standards.** The standards of site design listed below are intended only as minimum requirements, so that the general development pattern in rural Muscatine County may be adjusted to a wide variety of circumstances and topography, and to insure reasonable and orderly growth in rural Muscatine County.

**3.41** All proposed developments shall conform to the Goals and Policies of the Muscatine County Comprehensive Plan; the Muscatine County Subdivision Ordinance standards and procedure, where applicable; such other County ordinances as may pertain to such developments; and any applicable administrative rules of the Iowa Department of Transportation, Iowa Department of Health, Iowa Department of Natural Resources, and other agencies of the State of Iowa or the United States.

**3.42** Entrances, internal roads, and driveways shall be adequately constructed to accommodate the expected traffic. Application shall state the estimated increase in vehicle trips per day by type of vehicle. Entrances and exits onto public streets shall not unduly increase congestion or traffic hazards on the public streets and the proposed site. Applicant may be required to install at applicant's expense turn lanes, street intersection lights, and signs, and other improvements necessary to handle the increased traffic and potential traffic hazards, if required. New or expanded drive entrances require a permit from the County Engineer.

**3.43** The proposed development shall be designed with appropriate regard for topography, surface drainage, natural drainage ways and streams, wooded areas, and other naturally sensitive areas which lend themselves to protection from degradation. Applicant may be required to submit engineering studies and plans to state how the applicant will protect the sensitive environment at applicant's expense. A soil erosion control plan, approved by the United States Soil Conservation Service, is required if more than 25,000 square feet of land is proposed to be disturbed during construction. Applicant shall be required to demonstrate application for all required permits from applicable state and federal agencies.

**3.44** The proposed development shall be designed with adequate water supply and sewage treatment facilities and storm water drains and structures necessary to protect the public health and welfare by not overloading existing public utilities. Runoff from development shall not be outletted into roadside drainage facilities in excess of the existing runoff prior to development. Applicant may be required to submit engineering plans to show how the applicant will manage storm water runoff from a twenty-five (25) year rainstorm.

**3.45** The proposed development shall be designed, and the buildings and improvement shall be located within the tract or parcel in such a manner as not to unduly diminish or impair the use and enjoyment of adjoining or

surrounding property. And to such end, the developer shall provide for such fences, landscaping and other improvements as are proper and necessary to buffer the proposed use from the existing or surrounding land uses. Particular attention shall be paid to parking lots, loading docks, trash/recycling containers and other potentially unsightly features of the development. Screening (fencing and vegetative) and buffering shall be required where necessary to block or soften views of the development from adjacent property.

**3.46** The proposed development shall be designed not to unduly increase the public danger of fire, explosion, and other safety hazards on the general public and the persons residing or working in adjoining or surrounding property.

**3.47** When a development adjoins property used for agricultural or residential purposes, the developer shall assume the responsibility of construction and maintaining a fence along the common boundary between the development and the agricultural or residential property. The fence shall be of thirty-two inch (32") woven wire construction, with steel or wooden posts set every twelve feet (12'), and with three (3) strands of barbed wire. The developer must transfer this responsibility to the subsequent property owner.

**3.5 Information on Site Plan.** The purpose of the Site plan is to show the facts needed to enable the Zoning Administrative Officer to determine whether the proposed development meets the requirements of this Chapter and complies with the standards listed in subsection D above.

**3.51** Location map showing relationship to surrounding roads, streams, and public facilities.

**3.52** Scale of Site Plan shall not be more than one inch (1") to equal fifty feet (50'). Scale shall be shown in legend.

**3.53** Name and address of land owner and developer.

**3.54** Date, north marker, name of proposed development.

**3.55** Existing buildings, utilities, railroads, rights-of-way, easements, location, and name of existing road, stands of trees and drainage ways.

**3.56** Location and name of adjoining subdivisions, subdivision lots therein, and names of the adjoining landowners.

**3.57** Existing and proposed contour lines at intervals of two feet (2'), with a minimum of two (2) contours.

**3.58** Zoning district classification; type of water supply and sewage disposal and storm sewer disposal.

**3.59** Other information as necessary to describe how the standards in subsection 3.4 above will be satisfied.

**3.510** Proposed location of buildings, access parking lots, traffic flows, changes in ground-elevation, trees/bushes to be removed and added, signs, lights, waste bins, outdoor storage areas, loading areas, fences/walls, etc.

