OSCEOLA COUNTY IOWA

2013 ZONING ORDINANCE & SUBDIVISION REGULATIONS

WITH AMENDMENTS

Prepared with Planning Assistance from
North**w**est **I**owa **P**lanning &
Development **C**ommission
Spencer, Iowa

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OSCEOLA COUNTY IOWA

2013

ZONING ORDINANCE

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REPLACES ORDINANCE 13A-2869, THE 1979 OSCEOLA COUNTY
ZONING ORDINANCE, ADOPTED APRIL 25, 1980
AND AMENDMENTS THERETO

ZONING ORDINANCE OF OSCEOLA COUNTY, IOWA

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

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

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Osceola County, Iowa:

ARTICLE I
Basic Provisions

Article 1: Basic Provisions
- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Interpretation of Regulations
- Section 1.4. Severability Clause
- Section 1.5. Repeal of Conflicting Ordinances
- Section 1.6. Purpose
- Section 1.7. Right of the Planning and Zoning Commission
- Section 1.8. Disclaimer regarding "Approval" of County Representatives

Section 1.1. SHORT TITLE.

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

Section 1.2. JURISDICTION.

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

Section 1.3. INTERPRETATION OF REGULATIONS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, sustainability or general welfare. This ordinance is not intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this ordinance is more restrictive or imposes a greater restriction than imposed or required by other provisions of law, ordinances, rules, regulations or other agreements, the provision of this ordinance shall govern.

Section 1.4. SEVERABILITY CLAUSE.

Should any section, paragraph, subdivision, clause, phrase, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or held unconstitutional, such ruling shall not affect the validity of the ordinance as a whole or any part thereof, other than that part so decided invalid or unconstitutional. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of such provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 1.5. REPEAL OF CONFLICTING ORDINANCES.

The zoning ordinance for Osceola County adopted by the Board of Supervisors on April 25, 1980, as well as all amendments enacted under that ordinance shall be repealed in its entirety upon the passage and publication of this ordinance. All zoning ordinances or parts of zoning ordinances in conflict herewith are hereby repealed. The repeal of said ordinances shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof.

Section 1.6. PURPOSE.

The intent of this ordinance, in accordance with Section 335.5 Code of Iowa, is to create various zoning districts for the purposes of:

1. being in accordance with the Osceola County Comprehensive Plan and land use policies.
2. preserve agricultural lands and consider the protection of soils from wind and water erosion;
3. encourage efficient urban development patterns by promoting the grouping of activities with similar needs and are compatible;
4. promote public health, safety, morals, comfort, general welfare, and preserving the natural resources, scenic and historically significant areas of the county;
5. encouraging classification of land uses and land development within the county that will facilitate adequate and economic provision of transportation, communication, water, sewer, drainage, education, recreation, and provisions of light and air;
6. promote developments that will prevent the overcrowding of land and to avoid undue concentration of population;
7. promote the conservation of energy resources and to promote reasonable access to solar, wind and other forms of renewable energies;
8. prohibit the formation or expression of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
9. prevent and minimize the effect of nuisance producing activities;
10. define the powers and duties of the Board of Supervisors, planning and zoning commission, board of adjustment and the Zoning Administrator.

Section 1.7. RIGHT OF THE PLANNING AND ZONING COMMISSION.

Pursuant to Section 335.8, Code of Iowa, it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the Board of Supervisors shall not hold its public hearings or take action until it has received the final report of the commission.

Section 1.8. DISCLAIMER REGARDING "APPROVAL" OF COUNTY REPRESENTATIVES.

This ordinance shall not be construed in any way as giving any person, organization, or entity the status of a third party beneficiary. Whenever the words "approve", "'approved", "approval" or similar words are used in describing actions taken by the Zoning Administrator, county engineer, Planning Commission, board of adjustment or the Board of Supervisors, such words shall be construed as ministerial acts that only entail review for compliance with the ordinance. Osceola County makes no warranties, either expressed or implied, that any plans, plats, subdivision, re-zoning, variance, or any other actions that constitute "approval" by Osceola County are merchantable, fit for any particular purpose, or free from design or construction defects.

ARTICLE II
Agricultural Exemption

Article 2: Agricultural Exemption
Section 2.1. Farms Exempt

Section 2.1. FARMS EXEMPT.

In compliance with Section 335.2, Code of Iowa, except to the extent required to implement Section 335.27, Code of Iowa, no regulation or restriction adopted under the provisions of this ordinance applies to land, farm houses, farm barns, farm outbuildings, or other buildings or structures which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used. However, the regulations of this ordinance may apply to any structure, building, dam, obstruction, deposit or excavation in or on the floodplains of any river or stream.
Referred to in § 335.3, 368.26, 414.23

Any farm dwelling, building or structure intended for permanent human habitation, while not requiring a zoning permit shall comply with the same flood plain zoning regulations as nonfarm single family dwellings.

No zoning permit shall be required for construction, reconstruction, alteration, remodeling, or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the county, including farm buildings, farmstead dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used. The following non-agricultural uses and buildings, though customarily found in the unincorporated areas of the county, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a zoning permit in accordance with the provisions of this ordinance: private golf courses, private lakes or ponds for recreational uses by the general public, private club, lodge or association, stables or kennels operated as a business, club or association, saw mills, gravel or sand pits or rock quarries, tourist campgrounds, private parks, private or commercial hunting preserves, farmstead home occupations, private dumps or waste disposal areas.

ARTICLE III
Definitions

Article 3: Definition of Terms
Section 3.1. General Zoning Definitions
Section 3.2. Specific Land Use Definitions

Section 3.1. GENERAL ZONING DEFINITIONS.

For purposes of interpreting this ordinance certain words, terms and expressions are hereby defined.

- Words used in the present tense shall include the future;
- Singular shall include the plural and the plural includes the singular;
- The word "may" is discretionary and the word "shall" is mandatory;
- The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied;
- The word "includes" means including but not limited to

1. ABANDONEMENT. To cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
2. ABUTTING. To border on, being contiguous with or have property or district lines in common, including property separated by an alley.
3. ACCESSORY BUILDING. Any detached subordinate building on the same zoning lot that serves a function customarily incidental to that of the main building of the premises. Customary accessory building includes, but not limited to, detached garages, outbuildings, or storage sheds.
4. ACCESSORY STRUCTURE OR USE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
5. ABANDONED FARMSTEAD. A tract of land, which has at one time constituted a farm dwelling, farmstead and/or related agricultural outbuildings. To be considered an abandoned farmstead for the purposes of these regulations the tract of land must not have been reclaimed for intensive agricultural (row crop) production. A property may be considered an abandoned farmstead if the property is within the area of an existing grove, windbreak or farmstead boundary established or constructed prior to the adoption of this ordinance; or if minimum evidence exists of a previous farmstead such as a foundation or outbuildings.
6. ACRE. A piece of land containing 43,560 square feet within the property lines of a lot or parcel.
7. ACREAGE. Any tract or parcel of land that does not qualify as a farm or development.
8. ADDITION. Any construction that increases the site coverage, height, length, width, or gross floor area of a structure.
9. ADVERTISING STRUCTURE. Any pictorial notice or advertisement and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

10. AGRICULTURE. Any land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used.
11. ALLEY. A public or private thoroughfare that affords only a secondary means of access to abutting property, not intended for general traffic circulation.
12. ALTERATION (STRUCTURAL). Any replacement or change in the types of construction or in the supporting members of a building, such as bearing walls, partitions, columns, beams or girders, floor or ceiling joists, roof rafters, foundations, piles, retaining walls or similar components, beyond ordinary repairs and maintenance. The enlargement of the size, in square feet, or height of a building shall be construed to be a structural alteration.
13. AMENDMENT. A change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications on the zoning map.
14. APARTMENT. A single room or set of rooms occupied as a dwelling unit which is part of a multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.
15. ATTACHED. Having one or more walls, roof or other structure joined to a principal building or foundation in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site; or joined to a principal building by a covered porch or passageway, the roof of which is a part or extension of a principal building.
16. BASEMENT. That portion of a building that is either partly or completely below grade. *(Building Officials and Code Administrators (BOCA) Basic/National Building Code)*.
17. BILLBOARD: All structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said signs or billboards are located.
18. BLOCK: That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
19. BOARD OF ADJUSTMENT. An officially constituted body whose principal duties are to hear appeals on decisions of the Zoning Administrator, interpret the zoning ordinance and zoning map, and where appropriate grant conditional uses and variances from the strict application of the zoning ordinance.
20. BUFFER (or SCREENING). A strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road.
21. BUILDABLE AREA. The portion of a zoning lot or parcel remaining for allowable buildings after required yard setbacks have been provided.
22. BUILDING. Anything constructed, erected, or built, the use of which requires a location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage

or occupancy by persons. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structures, with a roof, shall make them one building. Such structures attached to the principal building shall be deemed a part of the principal building.

23. BUILDING AREA. The sum in square feet of the ground areas occupied by all buildings and structures on a lot.
24. BUILDING HEIGHT. The vertical distance from the average natural grade at the building line to the highest point of the roof. Where a dwelling is on a lot with more than one grade or level, the measurements shall be taken from the main entrance elevation.
25. BUILDING, PRINCIPAL. A non-accessory building in which the main or primary use of the lot or premises, on which it is located, is conducted.
26. BUILDING LINE (OR SETBACK LINE). A line established by the required setback distance from the front property line, rear lot line, and side lot lines.
27. BUSINESS (or COMMERCIAL). The engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of business establishments.
28. CARPORT. A permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building. Freestanding carports are an accessory building.
29. COMMISSION (OR PLANNING COMMISSION): Osceola County Planning & Zoning Commission.
30. COMMON AREA OR COMMON PROPERTY. A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.
31. CONDITIONAL USE. A use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
32. CONDITIONAL USE PERMIT. A permit issued by the board of adjustment authorizing the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon, or required by said permit.
33. CONFLICTING LAND USE. The use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
34. COUNTY. Osceola County, Iowa.
35. DECK. An unenclosed, roofless structure adjoined to or freestanding adjacent to the principal building. Decks higher than twelve (12) inches above the average grade of the ground adjoining such deck shall be subject to required yard setbacks.
36. DETACHED. Fully separated from any other building. Not attached.

37. DEVELOPER. Any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
38. DEVELOPMENT. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
39. DISTRICT (OR ZONING DISTRICT): Any part or parts of, or geographic area in Osceola County, Iowa, wherein zoning regulations of this ordinance applies.
40. DRIVEWAY. A surfaced area providing vehicular access between a street and an off-street parking area or parking structure (i.e. garage or carport).
41. DWELLING. Any building or portion thereof designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30, Code of Iowa, but not including a tent, seasonal cabin, trailer, mobile homes, hotels, motels, motor lodges, boarding or lodging houses, tourist courts, tourist homes or factory-built home which is not located within a mobile home subdivision or mobile home park. A mobile home converted to real estate shall be considered a dwelling for purposes of this ordinance; and a dwelling shall also include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures. Farm dwellings are exempt from zoning regulations in accordance with Iowa Code.
42. DWELLING, MULTIPLE FAMILY. A residence used by, designed for or occupied by three (3) or more families living independently of each other, with separate housekeeping, bathroom and cooking facilities for each.
43. DWELLING, SINGLE FAMILY. A detached residence designed for or occupied as the primary residence of one (1) single family, having no party wall in common with an adjacent house or houses and is surrounded by open space or yards. This definition includes manufactured homes.
44. DWELLING, TWO FAMILY. A detached residence that is designed for or occupied as the residences of two (2) families only; and living independently of each other with separate housekeeping and cooking facilities for each.
45. DWELLING UNIT. A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family for residential purposes and containing independent bathroom and kitchen facilities.
46. EASEMENT. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
47. ENCROACHMENT. Advancement or intrusion beyond the lines or limits as designated and established by the ordinance, and to infringe or trespass into or upon the possession or right of others without permission.
48. ENGINEER, COUNTY. A duly qualified and licensed individual or firm designated by the Osceola County Board of Supervisors.
49. ERECTED. Constructed upon, moved onto, placed, relocated or built upon a site.
50. ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, electrical, telecommunications, water or wastewater transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction with and necessary

for the furnishing of adequate services by such public or private utilities, governmental agencies and/or for the public health, safety or general welfare, but not including buildings or conditional uses as established by this ordinance.

51. FACTORY BUILT-STRUCTURE. Is any structure, building, component, assembly or system which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building of open construction, made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means "factory-built unit".
52. FAMILY. A person living alone or group of persons related by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, and cooking facilities.
53. FARM. Any land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used. Farm shall also include all structures including the residence. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses.
54. FENCE. Any artificially constructed structure, other than a building, which is a barrier of approved fencing material or combination of materials erected to screen areas of land or means of protection or confinement.
55. FLOOR AREA. The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement that is not finished living space.
56. FRONTAGE. That portion of a parcel of property that abuts a dedicated public street, private drive or highway.
57. GARAGE. A building or a portion thereof used only for the shelter or storage of one or more motor vehicles by the occupants of the premises, or the leasing of space; but in which no business service or industry connected with the motor vehicles is carried on other than leasing of space.
58. GRADE. The lowest horizontal elevation of the finished surface of the ground, paving or sidewalk at a point where the height is to be measured.
59. HAZARDOUS WASTE. Waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
60. HIGHWAY SETBACK LINE. The right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this right-of-way line.
61. HOME OCCUPATION. An accessory business, occupation or profession conducted entirely within a dwelling unit or associated accessory buildings by the inhabitants thereof; and complies with Section 12.12 of this ordinance.
62. HOME OCCUPATION, FARM: An occupation customarily engaged in on a farm, as a supplementary source of income, and complies with Section 12.13 of this ordinance.
63. HOUSE TRAILER. See Mobile Home.

64. HOUSEHOLD. A family living together in a dwelling unit with common access to all living and eating areas and all facilities within the dwelling unit.

65. HOUSING UNIT: See Dwelling Unit.

66. INCIDENTAL USE. Subordinate and minor in significance and bearing a reasonable relationship to the primary use.

67. INDUSTRY. Those fields of economic activity including forestry, fishing, hunting, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services, distribution, assembly, packaging and wholesale trade activities.

68. INSTITUTION. A building or premises occupied by a nonprofit corporation or a nonprofit establishment for public use.

69. INTENT AND PURPOSE. The Osceola County Planning Commission and Board of Supervisors by adoption of this ordinance have made a finding that the health, safety, and welfare of the county will be served by the creation of zoning districts and by the regulations prescribed therein.

70. JUNK (or SALVAGE). Any old or scrap copper, brass, lead, household appliances, wood, old or discarded rope, rags, batteries, paper, trash, rubber debris, waste or used lumber, or salvaged wood, waste furniture, equipment, building demolition materials or structural steel materials. This definition shall also includes junked, dismantled, wrecked or junk vehicles or machinery, iron, steel, or other old or scrap ferrous or nonferrous material; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Junk shall also mean waste, yard waste not stored in an approved manner as determined by Osceola County, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

71. JUNK VEHICLE (or JUNK MACHINERY). Any vehicle, other machines or portions thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Osceola County, or any other vehicle or machinery situated in a front yard of any lot or property and located in open view to the public for a period of more than ninety (90) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the public health or safety.

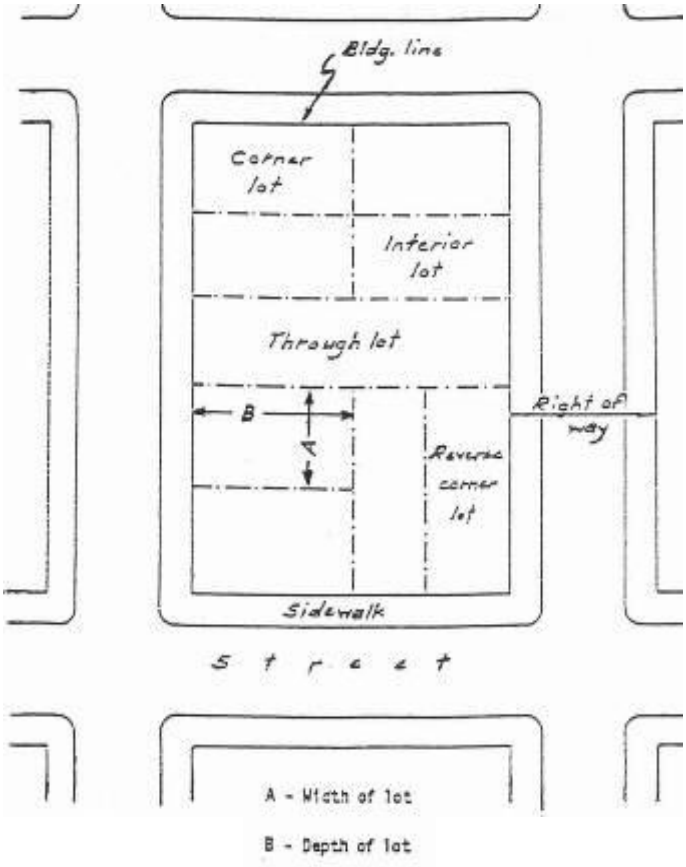
72. JUNK YARD (or SALVAGE YARD). Any open area of any lot or parcel where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for purposes of this ordinance.

73. LAND USE. A description of how land is occupied or utilized.

74. LOADING SPACE. An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space in located.

75. LOT. A parcel or tract of land of sufficient size to meet minimum zoning requirements for use, coverage and area; and which may be occupied by any use permitted, together with yards, and other open spaces herein required. Such lot shall front a public road or street and may consist of:

1) A single lot of record;
2) A portion of a lot of record;
3) 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;
4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.



76. LOT AREA. The net horizontal area, bounded by the front, side and rear lot lines excluding any public right-of-way.

77. LOT, CORNER: A lot fronting on two (2) or more intersecting streets.

78. LOT, INTERIOR: A lot other than a corner lot.

79. LOT, THROUGH: An interior lot having frontage on two (2) parallel or approximately parallel streets. Also known as a double frontage lot.

80. LOT (or BUILDING) COVERAGE: The area of a lot covered by buildings or roofed areas, excluding incidental projecting eaves and gutters, balconies, and similar features; and also excluding ground level paving or decks below twelve inches in height, landscaping, and open recreational facilities.

81. LOT DEPTH: The distance between the front and rear lot lines. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

82. LOT LINES: The property lines bounding a lot.

83. LOT LINES, FRONT: The street line separating a lot from a street right-of-way or easement.

84. LOT LINE, REAR: That boundary line opposite and most distant from the front line.

85. LOT LINE, SIDE: Any boundary line not classified as a front lot line or a rear lot line.

86. LOT OF RECORD: A lot or parcel of land of which is part of a legal subdivision in Osceola County, Iowa, the plat, deed or valid contract of sale of which has been recorded in the office of the Osceola County Recorder prior to the effective date of this ordinance.

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

88. MANUFACTURED HOME: A factory-built structure which is manufactured or built under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from

the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. *(Code of Iowa, Sec. 435.1)*

89. MANUFACTURED HOUSING COMMUNITY (OR SUBDIVISION): Means the same as land-leased community defined in Sections 335.30A and 414.28A *Code of Iowa*. Any site, lot, field or tract of land under common ownership upon which ten (10) or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community. *(Code of Iowa, Sec. 435.1)*

90. MOBILE OR MANUFACTURED HOUSING CONVERTED TO REAL ESTATE: An unencumbered mobile or manufactured home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the county. The exception to this provision is for mobile homes or manufactured housing on private property as part of a retailer or manufacturer's stock not used as a place of human habitation.
(Code of Iowa, Sec. 435.26 & 435.35)

91. MOBILE HOME: Any vehicle without motive power used or so originally manufactured or constructed as to permit it being used as conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation, dwelling or sleeping places by one or more persons but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and built before June 15, 1976.
(*Code of Iowa, Sec. 435.1).*

92. MOBILE HOME PARK: Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are parked and operated as a for-profit enterprise with utilities and shall include any building, structure, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. *(Code of Iowa, Sec. 435.1)*

93. MODULAR OR PREFABRICATED HOME: A factory-built structure which is manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 *Code of Iowa,* and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 *Code of Iowa*. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property, and assessed and taxed as real estate. *(Code of Iowa, Sec. 435.1)*

94. NON-FARM RESIDENCE. A residential dwelling in unincorporated areas of Osceola County located upon land that is not primarily used for agricultural purposes.

95. NONCONFORMING BUILDING (or STRUCTURE). A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning districts or zoning ordinance.

96. NONCONFORMING LOT. A lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the

larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this ordinance.

97. NONCONFORMING USE. A lawful use of any land, building or structure, other than a sign, when established but which does not conform to existing zoning districts or zoning ordinance.

98. NUISANCE. Anything that unreasonably interferes with the comfortable use or enjoyment of property, endangers or is injurious to personal health or safety, or is unreasonably offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

99. OCCUPANCY (or OCCUPIED). The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

100. OUTDOOR SHOOTING AREA. Any open area in the outdoors intended or used for shooting practice or firearms practice. The definition of outdoor shooting area is intended to include but not limited to shooting ranges, gun ranges, gun clubs, trap or skeet clubs or ranges, and commercial hunting clubs where shooting areas area included. Outdoor shooting areas are intended for firearms only including pistols, rifles, shotguns, and all other firearms.

101. OWNER. One or more persons, including corporations, who have title to the property, building or structure in question.

102. PARCEL. A lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.

103. PARKING LOT. A parcel of land devoted to unenclosed parking spaces and intended for temporary parking of motor vehicles.

104. PARKING SPACE. A surfaced area, enclosed or unenclosed, having an area of not less than two hundred (200) square feet (typically a 10' by 20' parking area) plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering, incidental to parking shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces.

105. PERMANENT FOUNDATION. A mobile or manufactured home located outside of a manufactured home subdivision or mobile home park shall be placed on a permanent frost-free foundation that meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. *(Code of Iowa, Sec. 414.28)*

106. PERSON. Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, city, county, special district or other group or combination acting as an entity, except that it shall not include Osceola County, Iowa.

107. PORCH, OPEN. A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.

108. PROHIBITED USE. Any use, other than nonconforming, not permitted by right or by conditional use within a zoning district.

109. PROPERTY. A lot, parcel, or tract of land together with buildings and structures located thereon.

110. PUBLIC NOTICE. The publication of the time and place of any public hearing for zoning purposes being not less than four (4) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the county.

111. PUBLIC USE AREA. Any area owned and/or operated by any governmental entity for purposes of recreation, hunting, and/or conservation. This includes functions on land and water.

112. RECREATIONAL VEHICLE (RV). A vehicle or structure so designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or for sporting or recreational purposes. A recreational vehicle is so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or other motive power, except a device used exclusively upon stationary rails or tracks. Such a vehicle shall be customarily or ordinarily used for, but not limited to, vacationing, recreational purposes, pick-up campers, camping, motor coaches, trucks or buses.

