

## Title V - Property and Land Use

### Chapter 40 Zoning - General Provisions and Regulations

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**40.01 Title and Purpose**

The chapters numbered 40 through 44 of this Code of Ordinances shall be known and may be cited and referred to as the “Warren County, Iowa, Zoning Ordinance,” and are referred to herein as “the Zoning Ordinance.” The Zoning Ordinance is adopted for the purpose of promoting public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values, to secure and provide the social and economic advantages resulting from an orderly planned use of land resources; and to facilitate adequate, but economical provisions for public improvements, all in accordance with a comprehensive plan and as permitted by the provisions of Iowa Code § 335, as amended.

**40.02 General Applicability**

All land improvements within the unincorporated area of Warren County are subject to the requirements of this Zoning Ordinance and, where applicable, Chapter 46, Subdivision Regulations. Compliance with all other applicable county, state, and federal regulations is also required.

**40.03 Interpretation of Standards**

In their interpretation and application, the provisions of the Zoning Ordinance shall be held to be minimum requirements. Where the Zoning Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of the Zoning Ordinance shall control.

**40.04 Agricultural Exemption**

In accordance with the provisions of Iowa Code § 335, as amended, no regulation or restriction adopted under the provisions of the Zoning Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures, or erections which are primarily adapted by reason of its physical characteristics and size, for use for agricultural purposes while so used, as defined in this Ordinance. However, this exemption shall not apply to regulations pertaining to any structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of any river or stream, or any structure, building, or use expressly regulated under state or federal law. The burden of demonstrating eligibility for the agricultural exemption rests with the property owner or applicant. The Zoning Administrator may require documentation or other evidence reasonably necessary to establish that the land or structure qualifies as being primarily adapted for agricultural purposes.

#### **40.05 Definitions**

For the purpose of the Zoning Ordinance, certain terms and words are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number includes the singular; the word “shall” is mandatory, the word “may” is permissive; 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.

1. *“Accessory Dwelling Unit”* means an additional residential dwelling unit located on the same lot as a single-family dwelling that is either attached to or detached from the primary single-family dwelling as defined and regulated by Iowa Code § 331.301(27), as amended.  
Accessory dwelling units have a separate kitchen, bathroom, and sleeping facility from the primary single-family dwelling. Accessory dwelling units must be constructed as permanent structures on a permanent foundation, and shall not include recreational vehicles, campers, trailers or other similar temporary, portable dwellings.
2. *“Accessory Use or Structure”* means a use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building. This shall include accessory storage buildings, garages, carports, and similar accessory and subordinate structures. This does not include accessory dwelling units, including those previously established as an accessory structure converted into an accessory dwelling unit.
3. *Adult Use Definitions*
  - a. *“Adult Amusement or Entertainment”* means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, is defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
  - b. *“Adult Book Store or Adult Gift Shop”* means an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein.
  - c. *“Adult Hotel or Motel”* means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein, for observation by the individuals therein.

- d. *“Adult Massage Parlor”* means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician’s direction, physical therapist, chiropodist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.
- e. *“Adult Photo Studio”* means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “Specified Anatomical Areas” or “Specified Sexual Activities”, as defined herein.
- f. *“Adult Theater”* means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein, for observation by patrons herein.
- g. *“Adult Uses”* means adult uses that include Adult Amusement or Entertainment, Adult Book Store or Adult Gift Shop, Adult Hotel or Motel, Adult Photo Studio, Adult Theater and Adult Massage Parlor.
- h. *“Specified Anatomical Areas”* means less than completely and opaquely covered human genitalia, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state-even if completely and opaquely covered.
- i. *“Specified Sexual Activities”* means patently offensive acts, exhibitions, representations, depictions, or descriptions of:
  - i. Human genitalia in a state of sexual stimulation or arousal.
  - ii. Fondling or other erotic touching of human genitalia, pubic region, buttocks or female breast.
  - iii. Intrusion, however slight, actual, or stimulated, by any object, any part of an animal’s body, or any part of a person’s body into the genital or anal openings of any person’s body.
  - iv. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated.
  - v. Flagellation, mutilation, or torture, actual or simulated, in a sexual context.
- 4. *“Agricultural Experience”* means any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with