**3.7 Enforcement.** The approved site plan shall be binding upon the developer and its successors and assigns; failure to construct, develop, improve or maintain the site in compliance with the approved site plan shall constitute a violation of the Ordinance.

## **SECTION 4. TEMPORARY PERMITS**

The Zoning Administrative Officer may issue a temporary permit for a period not to exceed six (6) months for the use of a mobile home as a temporary office or as a temporary residence while a permanent structure is under construction.

## **SECTION 5. FEES**

The fees for a Zoning Permit and Site Plan Review covering any or all of the requirements outlined in Sections 2 and 3 of Article XVI shall be established by the County Board of Supervisors. Such fee shall be paid to the Treasurer of Muscatine County, Iowa, in care of the Zoning Administrative Officer. If construction, development or improvement is commenced prior to the issuance of a zoning permit, the Zoning Administrative Officer shall double the fee.

## **SECTION 6. STORM WATER MANAGEMENT**

### **6.1 Where Required.**

**6.11** The provision of this section shall apply to all residential, commercial and industrial developments and re-developments of five (5) acres or more. No construction on such a site may begin until a Storm Water Management Plan is approved by the Zoning Administrative Officer.

**6.12** Implementation of these requirements will be part of the Site Plan Review process for commercial and industrial developments, and part of the requirement of plat approval for residential development.

### **6.2 Design Criteria.**

**6.21** All lots and internal streets for residential, commercial and industrial developments or re-developments of five (5) acres or more shall be adequately drained.

**6.22** Storm water runoff shall be controlled through enclosed storm sewers or overland drainage.

**6.23** Detention facilities sufficient to capture the runoff of a twenty-five (25) year storm shall be located within the development. The release rate of storm water out of the detention facility shall be restricted so as to not exceed the volume produced by a five (5) year storm. The velocity of the water leaving the development shall be reduced so as not to cause erosion.

**6.24** Where necessary, drainage easements shall be dedicated to the public; however, the land shall remain privately owned, and such dedication shall not create a public utility, or any obligation on the part of the county for operation, maintenance or repair.

**6.25** A drainage easement is required where storm water from a development crosses an adjacent property to reach a natural stream or public drainage facility

### **6.3 Developer Responsibilities.**

**6.31** The developer or owner shall provide a plan demonstrating compliance with the design criteria, and all other requirements of this section. The plan must be approved by a licensed engineer.

- 6.32 Where the plan calls for the construction of enclosed storm sewers, the approval of the County Engineer is required.
- 6.33 The plan shall set forth developer's proposal for the ownership, operation, maintenance and repair of the facilities.
- 6.34 All components shall be constructed as specified in the approved Storm Water Management Plan, and are collectively referred to herein as the System.

#### 6.4 Continuing Responsibilities.

- 6.41 The components of the Storm Water Management System shall be owned as provided for in the plan. Ownership may be by an individual lot owner or by an Owners Association. The responsibilities assigned herein shall be ongoing, and shall run with the land.
- 6.42 The owner of the System shall be responsible for the operation, maintenance and repair of all components thereof, and the continuing functioning of the System as originally designed and intended.
- 6.43 The owner of the System shall allow County officials reasonable access in order to accomplish periodic inspections of the System.
- 6.44 A System, or component thereof, found not to be functioning as designed and intended, and not repaired or otherwise brought to design standards, is hereby declared to be a public nuisance, and may be caused to be repaired, and the cost thereof assessed to all owners of those properties benefited by the System.