113. RECREATIONAL VEHICLE (RV) PARK. Any area providing space for two (2) or more recreational vehicles, travel trailers, camping trailers, or tent sites, for revenue purposes, as temporary occupancy with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

114. REZONING. An amendment to or change in the zoning ordinance; either to the text or map or both.

115. RIGHT-OF-WAY. An area or strip of land, public or private, on which an irrevocable right of passage has been dedicated, recorded, or legally established for vehicles, pedestrians or both.

116. ROAD. Means the same as “STREET”.

117. ROAD, PRIVATE. A way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties.

118. ROAD, PUBLIC. All public rights-of-way reserved or dedicated for street or road traffic.

119. ROAD LINE OR STREET LINE. The dividing line between a lot, tract, or parcel of land and the right-of-way line of a contiguous road, street, or alley.

120. ROADSIDE STAND. A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used solely for the sale of farm products produced or grown on the premises.

121. SETBACK. The minimum required distance between any lot line and the supporting walls or structures of any building or deck more than 12” above grade. When two or more lots under single ownership are used for purposes of one zoning lot, the exterior property lines so grouped shall be used in determining setbacks.

122. SETBACK LINE. A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.

123. SEWER SYSTEM, COMMUNITY OR PUBLIC. A public or private sewerage system approved by Osceola County; and properly chartered and certified by the appropriate state agency and subject to special ordinances as herein set forth.

124. SEWER SYSTEM, PRIVATE ON-SITE SEPTIC. See Chapter 69, Iowa Administrative Code.

125. SIGN. An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building structure or land and which directs attention to a product, place, activity, persons, institution or business.

126. SITE DEVELOPMENT REGULATIONS. The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.

127. SITE PLAN. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of the site and location of all buildings, structures, uses, drives, parking, drainage, landscape features, erosion control and other principal site development improvements for a specific parcel of land.

128. SOLAR COLLECTOR. Any device intended or used for the absorption of solar radiation for the heating of water or buildings or the production of electricity. The term solar collector also encompasses and includes the individual components of a solar collection system including the solar panels, utility boxes, generators, and all other ancillary devices or equipment necessary to collect and produce solar energy.

129. SPOT ZONING. An arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare.

130. STATE. The State of Iowa.

131. STORY. That portion of a building between the surface of any floor and the floor above it; or if there is not floor above it, then the space between such floor and ceiling or roof above it.

132. STORY, HALF. Spaces under a sloping roof, which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.

133. STREET. A public or private thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property.

134. STREET CENTERLINE. The centerline of a street right-of-way as established by official surveys.

135. STREET LINE. The right-of-way line of a street, road or highway.

136. STREET, PUBLIC. A public thoroughfare more than twenty-two (22) feet in width.

137. STRUCTURE. Anything constructed or erected, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground. Among other things, structures include swimming and wading pools and covered patios, buildings, mobile homes, and billboards. Structures do not include such items as fences, utility poles, street light or signs, other public use items or tombstones.

138. SUBSTANDARD LOT (OR NONCONFORMING LOT). A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.

139. TEMPORARY STRUCTURE. A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.

140. TEMPORARY USE. A use intended for limited duration to be located in a zoning district not permitting such use.

141. USE. The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
    1) Principal Use: The main use of land or structures as distinguished from an accessory use.
    2) Permitted Use: Any use permitted as a matter of right when conducted in accord with the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.
    3) Conditional Use: A use allowable solely on a discretionary and conditional basis subject to a conditional use permit, and to all other regulations established by this ordinance.
    4) Accessory Use: A use or activity that is incidental to and customarily associated with a specific principal use on the same site.

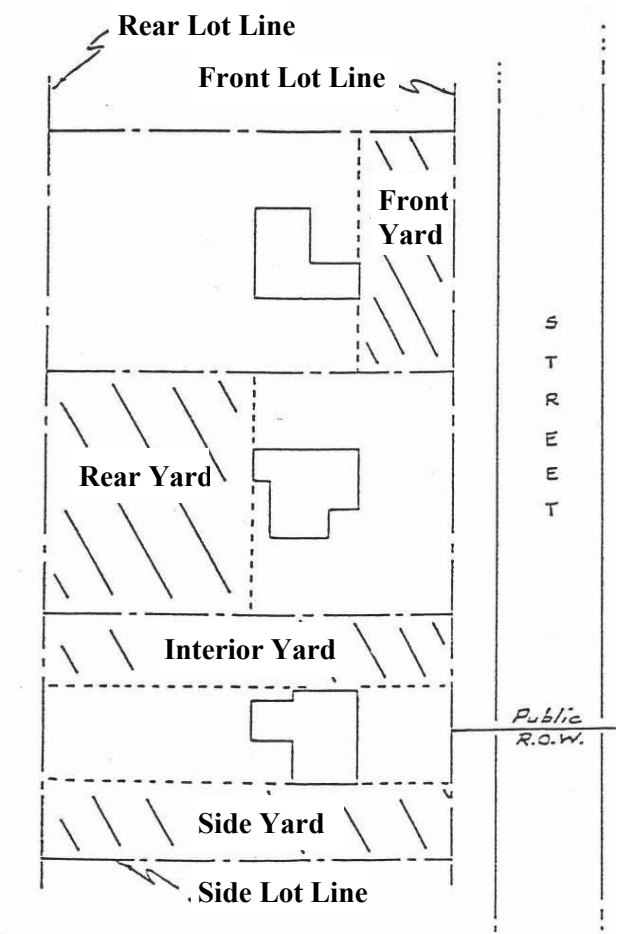
142. UTILITY, PUBLIC OR PRIVATE. Any agency that under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, communication, transportation, water, sewer collection or other similar services.

143. VACANT. Any unoccupied land, structure, or part thereof that is available for occupancy.

144. VARIANCE. A relief or relaxation from the provisions of this ordinance, where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces.

145. WATER SYSTEM, PUBLIC OR PRIVATE. A public or private water distribution system having a common source of supply and necessary treatment facilities.

146. YARD. Any open space on the same lot with a building or structure unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or rear yard, the least distance between the lot line and the principal use building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted principal use building shall be used. A yard shall be measured exclusive of public right-of-ways.
    1) Front Yard. An area of yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, exclusive of the usual steps and eaves.



In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

2) Rear Yard: An area of yard extending across the full width of a lot and measured between the rear lot line and the building or any other projections other than uncovered steps, unenclosed balconies, or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

3) Side Yard: An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot lines and the nearest principal building, exclusive of the usual steps and eaves. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.

147. ZONING. The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

148. ZONING ADMINISTRATOR. The individual appointed by the Board of Supervisors to administer and enforce the provisions of this ordinance and to issue zoning permits.

149. ZONING COMPLIANCE PERMIT. A permit issued and enforced by the Zoning Administrator, authorizing the use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building in a manner and for the purpose specified in the application.

150. ZONING MAP (OFFICIAL MAP OR ZONING DISTRICTS MAP). A map, adopted by the governing body, delineating the boundaries of identified districts referencing the distinction and separation of zoned land uses which, along with the zoning text, comprises the zoning ordinance.

Section 3.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of the use classifications shall be to provide a consistent set of terms encompassing and defining uses permitted by right or by special exception in the zoning districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Section 23.9. In making such determination, the zoning administrator shall consider the characteristics of the particular use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of use classifications.

3.2.1. *AGRICULTURE LAND USE DEFINITIONS:*

Agricultural use types include, but are not limited to the following.

1. *Agriculture Uses*: See Definition No. 4
2. *Agricultural Animal Husbandry*: The raising of cattle, swine, poultry, horses, sheep, goats or other similar animals for reproductive stock or for slaughter.
3. *Agricultural Seed Sales*: The sale of corn seed or other agricultural commodity seeds from the premises of a farm or farmstead.
4. *Agricultural Storage Buildings*: Buildings or structures used and intended for the housing, storage and maintenance of machinery and other vehicles used for agricultural purposes. This does not include the use of storage buildings or other agricultural buildings for rent or profit, or any

commercial purposes for non-agricultural related vehicles including recreational vehicles.

5. *Farm*: See Definition No. 50
6. *Farmstead, Abandoned*: See Definition No. 2
7. *Farmstead, Existing*: See Definition No. 51
8. *Farm Dwelling, Principal:* A residential dwelling located on a farm and occupied by the property owner or operator of the farm, renter or tenant.
9. *Farm Dwelling, Support Housing*: The occupancy of living accommodations by agricultural employees and family members on the same property as the principal permitted residence, without regard to duration, associated with agricultural labor.
10. *Fuel Storage (Private)*: Includes the storage and handling of fuels for agricultural and support vehicles and machinery, and not intended for resale or profit.
11. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
12. *Pesticide/Fertilizer Storage*: Includes the storage and handling of pesticides, fertilizers and other commonly associated farm or agricultural chemicals used for farm or agricultural purposes, and not intended for any commercial application or for resale or profit.
13. *Viticulture or Viniculture*: The cultivation of grapes often for the use in production of wine products. Grapes are grown for fresh fruit, dried fruit or for grape juice, which can be used (amongst others) to produce wine. Typical uses include but not limited to vineyards, wine-making facilities and associated retail or commercial wineries.

3.2.2. *CONSERVATION LAND USE DEFINITIONS:*

Conservation and environmental land use types include, but not limited to, the following:

1. *Conservation Areas*: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to wetlands, floodways, floodplains, drainage ways, river or stream banks, and areas of significant biological uniqueness.
2. *Critical Areas*: A natural feature in need of preservation from encroaching land uses. Such areas may include, but not limited to sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service (NRCS), areas of excessive slope, natural marshes, woodlands, and floodplains as defined by FEMA, land reserved in CRP, buffer strips, terraces, other conservation uses, and well sites of the Osceola County Rural Water System.
3. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
4. *Undeveloped or Unimproved Land*: Land in its natural state before development; including land used for agricultural pasturage and land in agricultural conservation practices.
5. *Water Control Structures, Irrigation or Retention Basins*: Any manufactured structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.
6. *Wetland*: An area that is inundated or saturated by surface water or ground water at a frequency

and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

7. *Wildlife Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat; in which human activities are limited and the natural environment is protected.

3.2.3. *RESIDENTIAL LAND USE DEFINITIONS:*

Residential use types include the occupancy of living accommodations on a nontransient basis or institutional living arrangements, but excluding those providing forced residence such as prisons.

1. *Cottage or Cabin*: A small single family dwelling or structure used for vacation or vacationer's occupancy.
2. *Condominium*: The use of a site for three (3) or more multiple family dwelling units intended for separate ownership, together with common area serving all dwelling units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.
2. *Family Home*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
3. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity/sorority houses, residence halls or county homes.
4. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units.
5. *Mobile Home or Manufactured Housing*: See Definitions 86 and 89. The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses include mobile home parks and manufactured housing subdivisions.
6. *Relocated Residential*: An existing residential structure, intended for occupancy, which is moved from one location to another in the county, or where an existing residential structure is moved into the county from a location outside of Osceola County. A relocated residential structure does not include the moving of new manufactured, modular or mobile homes. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure in Osceola County.
7. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
    a. *Residential Care Services*: A use, other than a hospital or convalescent facility, caring for ambulatory persons in a residential environment, including overnight or extended care.
    b. *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwellings, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities are sometimes combined with other housing such as congregate housing, senior housing, or residential care services.
    c. *Skilled Nursing Facility or Convalescent Home*: Any building, structure, institution or facility providing care for a period exceeding twenty-four hours for residency or nursing services, for

the invalid, infirmed, aged, convalescent, or physically disabled or injured; in which three (3) or more persons not of the immediate family are received, kept and provided with food and shelter for compensation. This shall not include insane, mental, inebriate or contagious cases.

8. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
9. *Two Family Residential (duplex or twin home)*: The use of a site for two (2) dwelling units on a single lot or parcel.

3.2.4. *COMMERCIAL LAND USE DEFINITIONS:*

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

1. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for executive, management, or administrative services. Typical uses include but not limited to administrative offices, real estate, insurance, property management, investment, personnel, travel, telemarketing, photocopy and reproduction, and offices of public utilities or associations.
2. *Agricultural Sales and Services*: Establishments or businesses engaged in the retail sale of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots. Typical uses include but not limited to nurseries, hay, feed and grain stores, and tree service firms. Agricultural seed sales from a farmstead or farm are not considered an agricultural sales or service use and are exempt from zoning regulations.
3. *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles or boats; including the sale, installation, and servicing of equipment and parts.
4. *Automotive Sales or Rental*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, and recreational vehicles or boats; including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, vehicle trailer and recreational vehicle dealerships.
5. *Automotive Washing:* Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to car washes or truck washes. Does not include large truck cleanouts or wash outs.
6. *Bar or Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on premises, including taverns, bars, lounges, and similar drinking establishments.
7. *Building Maintenance/Support Services:* Establishments primarily engaged in the provision of maintenance and custodial services to other businesses, along with businesses engaged in the sale, rental or repair of equipment and supplies used by professional establishments. Typical uses include but not limited to janitorial, maintenance and cleaning services, office equipment supply, business machine repair, or hotel equipment and supply firms.
8. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
9. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry or other animals are offered for sale for profit to persons who bid in competition with each other.

10. *Commercial Garage*: A building or portion thereof, other than a private or storage garage, designed, intended or used for the equipping, servicing, selling, hiring, storing, care or repair of motor vehicles operated for commercial purposes.
11. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.
12. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators.
    a. *Indoor Entertainment and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, billiard parlors, ice and roller skating rinks, arcades, motion picture theatres, dance halls.
    b. *Outdoor Entertainment and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to miniature golf courses, swimming pools, tennis courts, racquetball courts, sports arenas, racing facilities, go-kart track, amusement part or driving range.
13. *Commercial Stables*: Any place, area, building or structure where horses or similar species are boarded, houses, bred, cared for fed or trained by other than the owner or occupants of the premises; or any other place, area, building or structure where more than two(2) horses or similar species is kept for purpose of breeding or raising for a fee. Typical uses include but not limited to horse ranches, riding academy, boarding stables or public stables.
14. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services but exclude those classified as Major Utility Facilities. Typical uses include but not limited to radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
15. *Condominium or Business Storage Unit*: A building or series of buildings in which storage units or floor area is owned independently; but the property is owned by all of the owners on a proportional basis or single ownership. These storage units are designed for indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.
16. *Construction Sales and Services*: Establishments or places of business engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or contractors.
17. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
18. *Convenience Store*: Any retail establishment engaged in the retail sale of food and household products, including gasoline. The servicing or storage of vehicles shall be prohibited.
19. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, farm implement repair services, and machine shops, but exclude dismantling or salvage.

20. *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment; including incidental storage, maintenance and servicing. Typical uses include but not limited to heavy truck, construction equipment dealerships or mobile home sales.
21. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services. Said services shall not include check cashing, payday loan institutions and quick loan institutions.
22. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging, and managing funerals. Typical uses include but not limited to funeral homes, crematoriums, mausoleums or mortuaries.
23. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, grocery stores, apparel stores, furniture stores; or establishments providing cleaning products, drugs, cards, stationery, books, tobacco, cosmetics, flowers, plants, hobby materials, toys, apparel, fabrics, cameras, photography, electronics, sporting equipment, kitchen supplies, home furnishings, appliances, art supplies, antiques, paint and wallpaper, carpeting and floor covering, decorating services, office supplies, bicycles or automotive parts (excluding service or installation). Said general retail sales shall not include pawn shops and adult entertainment stores which are defined as businesses which are a part of or in a process of delivering goods and services through the use of adult media or offers for sale sexually oriented toys or novelties.
24. *Golf Course or Country Club*: Land area and buildings containing golf course, club house, pro shop, restaurant and lounge, swimming pool and tennis courts and other services and buildings typically associated with the operation of a golf course or country club.
25. *Health Club or Facility*: Privately owned for-profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, or facilities containing game courts, exercise equipment, locker rooms, whirlpool spa or sauna.
26. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, research, administration, and services to patients, employees or visitors.
27. *Kennel, Commercial*: Any establishment where four (4) or more dogs, cats or domesticated animals at least six months of age are kept, housed, groomed, bred, boarded, trained, or sold. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
28. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption of alcoholic beverages off the premises. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
29. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, equipment servicing, materials storage, and similar activities including equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.
30. *Medical Clinics/Offices*: A building or use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners licensed for practice by the State of Iowa.

31. *Nightclub*: A commercial establishment dispensing beverages for consumption on the premises and where dancing is permitted or entertainment provided. See also "Bar".
32. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, tailor, shoe repair, laundry, linen supply or cleaning services.
33. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, dog bathing and clipping salons, or pet grooming shops.
34. *Professional Office*: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupations customarily considered as a profession.
35. *Recycling Center*: A facility other than a junkyard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building. Typical uses include but not limited to recycling drop off points, collection center, sorting facilities, etc.
36. *Restaurant*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, café, soda fountains, coffee shops, bar & grills, and other similar establishments with incidental alcoholic beverage service.
37. *Service Station:* Any building or premises used for retail sale of automotive fuels, oils, lubricants, parts and other items customarily associated with the sale of such products, but only intended for minor repairs to motor vehicles.
38. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards, animal sales or crop or animal auction yards.
39. *Transportation Services*: A facility for the loading and unloading of goods and/or freight, as well as the interchange of passengers and baggage between modes of transportation; including but not limited to bus or train terminals, rail stations, airport terminals, transit facilities, and other shipping/receiving facilities.
40. *Vehicle Storage:* Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.
41. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
42. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
    a. *Campground*: Facilities or any area of land or potion thereof designed for and providing spaces for two (2) or more occupants of tents, travel trailers, recreational vehicles, camping trailers, or other mobile living facilities, for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the public. Typical uses include but not limited to campgrounds or recreational vehicle parks.

b. *Hotel-Motel*: A building or group of buildings, attached or detached, containing guest rooms in which lodging or boarding are provided to the public for compensation. Other accessory uses associated with a hotel-motel may include a swimming pool, restaurant, cocktail lounge, meeting/ conference rooms, management office and quarters for the use of operating personnel.

c. *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for up to four (4) sleeping rooms for rent to the public. Individual units designed to be rented shall contain no cooking facilities.

d. *Boarding or Lodging House*: A building, other than a hotel or motel, where for compensation and by arrangement, lodging is provided for three (3) or more persons.

43. *Wind Energy Devices*: Wind Energy Conversion Systems (WECS) or other similar wind machines are those devices including but not limited to wind charger, windmill, wind turbine or wind generators that converts wind energy to a form of usable energy.

44. *Winery*: A facility or building(s) in which wine and associated alcoholic beverages are produced and sold on the premises; and associated with viticulture on the same or adjoining tracts. A winery also includes, but not limited to, associated food and beverage services, wine tastings, conference or entertainment space, and retail or gift shop sales.

3.2.5. *INDUSTRIAL LAND USE DEFINITIONS:*

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

1. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.

2. *Community Sanitary Sewer System*: An approved central sewer collecting system, meeting state and county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

3. *Community Water Supply System*: A public water supply with a central or community well or water treatment system with service connections used by year round residents or uses.

4. *Custom Manufacturing*: Establishments engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making, glass blowing or custom jewelry.

5. *Data Center*: A building or other structure rehabilitated or constructed to house a group of networked server computers in one physical location in order to centralize the storage, management, and dissemination of data and information pertaining to a particular business, taxonomy, or body of knowledge. A data center provides computer processing for uses including but not limited to cloud storage, cryptocurrency mining, and artificial intelligence. "Data Center" also includes the lease of a business facility leased by an entity operating a data center business at that location.

6. *Fertilizer or Chemical Storage or Processing*: Commercially operated uses that promote the sale, storage, transfer or processing of agricultural, industrial or other chemicals.

7. *Fuel Storage and/or Bulk Stations*: Distributing stations commonly known as bulk or tank stations used for storage and distribution of flammable liquids or liquefied petroleum

products where the aggregate capacity of all storage tanks is more than 12,000 gallons. Such uses may include, but are not limited to gasoline storage facilities, bulk storage, propane storage or natural gas storage sites.

8. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or manufacturing which involves hazardous or commonly recognized offensive conditions.
9. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing.
10. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities, and rail terminal facilities.
11. *Renewable Energy/Renewable Resources Industries*: Those industries/businesses engaged in the use of products that are sustainable in the environment or in harnessing renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, solar energy, hydro power, and geothermal.
12. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but not limited to animal or human research labs, research and development firms or animal/human pharmaceutical research labs.
13. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
14. *Scrap and Salvage Services*: Businesses primarily engaged in storage, sale, dismantling or other processing of used or waste materials that are not intended for reuse. Typical uses include but not limited to automotive wrecking yards, junkyards or salvage yards.
15. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:
    a. *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
    b. *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.
    c. *Wholesale Trade & Distribution*: A use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments include but not limited to: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their merchandise.

3.2.6. *CIVIC & PUBLIC LAND USE DEFINITIONS:*

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

1. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for the operation, service, fueling, repair, storage, charter, or rental of aircraft.
2. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
3. *Charitable Institution*: A public or semi-public institutional use of a charitable, philanthropic, benevolent, or religious character, but not including sheltering or caring of animals.
4. *Club or Lodge (private)*: An association of persons for the promotion of some nonprofit object, who are bonafide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food, meals to members and their guests on such premises provided adequate dining room space, and kitchen facilities are available and are operated in compliance with state and municipal laws.
5. *Cultural Services*: A library, museum, art gallery, or other nonprofit use offering display, preservation or exhibition of historical objects or the fine arts and sciences.
6. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as indicated by the State of Iowa. This term may include day care centers for children or adults and similar uses.
7. *Detention Facilities*: Any use providing housing and care for individuals confined by law.
8. *Educational Facilities*: A public, private, or parochial school offering instruction at the elementary, junior and senior high school or collegiate levels.
9. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen, together with incidental storage and maintenance of necessary support vehicles. Typical uses include but not limited to federal, state, and county offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
10. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles, transformers, control devices and junction boxes which are necessary to support principal development.
11. *Major Utility Facilities*: Communication towers, antennas, generating plants, electrical switching facilities and primary substations, refuse or recycling collection facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
12. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, recreation areas, open spaces, and swimming pools.
13. *Pre-Kindergarten, Preschool, or Nursery School*: Any private agency, institution, establishment or place enrolling children, where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children.

14. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports or entertainment, including civic or community auditoriums, convention facilities, event centers, fairgrounds, and exhibition facilities.
15. *Religious Assembly*: A building wherein people regularly assemble for religious worship, which is maintained and controlled by a religious body organized to sustain public worship together with all accessory buildings and uses. Excludes primary or secondary educational facilities.
16. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
17. *Treatment Services*: A use providing counseling, guidance, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

ARTICLE IV
Zoning Districts

Article 4: Zoning Districts
Section 4.1. Zoning Districts
Section 4.2. Boundaries and Official Map
Section 4.3. Interpretations of Districts Boundaries
Section 4.4. Disincorporation
Section 4.5. Roadway or Public Right-of-Way Vacation
Section 4.6. General Regulations

Section 4.1. ZONING DISTRICTS.