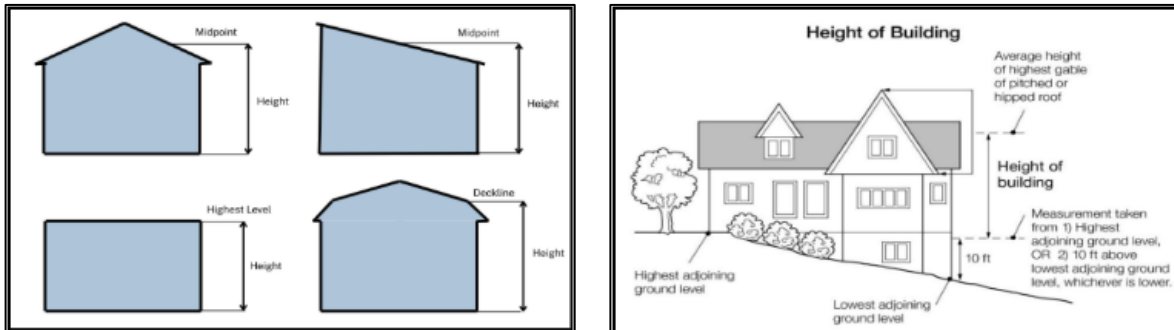
the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products in accordance with Iowa Code § 335, as amended.

5. “*Agricultural Production*” means any activity performed on land that is used for the growing and harvesting of crops, for the feeding, breeding, keeping, and management of livestock, dairying, or for any other agricultural or horticultural use or combination thereof.
6. “*Agriculture*” means the use of land for purposes of growing the usual agricultural or farm products, including vegetables, fruit, trees and grains, pasturage, dairying, animal and poultry husbandry, and the necessary accessory uses for treating or storing the produce, provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities. A tract of land less than 20 acres shall be presumed that the tract is not primarily used for agricultural purposes.
7. “*Agritourism Farm*” means a farm, accessory to crop and/or livestock production, that offers services, products, or experiences, whether seasonal or not, available to the public on-site which are uniquely tied to the heritage or current practice of agriculture in Iowa such that the agricultural setting, crop production, and/or livestock production conducted on the property is indispensable to the activity or product proposed, including (but not limited to): tours, demonstrations, petting zoos and the like, and retail sales of fruits, vegetables, pumpkins and melons, berries, trees, or other agricultural crops. This definition is not applicable to those structures or uses determined to be agriculturally exempt from County zoning authority according to Iowa Code § 335, as amended.
8. “*Animal Feeding Operation (AFO)*” means a lot, yard, corral, building, or other area in which livestock are confined and fed or maintained for forty-five (45) days or more in any twelve (12)-month period, and all structures used for the storage of manure from animals in the operation. Animal, in this case, includes cattle, swine, horses, sheep, chickens, turkeys, or fish which are confined for feeding or finishing purposes and are not maintained on pasture or rangeland. Except as required for a National Pollutant Discharge Elimination System (NPDES) Permit required pursuant to the federal Water Pollution Control Act, 33 U.S.C. Ch 26, as amended, an animal feeding operation does not include a livestock market, as defined and regulated by Iowa Code § 459, as amended.
9. “*Animal Hospital, Veterinary Clinic*” means a building used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits, birds, and livestock by a veterinarian licensed by the State of Iowa.
10. “*Apartment*” means a one (1) or more rooms occupying all or a part of a floor or floors in a building of one (1) or more floors or stories and notwithstanding whether the apartment be intended for use or used as a residence, office, for the operation of any industry or business or for any other use not prohibited by law, as defined by Iowa Code § 499B, as amended