### SECTION 7. EROSION AND SEDIMENT CONTROL

- 7.1 **General.** Soil erosion contributes to the impairment of drainageways, increases road and storm sewer and open ditch maintenance costs, contributes to the destruction and obstruction to traveled roadways creating a potential hazard for vehicular traffic, and contributes to contamination and degradation of land surfaces and streams, flooding and dusty conditions. This chapter establishes requirements for grading, filling, fill material, and for obtaining Grading Permits in an effort to control erosion and sediment transport and to prevent pollution. These standards include the use of suitable fill material, stable slope construction, proper site drainage, pollution prevention and usability of public and private easements.
- 7.2 **Applicability.** No person shall engage in land-disturbing activities that include fill in excess of three (3) feet, excavation exceeding five (5) feet or any grading or clearing activity that disturbs an area of twenty thousand (20,000) square feet within the unincorporated parts of Muscatine County unless they have received a Grading Permit. In addition, through the Iowa DNR, owners of certain construction sites are required to obtain permit coverage under rules contained in National Pollutant Discharge Elimination System General Permit No. 2, Storm Water Discharge Associated with Industrial Activity for Construction Activities ("General Permit No. 2").
- 7.3 **Additional Standards.** General Permit No. 2 and the document entitled Iowa Construction Site Erosion Control Manual, issued and administered by the Iowa DNR, are hereby adopted and by reference made part of this Section as if fully set forth herein. Any act these documents require or prohibit, is required or prohibited by this Chapter. Any future amendments, revisions, or modifications to these documents, incorporated herein, are intended to be made a part of this Section.

#### **7.4 Other Permits Required and Exceptions.**

**7.41** Filling or construction within flood plain limits as established by the Federal Emergency Management Agency regulated in the Muscatine County Zoning Ordinance will require a separate additional permit under this ordinance, in addition to the permits required by this chapter.

**7.5 Exemptions.** The following activities are exempt from the permit requirements of this chapter:

**7.51** Crop production activities;

**7.52** Cemetery graves;

**7.53** Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards;

**7.54** Public improvements.

#### **7.6 Additional Requirements.**

##### **7.61** Filling Requirements

- (1) Clearing and grubbing shall be performed according to Statewide Urban Design Standards.
- (2) Fill material shall be placed according to the SWPPP.
- (3) Interim filling during construction shall be placed in a safe manner. Slope stabilization, inspection and maintenance of erosion control, and soil stabilization where work has been suspended shall be according to SUDAS.
- (4) Finish grading shall be according to plan.

**7.62** Unacceptable Fill Materials. Fill materials shall not include hazardous waste, synthetic material, metal, and organic material other than natural topsoil incidental to excavation except as noted below.

- (1) Concrete, brick, tile, and other manufactured inert material shall not be greater than 18" in its greatest dimension, or;
- (2) Where the final location will be below the known water table.

##### **7.63** Tree Removal

- (1) Trees may not be buried.
- (2) Trees may be burned, provided a safe separation distance from nearby dwelling units can be met and proper notification is completed. Trees shall not be brought onsite for burning.

##### **7.64** Concrete Waste Management for any concrete activity

- (1) Washout facilities prevent runoff of concrete wash water which is alkaline and contains high levels of chromium and can increase the pH of area waters.
  - (a) Concrete washout waste must be contained in washout areas. The washout areas shall contain the concrete and liquids when the chutes of concrete mixers and hoppers of concrete pumps are rinsed out after delivery.
  - (b) Saw-cut slurry must be vacuumed or shoveled and removed from the site or disposed of in a concrete washout area.
- (2) Washout areas consolidate solids for easier disposal. These washout areas must be removed and/or cleaned, and dry waste concrete must be disposed of properly.

### **SECTION 8. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIRED**

Sites with a disturbed area greater than or equal to one (1) acre shall require an acceptable SWPPP meeting the requirements of this chapter, certified by a design professional.

## **8.1 SWPPP Requirements**

Every SWPPP submitted with a grading permit application shall meet the following:

- 8.11** Contain complete 24-hour contact information for the site owner and the person responsible for providing and maintaining sedimentation and erosion control for the site. The permittee shall inform the Zoning, Building & Environmental Office of any change in the contact information.
- 8.12** Comply with all current minimum mandatory requirements for SWPPP's promulgated by the Iowa DNR in connection with NPDES General Permit No. 2 including those published as Summary Guidance for General Permit No. 2 by the Iowa DNR.
- 8.13** Comply with all other applicable state or federal permit requirements in existence at the time of application.
- 8.14** Include a drainage plan accompanied by a drainage report. The drainage report shall at a minimum, demonstrate the design of proposed grading, erosion, and sediment control, if constructed per plan is not expected to adversely impact adjacent properties.
- 8.15** Be prepared by a design professional; and
- 8.16** Include within the SWPPP a signed and dated certification by the person preparing the SWPPP that the SWPPP complies with all necessary requirements.
- 8.17** The SWPPP shall only be modified by a design professional as required in NPDES General Permit No. 2.