The Board of Supervisors shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the Board of Supervisors. For the purpose and intent of this ordinance the unincorporated area of Osceola County, Iowa, is hereby divided into seven (7) zoning district classifications as follows:

Agricultural District	(AG)
Environmental and Conservation District	(EC)
Rural Residential District	(RR)
Mobile and Manufactured Housing District	(MR)
Highway Commercial District	(HC)
Rural Commercial District	(RC)
General Industrial District	(G I)

Section 4.2. DISTRICT BOUNDARIES AND OFFICIAL MAP.

The county's zoning district classifications shall be shown on the "Official Zoning District Map of Osceola County, Iowa". This zoning district map and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this ordinance as if fully described herein. The zoning map shall be filed as part of this ordinance by the County Auditor of Osceola County. Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by ordinance amending the Osceola County Zoning Ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Such amendatory ordinance, however, shall not repeal or reenact said map, but only amend it. The official zoning map shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the county.

The official zoning map shall be available for public inspection in the office of the Zoning Administrator of Osceola County, Iowa. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new official zoning map that supersedes the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendments thereof.

Section 4.3. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to a district's boundaries as shown on the official zoning map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of roads, streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
2. Boundaries indicated as approximately following lot (or property) lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
5. Boundaries indicated as approximately following railroad lines shall be construed to be at the centerline of a set of tracks.
6. Boundaries indicated as following shorelines shall be construed to follow such shore lines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed as following such centerlines;
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
8. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsection 1-7 above, the Board of Adjustment shall interpret the district boundaries.
9. Where a district boundary line divides a lot in single ownership, the Board of Adjustment may permit the extension of the regulations for either portion of the lot.

Section 4.4. ROADWAY OR PUBLIC RIGHT-OF-WAY VACATION.

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

Section 4.5. DISINCORPORATION.

Any territory, land, parcels or tracts which may hereafter become part of the unincorporated area of Osceola County, Iowa by the disincorporation of any city or town, or any part thereof, shall automatically be classified as lying and being within the (AG) Agricultural district until such time the Planning Commission may recommend and the Board of Supervisors shall determine and establish, by ordinance, which zoning district(s) are most appropriate to the disincorporated lands.

Section 4.6. GENERAL REGULATIONS.

All structures, buildings or parts thereof, except for buildings and structures primarily adapted for use for agricultural purposes, shall be constructed and used in conformity with the regulations prescribed herein for the district in which such building or land is situated and a zoning compliance permit is issued by the Zoning Administrator.

1. The principal building on a lot shall front on a road, street, or other public right-of-way.
2. The setbacks of front yards, rear yards and side yards shall be measured from the lot line to the nearest point of the principal use building wall, exclusive of typical ancillary structures such utility boxes or gutters.
3. No building or structure shall be erected, converted, enlarged, re-constructed, or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.
4. No yard or lot existing at the time of passage of this ordinance shall hereafter be reduced in dimension or area below the minimum required by this ordinance.
5. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this ordinance for another building, structure, or use.
6. Any portion of a principal use building that is covered by a roof or joined to the principal use building shall be considered a part of the principal use building.
7. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal non-farm residential building on one (1) lot unless otherwise provided in this ordinance.
8. No building shall be erected or structurally altered to the extent provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.
9. Every residence, business, trade or industry hereafter established which requires water supply and sewage disposal facilities shall provide facilities that conform to the requirements and procedures set forth in the Iowa Administrative Code, Environmental Protection Commission [567]; especially Chapter 49 [567] - Nonpublic Water Supply Wells, and Chapter 69 [567] - Private Sewage Disposal Systems.

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

ARTICLE V
(AG) Agricultural District

Article 5: Agricultural District

Section 5.1. Intent
Section 5.2. Principal Permitted Uses
Section 5.3. Permitted non-Farm Residential Uses
Section 5.4. Conditional Uses
Section 5.5. Permitted Accessory Uses
Section 5.6. Site Development Regulations
Section 5.7. Off-Street Parking
Section 5.8. Sign Regulations
Section 5.9. Zoning Compliance Permits Required

Section 5.1. INTENT.

The intent of the Agricultural District is to conserve and otherwise preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use. The intent is to encourage and to promote in every practicable manner, the interest of agriculture, the facilitation of farm production, and the encouragement of soil and water conservation practices.

Section 5.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures within the AG district are permitted by right and allowed to exist upon approval from the county Zoning Administrator.

<table>
<tr><th>Agriculture Uses</th><th>Non-Farm Residential Uses</th></tr>
<tr><td>Agricultural uses including any buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations.</td><td>Single Family Non-Farm Residential
Cottage or Cabin
(see Section 5.3 below)</td></tr>
<tr><th>Conservation Uses</th><th>Industrial Uses</th></tr>
<tr><td rowspan="3">Conservation Areas
Critical Area
Floodplain
Undeveloped or Unimproved Land
Water Control Structures/Irrigation or Retention Basins
Wetland
Wildlife Refuge and/or Wildlife Preserve</td><td>Railroad</td></tr>
<tr><td>Civic/Public Uses</td></tr>
<tr><td>Cemetery
Cultural Services
Government/Public Uses
Local Utility Services
Park and Recreation Services</td></tr>
</table>

Section 5.3. PERMITTED NON-FARM RESIDENTIAL USES.

Non-farm residential dwellings in the (AG) Agricultural district shall only be permitted on the following types of property and meeting the criteria outlined in items 1-3.

1. Lots of Record, as defined in Section 12.2 of this ordinance.
2. A single family non-farm dwelling may be constructed upon a complete, existing or abandoned farmstead at the effective date of this ordinance.
3. In any instance within the (AG) Prime Agricultural district, single family non-farm dwellings shall have a minimum of two (2) acres and shall not have a density greater than one (1) principal residential dwelling per every quarter-quarter section (approx. 40 acres), as defined by the U.S. Geological Survey. This requirement shall not apply to agricultural support housing associated with the principal residential dwelling unit on a parcel or lot.
4. Single family non-farm residential uses shall be limited to one (1) principal dwelling per lot, parcel or tract of land.

Section 5.4. CONDITIONAL USES.

The following uses and structures may be permitted in the (AG) Agricultural District subject to specific conditions and requirements upon approval of the board of adjustment as provided for in Article XXI of this ordinance.

<table>
<tr><th>Non Farm Residential Uses</th><th>Civic/Public Uses</th><th>Commercial Uses</th></tr>
<tr><td>Relocated Residential
(single family only)
Mobile Home or Manufactured Housing</td><td rowspan="3">Aviation Facilities
Educational Facilities
Major Utility Facilities
Religious Assembly</td><td rowspan="3">Agricultural Businesses/ Services
Campground
Commercial Auction Yards/Barns
Commercial Stables
Communication Services
Farm Occupations & Businesses
(See Section 12.13 for additional regulations)
Kennel, Commercial
Outdoor Entertainment/Recreation
Stockyards
Transportation Services
Wind Energy Devices
(See Article XIII for additional regulations)
Winery</td></tr>
<tr><td>Industrial Uses</td></tr>
<tr><td>Custom Manufacturing
Sanitary Landfill
Scrap and Salvage Services
Resource Extraction</td></tr>
<tr><td colspan="3">Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the board of adjustment.</td></tr>
</table>

Section 5.5. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory buildings and uses are permitted in the (AG) Agriculture District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Roadside stands for the sale of agricultural produce grown on the premises.
2. Essential services, but not including any major utility or facility.
3. Private recreational facilities used in conjunction with the permitted use.
4. Private garage or carport
5. Utility sheds, garden buildings or greenhouses intended for personal or household use
6. Kennel, private
7. Home occupations (See Section 12.12 for additional regulations)
8. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the Board, of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 12.9.
9. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses and conditional uses in compliance with Section 12.10.

Section 5.6. SITE DEVELOPMENT REGULATIONS.

The following minimum lot requirements shall be observed as follows, and subject to modifications contained in Article XII, Additional Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	2 acre minimum lot area for non-residential uses 2 acre minimum for non-farm single family acreages; provided there is adequate space for on-site septic and well separation distances.
Lot Width -	300 feet minimum lot width
Front Yard -	50 feet minimum setback (from right-of-way line, not center of the road)
Rear Yard -	50 feet minimum required setback for all uses
Side Yard -	25 feet minimum required setback for all uses (including non-farm dwellings)
Street Side (Corner) Yard -	50 feet minimum required setback for all uses (from right-of-way line, not the center of the road)
Residential Density -	No more than 1 principal non-farm residential dwelling per lot
Height -	35 feet maximum height for non-farm residential dwellings No limitation for agricultural or other buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.

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

Cemeteries are exempt from bulk regulations, except that no above ground building shall be constructed within the required yard setbacks.

Section 5.7. OFF-STREET PARKING.
Off-street parking requirements shall be required for activities in the (AG) Agriculture District in accordance with the provisions of Article XV of this ordinance.

Section 5.8. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (AG) Agriculture District in accordance with the provisions of Article XVI of this ordinance.

Section 5.9. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with provisions of Section 18.3 of this ordinance.

ARTICLE VI
(EC) Environmental & Conservation District

Article 6: Environmental & Conservation District

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

Section 6.1. INTENT.

The intent of the Environmental and Conservation District is to identify those portions of the county affected by seasonal flooding, considered critical areas, or otherwise best suited as open space buffers between land uses, and not suitable for structural developments.

Section 6.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures within the EC district are permitted by right and allowed to exist upon approval from the county Zoning Administrator.

<table>
<tr><th colspan="2">Agriculture Uses</th></tr>
<tr><td colspan="2">Agricultural uses including any buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations.</td></tr>
<tr><th>Conservation Uses</th><th>Civic Uses</th></tr>
<tr><td>Conservation Areas
Critical Area
Floodplain
Undeveloped or Unimproved Land
Wetland
Wildlife Refuge and/or Wildlife Preserve</td><td>Government/Public Services
Local Utility Services
Parks and Recreation Services</td></tr>
</table>

Section 6.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (EC) Environmental & Conservation District subject to specific conditions and requirements upon approval of the board of adjustment as provided for in Article XXI of this ordinance.

<table>
<tr><th>Conservation Uses</th><th>Civic/Public Uses</th><th>Commercial Uses</th></tr>
<tr><td>Water Control Structures,
Irrigation or Retention Basins</td><td>Major Utility Facilities</td><td rowspan="3">Campground
Communication Services
Wind Energy Devices
(See Article XIII for additional regulations)</td></tr>
<tr><td>Non-Farm Residential Uses</td><td>Industrial Uses</td></tr>
<tr><td>Cottage or Cabin</td><td>Resource Extraction</td></tr>
<tr><td colspan="3">Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the board of adjustment.</td></tr>
</table>

Section 6.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory buildings and uses are permitted in the (EC) Environmental & Conservation District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Essential services, but not including any major utility or facility.
2. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the board or adjustment, of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 12.9.
3. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses and conditional uses in compliance with Section 12.10.

Section 6.5. SPECIAL CONDITIONS.

The following requirements shall apply as minimum requirements in the (EC) Environmental and Conservation District.

1. Along critical portions of major water courses, no development shall be allowed within the floodway of any water course, excluding bridges, elevated roadways, open space parks and flood control levees.
2. Land zoned EC shall not be used to meet side or rear yard requirements of other zoning districts herein.

Section 6.6. SITE DEVELOPMENT REGULATIONS.
The following minimum lot requirements shall be observed, and subject to modifications contained in Article XII, Additional Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	None
Lot Width -	None
Front Yard -	50 feet minimum setback (from right-of-way line, not center of the road)
Rear Yard -	50 feet minimum required setback for all uses
Side Yard -	25 feet minimum required setback for all uses
Street Side (Corner) Yard -	50 feet minimum required setback for all uses (from right-of-way line, not the center of the road)
Height -	No limitation for all buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.

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

Cemeteries are exempt from bulk regulations, except that no above ground building shall be constructed within the required yard setbacks.

Section 6.7. OFF-STREET PARKING.
Off-street parking requirements shall be required for activities in the (EC) Environmental and Conservation District in accordance with the provisions of Article XV of this ordinance.

Section 6.8. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (EC) Environmental and Conservation District in accordance with the provisions of Article XVI of this ordinance.

Section 6.9. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with provisions of Section 18.3 of this ordinance.

ARTICLE VII
(RR) Rural Residential District

Article 7: Rural Residential District

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

Section 7.1. INTENT.

The intent of the Rural Residential District is to provide for low density residential developments with a limited number of institutional and recreational facilities permitted, which are interrelated with agricultural uses. In some cases, this residential development may be in conjunction with agricultural uses. In addition, this district allows for acreage development using private wells and septic systems. Permitted and conditional uses are intended to serve the residents and are benefited by an open residential environment, with special provisions to also protect the rural residential character of the district. This district is not intended to permit isolated rural dwellings.

Section 7.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures within the RR district are permitted by right and allowed to exist upon approval from the county Zoning Administrator.

Agricultural Uses		
Farms and Agricultural uses including any buildings, structures, or uses of land primarily adapted for agricultural purposes shall be exempt from zoning regulations. Agricultural storage buildings and riding stables are permitted for personal or agricultural use only.		
Non-Farm Residential Uses	**Civic/Public Uses**	**Conservation Uses**
Single Family Residential Two Family Residential (*only in a residential subdivision)* Cabin or Cottage	Educational Facilities Essential Services Local Utility Services Park and Recreation Services Religious Assembly	Conservation Areas Critical Area Floodplain Undeveloped/Unimproved Land Water Control Structures/Irrigation or Retention Basins Wetland Wildlife Refuge and/or Preserve

Section 7.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (RR) Rural Residential District subject to specific conditions and requirements upon approval of the board of adjustment as provided for in Article XXI of this ordinance.

Non-Farm Residential Uses	Civic/Public Uses	Commercial Uses
Condominium Family Home Group Residential Mobile or Manufactured Home converted to real estate Multiple Family Residential Relocated Residential *(single or two family only)* Residential Healthcare Facilities	Club or Lodge Daycare Center Government/Public Services Pre-Kindergarten, Preschool or Nursery School Major Utility Facilities	Bed & Breakfast Inn Boarding or Lodging House Golf Course Farm Occupations & Businesses *(See Section 12.13 for additional regulations)* Commercial Stables Communication Services Winery
Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the board of adjustment.		

Section 7.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory buildings and uses are permitted in the (RR) Rural Residential District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Private garage or carport
2. Private recreational facilities used in conjunction with the permitted use.
3. Essential services, but not including any major utility facility
4. Utility sheds, garden buildings or greenhouses intended for personal or household use
5. Kennel, private
6. Home occupations (See Section 12.12 for additional regulations)
7. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the board or adjustment, of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 12.9.
8. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses and conditional uses in compliance with Section 12.10.

Section 7.5. SITE DEVELOPMENT REGULATIONS.
The following minimum lot requirements shall be observed, and subject to modifications contained in Article XII, Additional Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	20,000 sq.ft. minimum lot area with public sewer and water 1 acre minimum lot area without public sewer and water or subject to modifications based upon soil percolation tests as determined by the Osceola County Board of Health
Lot Width -	80 feet minimum with public sewer and water 100 feet minimum without public sewer and water
Front Yard -	50 feet minimum required setback (from right-of-way line, not the center of the road)
Rear Yard -	30 feet minimum required setback
Side Yard -	15 feet minimum required setback
Street Side (Corner) Yard -	50 feet minimum required setback
Height -	35 feet maximum height for all uses *(See Section 12.11 for Height Exceptions)*

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

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Section 435.26, Code of Iowa.

Section 7.6. OFF-STREET PARKING.
Off-street parking and loading requirements shall be required for activities in the (RR) Rural Residential District in accordance with the provisions of Article XV of this ordinance.

Section 7.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (RR) Rural Residential District in accordance with the provisions of Article XVI of this ordinance.

Section 7.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with provisions of Section 18.3 of this ordinance.

ARTICLE VIII
Mobile and Manufactured Housing District (MR)

Article 8: Mobile and Manufactured Housing District

Section 8.1. Intent
Section 8.2. Principal Permitted Uses
Section 8.3. Conditional Uses
Section 8.4. Permitted Accessory Uses
Section 8.5. Site Development Regulations
Section 8.6. Mobile or Manufactured Home Park Requirements
Section 8.7. Additional Mobile or Manufactured Home Park Requirements
Section 8.8. Nonconforming Mobile Homes or Mobile Home Parks
Section 8.9. Mobile or Manufactured Homes Converted to Real Estate
Section 8.10. Zoning Permits Required

Section 8.1. INTENT.

The intent of the Mobile and Manufactured Housing District is to regulate the location and placement of mobile and/or manufactured housing units and the placement of these units within designated mobile or manufactured housing parks or subdivisions within Osceola County; and to continue providing for residential areas currently developed as mobile or manufactured home parks which by reason of their design and/or location are compatible with surrounding residential areas and areas of the county where similar development seems likely to occur.

Section 8.2. PRINCIPAL PERMITTED USES.

Within the (MR) Mobile and Manufactured Housing District, unless otherwise provided, only the following uses and structures shall be permitted by right.

Residential Uses	Civic or Public Uses
Mobile or Manufactured Housing	Local Utility Services Park and Recreation Services

Section 8.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (MR) Mobile and Manufactured Housing District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic or Public Uses
Single Family Residential Relocated Residential *(either single family or mobile or manufactured housing previously located in another park or site)*	Daycare Center Government/Public Services Educational Facilities Pre-Kindergarten, Preschool or Nursery School Religious Assembly

Section 8.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following uses and structures shall be permitted as an accessory to the principal use or building; and such accessories shall remain secondary in size, use and nature to the principal use of the property.

1. Essential Services
2. Private garages or carports.
3. Private parking lots
4. Personal recreational facilities for use by residents or guests, but not for commercial use
5. Utility sheds, garden buildings or greenhouses intended for personal or household use
6. Clubhouse, swimming pool or other guest facilities when used in combination with a homeowners association, subdivision, or mobile/manufactured home community.
7. Home occupations (See Section 12.12 for additional regulations)
8. Kennel, private
9. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the board or adjustment, of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 12.9.
10. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses and conditional uses in compliance with Section 12.10.

Section 8.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (MR) Mobile and Manufactured Housing District, and subject to the Additional Use Regulations.

Mobile or Manufactured Home Individual Lot Requirements:

Lot Area -	4,000 square feet - minimum lot area
Lot Width -	40 feet - minimum lot width
Front Yard -	15 feet - minimum required setback
Side Yard -	6 feet - minimum required setback, unless the mobile home borders the park boundary
Rear Yard -	15 feet - minimum required setback, unless the mobile home borders the park boundary
Street Side Yard (Corner Lot) -	15 feet - minimum required setback
Maximum Height:	35 feet
Residential Density:	Not more than one (1) dwelling unit per mobile home lot
Ground Coverage:	75% maximum ground coverage or 25% minimum open space, including ground level paving and accessory buildings

Mobile or Manufactured Park Requirements:

Park Area:	Minimum two (2) acres
Park Width:	200 feet - minimum park width
Park Boundary:	25 feet - minimum required setback for park boundary
Maximum Height:	35 feet for all buildings, unless otherwise provided

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

Furthermore, mobile home lots and parks shall be developed in conformance with the following Mobile and Manufactured Home Park Requirements outlined in the section below.

Section 8.6. MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.
Each mobile or manufactured home park shall be developed in accordance with the following requirements:

1. *Development Plan*: The following information shall be shown on the development plan or submitted in writing with it:
   a. The name of the proposed mobile home or manufactured housing park.
   b. Names, addresses and telephone numbers of the developer or representative.
   c. Location of mobile home or manufactured housing park, giving subdivision and lot numbers.
   d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development.
   e. Location map showing the relationship of the proposed development and adjacent tracts.
   f. Present land use and existing zoning of the proposed development and adjacent tracts.
   g. Interior streets, streets, street names, right-of-way and roadway widths.
   h. All lot lines and open spaces with dimensions shown.
   i. Delineation of all improvements required in this section.
   j. Location, dimensions, capacity, and design for the mobile home park's tornado or storm shelter, if such a facility is provided.

2. *Maintenance of Streets and Infrastructure*: If said development plan contains no dedication to the county of streets or utilities, or should it be contemplated that the facilities of the county shall not be used for maintenance of streets, sidewalks, and water and sewer lines, garbage collection, or other related functions. The owner of such mobile or manufactured housing park shall be responsible for the full provision of and maintenance to these facilities, services and infrastructure.

3. *Requirements for Permitted Accessory Uses and Buildings*:
   a. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary services for park residents' use only. No accessory building or structure shall

exceed twenty-five (25) feet in height; and shall meet the requirements of other applicable ordinances.

b. A mobile home or manufactured housing unit may be displayed and offered for sale, provided that the mobile or manufactured home is situated on a permanent pad within the development park.

c. Accessory structures may be no closer than 5 feet to any lot line.

d. One (1) identification sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts or stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than five (5) feet.

e. No more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, or have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign.

4. *Required Development Standards*:

a. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached.

b. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary from which every point shall not be less than the minimum width herein provided. The rear yard shall be the yard opposite and having the farthest distance as measured from the street or public way. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths.

c. The boundaries of each mobile home lot shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of limits in the ground shall be the same as shown on approved plans.

d. Each mobile home site shall be provided with a stand consistent with customary industry standards. Alternative pad and support mechanisms may be approved by the Planning Commission upon request and if accompanied by sketches or other documentation.

e. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626 (103A).

f. If a pier or post foundation is provided uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. A permanent type material and construction compatible with the design and color of the mobile home shall be installed to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand, and shall be constructed to provide substantial resistance to heavy winds. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park. Sufficient

screened ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the mobile home. Provisions shall be made for easy removal of a section large enough to permit access or inspection of the enclosed area under the mobile home, and for repair of sewer and water riser connections.

g. Storage of goods and articles underneath any mobile home shall be strictly prohibited.

h. Mobile homes or manufactured housing shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements. Compliance shall be determined by the Zoning Administrator.

i. Storm drainage facilities shall be so constructed as to protect those who reside in the mobile home park as well as the property owners adjacent to the park. Adequate provisions shall be made to handle all surface drainage and storm water runoff as determined by the county's engineer.

j. Garbage and trash containers for each mobile home shall be placed in a conveniently located area, not within the public right-of-way;

k. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home shall be placed underground.

l. Any fuel storage shall be in accordance with applicable federal, state & local regulations.

m. All roads, driveways and motor vehicle parking spaces shall be paved and constructed so as to handle anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. Streets and roads within a mobile or manufactured home park shall be equipped with speed bumps or other traffic slowing devices located at the entrance and exit to such park; and at other places within such mobile or manufactured park as desired or determined to be in the best interest of the residents of such park.

n. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public and private streets or roads to each mobile home site. Alignment and gradient shall be properly adapted to topography. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.

o. When a cul-de-sac is provided, the radius of such roadway loop shall be a minimum of one hundred (100) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet.

p. One (1) off-street parking space shall be provided within one hundred and fifty feet (150') of each mobile home site. In such park there shall be provided one (1) additional parking space per mobile home lot for additional storage of all recreational type vehicles and visitor parking.

q. Street lighting shall be required in all mobile home parks unless a variance is granted by the board of adjustment. Street light locations shall be shown on the site plan for the mobile home park. Exact street light locations shall be determined by the county in

consultation with the utility company. The owner of the mobile home park shall pay the material and installation costs of all street lights.

r. No mobile or manufactured home within a mobile home park shall be less within three hundred (300) feet of a fire hydrant. All water mains providing fire flow to such hydrants shall be as required by the subdivision regulations.

s. All streets intended for general public use shall be dedicated as a public right-of-way and subject to such improvements as may be required by the Osceola County.

t. A written emergency plan submitted to the county and posted on site to advise all of the park residents of safety measures.