11. *“Appliance Demanufacturing”* means the systematic removal of regulated components from discarded household or commercial appliances before recycling or disposal, including but not limited to, PCB-containing capacitors, ballasts, mercury-containing components, fluorescent lamps, and refrigerants from discarded appliances, in accordance with Iowa Administrative Code § 567-118, as amended.
12. *“Basement”* means a portion of a building, including crawl spaces, where less than one-half ( $\frac{1}{2}$ ) of its floor-to-ceiling height is below the average adjoining finished grade. A basement shall not be counted as a story for height purposes unless the finished floor level directly above is more than six (6) feet above grade for more than one-half of the building perimeter.
13. *“Battery Energy Storage System”* means an electrochemical device that charges, or collects, energy from the grid or a generation facility, stores that energy, and then discharges that energy at a later time to provide electricity or other grid services. This includes all accessory equipment necessary for energy storage, including but not limited to, inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, other power interconnection facilities, and/or a project substation.
14. *“Bed and Breakfast Home”* means a private residence that provides lodging and meals for no more than four (4) guest families at one time, in which the property owner resides as the host, as defined and regulated by Iowa Code § 137, as amended, and operating in compliance with all applicable provisions of the Iowa Code and state health and safety regulations.
15. *“Beginning of Construction”* means the incorporation of labor and materials within the walls of the building or buildings.
16. *“Boarding House”* means a building, other than a hotel, where for compensation, meals and/or lodging are provided for three (3) or more persons, typically by prearrangement on a longer-term or semi-permanent basis, generally more than thirty (30) consecutive days, and subject to any applicable registration, licensing, or oversight requirements as defined and regulated by Iowa Code § 135O, as amended, for boarding homes providing care or assistance.
17. *“Building”* means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, but not including signs or billboards. When a structure is divided in separate parts by un-pierced walls extending from the ground up, each part is deemed a separate building.

18. “*Building Height*” means the vertical distance measured from the highest adjoining ground level at the building, or ten (10) feet above the lowest adjoining ground level (whichever is lower), to the highest point of the coping on a flat roof, to the deck line of a mansard roof, or to the average height between the eaves and the ridge of a pitched roof (including gable, hip, gambrel, or shed roofs).

Figure 1: Building Height.



19. “*Building Permit*” means a written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of the Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.
20. “*Bulk Stations*” means distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
21. “*Campground*” means real property providing campsites for two (2) or more recreational vehicles, travel trailers, truck trailers, or tent camping for temporary occupancy with necessary incidental services, sanitation and recreation facilities, as defined and regulated by Iowa Code § 557B.1 and Iowa Administrative Code § 701-216.4(423), as amended. Campground does not include a manufactured home community or mobile home park as defined in Iowa Code § 435.1, as amended.
22. “*Campground, Private*” means a designated area of land developed and operated for camping or temporary lodging that is privately owned and operated by an individual, family, company, or other non-governmental entity. Such facilities may be open to the general public or limited to members, guests, or specific organizations and are typically operated as for-profit enterprises and may charge fees for such use. Such facilities typically provide designated campsites, vehicular access, utility hookups, sanitary facilities, and may include accessory amenities such as picnic areas, bathhouses, camp stores, or recreation features.
23. “*Campground, Public*” means a designated area of land developed and operated for camping or temporary lodging that is owned, leased, or operated by a federal, state, county, city, or

other governmental entity or a non-profit organization. Such facilities are open to the general public and are typically located within parks, forests, conservation areas, or other public lands. Public campgrounds may or may not operate on a fee, reservation, or first-come basis, and generally provide designated campsites, vehicular access, utility hookups, sanitary facilities, and may include accessory amenities such as picnic areas, shelters, bathhouses, camp stores, or recreation features.