## **SECTION 9. NPDES GENERAL PERMIT NO. 2 REQUIRED**

The County shall not allow any land-disturbing activity on a site for which coverage under General Permit No. 2 is required, nor shall the County issue any permit, authorization, or license allowing such activity, until the site owner has obtained coverage for the site under General Permit No. 2 from the Iowa DNR.

- 9.1** Any responsible party who is required to obtain, or has obtained, coverage under General Permit No. 2 shall comply with all the requirements of General Permit No. 2. Failure to do so is violation of this Section.
- 9.2** Completion of work shown in Storm Water Pollution Prevention Plan submitted under the provisions of General Permit No. 2 is a requirement of General Permit No. 2 and failure to complete such work is a violation of this Section.
- 9.3** For sites covered under General Permit No. 2 where the ownership changes, the County must be notified of the title transfer within 30 days, except in the case of single-lot sales, a copy of the notice of transfer shall be included in the SWPPP. For sites that are part of a larger common plan of development such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to a Grading Permit, both the permittee and the transferee shall be responsible for compliance with the provisions of General Permit No. 2 and the Grading Permit for that portion of the project which has been transferred.

## **SECTION 10. INSPECTION, NOTICE TO COMPLY AND NOTICE OF VIOLATION**

**10.1 Inspections.** The County may inspect the site in response to reports from third parties or at other times, at the County's discretion.

- 10.11** Right of Entry. The Zoning Administrator and authorized employees of the County shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The applicant, owner, or titleholder shall be deemed to have consented to such entry by submission of an application for any permit or plan identified in this chapter. Barring or delaying such inspection is a violation of this section.

**10.12** The Zoning Administrator or designee shall have access to and be able to copy any records that must be kept under the conditions of General Permit No. 2 within three (3) business days, where a business hour is any hour between 8 a.m. and 4 p.m. on a non-holiday weekday.

**10.2 Notice to Comply.** The County may issue a Notice to Comply with the responsible party or parties, describing any problems and specifying a date and time by which compliance must be achieved. Failure to achieve compliance by the specified date and time is a violation of this Section.

**10.3 Notice of Violation.** The Zoning Administrator shall, upon determination of any violation of this Section, issue a Notice of Violation in writing to the responsible party or parties, indicating the nature of the violation and ordering the action necessary to correct it.

**10.31** The Notice of Violation may:

- (a) Order the discontinuance of any illegal work, specifying a date and time for such discontinuance; and
- (b) Require the repair and cleanup of any damage done due to failure to comply with General Permit No. 2, specifying a date and time for completion of repair and cleanup; and
- (c) Order the withholding of any building or occupancy permits for the site; and
- (d) Order the discontinuance of any or all work at the site, including at the Administrators discretion work not directly related to the cause and prevention of erosion and sedimentation, except work necessary to achieve compliance and to repair and clean up damage, specifying a date and time for such discontinuance to commence and conditions for such discontinuance to cease.

**10.32** Failure to comply with any order in a Notice of Violation is an additional violation. Each day of such failure constitutes a separate violation.

**10.33** The Zoning Administrator may modify a Notice of Violation and may authorize, in writing, an extension to the specified dates and times therein.

**10.34** The Notice of Violation shall, where necessary or appropriate, recommend to the County Attorney the institution of legal or equitable actions that may be required for the enforcement of this Section.

**10.35** Communication to a responsible party's employee, partner, attorney, agent, contractor, or subcontractor shall be regarded as communication to the responsible party for the purpose of this Section.

**10.36** Communication to one responsible party shall be regarded as communication to each responsible party for the purpose of this Section.

## **SECTION 11. REPAIR AND CLEAN-UP DAMAGE**

For any site, whether or not covered by a Grading Permit or other storm water discharge permit, the County may clean up eroded sediment or tracked soil deposited on public property if:

**11.1** Corrective action has not been completed within 24 hours.

**11.2** In the judgment of the Building, Zoning & Environmental Office, damage to the environment is ongoing and prompt corrective action would be intended to reduce such damage.

**11.3** If the County cleans up such material deposited off site, the Building, Zoning & Environmental Office will invoice the responsible party or parties for the County's actual costs including overhead, which may be recorded as an assessment against the property and constitute a lien thereon.

- 11.4 Failure to pay an invoice under this Article within 30 days shall constitute a violation of this Ordinance.