All mobile home parks shall conform to the above requirements in addition to all current county specifications and standards.

Section 8.7. ADDITIONAL MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.

In addition to the above stated required development standards stated in Section 6 above, each mobile or manufactured home park shall be developed in accordance with the following additional requirements:

1. The rental of mobile or manufactured homes shall be in accordance with the laws and statutes identified in 562B of the Iowa Code, Manufactured Home Communities or Mobile Home Parks Residential Landlord and Tenant Law.

2. All dwellings shall follow the standards for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities as stated in the NFPA 501A (2009) or amendments thereto.

3. All factory built structures, including mobile and manufactured housing units, shall comply with the provisions of Chapter 661.16 of the Iowa State Building Code – Factory-Built Structures.

4. All factory built structure, including mobile and manufactured housing units shall comply with the anchorage and support provisions outlined in Chapter 661.322 of the Iowa State Building Code – Manufactured Housing Support and Anchorage Systems.

Section 8.8. NONCONFORMING MOBILE HOMES OR MOBILE HOME PARKS.

Mobile or manufactured homes and mobile home parks existing at the time of the adoption of this ordinance will be governed as follows:

1. All mobile home parks lawfully established and located within the Osceola County prior to the adoption of the ordinance and are being used in a manner or for purposes otherwise lawful but which do not conform to the provisions of this article shall be deemed to be a lawfully vested nonconforming use. As such, the nonconforming mobile home park may continue to operate in the manner and to the extent that it lawfully existed at the time of annexation.

2. Any existing mobile home park may hereafter be expanded or enlarged provided such expansion or enlargement in the new area is done in conformity with this ordinance.

3. All existing, nonconforming mobile homes or manufactured housing units which are subsequently sold to a new owner, as well as all mobile home units installed on a mobile home space subsequent to the enactment of the ordinance shall conform to the skirting requirements of Section 6, Subsection 4., parts d. e. and f., prior to being occupied.

4. Any nonconforming mobile or manufactured home, not considered real estate, or any mobile home park or manufactured housing subdivision that is hereafter abandoned, unused or unoccupied for a period of one (1) year or more shall not again be used as such until it is brought into compliance with the provisions of this article. The Board of Supervisors may, in its sole discretion, grant an extension of time beyond the one year requirement provided the council receives a written request from the owner stating reasons for the time extension.

5. Any nonconforming mobile or manufactured home, not considered real estate, or any mobile home park or manufactured housing subdivision which is hereafter damaged by any means to an extent exceeding sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of foundations shall not be restored or reconstructed to its prior use until it is brought into compliance with the provisions of this article.

6. Nothing in this section shall prohibit the maintenance and repair of nonconforming mobile or manufactured homes or any mobile home park or manufactured housing subdivision to keep such facilities in sound and safe condition, provided no enlargement, extension, alteration or change shall be made to increase the degree of nonconformity.

Section 8.9. MOBILE OR MANUFACTURED HOMES CONVERTED TO REAL ESTATE.

A mobile home or manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases: 1) Mobile homes or manufactured homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation. 2) A taxable mobile home or manufactured home that is located outside of a mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this article until the home is relocated.
(Code of Iowa, Sec. 435.26 & Sec. 435.35)

A mobile home or manufactured home located outside of a mobile home park shall be placed on a permanent frost-free foundation system, which meets the support and anchorage requirements as recommended by the manufacturer, or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. *(Code of Iowa, Sec. 103A.10)*

Section 8.10. ZONING PERMITS REQUIRED.

Zoning permits shall be required for the construction, alteration, or expansion of any mobile or manufactured home in accordance with the provisions of this ordinance.

ARTICLE IX
(HC) Highway Commercial District

Section 9: Highway Commercial District
Section 9.1. Intent
Section 9.2. Principal Permitted Uses
Section 9.3. Special Exception Uses
Section 9.4 Permitted Accessory Uses and Structures
Section 9.5. Site Development Regulations
Section 9.6. Open-Air Sales, Display and Storage
Section 9.7. Off-Street Parking
Section 9.8. Sign Regulations
Section 9.9. Zoning Permits Required

Section 9.1. INTENT.

The intent of the Highway Commercial District is primarily for commercial and certain light industrial uses whose primary function is catering to traffic generated by the adjacent major roadway. These uses are also characterized by the need for larger lot sizes and the need to supply their own off street parking. Site development regulations and performance standards are intended to ensure adequate access to and from uses. Highway commercial uses in Osceola County will be required to locate adjacent to hard surfaced transportation routes and/or in close proximity to an incorporated city or other urban developments.

Section 9.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted by right within the (HC) Highway Commercial District, unless otherwise provided.

Commercial Uses		Civic/Public Uses
Administrative/Business Offices	Funeral Services	Charitable Institution
Agricultural Sales & Services	General Retail Sales	Club or Lodge
Automotive Repair Services	Golf Course or Country Club	Cultural Services
Automotive Sales or Rental	Health Club or Facility	Daycare Facility
Automotive Washing	Hospital Services	Government/Public Services
Building Maintenance/Support Services	Liquor Sales	Local Utility Services
Business or Trade School	Maintenance/Service Facilities	Park and Recreation Services
Commercial Auction Yards/Barns	Medical Clinics/Offices	Safety Services
Commercial Garage	Personal Services	Treatment Services
Commercial Off-Street Parking	Pet Services	
Commercial Recreation	Professional Office	
- Indoor Entertainment/Recreation	Restaurant	
Commercial Stables	Service Station	
Condominium or Business Storage	Vehicle Storage	
Construction Sales and Services	Veterinary Services	
Convenience Storage	Winery	
Convenience Store	Visitor Habitation	
Financial Services	-Campground	
	-Hotel/Motel	
	-Bed & Breakfast Inn	

Section 9.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (HC) Highway Commercial District subject to specific conditions and requirements upon approval of the board of adjustment as provided for in Article XXI of this ordinance.

<table>
<tr><th>Commercial Uses</th><th>Residential Uses</th><th>Civic/Public Uses</th></tr>
<tr><td rowspan="3">Bar or Cocktail Lounge
Commercial Recreation
- Outdoor Entertainment and Recreation
Communication Services
Equipment Sales
Equipment Repair Services
Kennel, Commercial
Nightclub
Transportation Services
Wind Energy Devices
(See Article XIII for additional regulations)</td><td>Mobile Home Park and/or Manufactured Housing Subdivision</td><td rowspan="3">Aviation Facilities
Cemetery
Cultural Services
Detention Facilities
Educational Facilities
Major Utility Facilities
Military Installations
Religious Assembly</td></tr>
<tr><td>Industrial Uses</td></tr>
<tr><td>Custom Manufacturing
Limited Warehousing & Distribution
Wholesale Trade & Distribution</td></tr>
<tr><td colspan="3">Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the board of adjustment.</td></tr>
</table>

Section 9.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory buildings and uses are permitted in the (HC) Highway Commercial District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Any other commercial use type not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated for the convenience of employees, clients, or customers of the principal use.
   b. Storage of merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use;
   c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
2. Private garage or carport
3. Essential services, but not including any major utility facility
4. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the board or adjustment, of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 12.9.
5. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses and conditional uses in compliance with Section 12.10.

Section 9.5. SITE DEVELOPMENT REGULATIONS.
The following minimum lot requirements shall be observed, and subject to modifications contained in Article XII, Additional Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	25,000 sq. ft. minimum lot area
Lot Width -	100 feet minimum lot width
Front Yard -	50 feet minimum required setback from the right-of-way line of any federal, state, county or local roadway or other public access. (The front yard setback is not measured from the center of the road.)
Rear Yard -	25 feet minimum required setback
Side Yard -	12 feet minimum required setback
Street Side (Corner) Yard -	50 feet minimum required setback
Height -	50 feet maximum height. No structure shall be permitted to extend into approach zones, clear zones or protected air space required for the protection of any public airport. *(See Section 12.11 for Height Exceptions)*

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

Section 9.6. OPEN-AIR SALES, DISPLAY AND STORAGE.
All open-air sales display and storage for used auto and used sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements in Section 21.7(2).

Section 9.7. OFF-STREET PARKING.
Off-street parking and loading requirements shall be provided for activities in the (HC) Highway Commercial District in accordance with the provisions of Article XV of this ordinance.

Section 9.8. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (HC) Highway Commercial District in accordance with the provisions of Article XVI of the ordinance.

Section 9.9. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with provisions of Section 18.3 of this ordinance.

ARTICLE X
(RC) – Rural Commercial District

Section 10: Rural Commercial District

Section 10.1. Intent
Section 10.2. Principal Permitted Uses
Section 10.3. Conditional Uses
Section 10.4 Permitted Accessory Uses and Structures
Section 10.5. Site Development Regulations
Section 10.6. Open-Air Sales, Display and Storage
Section 10.7. Off-Street Parking
Section 10.8. Sign Regulations
Section 10.9. Zoning Permits Required

Section 10.1. INTENT.

The intent of the Rural Commercial District is to provide in the unincorporated towns for a limited number of establishments in size and scope that primarily cater to the agricultural needs of the surrounding area.

Section 10.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted by right within the (RC) Rural Commercial District, unless otherwise provided.

<table>
<tr><th colspan="2">Commercial Uses</th><th>Agricultural Uses</th></tr>
<tr><td rowspan="2">Agricultural Sales and Services
Automotive Repair Services
Automotive Sales or Rental
Automotive Washing
Building Maintenance Services
Business or Trade School
Commercial Auction Yards/Barns
Commercial Garage
Commercial Off-Street Parking
Commercial Stables
Communication Services
Condominium or Business Storage Unit
Construction Sales and Services
Convenience Storage
Convenience Store
Equipment Repair Services
Equipment Sales
General Retail Sales</td><td rowspan="2">Golf Course/Country Club
Liquor Sales
Maintenance and Service Facilities
Personal Services
Pet Services
Professional Office
Recycling Center
Restaurant
Service Station
Stockyards
Transportation Services
Vehicle Storage
Veterinary Services
Visitor Habitation
- Campground
- Hotel/Motel
- Bed & Breakfast Inn
- Boarding House</td><td>Agricultural Storage Buildings
Pesticide/Fertilizer Storage
Viticulture or Viniculture</td></tr>
<tr><td>Civic/Public Uses</td></tr>
<tr><td colspan="2"></td><td>Government/Public Services
Local Utility Services
Park and Recreation Services
Religious Assembly
Safety Services</td></tr>
</table>

Section 10.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (RC) Rural Commercial District subject to specific conditions and requirements upon approval of the board of adjustment as provided for in Article XXI of this ordinance.

Commercial Uses	Industrial Uses	Civic
Bar or Cocktail Lounge Kennel, Commercial Nightclub Stockyards	Custom Manufacturing Fertilizer or Chemical Storage & Processing Fuel Storage and/or Bulk Stations Limited Warehousing and Distribution Railroad Facilities Research and Production Services Resource Extraction Scrap and Salvage Services Wholesale Trade and Distribution	Detention Facilities Major Utility Facilities Military Installations
Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the board of adjustment.		

Section 10.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory buildings and uses are permitted in the (RC) Rural Commercial District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Any other commercial use type not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated for the convenience of employees, clients, or customers of the principal use.
   b. Storage of merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use;
   c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
2. Private garage or carport
3. Essential services, but not including any major utility facility
4. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the board or adjustment, of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 12.9.
5. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses and conditional uses in compliance with Section 12.10.

Section 10.5. SITE DEVELOPMENT REGULATIONS.
The following minimum lot requirements shall be observed, and subject to modifications contained in Article XII, Additional Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	25,000 sq. ft. minimum lot area
Lot Width -	100 feet minimum lot width
Front Yard -	50 feet minimum required setback from the right-of-way line of any federal, state, county or local roadway or other public access. (The front yard setback is not measured from the center of the road.)
Rear Yard -	25 feet minimum required setback
Side Yard -	10 feet minimum required setback
Street Side (Corner) Yard -	50 feet minimum required setback
Height -	50 feet maximum height. No structure shall be permitted to extend into approach zones, clear zones or protected air space required for the protection of any public airport. *(See Section 12.11 for Height Exceptions)*

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

Section 10.6. OPEN-AIR SALES, DISPLAY AND STORAGE.
All open-air sales display and storage for used auto and used sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements in Section 21.7(2).

Section 10.7. OFF-STREET PARKING.
Off-street parking and loading requirements shall be provided for activities in the (RC) Rural Commercial District in accordance with the provisions of Article XV of this ordinance.

Section 10.8. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (RC) Rural Commercial District in accordance with the provisions of Article XVI of the ordinance.

Section 10.9. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with provisions of Section 18.3 of this ordinance.

ARTICLE XI
(GI) General Industrial District

Article 11: General Industrial District

Section 11.1. Intent
Section 11.2. Principal Permitted Uses
Section 11.3. Conditional Uses
Section 11.4. Permitted Accessory Uses and Structures
Section 11.5. Required Conditions
Section 11.6. Site Development Regulations
Section 11.7. Open-Air Sales, Display and Storage
Section 11.8. Off-Street Parking
Section 11.9. Sign Regulations
Section 11.10. Zoning Permits Required

Section 11.1. INTENT.

The intent of the General Industrial District is intended to provide for certain commercial and a wide range of industrial uses and structures that are able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions. It is not intended that any new residential development be permitted in the GI District.

Section 11.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted by right within the GI General Industrial District, except those uses that by reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety, and general welfare of Osceola County.

Industrial Uses	**Commercial Uses**	
Alternative Fuels and Energy Production Facilities Biotechnology Production and/or Manufacturing Custom Manufacturing Data Center General Warehousing and Distribution Heavy Industry Light Industry Limited Warehousing and Distribution Railroad Facilities Renewable Energy/Renewable Resources Industries Research and Production Services Resource Extraction Wholesale Trade & Distribution	Administrative/Business Offices Agricultural Sales and Services Automotive Repair Services Automotive Sales or Rental Automotive Washing Building Maintenance Services Business or Trade School Commercial Auction Yards/Barns Commercial Garage Commercial Off Street Parking Commercial Stables Commercial Recreation -Outdoor Entertainment/Recreation Condominium Storage Units Construction Sales and Service Convenience Storage Convenience Store Equipment Sales Equipment Repair Services	Professional Office Recycling Center Service Station Transportation Services Vehicle Storage
		Civic Uses
		Aviation Facilities Club or Lodge Government/Public Services Local Utility Services Major Utility Services Maintenance/Service Facilities Public Assembly Safety Services Treatment Services

Section 11.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (GI) General Industrial District subject to specific conditions and requirements upon approval of the board of adjustment as provided for in Article XXI of this ordinance.

Industrial Uses	Commercial Uses	Civic
Comm. Sanitary Sewer System Comm. Water Supply System Fertilizer or Chemical Storage or Processing Fuel Storage and/or Bulk Stations Scrap and Salvage Services	Bar or Cocktail Lounge Communications Services Liquor Sales Kennel, Commercial Nightclub Stockyards Wind Energy Devices *(See Article XIII for additional regulations)*	Detention Facilities Military Installations
Other uses and structures similar in nature and use to the principal permitted uses in the district as recommended for approval by the Zoning Administrator and approved by the board of adjustment.		

Section 11.4. PERMITTED ACCESSORY USES AND STRUCTURES.

The following accessory buildings and uses are permitted in the (GI) General Industrial District. Accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to principal uses.

1. Any other industrial use type not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated for the convenience of employees, clients, or customers of the principal use.
   b. Storage of merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use;
   c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
2. Private garage or carport
3. Essential services, but not including any major utility facility
4. Temporary buildings and uses incidental to construction, or those necessary in the event of any emergency as determined by the board or adjustment, of which shall be removed upon the completion or abandonment of the work, and in compliance with Section 12.9.
5. Accessory buildings and uses customarily incidental and subordinate to the permitted principal uses and conditional uses in compliance with Section 12.10.

Section 11.5. SITE DEVELOPMENT REGULATIONS.

The following minimum lot requirements shall be observed, and subject to modifications contained in Article XII, Additional Regulations. These requirements do not apply to farms, land, buildings and structures used primarily for agricultural purposes.

Lot Area -	25,000 sq. ft. minimum lot area
Lot Width -	100 feet minimum lot width
Front Yard -	50 feet minimum required setback from the right-of-way line of any federal, state, county or local roadway or other public access. (The front yard setback is not measured from the center of the road.)
Rear Yard -	25 feet minimum required setback
Side Yard -	10 feet minimum required setback
Street Side (Corner) Yard -	50 feet minimum required setback
Height -	50 feet maximum height. No structure shall be permitted to extend into approach zones, clear zones or protected air space required for the protection of any public airport. *(See Section 12.11 for Height Exceptions)*

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

Section 11.6. ADDITIONAL REGULATIONS.

1. The best practical means available shall be employed for the disposal of refuse matter or wastewater, and the abatement or control of noxious or offensive conditions affecting surrounding properties such as odors, dust, smoke, gas, noise or similar nuisances.
2. All facilities required for the discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
3. All principal or accessory structures housing a use permitted only in the (GI) General Industrial District shall be located at least five hundred feet (500') from any residential district.

Section 11.7. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales display and storage for used auto and used sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, other vehicle or equipment sales and storage shall comply with the minimum requirements in Section 21.7(2).

Section 11.8. OFF-STREET PARKING.

Off-street parking and loading requirements shall be provided for activities in the (GI) General Industrial District in accordance with the provisions of Article XV of this ordinance.

Section 11.9. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (GI) General Industrial District in accordance with the provisions of Article XVI of the ordinance.

Section 11.10. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with provisions of Section 18.3 of this ordinance.

"QUICK REFERENCE GUIDE"
OSCEOLA COUNTY ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Rear Yard	Required Side Yard	Street Side Yard (Corner Lot)	Maximum Height
AG Agriculture	- 2 acres for non res. uses - 2 acres for non-farm dwellings	300 ft.	50 ft.	50 ft.	25 ft.	50 ft.	- 35 ft. for non farm dwellings - No limits on ag uses
EC Environmental Conservation	none	none	50 ft.	50 ft.	25 ft.	50 ft.	none
RR Rural Residential	20,000 sq.ft. w/public S&W 1 acre wo/S&W	80 ft. w/ public S&W 100 ft. wo/ S&W	50 ft.	30 ft.	15 ft.	50 ft.	35 ft. - No limits on ag uses
MR Mobile and Manufactured Housing	LOTS 4,000 sq.ft PARK 2 acres	LOTS 40 ft. PARK 200 ft.	15 ft.	LOTS 15 ft. 25 ft. Park Boundary	6 ft.	15 ft.	35 ft.
HC Highway Commercial	25,000 sq.ft.	100 ft.	50 ft.	25 ft.	12 ft.	50 ft.	50 ft.
RC Rural Commercial	25,000 sq.ft.	100 ft.	50 ft.	25 ft.	10 ft.	50 ft.	50 ft.
GI General Industrial	25,000 sq.ft.	100 ft.	50 ft.	25 ft.	10 ft.	50 ft.	50 ft.

Note: SF= Single Family; w/S&W= with sewer and water; wo/S&W = without sewer and water; sq.ft. = square feet

ARTICLE XII
Additional Regulations

Article 12: Additional Regulations

Section 12.1. Intent
Section 12.2. Lot of Record
Section 12.3. Multiple Principal Structures per Lot
Section 12.4. Yard Regulations
Section 12.5. Steps, Decks and Patios
Section 12.6. Fences and Hedges
Section 12.7. Buildings to Have Access
Section 12.8. Use of Public Right-Of-Ways
Section 12.9. Temporary Buildings and Uses
Section 12.10. Accessory Buildings and Uses
Section 12.11. Height Exceptions
Section 12.12. Home Occupations
Section 12.13. Farm Occupations and Businesses
Section 12.14. Minimum Requirements for Residential Structures
Section 12.15. Adult Entertainment Regulations
Section 12.16. Communication Tower Regulations
Section 12.17. Minor Modification to District Regulations

Section 12.1. INTENT.

The regulations set forth in this article qualify, supplement or modify the zoning district regulations set forth elsewhere in this ordinance. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

Section 12.2. LOT OF RECORD.

In any residential zoning district, a lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this ordinance. Only one principal building will be permitted on one lot of record. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards on each side of the dwelling. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into a zoning lot and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

Section 12.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

More than one principal structure of a single permitted use, not intended to be a single family residential structure, may be located upon a single zoning lot or tract in the following instances and only after if has been approved by the board of adjustment.

1) Institutional buildings, 2) Public or semi-public buildings, 3) Multiple-family dwellings 4) Commercial or industrial buildings, 5) Convalescent Care, Nursing Homes, and Assisted Living facilities & 6) Agricultural buildings

Furthermore, all buildings and structures located on one zoning lot or tract shall be served by access ways suitable for police, fire, and emergency vehicles.

Section 12.4. YARD REGULATIONS.

1. *Front Yard Building Setback*. The building setback lines shall be determined by measuring the horizontal distance from the property line or road right-of-way line, whichever is closer, to the vertical face of the nearest architectural projection of the existing or proposed structure.

2. *Yard Requirements.* Yard requirements shall be set forth in the schedule of site development regulations and other additional development regulations for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

3. *Lot Size*. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district or as stipulated below, whichever is greater, subject to the approval of the Osceola County Board of Health;

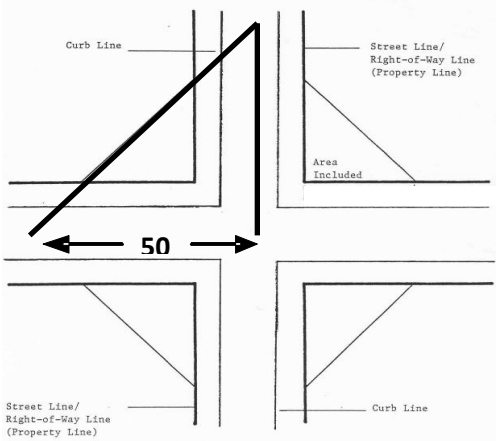
   a. Lot area shall be no less than 1 acre with no public sewer and/or water supply
   b. Lot width shall be no less than 100 feet with no public sewer and/or water supply

   The above requirements shall not apply in subdivision developments providing private water supply and sewage collection and disposal systems approved by the Iowa Department of Natural Resources.