24. “*Cellar*” means a building wholly or primarily below grade, where more than one-half ( $\frac{1}{2}$ ) of its floor-to-ceiling height is below the average adjoining finished grade. A cellar shall not be counted as a story for building height measurement purposes.
25. “*Cemetery*” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematorium, mausoleum, and mortuary when operated in conjunction with and within the boundary of such cemetery.
26. “*Cemetery, Pet*” means land used or intended to be used for the burial of domesticated animal remains and dedicated for pet cemetery purposes.
27. “*Child Care Center*” means a facility providing child care or preschool services for seven (7) or more children at any one time, and which is licensed as a child care center by the Iowa Department of Health and Human Services (DHHS), in accordance with Iowa Code § 237A, as amended.
28. “*Child Care Home, In-Home Day Care*” means a person or a program providing child care for six (6) or fewer children at any one time, located in a single-family dwelling and operated by a person residing in that dwelling. The term includes registered Child Development Homes and other applicable child care homes as defined and regulated by Iowa Department of Health and Human Services (DHHS) under Iowa Code § 237A, as amended.
29. “*Commercial Battery Energy Storage System (C-BESS)*” means a bank of batteries or capacitors used to store electricity for later use primarily off-site through the electrical grid or export to the wholesale market – sometimes called a Battery Storage Power Station.
30. “*Commercial Livestock*” means cattle, sheep, swine, goats, rabbits, poultry, or any other animal which is produced or kept primarily for food or other commodity production, or for weed management. Horses shall be considered livestock for the purpose of this regulation.
31. “*Commercial Solar Energy Conversion System (C-SECS)*” means a Solar Energy Conversion System that generates electricity from solar energy primarily for sale to an electric utility or other third-party commercial or industrial user. C-SECS shall include, but are not limited to, solar panels, support structures, inverters/transformers, operations and maintenance buildings, electrical collector systems, energy storage technologies, wiring, communications, roads, substations, and other equipment necessary for the generation, storage, and delivery of electricity.
32. “*Commercial Wind Energy Conversion System (C-WECS)*” means a Wind Energy Conversion System with a generating capacity of one hundred (100) kilowatts (kW) or

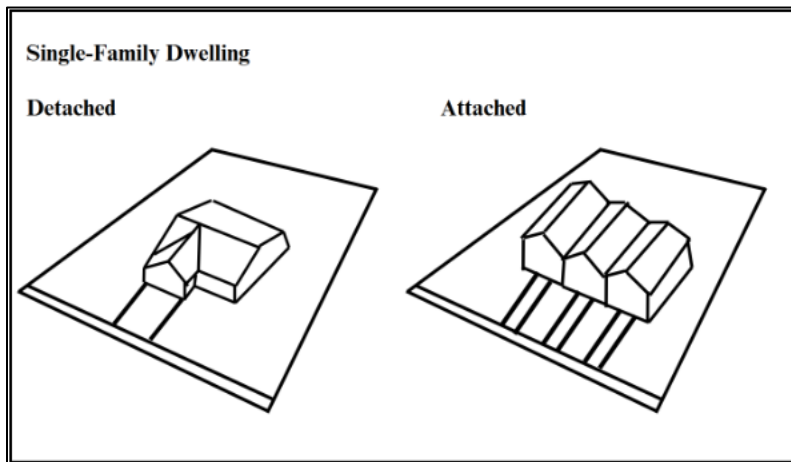


greater that is intended to produce electricity primarily for sale to an electric utility, other third-party commercial or industrial users, or for distribution into the electric grid. A C-WECS includes, but is not limited to, the wind turbines, connection, and interconnection infrastructure, operation and maintenance building, fencing, roads and driveways, project substation, interconnection substation, related energy storage infrastructure (if any), and any necessary or related accessory or ancillary facilities including meteorological towers.

- 33. “*Commission*” means the Warren County Zoning Commission.
- 34. “*Conditional Use Permit*” means a permit issued for a use specified in the Zoning Ordinance identifying specific conditions, limitations, or restrictions, and which is subject to review for approval or denial by the Board of Adjustment as outlined in Chapter 43, Enforcement and Administration.
- 35. “*County Right-of-Way*” means the total area of land, whether owned in fee title or held by easement, that is reserved, acquired, or dedicated for the establishment, construction, operation, repair, and maintenance of County roads and related facilities, or as defined in the Warren County Transportation Ordinances, as amended.
- 36. “*Dark-Sky Compliant Lighting*” means lighting systems that meet International Dark-Sky Association (IDA) standards for controlling glare, uplight, and light trespass.
- 37. “*Data Center*” means a facility primarily engaged in the centralized storage, management, processing, and transmission of digital data. Data centers typically house computer servers, networking equipment, backup systems, and related hardware for high-volume or continuous digital operations. This includes, but is not limited to, facilities supporting computationally intensive tasks such as cloud computing, artificial intelligence, scientific modeling, video streaming, and blockchain technologies. Typical accessory components may include uninterruptible power supplies, air handling and cooling equipment, water storage and cooling systems, generators, utility substations, fire suppression systems, and other critical infrastructure required for uninterrupted service.