## **SECTION 12. ENFORCEMENT**

- 12.1 Violation of any provision of this ordinance may be enforced by civil action including an action for injunctive relief.
- 12.2 In any civil enforcement action, administrative or judicial, the County shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this ordinance.

## **ARTICLE XVII: AMENDMENTS**

### **SECTION 1. AMENDMENT PROCESS**

The Board of Supervisors of Muscatine County, Iowa, may, from time to time, on their own motion, or on petition, after report by the Muscatine County Zoning Commission, and after public hearing amend, supplement or change by Ordinance the regulations and district herein of subsequently established. The Zoning Commission organized in accordance with Chapter 335.8, Code of Iowa, shall also conduct a public hearing prior to its report to the County Board of Supervisors. At least fifteen (15) days notice of time and place of each hearing held shall be published in an official newspaper, or a paper of general circulation in the County.

In case the Zoning Commission does not approve the change, or in case of a protest against such change signed by the owners of twenty (20) percent or more either of the area included in such proposed change or the area immediately adjacent thereto and within five hundred feet (500') of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty percent (60%) of all members of the Muscatine County Board of Supervisors.

### **SECTION 2. FEES**

Before any action shall be taken as provided in this Article, the party or parties petitioning, proposing or seeking a change in the district regulations, or district boundaries shall deposit with the Treasurer of Muscatine County, Iowa, in care of the Zoning Administrative Officer, the sum established by the Board of Supervisors to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of said proposed amendment to be enacted into law.

### **SECTION 3. REVERSION CLAUSE**

Unless any lot, tract or parcel of land hereafter granted a zoning reclassification, variance or special use permit is being used or developed for such less restrictive classification within two (2) years from such rezoning the Muscatine County Zoning Commission may, prior to the bona fide commencement of the use or development of said land in its less restrictive classification, after seven (7) days notice, in writing to the then record owner of said land providing a reasonable opportunity to be heard, initiate and recommend to the Board of Supervisors, that said land be rezoned to its zoning classification immediately prior to the change granted.

## **ARTICLE XVIII: ADMINISTRATION AND ENFORCEMENT**

### **SECTION 1. ZONING ADMINISTRATIVE OFFICER.**

The Zoning Administrative Officer of Muscatine County, Iowa, shall be designated by the Muscatine County Board of Supervisors, and it shall be the duty of such Zoning Administrative Officer to enforce this Ordinance.

## **SECTION 2. POWERS AND DUTIES.**

The Zoning Administrative Officer and his duly authorized assistants shall have the following powers and duties:

- 2.1** To issue all Zoning permits and make and maintain records thereof.
- 2.2** To conduct inspection of buildings, structures, and uses of land to determine compliance with the provisions of this Ordinance.
- 2.3** To transmit to the Board of Adjustment and Zoning Commission applications for appeals pursuant to Section 3 of Article XV, special use permits, zoning reclassifications, variances, or other matters on which the Board of Adjustment or Zoning Commission are required to pass; and to act as secretary to the Board of Adjustment and Zoning Commission, maintaining permanent and current records of this Ordinance, including, but not limit to, all maps, special uses, zoning reclassifications, variances, appeals, and applications therefore.
- 2.4** To require all petitioners who have had applications for appeals pursuant to Section 3 of Article XV, special use permits, zoning classifications or variances denied to wait six (6) months prior to resubmitting the proposal for review.

## **SECTION 3. APPEALS.**

Appeals from the decisions of the Zoning Administrative Officer may be made to the Board of Adjustment as provided in Section 3 of Article XV hereof.

## **SECTION 4. VIOLATIONS AND PENALTIES.**

These rule and regulations shall be enforced in accordance with the provisions of Title I Administration, Chapter V Enforcement Ordinance.

## **SECTION 5. 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 proper authorities of the County, in addition to other remedies, may institute any proper action or proceed in the name of Muscatine County, Iowa, to prevent such unlawful erection, construction, reconstructions, alteration or repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about said premises.

## **SECTION 6. INTERPRETATION, PURPOSE AND CONFLICT.**

Whenever the regulations of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required in any other Statute or local Ordinance or Regulations, the provisions of this Ordinance shall govern. Whenever the provisions of any other Statute or Local Ordinance or Regulation require a greater width or size of yards, courts or other open spaces, or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required by this Ordinance, the provisions of such Statute or local Ordinance or Regulation shall govern.