4. *Front Yard Continuity Requirements.* Where 30% or more of the block frontage is improved with buildings, no part of any building shall project beyond a front building line adjoining the two adjacent corners of the building on either side thereof. Where there is a building on only one (1) side of a proposed structure, such building may be constructed as close to the front building line as the existing adjacent building. With that stated, no building shall be required to provide a front yard of greater than fifty feet (50') or less than twenty-five feet (25'). In the case where the block frontage along a street is less than 30% developed, the required minimum yard setbacks of the district shall be observed.

5. *Projecting Overhang or Structure*. The ordinary horizontal projections from buildings including eaves, sills, fascia, cornices, or other similar architectural features, except for gutters (but not including uncovered patios, uncovered carports, or other concrete slab structures) may project or extend not more than three (3) feet into a required yard. Covered carports, bay windows, cantilevered projections, chimneys and other similar structures may not project into any required setback. Awnings and canopies are permitted provided they do not extend or project into the setback more than three feet (3').

6. *Line of Site Visibility (on Corner Lots).* On a corner lot in any district, no fence, wall, hedge, tree or other planting or structure shall be erected or placed for storage in such as manner as to materially impede vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting street or road, from the point of intersection fifty feet (50') feet in each direction measured along the



centerline of the street or road. In the Agricultural district, crops are specifically exempted from this section.

7. *Through Lots (or Double Frontage Lots)*. Buildings on through lots, extending from street to street shall provide the required front yard on each street.

8. *Corner Lots.* The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, and no accessory building shall project beyond the required front yard on either street.

Section 12.5. STEPS, DECKS AND PATIOS.

1. Steps providing access to the ground level of any dwelling may encroach no more than three feet (3') into any required yard.

2. Accessibility ramps are permitted when used for wheelchair and other assisting devices.

3. Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into a front yard for a distance not exceeding ten feet (10').

4. Uncovered patios or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed within the required front, side, or rear yards. Concrete slab structure built on the ground or uncovered patios may be built up to the property line in the side and rear yards. However, uncovered patios or other concrete slab structures within front yards shall not extend more than ten feet (10') beyond either side of a driveway.

Section 12.6. FENCES AND HEDGES.

1. *Fences for Residential Uses*: Fences or hedges within residential zoned districts shall not exceed four feet (4') in height in any required front yard, and shall not exceed seven feet (7') in height in any required side or rear yard, subject to the further restriction of Section 12.4.8. above. Fences in excess of seven feet (7') will be allowed in the cases of tennis courts and swimming pools. Fences within the front yard shall not be more than fifty percent (50%) solid. Such residential fencing shall be constructed of commonly used materials such as masonry, lumber, and chain link. Fences within all residential zoned districts shall not be constructed of corrugated tin, metal or fiberglass; or sheet metal or fiberglass, barbed wire, temporary plastic fencing and/or salvage materials. The Planning Commission, upon recommendation of the Zoning Administrator, will have the determination of materials used in fencing if the Zoning Administrator has questions on the structural integrity, safety or effective use of proposed fencing. Fences shall be constructed so that the frame and/or post used in the construction will be on the inside of the owner's side of the fence with the finished side facing out. Fences in excess of seven feet (7') may be allowed by conditional use by the board of adjustment in instances where the fence will protect the public view against junk, salvage, scrap or other similar industrial uses. No structure, building, sign, fence or landscaping shall be placed in an easement.

2. *Fences for Nonresidential Uses*: No such fence shall be constructed of salvaged material. No such fence shall use barbed wire closer than six (6) feet to the ground except a fence used purely for agricultural purposes. Nonresidential fences shall not exceed eight feet (8') in height in side and rear yards. Fences in front yards adjacent to street right-of-way lines shall not exceed four feet (4') in height and not be constructed within 3' of a street a right-of-way line. No wall, fence, and/or hedge shall be so located as to obstruct the view of traffic approaching an intersection from any direction. No structure, building, sign, fence or landscaping shall be placed in an easement. Nothing in this section shall be deemed to apply to public tennis courts, public pools, public baseball fields, and any other public recreational use, except where traffic visibility is impaired.

3. *Fences for Agricultural Uses*: Fences located within the agricultural zoning districts are not subject to the fence and hedge regulations listed in items Sections 12.6.1 and 12.6.2 above. Rural partition fences are governed by Chapter 359A. A dispute between two landowners about a partition fence is to be resolved by the fence viewers/township trustees.

All fences are permitted to be built up to the front, side and rear property lines, except as otherwise stated above. Hedges and other perennial plantings shall not be planted closer than 2' to any property line. Vertical landscaping including retaining walls shall not be constructed within 2' to any property line. Disputes between two adjacent property owners concerning fences, landscaping, plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.

Section 12.7. BUILDINGS TO HAVE ACCESS.

Every principal use building hereafter erected or structurally altered shall be on a lot or parcel having frontage of not less than fifty feet (50') on a public street or road.

Section 12.8. USE OF PUBLIC RIGHT-OF-WAYS.

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

Section 12.9. TEMPORARY BUILDINGS AND USES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of this zoning ordinance and when compatible with other nearby uses.

1. *Temporary Use Types:* The following types of temporary use may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Zoning Administrator.
   a. Temporary building(s) used in conjunction with construction may be permitted in any district during the period that the construction is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the work.
   b. Religious, patriotic, or historic assemblies, displays, or exhibits.

c. Circuses, carnivals, fairs, or similar transient amusement or recreational activities.

d. Christmas tree sale lots, exclusive of tree farms.

e. Outdoor special sales, including arts and crafts shows, swap meets, flea markets, parking lot sales, or similar activities, limited to locations in all residential, commercial or industrial districts, and when operated more than 3 days in the same week or more than 7 days in the same month.

f. Temporary signs relating to temporary uses.

g. Temporary use of trailer units or similar portable structures for nonresidential uses, of which are limited to a maximum time period of 6 months per calendar year.

h. Additional similar uses determined to be temporary by the Zoning Administrator.

2. *Required Conditions of Temporary Use:*
Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The Zoning Administrator may establish additional conditions as deemed necessary to ensure land use compatibility and to minimize potential negative impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup.

Section 12.10. ACCESSORY BUILDINGS AND USES.

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

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

1. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building.

2. No accessory building shall be located closer than five feet (5') of any side or rear lot line.

3. No accessory building shall be permitted within the front yard.

4. Accessory buildings may be allowed as the only principal structure on a separate lot so long as the property the accessory building is situated on is located adjacent to or no more than 300 feet from the lot of the principal structure it is associated with.

5. No accessory building in any residential district shall occupy more than thirty percent (30%) of the rear yard.

6. No accessory building in any district shall be erected within ten feet (10') of any other buildings on the same lot or adjacent lots.

7. Accessory buildings shall not be used for dwelling purposes at any time.
8. Accessory buildings shall not be erected, placed, located or constructed on any required, permanent, temporary or utility easement.
9. Accessory buildings shall not exceed twenty feet (20') in height in residential districts and twenty-five feet (25') in height in commercial or industrial districts, but in no circumstance shall the elevation of the accessory building exceed the height of the principal building or structure on the property.
10. An accessory building may be constructed as the only building on a lot for a period not to exceed two (2) years, when construction of the principal building is occurring.
11. Service station gas pumps and pump islands are not considered accessory structures and may occupy required yards, provided however, they are not less than fifteen feet (15') from street right-of-way lines.

Section 12.11. HEIGHT EXCEPTIONS.

The following buildings and structures shall be exempt from the height requirements provided in the district regulations for which the structure is located: television and radio towers, other receiving antennas, church spires, belfries, monuments, farm buildings, tanks, penthouses and domes not used for human occupancy, water and fire towers, water tanks, wind energy devices, stage towers or scenery lofts, cooling towers, grain elevators, silos, utility poles, essential services, ornamental towers, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses. These structures or accessories may be erected to a height not in conflict with any other applicable regulations, and shall conform where applicable to the requirements of the Federal Communications Commission, the Federal Aviation Administration and other public authorities having jurisdiction. No tower or structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Section 12.12. HOME OCCUPATIONS.

Home occupations as an accessory use shall be permitted when said occupation or business is conducted in a residential dwelling on non-farm residential property and is considered customary, traditional, and incidental to the primary use of the premises. The board of adjustment may grant additional conditional uses for types of allowed uses, and employment of individuals not living in the residence, or signs that are larger than allowed, provided the proposed conditional use will not create a nuisance for surrounding residents. Home occupations are permitted for all agricultural uses by the very natural of agricultural uses being exempt from zoning regulations. However, businesses operating on farmsteads or agricultural properties, as an accessory to the principal use, are subject to the regulations of Section 12.13 Farm Occupations and Businesses. All home occupations are subject to the following limitations:

1. Is customarily carried on in a dwelling unit, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
2. The operator conducting the home occupation shall be the sole proprietor. The home occupation is carried on by a member of the family residing in the dwelling unit and does not employ more than one (1) person outside the immediate family.

3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
5. Home occupations may have only one (1) flush mounted non-illuminated exterior wall sign, which sign shall not exceed four (4) square feet in size.
6. Does not occupy more than 30% of the area of one (1) story of the dwelling unit.
7. No offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood shall be noticeable beyond the property line.
8. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence shall be permitted.
9. Retail sales are not permitted other than incidental sales related to services provided.
10. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the use is primarily intended.
11. All businesses related to daycare homes and childcare centers shall be in accordance with the Iowa Administrative Code.
12. Certain specified uses not permitted as home occupations are determined by the Zoning Administrator and include, but not limited to commercial kennels, commercial riding stables, veterinarian clinics/hospitals, medical and dental clinics, hospitals, restaurants, clubs, drinking establishments, truck or automotive repair, undertaking and funeral parlors, adult entertainment uses.

Section 12.13. FARM OCCUPATIONS AND BUSINESSES.

An occupation or business customarily engaged in on a farm, as a supplementary source of income. The board of adjustment shall grant special exemptions for the type of allowed use, the use of additional buildings, and employment of individuals; provided the proposed conditional use will not create a nuisance for surrounding properties or residents. Farm occupations or businesses shall also be subject to the following limitations.

1. Is clearly incidental and secondary to the operation of the farm.
2. Is carried on by a member of the family residing in the farm dwelling, and does not employ more than three (3) fulltime persons outside the resident family on the premises.
3. Is conducted within farm dwellings, an accessory building, a designated business building, or customary farm buildings as long as the occupation is located on the same premises as the principal farm dwelling.
4. Incidental equipment or materials associated with a farm occupation or business may be displayed or stored where visible from off the premises. However, the business shall not use the principal use of the property as a sales lot or display area for farm occupation products such as automobiles, recreational vehicles or farm machinery and equipment.

5. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the farm occupations. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Osceola County.
6. Home occupations may have only one (1) flush mounted non-illuminated exterior wall sign identifying the product or service available, of which sign shall not exceed twelve (12) square feet in size, and one (1) non-illuminated yard sign not exceeding twenty (20) square feet and ten feet (10') in height.
7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence shall be permitted.
8. The farm occupation or business shall not produce offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farm dwelling.
9. Farm occupations or businesses focused on repairs and maintenance of vehicles and motors shall not be allowed for the storage of damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home-based business is taking place.
10. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and federal regulations and shall be kept in a place that is secured, dry and locked from general access.
11. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design or the principal dwelling unit.
12. Certain specified uses not permitted as home occupations are determined by the Zoning Administrator and include, but not limited to veterinarian clinics/hospitals, medical and dental clinics, hospitals, restaurants, clubs, drinking establishments, undertaking and funeral parlors, adult entertainment uses.

A farm occupation or business permit is granted in accordance with the provisions of this article, and shall not be transferred, assigned, nor used by any person other than the permittee. Nor shall such permit authorize such farm occupation or business at any location other than the one for which the permit is granted. A farm occupation or business granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:

a. That any requirements of the farm occupation or business conditional use permit is violated
b. That such use becomes detrimental to the public health or safety or deemed a nuisance
c. That the conditional use permit was obtained by misrepresentation or fraud
d. That the use for which the permit was granted has ceased for at least six (6) consecutive months
e. That the condition of the premises has changed so that the farm occupation or business may no longer be justified under the purpose and intent of this section

Section 12.14. MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES.

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

1. *Structure Size*: Each such structure shall have a main body with a minimum exterior dimension of at least twenty-four feet (24') measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures.

2. *Minimum Floor Area*: Each such structure shall have a minimum floor area of not less than eight hundred (800) square feet.

3. *Foundation:* All residential dwellings shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation in incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing or post foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.

4. *Exterior Materials*: Exterior wall covering shall be of wood or masonry finish, vertical or horizontal grooved siding, lap siding, log siding, wood shingles, or other approved materials of similar appearance thereof. Roofing materials shall be shingles (asphalt, fiberglass, metal or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing such as standing seam, embossed or textured metal. Smooth, unfinished or corrugated sheet metal (including galvanized) or sheet fiberglass shall not be used for exterior wall or roof coverings.

5. *Entrance and Exit Doors*: No less than two (2) functional entrance and exit doors.

6. *Wheels, Axles or Towing Device*: No residential structure shall have attached wheels, axles, or a towing device.

The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park in compliance with the remaining regulations in this zoning ordinance.

Section 12.15. ADULT ENTERTAINMENT REGULATIONS.

Osceola County, Iowa finds that adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Osceola County. Because of their very nature, these uses have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them. It is for these reasons and further that Osceola County finds the concern over sexually-transmitted diseases is a legitimate health concern that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the county. Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent areas. Furthermore, Osceola County wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protection

from increased crime; preserve the quality of life; preserve property values and deter the spread of blight. It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments as well as the problems associated with such establishments.

1. *Definitions.*

Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.

a. *Adult Bookstore*: An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.

b. *Adult Companionship Establishment*. An establishment that provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

c. *Adult Entertainment*: Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.

d. *Adult Motion Picture Theater*: An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.

e. *Adult Entertainment Establishment*: Any establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures or adult entertainment dancing.

f. *Adult Novelty Business*: A business that primarily engages in the sale of devices that simulate human genitals or devices designed for sexual stimulation.

g. *Operators:* Any person, partnership, or corporation operating, conducting, maintaining or owning any adult entertainment establishment.

h. *Specified Anatomical Areas:* Less than completely and opaquely covered female or male genitals or buttocks; and the fully exposed female breasts.

i. *Specified Sexual Activities:* Simulated or actual acts of:
(i) showing of specified anatomical areas in a state of sexual stimulation or arousal;
(ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
(iii) fondling or erotic touching of specified anatomical areas.

2. *Locational Requirements and Restrictions*.
An adult entertainment establishment shall only be permitted in Osceola County in the (GI) General Industrial zoning district upon receipt of a site plan prepared in accordance with Article XIV and a conditional use permit in accordance with the procedures set forth in Article XXI; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the property or zoning district boundary from which the proposed adult entertainment business is to be separated.

a. Adult entertainment establishments shall be prohibited in or within one thousand (1,320) feet of the borders of a residential district.

b. Adult entertainment establishments shall be prohibited within one thousand (1,320) feet of any church, synagogue, mosque, temple, or other place of religious worship.

c. Adult entertainment establishments shall be prohibited within one thousand (1,320) feet of any public or private educational uses.

d. Adult entertainment establishments shall be prohibited within one thousand (1,320) feet of any recreational uses.

e. Adult entertainment establishments shall be prohibited within one thousand (1,320) feet of any daycare home or daycare business.

f. Adult entertainment establishments shall be prohibited within one thousand (1,320) feet of another adult entertainment establishment or similar use.

3. *Development Design Standards*.
It shall be unlawful for an owner of an adult entertainment establishment to allow activities or merchandise from the establishment to be visible from outside the establishment. Furthermore, the exterior of the adult entertainment establishment shall not allow flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to sign regulations identified in Article XVI, any adult entertainment sign shall not contain any flashing lights, photographs, silhouettes, drawings, or pictorial representations, except for the name of the enterprise. No adult business shall be open for business between the hours of 2:00 a.m. and 6:00 a.m. The proposed location, design, construction and operation of the particular use shall adequately safeguard the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. Such use shall not unduly increase congestion in streets or public danger of fire and safety, and such use shall not diminish or impair established property values in adjoining or surrounding property.

4. *Responsibilities of the Operator.*
   Every act or omission by an employee constituting a violation of the provisions of these regulations shall be deemed the act or omission of the operator if such act or omission occurs with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct.

5. *Minors*.
   It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time. The operator is responsible for monitoring public entrances at all times during business hours.

Section 12.16. COMMUNICATION TOWER REGULATIONS.

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the county in conformance with the Act without prohibiting or intending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the county shall be sited, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use or co-location of towers and other antenna support structures rather than the construction of additional single use towers.

1. *Definitions*. All terms in this section that are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this section, the following terms shall have the following meanings:

   a. Antenna. A device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.

   b. Antenna Support Structure. Any building or structure other than a tower that can be used for location of telecommunications facilities.

   c. Communication Tower. A structure, tower, antenna or other facility primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic, cellular or other mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication towers, and radio, television, cellular and other similar receiving towers, antennas or structures and amateur radio communications including voluntary, noncommercial communication services.

   d. Owner. Any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the county who desires to develop, construct, modify, or operate a tower upon such tract of land.

   e. Stealth. Any telecommunications facility, tower, or antenna that is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

f. Telecommunications Facilities. Any cables, wires, lines, waive guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include any conforming commercial earth station antenna two meters or less in diameter or any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.

g. Tower. A self-supporting, guyed, or monopole structure that supports telecommunications facilities. The term tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

h. Tower Owner. Any person with an ownership interest of any nature in a proposed or existing tower.

2. *Location of Towers and Construction Standards*.

a. Towers shall be permitted as a conditional use of the land in only those zoning districts where specifically listed and authorized in this ordinance.

b. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the county prior to approval of a conditional use permit by the board of adjustment. Applicants shall submit their application for a conditional use permit to the Zoning Administrator and shall pay a filing fee in accordance the fee schedule established by the Board of Supervisors.

c. All towers, telecommunications facilities and antennas where construction has commenced within the zoning jurisdiction of the county, after the effective date of this ordinance, shall conform to the zoning ordinance and all other construction standards set forth by the county, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

d. All tower locations shall meet all FAA regulations within the Sibley Municipal Airport's area of influence.

3. *Communication Tower Regulations*: The purpose is to provide for the regulation of the construction, erection, placement or location of communications towers in Osceola County.

a. Communication towers shall be permitted with a conditional use permit. An application for a conditional use permit shall be accompanied by drawings, plans and other necessary documents describing the intent, layout, and construction or installation.

b. The communication tower permit shall be of indefinite duration and shall remain in effect so long as the tower remains in compliance with all applicable county ordinances. A communication tower permit may be revoked upon notice to the owner and following opportunity for a public hearing before the board of adjustment, for a violation of any applicable county ordinance, state statute or regulation, or federal statute or regulation.

c. The issuance of a conditional use permit for the construction or installation of a communication tower under this ordinance shall not relieve any permittee, applicant or owner from compliance with all legal requirements, nor relieve the permittee, applicant or owner of any liability for damage or loss resulting from the placement, construction or maintenance of the tower. Osceola County assumes no liability whatsoever by virtue of the issuance of a communications tower permit.

d. The minimum distance from the base of the tower to the nearest property line of the tower site shall not be less than one hundred ten percent (110%) of the tower height, except no setback shall be less than any yard setback in the district in which the tower is located. The 110% setback distance shall not apply to communication towers that are designed and/or certified as self-collapsing towers designed to fall within the area of the tower base.

e. The communication tower base shall be completely enclosed by a fence or wall no less than six feet (6') in height and designed or constructed to provide a secure environment and unauthorized access to the tower base.

f. All towers shall be maintained and operated in compliance with the standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.

g. In all instances the height of a communication tower shall be measured from the base of the tower or structure of which it is attached, to the tip of the structure, antenna or tower being measured.

h. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). All towers shall be equipped with dual mode lighting, unless red blinkers are the only light source used, with strobes used only during daylight hours.

i. The county shall not restrict or deny the use of amateur radio antennas or towers for the personal enjoyment and use of the owner(s) and shall comply with Title 47 of the Code of Federal Regulations, Part 97 (FCC rules for amateur radio). However, personal or amateur communication towers or antennas in excess of the district height limitations shall still be required to obtain a variance prior to construction or erection.

j. In order to avoid unnecessary duplication of communications towers, businesses engaged in wireless communication requiring the use of communications towers are required to consider co-location or multiple-use of all existing and proposed towers. An application for a conditional use permit for a communication tower shall include a verification that the applicant has considered the use of existing towers and shall include a detailed explanation establishing that the use of an existing tower is economically or technically not feasible. Each owner of a tower placed and constructed pursuant to a conditional use permit issued under this ordinance shall, to the extent technically feasible, lease tower capacity to other wireless communication providers at commercially reasonable rates and terms.

k. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with these regulations, including applying for and obtaining a conditional use permit. Said application shall describe and specify all items that do not comply with this section and may request, subject to final review and approval of the board of adjustment, an exemption from compliance as a condition of the permit.

l. If any tower shall cease to be used for a period of one (1) year, the Zoning Administrator shall notify the tower owner and property owner that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the property owner shall have 90 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, and a written request shall be directed to the County Attorney to proceed to abate said public nuisance pursuant to authority of the Iowa Code and Osceola County ordinances.

Section 12.17. MINOR MODIFICATION TO DISTRICT REGULATIONS.

The Zoning Administrator or other authorized representative of Osceola County is responsible for reviewing applications and approving or denying minor modifications from the requirements of the zoning district regulations. The intent behind minor modifications is to allow minor area, lot, setback and height exceptions for principal and accessory buildings and structures in developed areas, but not in the instance of new construction.

1. *Minor Modification Limitations.* The following exceptions are permitted by the city without variance to this ordinance.

a. Reduction of required side yard setbacks by no more than one foot (1'), but in no instance shall a side yard be less than five feet (5');
b. Reduction of required rear and corner yard setbacks by no more 10% of the required setback;
c. Reduction of minimum lot area requirements by no more than 10% of the required standard;
d. Exception to the height requirements by no more than two feet (2');
e. Exceed the maximum lot coverage ratio, in residential districts, by 10%
f. Reduction of front, rear, side or corner yard setbacks to allow for construction of an addition in line with an existing portion of the building or structure.
g. Reduction of required residential front, rear and side yard setbacks without limit as required to provide handicapped access ramps to a dwelling or building;
h. Reduction of front, rear, and side yard setbacks without limit to allow reconstruction of a historically accurate structure.
i. Construct an addition to a principal structure, in residential districts, that would cause existing detached accessory structures to become nonconforming.

2. *Application*. The application for a minor modification shall be submitted on a form provided by the Zoning Administrator (the application form may be same as the city's variance application).

3. *Review Criteria*. The Zoning Administrator shall establish the following standards are satisfied.

a. Special circumstances or practical difficulties apply to the property.
b. The modification will not have a substantial negative impact upon neighboring properties.
c. The minor modification does not authorize a use or activity not otherwise expressly authorized by the regulations within the zoning district in which the property is located.
d. The minor modification is the minimum necessary to achieve the desired result.

Section 12.18 SOLAR COLLECTORS

Solar collectors, solar panels, and other devices intended for the purpose of generating solar energy for personal or individual use are permitted as residential or commercial/industrial accessory structures, subject to the height and site development regulations of Section 12.10 of this ordinance. Any solar panel, solar collector or accessory equipment shall not be placed within any front yard area of any lot when such solar devices are intended as an accessory use and structure on the property. The 20' height limit in residential districts and 25' height limit in all other districts shall apply to free standing solar devices and ancillary equipment placed upon the ground. The maximum height limits do not apply to solar panels or solar collectors mounted upon a conforming building or structure, so long as the highest point of the solar structure does not exceed 10' above the highest point of the building or structure. All solar devices and associated ancillary equipment such as generators, utility boxes, ect. located on the ground consisting of more than one grouping of solar panels may be required to be fenced in by a privacy fence in accordance with the fencing requirements in Section 12.6 if such group of solar panels is located adjacent to or within 300 feet of another residential property. Solar panels and solar collectors shall not be constructed or operated so as to cause glare or reflections upon existing neighboring residential structures; except for the owner of such solar panels or solar collectors.

Furthermore, solar collectors, solar panels, and other devices intended for the purpose of generating solar energy as part of a commercial solar farm or other energy projection company shall be treated as the principal use on the property and subject to the full site development regulations and setbacks of the zoning district it is located in. Commercial based solar farms or solar businesses shall only be approved with a special exception use permit upon review and recommendation by the Planning Commission and approval from the Board of Adjustment. All such commercial based solar uses shall only be permitted by special exception permit in the AG-Agriculture, EC-Environmental & Conservation or RC-Rural Commercial zoning districts. All solar panels and solar collectors shall not be constructed or operated so as to cause glare or reflections upon any existing neighboring residential uses; except for those buildings or structures owned by such solar farm or business.

Section 12.19 OUTDOOR SHOOTING AREAS

Outdoor shooting areas including all gun clubs, trap or skeet shooting ranges, commercial hunting clubs or any other outdoor shooting area intended for commercial or public use shall only be approved with a special exception use permit upon review and recommendation by the Planning Commission and approval from the Board of Adjustment. Any such outdoor shooting area shall only be permitted by the special exceptions permit in the AG-Agriculture, EC-Environmental & Conservation, RC-Rural Commercial or GI-General Industrial zoning districts. All outdoor shooting areas shall be located at least ¼ mile or 1,320 feet from any city limits, residential use or commercial buildings; aside from any buildings belonging to or associated with such outdoor shooting areas. All outdoor shooting areas intended for rifled firearms or pistols shall have designated shooting ranges of which shall have constructed back stops or earthen berms intended to suppress ammunition rounds discharged at such targets.

ARTICLE XIII
Wind Energy Regulations

Article 13: Additional Use Regulations

Section 13.1. Intent
Section 13.2. Definitions
Section 13.3. Wind Energy Requirements
Section 13.4. Conditional Use Permit
Section 13.5. Permit Requirements
Section 13.6. Notification
Section 13.7 Review and Approval
Section 13.8. Mitigation of Damages
Section 13.9. Discontinuance or Abandonment

Section 13.1. INTENT.

The intent of this article is to provide for the regulation of owners/developers engaged in the construction, erection, placement, location and maintenance of wind energy devices in Osceola County; and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of wind energy devices and associated structures.

Section 13.2. DEFINITIONS.

1. Administrator - Any person or firm appointed by Osceola County Board of Supervisors to oversee the permitting and compliance of the wind energy device regulations.
2. Commercial Wind Energy Device – any wind energy device with a nameplate capacity of more than 100kw of which its primary intent is to generate electrical power to be sold to utility or power companies.
3. Owner/Developer - shall mean the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance.
4. Rotor Diameter - means the cross sectional dimension of the circle swept by the rotating blades.
5. Total Height - means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
6. Tower - means a monopole, freestanding, or guyed structure that supports a wind generator.
7. Wind Energy Device - means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries or other components used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills or wind energy conversion systems.
8. Meteorological Tower (or Met Tower) - Any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the wind and weather resources found within a certain area. Meteorological towers are also subject to permitting on both temporary and permanent structures.

9. Small Wind Energy Device - A wind energy system that is used to generate electricity and has a nameplate capacity of 100kw or less. Wind energy devices with a generating capacity of 20kw or less may be used for residential or personal use. A wind energy device with a generating capacity between 20kw and 100kw is considered small wind energy for commercial/industrial applications. A wind energy device is considered "small" only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supply by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with Section 199, chapter 15.11 (5) of the Iowa Administrative Code.

Section 13.3. WIND ENERGY REQUIREMENTS.

1. Location and Height.
   Commercial wind energy devices shall not be permitted within any defined residential zoned district. Commercial wind energy devices shall be limited to a total height of 250 feet within 1,250 feet of any residential zoned district. No height limitations shall apply in all other zoning districts, except that no wind energy device, meteorological tower or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

   Small wind energy devices are exempt from any zoning height limitations, except that no wind energy device, meteorological tower or other associated structures shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.

2. Setbacks.
   Commercial wind energy devices shall be set back a distance equal to 110% its total height from any public right of way, overhead utility lines or adjacent property lines not under the same ownership unless written consent is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties. With that stated, those wind energy devices that are located on land adjacent to property under the same ownership may have the property line setback requirement waived; however, the setbacks still apply to overhead utility lines and public right-of-ways. Commercial wind energy devices shall be setback a distance of no less than 1,250 feet from any human occupied dwelling. A human occupied dwelling is defined as one that is currently occupied or capable of being occupied for residential purposes. A greater setback may be required to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living in these dwellings.

   Small wind energy devices located on a freestanding pole or other tower structure must maintain a setback distance equal to 110% of its total height from any public street or road right-of-way, overhead utility lines or adjacent property lines not under the same ownership unless written permission is granted by the property owner or entity with jurisdiction over the street, utilities or adjacent properties.

3. Placement or Spacing.
   Commercial wind energy device spacing will vary depending on common industry practice and manufacturer specifications. The owner/developer shall consider the public interest and the natural environment, and maintain the intent and purpose of this ordinance.

Small wind energy devices designed for residential or personal use shall be erected on either a freestanding pole or tower. In all residential zoned districts, no small wind energy device or accessory structures shall be permitted within the front yard.

4. Public Lands or Waterways. It is required that the owner/developer of commercial wind energy devices have a preliminary review with the Iowa Department of Natural Resources (IDNR) and the Osceola County Conservation Board early in the planning stages of all wind energy device projects located in Osceola County. This review will allow the IDNR and/or County Conservation Board to comment and offer suggestions regarding the siting of wind energy devices near wildlife habitats. The review will also allow IDNR staff or the County Conservation Board to identify sensitive environmental concerns near public lands or waters, and to work with the owner/developer to voluntarily identify alternative siting options that minimize negative impacts to environmentally sensitive areas.

5. Access. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

6. Electrical Wires. All electrical wires associated with any wind energy device, other than wires necessary to the operation of the wind turbine itself shall be located underground. In the instance of commercial wind energy projects, transmission lines or high capacity electrical lines from substations transferring cumulative energy resources from a wind energy project shall not be required to be placed underground.

7. Lighting. Any wind energy device shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

8. Appearance, Color, and Finish. Any wind energy device shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the conditional use permit.

9. Signs. All signs shall be prohibited other than the manufacturer or installer's identification sign and appropriate warning signs. Documentation showing any signage is required with the application. Signs indicating the 911 rural addressing of each commercial wind energy device or grouping of multiple wind energy devices shall be placed at each wind energy device site and/or the entry points of access roads as per the Osceola County 911 rural addressing signage requirements.

10. Code Compliance. Any wind energy device shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

11. Utility notification and interconnection.
    Commercial wind energy devices that connect to the electric utility shall comply with all local, state and federal regulations regarding the connection of energy generation facilities.

    Small wind energy devices shall not be installed until evidence has been given that the utility company has authorized interconnection of the small wind device to its electric distribution or transmission, under an agreement approved by and subject to regulation adopted by the Iowa Utilities Board. Small wind energy devices not connected to a public utility system shall be exempt from this requirement.

12. Sound. Sound produced by any wind energy devices under normal operating conditions, as measured at the property line shall not produce sound at a level that would constitute a nuisance. Industry standards support that wind energy noise should not exceed 50dba at a distance of 1,250 feet, the setback distance in Osceola County to a human occupied dwelling. Sound levels, however, may be exceeded during short term events out of anyone's control, such as utility outages and/or severe wind storms.

13. Shadow Flicker. Site plans for wind energy devices shall address offsetting, placement and proximity to residential dwellings to address and minimize the affects of shadow flicker.

14. Climbing Apparatus. Any commercial wind energy device tower must be designed to prevent climbing within the first ten feet (10').

15. Change of Ownership. Any commercial wind energy device, whether singularly or within a group of multiple wind energy devices, shall submit to the Osceola County Zoning Administrator notification upon change of ownership of commercial wind energy devices.

16. Electromagnetic Interference. Any wind energy device shall be designed and constructed so as not to cause radio and television interference. If it is determined that the wind energy device is causing electromagnetic interference, the owner shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate county authority. A zoning compliance permit granting a wind energy device may be revoked if electromagnetic interference from such device becomes evident.

Section 13.4. CONDITIONAL USE PERMIT.

Commercial wind energy devices, wind energy towers or meteorological towers erected in any zoning district may be granted as a conditional use and approved by the Board of Adjustment after a public hearing. The Zoning Administrator shall perform an assessment of the issues raised as a result of erecting wind energy devices and issuing conditional use permits in the zoning district prior to any public hearing and any action by the Board of Adjustment. Any conditions or requirements issued as part of the conditional use permit shall not be more lenient than the stated wind energy requirements in Section 13.3. Additional conditions or requirements for the acceptable erection and operation of wind energy devices in any zoning district shall be clearly stated in the conditional use permit.

Small wind energy devices designed, marketed and sold explicitly for personal or private residential or business applications, which has a nameplate capacity of 100kw or less shall be considered a conditional use in all zoning districts. For small wind energy devices only, if such device is used expressly for agricultural purposes or to supply power for agricultural purposes and not intended to be connected to an electrical grid and sold for profit or power credit, then the wind energy device is determined to be farm exempt, and not subject to these regulations.

Section 13.5. PERMIT REQUIREMENTS.

A zoning compliance permit shall be required for the installation of any wind energy device, except for small wind energy devices used expressly for agricultural purposes or to supply power for agricultural purposes. The application for zoning permit will be accompanied by a detailed

site plan for the wind energy device. A site plan and other such plans and manufacturer's specifications shall show the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device. The permit application shall also be accompanied by an application fee of $350. A site plan shall include the following at a minimum:

- Location of the proposed wind energy device(s)
- Wind energy device specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
- Tower foundation blueprints or drawings and tower blueprint or drawing
- Site layout, including location of property lines, wind turbines, electrical wires, connection points with electrical grid, and related accessory structures.
- The site plan shall be drawn to scale.
- Documentation of land ownership or legal control of the property.
- FAA Permit Application, if applicable.
- GPS coordinates for wind energy device locations on final/approved site plan
- Applicable for commercial wind energy; access points to roads showing construction details typical of all entrances proposed to be built in the public right-of-way.
- Applicable for commercial wind energy; the leaseholder or ownership details of the building site.
- Applicable for commercial wind energy; the distances to any human occupied dwellings and the distances to other wind energy devices or other tower structures within 1,250 feet.

Section 13.6. NOTIFICATION.

The owner/developer shall be responsible for obtaining and submitting to Osceola County an abstractor's or attorney's certificate, at the time the application is made, showing the names and last known addresses of the owners of all property within 2,640 feet (½ mile) of the parameter of the total project development site containing wind energy device(s). Prior to the public hearing for such conditional use permit, notice shall be given by ordinary mail to all adjacent property owners and owners of property within 2,640 feet (½ mile) of the proposed site(s) for which the conditional use is requested.

Section 13.7. REVIEW AND APPROVAL.

A zoning compliance permit shall not be granted for a commercial wind energy device or commercial wind energy project unless and until the following procedures have been fulfilled:

1. Pre-application meeting. Whenever a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, is proposed in the jurisdiction of Osceola County the owner/developer is required to hold a public informational meeting on the proposed development within 90 days prior to submitting an application. A public notice of the meeting shall be published in a newspaper of general circulation within the vicinity of the proposed project site as well as published within the official publication(s) of Osceola County no less than 4 days and no more than 20 days prior to the meeting. The public notice shall include at a minimum the name of the proposed project, a contact person for the project, the location of the project, the time and place of the meeting and a description of the project

activities. The owner/developer is responsible in meeting all of these requirements and shall provide documentation to the county that these requirements have been satisfied prior to making application for a building permit.

2. Agency notice/review. Prior to submitting an application for a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, the project owner/developer of such structure shall be responsible for in notifying applicable governmental and community agencies and allowing each agency 60 days advance notice to do a preliminary review. Documentation of notification of these agencies, and any written responses from the agencies are to be provided to the county when the application is submitted. It is recommended that any issues be addressed prior to the public hearing. Osceola County staff and the project applicant will agree to a list of applicable agencies (identified below) to which the applicant will solicit comment from prior to Osceola County considering an application for wind energy project.
   a. Federal Aviation Administration
   b. U.S. Fish and Wildlife
   c. Environmental Protection Agency
   d. Federal Communications Commission
   e. Iowa Department of Transportation
   f. Iowa Department of Natural Resources
   g. Iowa Utilities Board
   h. Office of State Archaeologist
   i. Osceola County Engineer's Office
   j. Osceola County Conservation Board

3. Within 60 days of receiving the official permit application for a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, the Board of Adjustment shall schedule a public hearing regarding the conditional use permit. Notice shall be given to the public no less than 4 days and no more than 20 days prior to the public hearing by publication in the official newspaper(s) of Osceola County as well as publication in a newspaper within the general vicinity of the proposed project site. Prior to the public hearing, notice shall also be given by ordinary mail to all adjacent property owners and all property owners located within 2,640 feet (½ mile) of the total development site of the proposed wind energy device(s) for which the permit is requested.

4. The Board of Adjustment may prescribe additional appropriate conditions and safeguards in conformity with this ordinance and other ordinances of the county.

5. ***Commercial wind energy*** devices are subject to a wind energy permit fee of $500 per wind energy device erected, of which must be received and acknowledged prior to approval of said application.

   Small wind energy devices are subject to a wind energy permit fee of $250 per wind energy device erected, of which must be received and acknowledged prior to approval of said application. If the wind energy device is used solely for agricultural purposes and not

connected to an electrical grid or used for commercial energy, then the wind energy device is considered exempt from these zoning regulations and not subject to the permit fee.

6. Approval of the conditional use permit for a wind energy device shall be valid for a period no longer than two (2) years from the date of such permit, unless construction has commenced or the Board of Adjustment specifically grants a longer period of time for the building permit.

7. The approval and issuance of a conditional use permit for the construction or installation of a commercial wind energy device, whether singularly or within a group of multiple wind energy devices, under this ordinance shall not relieve any permittee, applicant or owner from compliance with all legal requirements, nor relieve the permittee, applicant or owner of any liability for damage or loss resulting from the placement, construction or maintenance of such wind energy device. Osceola County assumes no liability whatsoever by virtue of the issuance of a conditional use permit for wind energy devices.

Section 13.8. MITIGATION OF DAMAGES.

In the event there are any damages that occur during construction or maintenance of any wind energy device, the owner/developer shall be fully responsible to mitigate and correct any damages to public or private infrastructure.

1. Roads. Costs of replacement, maintenance, restoration, and/or damage to county roads, rights-of-way, or any county infrastructure resulting from modifications, adjustments, heavy or frequent use during construction and operation of the wind energy devices shall be the responsibility of the owner/developer of such project. A separate roads agreement that clearly and specifically lays out the rights and obligations of Osceola County and the owner/developer with respect to the construction, maintenance and use of roads in connection with the development project will be required as a condition of the permit.

2. Drainage system. The owner/developer of the wind energy device shall remedy any adverse effect on any duly established drainage tile caused by construction or repair of such project.

Section 13.9. DISCONTINUANCE OR ABANDONMENT.

Each application for a commercial wind energy device shall have a decommissioning plan outlining the anticipated means and proposed financing methods adequate to remove such structure(s) upon becoming a discontinued use. Any commercial wind energy device that is out-of-service for a continuous one (1) year period will be deemed to have been abandoned and discontinued for use. At such time the wind energy device is determined to be abandoned, the owner shall remove the wind energy device at the owner's expense within one (1) year of receipt of notice. If the owner fails to remove the wind energy device, the Zoning Administrator may pursue legal action against the owner of such wind energy devices.

ARTICLE XIV
Site Plans

Article 14: Site Plans
Section 14.1. Intent
Section 14.2. Legal Information
Section 14.3. Site Plan

Section 14.1. INTENT

Except for the construction of agricultural buildings and structures, site plans are required for new construction of permitted or conditional use buildings and structures in any district, and shall comply with and illustrate the following. Accessory uses, buildings and structures, decks and patios, interior remodeling projects, and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans according to this article are not required for such accessory uses or other remodeling or interior projects, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required of the zoning permit application.

Section 14.2. LEGAL INFORMATION.

The site plan shall include the following:

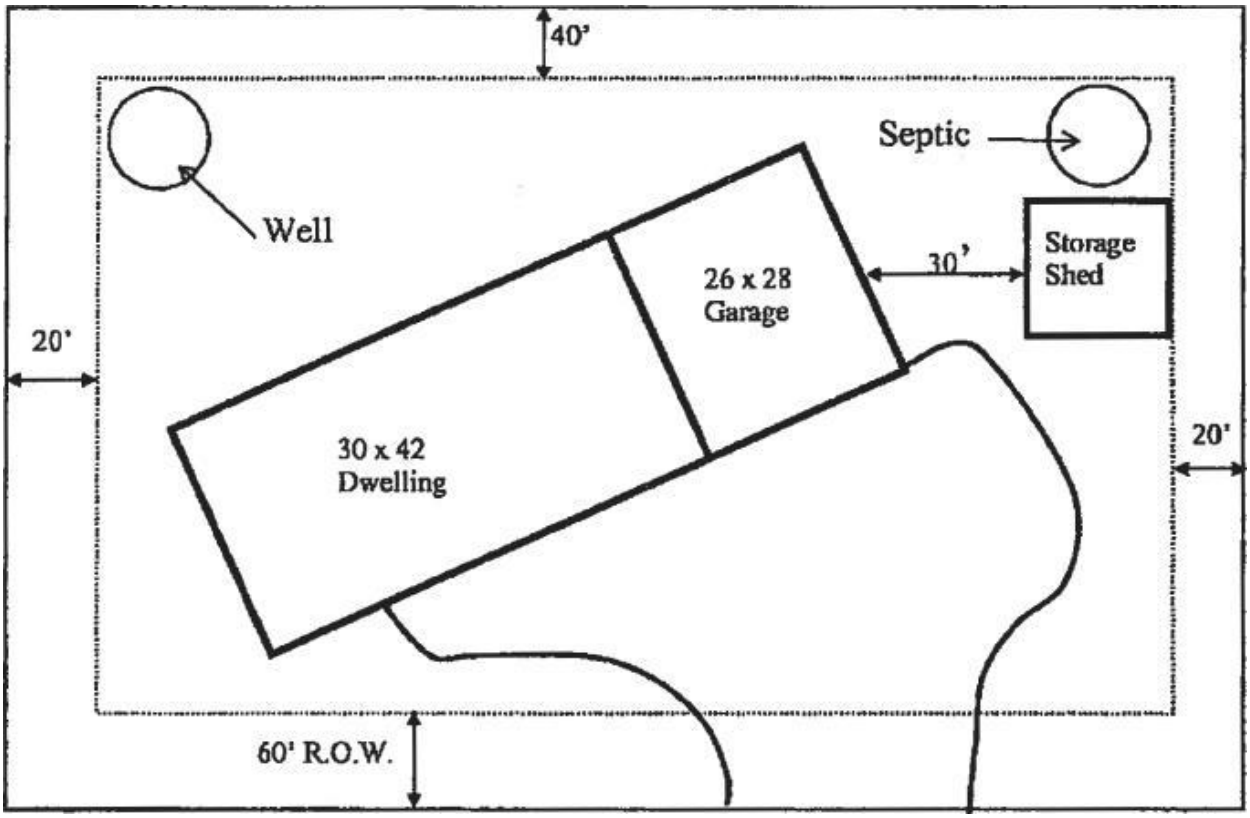
1. Legal property owners name and description of property.
2. Appellant's name, requested land use and zoning.
3. If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owners' authority to appeal shall be submitted in a certified legal form.

Section 14.3. SITE PLAN.

Petitioners shall submit a site plan with dimensions of the proposed development as an exhibit accompanying the petition for applying for a building permit. The site plan shall show the following and shall be binding upon the petitioner, successors, and assigns for construction of said use.

1. All land uses and ownership within 500 feet of the district to be rezoned.
2. A description and a drawing of the outside of the building(s) to be constructed and or existing building(s) to include the following:
   a. Identification of lot lines and lot size.
   b. Designation of structure(s).
   c. Designation of roads, ingress, and egress.
   d. Designation of distance between structures, lot lines, and right-of-way.
   e. Description of the use.
3. A description of the manner in which solid and liquid waste will be disposed.
4. A showing of compliance of state, federal laws, and regulations relating to the business shall be made prior to the request.
5. The availability and location of existing and proposed utilities.
6. The proposed location, size, shape and type of all buildings or structures.

7. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance, type of surfacing to be used, etc.
8. Landowners applying for a zoning permit shall submit a site plan with dimensions of the proposed building and land, and designating the use. See example below.
9. The Planning Commission reserves the right to require a survey before the final approval, if questions exist about the site.



Example
Site Plan

ARTICLE XV
Off Street Parking

Article 15: Off Street Parking

Section 15.1. Intent
Section 15.2. General Parking Requirements
Section 15.3. Minimum Off Street Parking Requirements
Section 15.4. Computation of Parking Spaces
Section 15.5. Location and Type of Parking
Section 15.6. Off Street Loading Requirements

Section 15.1. INTENT

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. Therefore, after the effective date of this ordinance, in all districts, there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein. The requirements of this article are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicated within the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

Section 15.2. GENERAL PARKING REQUIREMENTS.

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

1. All buildings and structures erected and all uses of land in all districts established after the affective date of this ordinance, with the exception of agricultural land, buildings and structures, shall provide accessory parking and loading facilities as required under this section, unless a building permit has been issued and construction is begun at least six (6) months prior to the affective date of this ordinance.

2. All off-street parking spaces required by this regulation shall be located on the same lot of the use it serves or on some land adjacent to or within three hundred (300) feet of the principal use lot.

3. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use. The minimum number of required parking spaces is the sum total of that required for each cooperative land use.

4. A parking space shall be no less than 200 square feet (typically 10’ in width by 20’ in length).

5. Parking spaces shall be surfaced with portland cement, concrete, asphaltic concrete or equivalent hard surface including gravel or rock.

6. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section.

7. Except within the required front yard for residential districts, all yard areas may be used for off-street parking. Off street parking may be permitted in front yards in residential zones only on a surfaced driveway.
8. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
9. Willful failure to maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Section 19.1.

Section 15.3. MINIMUM OFF STREET PARKING REQUIREMENTS.

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

Residential Uses	
1. Single Family Residential:	2 spaces per dwelling
2. Duplex or Two Family Residential:	2 spaces per dwelling unit
3. Multi-Family and Apartments:	2 spaces per dwelling unit (1 per rental unit and 1 for guest parking)
4. Mobile Home Residential:	2 spaces per each mobile home dwelling unit (1 per mobile home and 1 for guest parking)
5. Assisted Living Facilities:	1 space per sleeping unit plus 1 space per each employee on the largest shift
6. Group Home or Group Care Facility:	1 space per 4 persons of licensed capacity
7. Convalescent, Nursing & Assisted Living:	1 space per 4 patient beds plus 1 space per employee on the largest shift
Civic Uses	
8. Daycare:	1 space per employee plus 1 space per each 10 persons of licensed capacity
9. Educational Facilities:	2 spaces per classroom and 1 space per each 4 seats in the largest facility for public assembly.
10. Guidance services/treatment centers:	1 space per 300 sq.ft. of gross floor area
11. Public Assembly: *(e.g. churches, comm. center, theaters, auditoriums, public buildings, etc.)*	1 space for each four (4) seats of capacity or 1 space per 500 sq.ft. of gross floor area, whichever is greater
12. Social clubs, Township hall, etc.:	1 space for each 500 sq. ft. of gross floor area
Commercial Uses	
13. Bowling Alley	5 spaces per each alley
14. Lodging Facilities *(e.g. hotel, motel, bed & breakfast inn)*	1 space per rental room, plus 1 space for each two (2) employees

15. Healthcare Facilities *(e.g. hospitals, medical clinics, etc.)*	1 space per each 4 beds and 1 space for each two (2) employees
16. General commercial/retail sales/offices:	1 space per 200 sq.ft. of gross floor area.
17. Agricultural sales and servicing:	1 space per 500 sq.ft. of gross floor area and 3 spaces per repair stall
18. Auto & Equipment sales/rental/service:	1 space per 500 sq.ft. of gross floor area and 3 spaces per repair stall
19. Bars, taverns & nightclubs:	parking equal to 30% of licensed capacity
20. Campgrounds, camp site or RV parks:	1 space per camping unit or RV site
21. Commercial recreation:	1 space per 4 persons of licensed capacity
22. Construction sales & services:	1 space per 500 sq.ft. of gross floor area
23. Funeral Homes and chapels:	8 spaces per reposing room, plus 1 per employee
24. Restaurants:	1 space for each four (4) seats, plus 1 space for each two (2) employees
25. Veterinary services/commercial kennel:	3 spaces per staff doctor and/or employees
Industrial Uses	
26. Manufacturing/Wholesale/Warehousing:	50% of the maximum number of employees on the largest shift
27. Industry uses/biotechnical/research:	75% of the maximum number of employees on the largest shift.
28. Salvage Yards/Scrap Yards/Junk Yards:	One (1) space per one hundred (100) sq. ft. of disp1ay or floor area
All Other Uses	
29. All Other Uses:	All other buildings with a gross floor area of more than two thousand (2,000) sq. ft. shall provide one off-street parking space for each one thousand (1,000) sq. ft. of floor space.

Section 15.4. COMPUTATION OF PARKING SPACES.

Where the use of any building, structure or premises not specifically mentioned herein, the provisions for a similar use above shall apply as determined by the Zoning Administrator.

1. Where fractional spaces occur, the parking spaces required shall be increased to the next whole number.
2. Whenever a building or use constructed or established after the effective date of this ordinance is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set

forth herein.

3. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

Section 15.5. LOCATION AND TYPE OF PARKING.

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

1. Off-street parking spaces may occupy all or part of any required yard or open space, subject to the provisions of this section; except that no required off-street parking areas shall be located in any front yard in a residential zoned district except for on a paved driveway
2. All required off-street parking areas, including any commercial parking lot, of more than five (5) spaces shall be surfaced with asphalt, concrete, compacted gravel or other similar hard surfaced materials as approved by the county engineer so as to provide a durable and dustless parking surface. Parking areas shall be arranged and marked to provide for orderly and safe ingress, egress and storage of vehicles.
3. Any lighting used to illuminate off-street parking areas shall be arranged to reflect light away from adjacent properties.
4. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet (5') from the property line and effectively screened by the use of a fence, hedge, or other similar methods.
5. Where a parking lot does not abut a public or private street, road, alley or easement of access, there shall be provided an access drive not less than ten feet (10') wide for dwellings and not less than twenty feet (20') wide for all other cases leading to parking spaces required by this Article.

Section 15.6. OFF STREET LOADING REQUIREMENTS

At the time of construction, alteration, or enlargement of any building, or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided on the same lot at least one (1) permanently maintained off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet. Such loading space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') and effectively screened from view. All loading, unloading and parking must be conducted on private property and cannot be conducted on the public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary parking and unloading.

ARTICLE XVI
Sign Regulations

Article 16: Sign Regulations

Section 16.1. Intent
Section 16.2. Definitions and Sign Types
Section 16.3. Sign Requirements
Section 16.4. Off Premise Signs and Billboards
Section 16.5. Conditional Use Signs
Section 16.6. Compliance with Other Regulations
Section 16.7. General Sign Provisions
Section 16.8. Unsafe and Unlawful Signs
Section 16.9. Removal of Signs
Section 16.10. Exempt Signs
Section 16.11. Nonconforming Signs
Section 16.12. Sign Permits

Section 16.1. INTENT.

These regulations are established to protect the health, safety, general welfare and order within Osceola County through the establishment of uniform sign standards and procedures governing the type, number, size, structure, location, height, lighting, use or display of signs serving as a visual communications media. Sign regulations are intended to encourage opportunity for effective, aesthetically compatible, and orderly communication by reducing confusion and hazards resulting from unnecessary or indiscriminate use of signs. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article. Signs used explicitly for agricultural purposes only are exempt from these requirements.

Section 16.2. DEFINITIONS AND SIGN TYPES.

For use in this article, the following terms are defined.

1. ABANDONED SIGN: A sign that no longer correctly directs any person, advertises a business, lessor, owner, product, or activity.
2. AWNING: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or able to be raised or retracted and return to a flat position against the building when not in use.
3. BILLBOARD: As used in this ordinance a billboard shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises which said signs or billboards are located.
4. ERECT: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
5. FACING (or SURFACE): The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
6. NON-CONFORMING SIGN: A sign which lawfully existed at the time of the passage of this ordinance but which does not conform to the regulations of this ordinance.

7. ON-PREMISE SIGN: A sign, display, or device advertising activities conducted on the property on which such sign is located.
8. OFF-PREMISE SIGN: Any sign, display, or device advertising activities conducted somewhere other than the property on which such sign is located. Billboards are considered off-premise signs.
9. PERSON: Any individual, firm, partnership, association, corporation, company or organization of any kind.
10. PROMOTIONAL DEVICE: A sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.
11. SIGN: An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business, and are visible to the general public.
    a. ADDRESS SIGN: A sign communicating street address only, whether written or in numerical form.
    b. AWNING, CANOPY OR MARQUEE SIGN: A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the zoning ordinance. Awning or canopy signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this chapter. Permanent awnings, canopies or marquees may be lighted (from the backside); however they shall not have flashing, strobe, or otherwise intermittent light emitting from the sign.
    c. CAMPAIGN SIGN: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
    d. CONSTRUCTION SIGN: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
    e. DESTINATION SIGN: A sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most direct and concise manner.
    f. DIRECTIONAL SIGN: A sign erected on public or private property bearing the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
    g. ELECTRONIC MESSAGE BOARD SIGN: A sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change are electronically programmed and can be modified by electronic processes.
    h. FLASHING SIGN: A sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on/off. A sign providing public service information, such as time, weather, date, temperature or similar information shall not be considered a flashing sign.
    i. FREESTANDING SIGN: A sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building. Freestanding signs do not include trailer signs as defined in this section
    j. GOVERNMENTAL SIGN: A sign erected by a governmental unit.

k. GROUND SIGN: A sign mounted directly to the ground with a maximum height typically not exceeding six feet.

l. ILLUMINATED SIGN: A sign illuminated in any manner by an artificial light source.

m. INFORMATION SIGN: A sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.

n. JOINT IDENTIFICATION SIGN: A free-standing sign identifying a residential, commercial or industrial development consisting of three (3) or more uses or buildings advertised on the same sign board.

o. POLE SIGN: A sign supported by structures or supports in or upon the ground and independent of support from any building.

p. PORTABLE SIGN: A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure.

q. PROJECTING SIGN: A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure.

r. REAL ESTATE SIGN: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.

s. ROOF SIGN: A sign identifying the name of a business, enterprise, or the product sold on the premises and erected upon the roof or parapet of a building or structure.

t. SWINGING SIGN: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

u. TRAILER SIGN: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.

v. WALL SIGN: A sign attached to or erected against the wall of a building with the face of the sign in a plane parallel to the wall of the building and not projecting more than 12 inches from the face of the building wall. Wall signs are also known as flush mounted signs.

w. WINDOW SIGN: A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

12. SIGN AREA: The entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated based on the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

13. SIGN STRUCTURE: The supports, uprights, bracing and framework for a sign including the sign area.

14. TEMPORARY SIGN: A sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs include portable signs as defined in this section.

Section 16.3. SIGN REQUIREMENTS.

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

1. *All residential districts*:
   a. Home occupation signs are permitted pursuant to the requirements in Section 12.12 and 12.13 of this ordinance.

   b. Signs, for non-residential uses or businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of six (6) feet from the ground to the top of the sign. One (1) additional wall mounted sign not to exceed twelve (12) square feet is also permitted for non-residential businesses.

   c. Any flashing, revolving, rotating, motion signs or electronic message boards are prohibited.

   d. Permitted sign types:
   Address sign
   Awning sign
   Real Estate sign
   Ground sign
   Government sign
   Campaign sign
   Directional sign
   Wall sign
   Pole sign
   Portable (or temporary) sign
   Informational sign
   Construction sign
   Window sign

2. *All other zoning districts*:
   a. All signs shall be limited to identifying uses conducted on the property, identifying the business or organization by name or symbol, is necessary for directional purposes or used to advertise the sale or lease of real property on buildings on which displayed.

   b. Only two (2) permanent-type signs will be permitted; one to be placed on the principal use structure not in excess of ten percent (10%) of the total surface area of the wall it is attached to, and one independent structure located not more than one hundred fifty feet (150') from the principal use building and not containing more than one hundred fifty (150) square feet in area and of sufficient height that sight distance is not impaired.

   c. Signs projecting more than one foot (1') from the building wall must be at least ten feet (10') above grade; and no sign shall project more than four feet (4') above a roof line.

   d. All signs shall be fixed and not audible. No flashing signs are permitted and no sign or illumination shall be revolving or animated, except for scrolling marquee or digital signs. Signs shall not have moving parts including devices set in motion by movement of air.

   e. Permitted sign types:
   Address sign
   Awning, canopy or marquee sign
   Campaign sign
   Construction sign
   Destination sign
   Directional sign
   Electronic message board sign
   Freestanding sign
   Governmental sign
   Ground sign
   Illuminated sign
   Information sign
   Joint identification sign
   Pole sign
   Portable sign
   Projecting sign (not to encroach in the R.O.W.)
   Real estate sign
   Roof sign
   Swinging sign (not permitted in R.O.W.)
   Trailer sign
   Wall sign
   Window sign

Section 16.4. OFF PREMISE SIGNS AND BILLBOARDS.
Billboards and signs not located in conjunction with a principal permitted use are allowed in the Highway Commercial District provided that such sign or billboard contains no more than one hundred fifty (150) square feet in sign area and that the sign or billboard complies with the bulk regulations of the Highway Commercial District.

Section 16.5. CONDITIONAL USE SIGNS.
Any sign type may be granted conditional use status after review by the board of adjustment and subject to any conditions deemed by the board to be appropriate.

Section 16.6. COMPLIANCE WITH OTHER REGULATIONS.
In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.

Section 16.7. GENERAL SIGN PROVISIONS.
The following signs are allowed with a permit and shall comply with all other applicable provisions of this ordinance.

1. *Projecting or Pole signs*: Pole signs will be permitted if they do not block the view of oncoming traffic, conform to the Iowa Department of Transportation regulations, and are not located in any public right-of-way.
2. *Signs not to Constitute Traffic Hazards*: No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional, or warning sign erected or maintained by the State of Iowa, or by the county, any municipality, or other governmental subdivision, or which incorporates or makes use of lights simulating or resembling traffic controls or signals. No sign or advertising structure shall be erected by reason of the position, shape or color, it may interfere with, obstruct the view of, or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
3. *Interference*: No sign, nor any guys or attachment thereto shall be erected, placed posted or maintained on rocks, fences, trees, or on poles maintained by public utilities in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telecommunication wires or supports thereof.
4. *Overhead Clearance*: All signs shall have a vertical clearance of ten feet (10') above any sidewalk, private drive, or right-of-way. No signs shall be permitted to overhang any public street.
5. *Subdivision Signs*: Not more than one (1) sign per entrance into the subdivision. No sign shall be greater than 32 square feet in size.
9. *Signs in Right-of Way*: No signs other than government signs shall be erected or temporarily placed within any public rights-of-way, except as may be specifically provided herein.
10. *Back to Back Signs*: If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees (30º). If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign

area. Back to back signs shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.

13. *Illumination*: All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
14. *Intermittent Flashing Signs*: No intermittent flashing signs are permitted, except those that are also public service information signs.

Section 16.8. UNSAFE AND UNLAWFUL SIGNS.

All signs and sign structures, including billboards, shall be properly maintained and kept in a safe, orderly condition. All parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or in poor condition shall be repainted, repaired, or replaced by the property owner or agent of the owner after written notice by Osceola County. Such notice shall include a statement explaining alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply. If the permit holder fails to remove or alter said sign to comply, said sign may be removed or altered to comply with the Zoning Administrator at the expense of the permit holder, or owner of the property on which it is located. The permit holder may appeal the order of the Zoning Administrator to the Board of Adjustment. If such an appeal is on file, the compliance period shall be extended until following the board's decision on the matter. However, if the Zoning Administrator finds any sign or sign structure poses an immediate threat to the health or safety of any person, the removal of such sign or structure may be summarily ordered without notice.

Section 16.9. REMOVAL OF SIGNS.

Any sign now or hereafter existing that no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure within ninety (90) days from date of notice provided by Osceola County. Upon written notice to the property owner and after the expiration of a ninety (90) day period to remove such sign as ordered by the county, the sign has not been removed, the county may cause the sign to be removed and expenses may be charged to the property owner.

Section 16.10. EXEMPT SIGNS.

The provisions and regulations of this article shall not apply to the following signs.

1. *Name Plate*: One nameplate designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed two (2) square feet.
2. *Roadside Stands/Products Grown on Premises*: Signs less than 25 sq.ft. in area advertising activities conducted on the premise, products grown, made, or produced on the premise.
3. *Government Signs*: Signs less than 50 square feet in area and less than 25 feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Iowa, Osceola County, or a federal government agency, directional, informational, or other official signs or notices authorized by law. Government signs may also include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and other similar signage.

4. *Directory or Announcement Signs*: A wall sign identifying the business, owners, manager, or occupant and sets forth the occupation or address information but contains no advertising. One announcement or professional sign, not more than six (6) square feet per business is allowed.
5. *Informational Signs*: Informational and/or directional signs will be permitted in all districts.
6. *Parking Signs (on site)*: On-site directional and parking signs intended to facilitate movement of vehicles and pedestrians. Such signs shall not exceed six (6) square feet of area.
4. *Address Signs*: Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, and names of occupants or identification of premises.
5. *Legal Notices*: Identification or directional signs intended to provide public information.
6. *Integral Signs*: Decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights. Name of buildings, date of construction, commemorative tablets and the like, which are of the building or structure.
7. *Traffic Signs*: Signs directing and guiding traffic and parking on private property.
8. *Political Signs*: Political and campaign signs are allowed per Section 306C.22, Code of Iowa.
9. *Construction Signs*: A non-illuminated sign announcing the names of architects, engineers, contractors, and other individuals or firms involved with the construction of such building. Such signs shall be confined to the construction site.
10. *Real Estate Signs*: Not more than two (2) signs per lot may be used as temporary signs and shall not be larger than 6 square feet. Real estate sign in the A-1 district may be up to 32 square feet and setback a minimum of five feet (5') from the right of way. In no case shall these signs obstruct the visibility at any intersection or driveway.

Section 16.11. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises.

Section 16.12. SIGN PERMITS.

It shall be unlawful for any person in Osceola County to erect, repair, alter, relocate, construct or modify any sign or other advertising structure as defined in this ordinance, except exempt signs from Section 16.11, without first receiving a sign permit. Applications shall be provided by the Zoning Administrator of which shall request the name, address and telephone number of the applicant; location of building, structure or lot upon which the sign is to be attached or erected; content of the sign and style of sign proposed to be installed; and name of person, firm, corporation or association erecting such sign and/or sign structure. It shall be the duty of the Zoning Administrator to examine such plans and specifications, other data, and the premises upon which proposed sign is to be erected. If it appears the proposed structure compliant with the requirements of this ordinance the sign permit shall be issued. If the sign has not been erected within one (1) year after date of issuance, said sign permit shall be null and void. The applicant shall pay a fee in the amount established by resolution of the Board of Supervisors.

ARTICLE XVII
Nonconforming Uses

Article 17: Nonconforming Uses

Section 17.1 Intent
Section 17.2 Nonconforming Lot of Record
Section 17.3. Nonconforming Uses
Section 17.4. Nonconforming Structures in Any "Agriculture" or "Residential" Districts
Section 17.5. Nonconforming Structures in Any Other Zoning District
Section 17.6. Structures Made Nonconforming by Requirements of Bulk Regulations
Section 17.7 Replacing Damaged Buildings
Section 17.8 Uses Defined as Conditional Uses Not Nonconforming Uses
Section 17.9 Change of Tenancy or Ownership

Section 17.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures and uses of land and structures to exist within the various zoning districts of this ordinance or amendments thereto which were lawful prior to the adoption of this ordinance, but which would be prohibited, regulated, or restricted under provisions of this ordinance. These nonconformities will be allowed to continue to exist until they are discontinued, but not to encourage their continuance. Nonconforming uses and structures are declared by this ordinance to be incompatible with permitted uses in the zoning districts involved. Such nonconformities may only expand or extend in compliance with the provisions of this article. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of existing building has been substantially begun prior to rebuilding such demolition or removal shall be deemed to be actual construction, providing that work shall be diligently carried on until completion of the building involved.

Section 17.2. NONCONFORMING LOT OF RECORD.

Notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this ordinance. This provision shall apply even though such lot fails to meet the generally applicable district requirements for area, width, or both. Provided, however, the yard dimensions and other requirements of the lot shall conform to the regulations for the district in which such lot is located. Such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful. Variance of area, width, and yard requirements shall be obtained through action of the board of adjustment. Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

Section 17.3. NONCONFORMING USES.

Within the various districts established by this ordinance or amendments that may later be adopted there exist uses of land which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under provisions of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuance. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further declared that such nonconformities shall not be enlarged upon, expanded, or extended. Such uses may be continued, so long as they remain otherwise lawful, subject to the following provisions:

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

Section 17.4. NONCONFORMING STRUCTURES IN ANY "Agriculture" or "Residential" DISTRICTS

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

1. No existing structure or premises devoted to a use not permitted by this ordinance in the district in which such structure or premises is located, except when required by law, shall be enlarged, extended, reconstructed, substituted or structurally altered in any way which increases its nonconformity; unless the use thereof is changed to a use permitted in the district in which such structure or premises is located.
2. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
3. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.
4. Substitution. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made. Whenever a nonconforming use has been changed to more restrictive use or to a conforming use, such use shall not hereafter be changed to a less restrictive use.

5. Discontinuance. In the event that a non-conforming structure or a premise is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
6. Where nonconforming use status applies to the land, structures or both, removal or destruction of the structure shall eliminate the nonconforming status of the land; and any subsequent new or reconstruction shall therefore be conforming to the district regulations.

Section 17.5. NONCONFORMING STRUCTURES IN ANY OTHER ZONING DISTRICT.

The regulations described in Section 17.4 above shall also apply to nonconforming structures in this section with the exception that nonconforming structures in districts other than "Agriculture" or "Residential" districts may be structurally altered or enlarged in conformity with the lot area, lot width, yard and height requirements of the district in which such use or structure is located. Such construction shall be limited to buildings on lots of record in the same ownership prior to the effective date of this ordinance. In the event of such structural alteration or enlargement of structures, the premises involved may not be used or any non-conforming use other than the use existing on the effective date of this ordinance, other provisions of this ordinance notwithstanding.

Section 17.6. STRUCTURES MADE NONCONFORMING BY REQUIREMENTS OF BULK REGULATIONS.

A permitted or conditional use that fails to meet the established bulk regulations (e.g. setbacks, height, lot width, lot area) of the district in which it is located may be structurally altered, extended or enlarged provided the alterations or extensions are in compliance with the bulk regulations of the district in which ~~it~~ nonconforming building or structure is located. Any variance must be obtained through action of the board of adjustment.

Section 17.7. REPLACING DAMAGED BUILDINGS.

Any nonconforming building or structure, in whole or in part, damaged more than fifty percent (50%) of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot or act of God shall not be restored or reconstructed and used as before such happening. However, if less than fifty percent (50%) is damaged above the foundation, it may be restored, reconstructed, or used as before provided that such reconstruction or repairs begins within one (1) year of such happening. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

Section 17.8. USES DEFINED AS CONDITIONAL USES NOT NONCONFORMING USES.

Any use for which a conditional use permit is granted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion of a conditional use shall be met with the approval of the board of adjustment.

Section 17.9. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination without affecting the nonconforming status of the property.

ARTICLE XVIII
Zoning Administration and Enforcement

Article 18: Zoning Administration and Enforcement

Section 18.1. Zoning Administrator
Section 18.2. Zoning Compliance
Section 18.3. Zoning Permits Required
Section 18.4. Application for a Zoning Compliance Permit
Section 18.5. Notification of Assessor
Section 18.6. Plats and Site Plans
Section 18.7. Construction and Use to be provided in Application, Plans & Permit
Section 18.8. Fees
Section 18.9. Special Exceptions
Section 18.10. Administrative Appeals

Section 18.1. ZONING ADMINISTRATOR.

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

Section 18.2. ZONING COMPLIANCE.

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

Section 18.3. ZONING PERMITS REQUIRED.

No land shall be occupied or used, and no building or other structures hereafter erected, moved, constructed, reconstructed, added to, placed, 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 Administrator stating that the building and use comply with the provisions of this ordinance. Nothing in this part shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless discontinuance is necessary for the safety of life or property.

Zoning permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the board of adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within one (1) year from date of issuance. No zoning compliance shall be required for the construction, reconstruction, alterations, remodeling, or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in Osceola County.

Section 18.4. APPLICATION FOR ZONING PERMIT.
Zoning permits shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving into, placing, locating or the structural alteration of a building or structure, including billboards. Permits shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building(s) affected. Zoning permits shall be issued to complying applicants within seven (7) days after application is made, unless additional information is required or additional procedures are necessary prior to approval.

Section 18.5. NOTIFICATION OF ASSESSOR
Pursuant to Section 441.18-441.19, Code of Iowa, prior to construction, the owner of any proposed new structure shall provide notification to the Zoning Administrator of the nature and intent of the construction. If a zoning permit is required in accordance with this ordinance, the property owner shall be advised to make application following the procedures in the following sections. If the construction or use will not require a permit due to a farm exemption, the statement shall be referred to the office of the Osceola County Assessor without change.

Section 18.6. PLATS AND SITE PLANS.
Each application for a zoning permit, involving new construction of a building or structure, shall be accompanied by a plat and/or site plan prepared in accordance with Article XIV. This shall include sketches of the proposed water supply and sewage disposal systems, which should conform to the Iowa Code. In the case of moving an existing building, the application shall be accompanied by photos of the structure to be moved.

Section 18.7. CONSTRUCTION AND USE AS PROVIDED IN APPLICATION, PLANS & PERMIT.
Zoning permits issued based on plans, specifications or applications; and approved by the Zoning Administrator, shall authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized by permit shall be deemed a violation of this ordinance and punishable as provided by Section 19.1.

Section 18.8. FEES.
At the time of application for a zoning permit the owner or the owner's agent shall pay to the county the permit fee as established by resolution of the Osceola County Board of Supervisors. Any city, county, state and federal governments or other tax levying agencies shall be exempt from paying scheduled fees. If application for a zoning permit is made after starting construction, erection, moving in, or structurally altering a building or structure, the fee for said permit shall be equal to two (2) times the amount provided in the fee schedule. This permit fee shall be in addition to any penalty imposed under Section 19.1 of this ordinance.

Section 18.9. CONDITIONAL USES.
A zoning permit for a conditional use may be issued by the Zoning Administrator after review by the Planning Commission, if required, and upon order of the board of adjustment.

Section 18.10. ADMINISTRATIVE APPEALS.

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

1. *Appeals*: An appeal of an administrative decision may be made to the board of adjustment by any person aggrieved, or by any officer, department, or board of the county affected by any decision or ruling of the Zoning Administrator. Such notice of appeal shall be filed, within 30 days of the decision being appealed, with the Zoning Administrator or the chairperson of the board of adjustment, of which such appeal shall specify the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all papers constituting the record upon which the action being appealed was taken.

2. *Stay of Proceedings*: An appeal from the action of the Zoning Administrator shall stay all proceedings in furtherance of such action unless the Zoning Administrator certifies to the board of adjustment that by reason of the facts stated a stay would cause imminent peril to life or property. In the event the Zoning Administrator shall make such determination, the action shall not be stayed other than by a restraining order that may be granted by the board of adjustment or a court of record upon application of the party aggrieved by the action of the Zoning Administrator.

3. *Action*: The board of adjustment shall act on any appeal within 30 days following the closing of a public hearing. In exercising the powers set out in this section, the board of adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail. The concurring vote of three members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter that it is required to pass under these provisions.

ARTICLE XIX
Violation and Penalty

Article 19: Zoning Administration and Enforcement
Section 19.1 Violation and Penalty
Section 19.2. Restraining Order

Section 19.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or other county ordinances, any person failing to perform a duty, obtain a zoning permit, or violating the Osceola County Zoning Ordinance, or any rule or regulation adopted by reference shall be guilty of a county infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of any of the provisions of this ordinance, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor; or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a county infraction and punishable by civil penalty as provided herein
(Code of Iowa, Sec. 331.307[3]).

A county infraction in Osceola County, Iowa is punishable under the following civil penalties: *(Code of Iowa, Sec. 331.307[1])*

7. First offense – not less than $100 and not to exceed $750.00, plus court costs
8. Second and repeat offenses – not less than $100 and not to exceed $1,000.00, plus court costs

Each day that a violation is permitted to exist constitutes a separate offense.

Section 19.2. RESTRAINING ORDER.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the County Attorney, in addition to other remedies, may institute any proper action or proceed in the name of Osceola County to prevent such unlawful erection, construction, reconstruction, alteration, 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.

ARTICLE XX
Board of Adjustment

Article 20: Board of Adjustment

Section 20.1. Confirmation of Board of Adjustment
Section 20.2. Membership, Term of Office and Removal
Section 20.3. Proceedings of the Board of Adjustment
Section 20.4. Hearings, Appeals, Notice
Section 20.5. Stay of Proceedings
Section 20.6. Powers and Duties
Section 20.7. Variances
Section 20.8. Decisions of the Board of Adjustment
Section 20.9. Appeals from the Board of Adjustment

Section 20.1. CONFIRMATION OF EXISTING BOARD OF ADJUSTMENT.

Pursuant to the authority of this ordinance, the Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make conditional uses to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Furthermore, the board may provide that any property owner aggrieved by the action of the Board of Supervisors in the adoption of such regulations and restrictions may petition the said Board of Adjustment direct to modify regulations and restrictions as applied to such property owners. The members of the Board of Adjustment, as created and established under applicable provisions of the Iowa statutes, are hereby confirmed to their appointed terms of office. *(Code of Iowa, Sec.335.10)*

Section 20.2. MEMBERSHIP, TERM OF OFFICE AND REMOVAL.

Future members of the board shall be appointed by the Board of Supervisors for a term of five (5) years. Such board shall consist of five (5) members, a majority of whom shall reside within the county but outside the corporate limits of any city. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The members shall be appointed to serve staggered terms so that no more than two members' terms expire in any given year. A majority of the members of the board of adjustment shall be persons representing the public at large and should not be involved in the business of purchasing or selling real estate. The chairperson of the Board of Supervisors shall have power to remove any member of the board of adjustment for cause upon written charges and after public hearing. The Board of Supervisors may also remove a member for three consecutive absences.
(Code of Iowa, Sec.335.11)

Section 20.3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The board of adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of any regulation or ordinance pursuant to Chapter 335 of the Iowa Code. Meetings shall be held at the call of the chairperson, the Zoning Administrator and at such other times as the board may determine. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Zoning Administrator may be an ex-officio member and act as secretary for the board. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall

keep records of its examination and other official actions all of which shall be public record and filed in the office of the Zoning Administrator. The presence of three (3) members of the board shall constitute a quorum. A five (5) member board shall not carry out its business without having at least three (3) members present. The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass or to affect any variation in application of this ordinance.
(Code of Iowa, Sec.335.12 & 335.17)

Section 20.4. HEARINGS, APPEALS, NOTICE.
Appeals to the board of adjustment concerning the interpretation or administration of this ordinance may be made by any person aggrieved or by any officer or bureau of Osceola County affected by a decision of the Zoning Administrator. Such appeal shall be made within a reasonable time, not more than thirty (30) days of the issuance or denial of the permit, by filing with the Zoning Administrator and with the board of adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all papers constituting the record upon which the appeal was made. The board of adjustment shall fix a reasonable time for the hearing of appeals, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent or attorney. A fee to be determined by resolution of the Board of Supervisors shall be paid at the time the notice of appeal is filed. *(Code of Iowa, Sec.335.13)*

Section 20.5. STAY OF PROCEEDINGS.
An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning Administrator from whom the appeal is taken certifies to the board of adjustment after the notice of appeal is filed that by reason of facts stated in the certificate, a stay would, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and upon due cause shown.

Section 20.6. POWERS AND DUTIES.
The board of adjustment shall have the following powers and duties:

1. *Administrative Appeal*: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance or any amendment pursuant thereto.

2. *Interpretation of Zoning Map*: Where there is a reasonable doubt as to the boundary between zoning districts the board shall interpret the map to carry out the purpose of this ordinance.

3. *Conditional Uses*: To hear and decide conditional use requests as specifically authorized to pass on by the terms of this ordinance, and as provided for in Article XXI of this ordinance.

4. *Variances*: To authorize upon appeal, in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done. *(Code of Iowa, Sec.335.15)*

Section 20.7. VARIANCES.

A variance shall be granted for only one or a combination of the following reasons:

- To reduce any required yard setbacks.
- To exceed the height, bulk or density.
- To occupy a greater percentage of lot area.
- To relocate or transport any building, structure, or part thereof into any zoning district to be used or occupied.
- No part of a yard or other open space required in connection with any building, occupancy, or use for the purpose of complying with this ordinance shall be included in the calculations to determine the size of area necessary to accommodate the off-street parking and loading space requirements.

A variance from the terms of this ordinance shall not be granted by the board of adjustment unless and until:

1. The board of adjustment shall only grant a variance if it makes affirmative findings of fact on each and all of the following criteria.
   a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
   b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
   c. That the special conditions and circumstances do not result from the actions of the applicant.
   d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

2. A written application for the variance shall be submitted with the Zoning Administrator. Said application shall include the following:
   a. Name and address of the owner and applicant.
   b. Address and legal description of the property.
   c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
   d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
   e. A form that shows the names and current addresses of the owners of all property within 500 feet of the property for which the variance is requested.
   f. A site plan, as prepared in accordance with Article XIV.

3. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.

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

5. The board of adjustment shall schedule and conduct at least one (1) public hearing on the proposed variance request to those property owners by ordinary mail to the last known addresses of those to be notified no less than seven (7) days prior to the public hearing. Notice shall be given to the public by publication in the official county newspaper(s) no less than four (4) and no more than twenty (20) days prior to the public hearing.

6. The public hearing shall be held. Any party may appear in person or by agent or attorney.

7. No variance that has been denied wholly or in part by the board of adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the board.

8. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

9. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

10. The application for a variance shall be accompanied by a fee to be determined by resolution of the Board of Supervisors.

11. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 19.1 of this ordinance.

12. *Lapse of Variance*: Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning permit is issued and construction is commenced on the site or structure.

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

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

Section 20.8. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this ordinance, and Chapter 335, Code of Iowa, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three (3) members of the board, even upon instances of absentee members or during conflicts of interest, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in application of this ordinance. The action of the board shall not become effective until it has a written decision describing such action, the vote of each member participating therein, and reasons for such action specifying the manner in which the action either satisfied or failed to satisfy each of the applicable standards set forth in this article.

Section 20.9. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any board, taxpayer, department, or bureau of the county aggrieved by any decision of the board of adjustment may seek review of such decision of the board by a court of record in the manner provided by laws of the State and particularly by Chapter 335, Code of Iowa. Otherwise, all decisions of the board shall be final immediately upon filing.

ARTICLE XXI
Conditional Uses

Article 21: Conditional Uses
Section 21.1. Requirements
Section 21.2. Jurisdiction
Section 21.3. Application for Special Exception Permit
Section 21.4. Procedures
Section 21.5. Standards
Section 21.6. Revocation
Section 21.7. Supplemental Standards

Section 21.1. REQUIREMENTS.

Conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the board of adjustment. The board shall grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance, In granting a conditional use permit, the board of adjustment will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for the performance of the conditional use permit.

Section 21.2. JURISDICTION.

The Zoning Administrator shall be responsible for administration of the conditional use procedure and the board of adjustment shall be responsible for the review, evaluation, and action on all applications for conditional use permits.

Section 21.3. APPLICATION FOR CONDITIONAL USE PERMIT.

An application for a conditional use permit may be initiated by a property owner or the owner's authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a site plan prepared in accordance with Article XX of this ordinance and shall include at a minimum:

- The names and last known addresses of the owners of all property within 500 feet of the property for which the conditional use is requested
- Plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein.
- A statement indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.

The application shall also be accompanied by a fee as established by resolution of the Osceola County Board of Supervisors. Any approved conditional use permit shall be valid for one (1) year from the issuance of the permit to the start of construction. After one (1) year, if the project has not been commenced or no construction started the permit will no longer be valid and the permit must be renewed or a new permit issued.

In the case that a conditional use permit is denied, no application for the same conditional use permit shall be filed with or considered by the board of adjustment until the expiration of one (1) year from and after final action denying a previous identical application. The one (1) year period shall begin on the date of final board action denying the application, or on the date of entry of a final court judgment affirming board action denying the application from which no appellate review is taken or can be taken, whichever shall last occur. A filing fee shall be submitted for second and subsequent applications for a conditional use permit. Denial of a conditional use does not constitute the refund of any permit or review fees paid by the applicant.

Section 21.4. PROCEDURE.

The board of adjustment shall not grant a conditional use permit unless and until the following procedures have been fulfilled:

1. The board of adjustment shall schedule and conduct at least one public hearing in relation to the conditional use request. Notice shall be given to the public hearing as required by state statute by publication in the official county newspaper(s) no less than four (4) and no more than twenty (20) days prior to the public hearing. Notice shall be given by ordinary mail to all property owners located within 500 feet by mailing such notice to the last known addresses of those to be notified no less than seven (7) days prior to the public hearing.

2. In granting any conditional use, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 19.1 of this ordinance. In all cases in which a conditional use permit is granted, the board of adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being met.

3. The concurring vote of three (3) members of the board of adjustment grants a conditional use permit, even in the event of absentee members or during conflicts of interest.

4. An order of the board of adjustment granting a conditional use permit shall be valid for a period no longer than one (1) year from the issuance of such order to the time that construction commences, unless the board of adjustment specifically grants a longer period of time or a building permit is obtained and construction is commenced.

Section 21.5. STANDARDS.

The board of adjustment shall not grant any conditional use permit unless such board shall find:

1. The proposed use shall be in harmony with the intent, purpose and spirit of this ordinance.
2. The use shall be an appropriate use of the land and is necessary or desirable to provide a service or a facility which is in the interest of the public convenience or which will contribute to the public health, safety, morals, comfort, or general welfare of the county.
3. The use shall be located, designed, constructed, arranged and operated so as not impede the normal and orderly development or improvement of surrounding property for uses permitted in the district.

4. The use shall not be injurious to the use and enjoyment of other property in the immediate vicinity for purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.
5. Adequate utilities, water supply and sewage disposal, access roads, drainage, and or necessary public facilities have been provided, or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
6. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion on public streets.
7. In the case of existing relocated dwelling units or accessory structures, the proposed use aesthetically blends in with the neighboring existing permitted uses and special attention is given to the architectural style, size and condition of the proposed building or structure.
8. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.
9. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
10. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
11. The use will not be in major conflict with the Osceola County Land Use Plan.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a conditional use permit. The conditional use shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the board of adjustment.

Section 21.6. REVOCATION.

The issuance of a conditional use permit by the board of adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the conditional use permit. If such permit is granted, it does expressly grant to the county the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the conditional use permit. In the event the owner or occupant of the property shall violate any term, condition, limitation, regulation or safeguards contained in the conditional use permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the county may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the conditional use permit.

Section 21.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 21.5 above, specified uses shall adhere to certain supplemental and additional standards as follows:

1. ***Salvage Yards*:** All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles or machinery or other vehicles, shall be located in the (AG) Agriculture or the (GI) General Industrial districts under conditional use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

a. Any salvage yard shall be at least five hundred feet (500') from any residential zoning district or dwelling, with the exception of the residence of the salvage yard owner or operator.

b. Salvage or junk yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty feet (50') wide with deciduous and evergreen trees and/or large shrubs to provide an immediate solid landscape screen at least ten feet (10') high that will effectively screen all areas that contain the scrap and salvage materials.

c. Off-street parking or service areas in connection with the junk or salvage yards may be located outside of the screened-in area.

2. ***Open-Air Sales Display and Storage*:** All open-air display and storage, including new and used auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage shall require a conditional use permit. The application shall be accompanied by drawings and other documents describing the intent, layout and construction or installation in accordance with the following minimum requirements:

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

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

c. No lighted flashing signs or revolving beacon lights shall be permitted.

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

e. The open-air storage or display area intended for inventory storage, salvage or repair services shall be limited to the side or rear yard areas and be opaquely screened with a wall or fence at least seven feet (7') in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening such products or equipment, unless the following provisions in subpart e. apply.

f. The side and rear lot lines, when abutting properties used for residential purposes shall be screened with a wall or fence at least fifty percent (50%) solid and at least seven eight (8') in height. Such fence or wall shall not be required to extend beyond the front setback line.

ARTICLE XXII
Changes and Amendments

Article 22: Changes and Amendments
Section 22.1. Procedures
Section 22.2. Initiation
Section 22.3. Application for Change in Zoning District Boundaries
Section 22.4. Protest Provision
Section 22.5. New Application

Section 22.1. PROCEDURES.

This ordinance and the districts created by such ordinance may be amended from time to time. Before taking action on a proposed amendment, supplement, or change, the Board of Supervisors shall submit the same to the Planning Commission for its recommendations and report. The Planning Commission shall hold a public hearing thereon, before submitting its report to the Board of Supervisors. Notice of public hearings before the commission shall be given by publishing the time, place and nature of the hearing not less than 4 or more than 20 days before the date of the hearing in a newspaper(s) of general circulation in the county. The notice shall contain reference to the place and time where the text, maps, ordinances, amendments, or changes may be examined and state the location of the district or property affected.

Not more than thirty (30) days following report from the Planning Commission, the Board of Supervisors may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required. The Board of Supervisors shall hold at least one public hearing before any proposed text amendment or rezoning request is considered. Notice of said hearing shall be published in a newspaper(s) of general circulation within the county at least 4 days but no more than 20 days prior to such hearing. The notice shall contain the time, date and place of the hearing, the existing zoning classification, the requested zoning classification and the name of the petitioner or petitioners. Additionally, a notification shall be sent by regular mail to the property owners within 500 feet of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice.

Within thirty (30) days following the closing of a public hearing, the Board of Supervisors shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the board finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the board finds that the change is not consistent, it shall deny the application. The board shall not modify a recommendation of the Planning Commission on a rezoning or change until it has requested and considered a report of the Planning Commission on the modification.

Section 22.2. INITIATION OF CHANGE.

The Board of Supervisors may, from time to time, amend, supplement, change, or modify the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by:

1. Resolution of the Board of Supervisors
2. Motion of the Planning Commission
3. Affected persons, firms or corporations, the owner or authorized agent of the owner of property may submit a petition to the Planning Commission for a change in zoning district boundaries (rezoning request). If the property for which rezoning is proposed is in more than one ownership, all owners or authorized agents shall file the application.

Whenever any owner, firm or corporation or authorized agent of such desires that any amendment or change be made in this ordinance, including the text and/or map, as to any property in Osceola County, there shall be presented to the Planning Commission a petition requesting such change or amendment. Such petition shall be duly signed by the owners of at least fifty percent (50%) of the area of all real estate included within boundaries of said tract as described in the petition.

Section 29.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

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

1. Each application shall contain the following information:
   a. The name and address of the owner and applicant.
   b. The legal description and local address of the property.
   c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
   d. The present zoning classification and the zoning classification requested for the property.
   e. The existing use and proposed use of the property.
   f. The names and addresses of the owners of all property within five hundred feet (500') of the property for which the change is requested.
   g. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
   h. A site plan, as prepared in accordance with Article XIV.

   The Zoning Administrator may require additional information or maps if they are necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this ordinance.

2. Before any action shall be taken as provided in this section, a filing fee shall accompany the application, as established by resolution of the Board of Supervisors. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

3. Upon receipt of the application by the Zoning Administrator a copy shall be forwarded immediately to the Planning Commission for study and recommendation. The Planning Commission shall, prior to making a recommendation, determine the following:
   a. Whether or not the current district classification of the property to be rezoned is appropriate.
   b. Whether there is a need for additional land zoned for the purpose requested.

c. Whether the proposed change is consistent with the current comprehensive land use plan.
d. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

Section 22.4. PROTEST PROVISION.
In case the proposed amendment, supplement, or change is disapproved by the Planning Commission, or a protest is filed and duly signed by the owners of twenty percent (20%) or more of the area included in such proposed change, or of the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of four-fifths (4/5), a super majority, of the members of the Board of Supervisors, even in the instance of absentee members or during conflicts of interest.

Section 22.5. RECONSIDERATION/NEW APPLICATION.
Whenever a petition requesting an amendment, supplement, or change has been denied by the Board of Supervisors, such petition or one substantially similar shall not be reconsidered sooner than one year after the previous denial, unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change. This provision, however, shall not prevent the Board of Supervisors from acting on its own initiative in any case or at any time provided in this section.

ARTICLE XXIII
Effective Date

Section 23.1. EFFECTIVE DATE.
This ordinance shall be in full effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.
(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

Adoption

ORDINANCE NO. 39

ZONING ORDINANCE OF OSCEOLA COUNTY, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE
BOARD OF SUPERVISORS OF OSCEOLA COUNTY

Passed and approved by motion of the first ordinance reading on August 13, 2013
Passed and approved by motion of the second ordinance reading on August 27, 2013
Passed and approved by motion of the third and final ordinance reading on waived, 2013

Adopted on August 27, 2013
Published on September 18, 2013

Chairperson, Board of Supervisors

ATTEST:

County Auditor

EDITOR'S NOTE

The following ordinances have been adopted amending the official zoning ordinance and have been included as a part of this zoning code.

AMENDMENT ORDINANCE NUMBER	DATE ADOPTED
#49, added 2 definitions, sections 12.18 & 12.19	December 8, 2015
#54, amended section 13.7	September 11, 2020
#66, amended sections 3.2.5 & 11.2	June 9, 2026