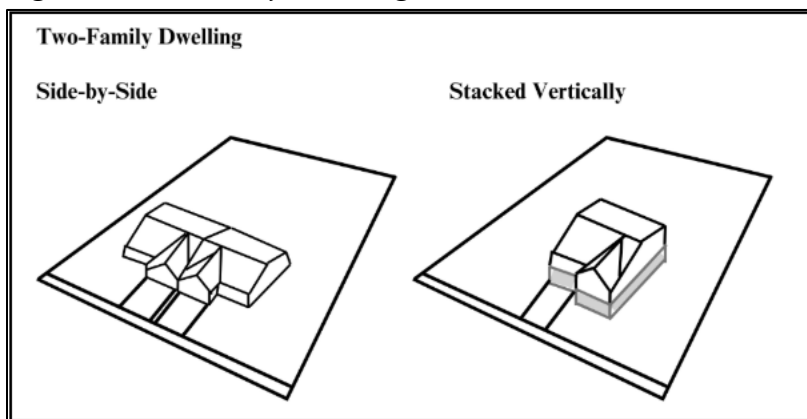
38. “*Dwelling, Single-Family*” means a building designed for or occupied exclusively by one (1) housekeeping unit, living independently of each other, having a kitchen and toilet facility for the unit. A single-family dwelling may be detached as a free-standing building located on its own lot, not attached to any other dwelling unit or attached as a single-family dwelling unit attached by one or more common walls to one (1) or more other single-family dwelling units, with each unit located on a separate lot (i.e., townhomes or rowhouses).

*Figure 2: Single-Family Dwelling.*



39. “*Dwelling, Two-Family*” (Duplex) means a building or buildings designed for or occupied exclusively by two (2) households, living independently of each other, having separate kitchen and toilet facilities for each household, and which does not meet the definition or requirements of an accessory dwelling unit (ADU). The two dwelling units may be arranged either side-by-side (horizontally) or stacked one above the other (vertically), as illustrated. This definition does not include mobile homes as defined elsewhere in this Ordinance.

*Figure 3: Two-Family Dwelling.*



40. “*Dwelling, Multiple*” means a residence designed for or occupied by three (3) or more households, with separate housekeeping and cooking facilities for each.
41. “*Dwelling, Condominium*” means a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate.
42. “*Dwelling, Row*” means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a “townhouse”.
43. “*Dwelling Unit*” means a room or group of rooms within a structure which are arranged, designed, or used as independent living quarters for the occupancy of one (1) household. Each dwelling unit shall provide complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, as required by the International Residential Code (IRC), as amended.
44. “*Dwelling, Temporary*” means any structure that is placed upon a piece of property that is intended to be occupied while the principal residence of the temporary dwelling occupant is being constructed upon said property.
45. “*Electronic Message Centers*” means a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.
46. “*Event Center*” means a venue intended primarily to house, shelter, transport, facilitate the congregation, and/or accommodate members of the general public for events that include weddings, family reunions, class reunions, company retreats, and picnics, or other similar events or celebrations.
47. “*Family Home*” means a community-based residential home which is licensed as a residential care facility under Iowa Code § 135C or as a child foster care facility under Iowa Code § 237 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, a family home does not mean an individual foster family home licensed under Iowa Code § 237, as defined and regulated by Iowa Code § 335.25, as amended. A family home also means those known as an elder group home as defined by Iowa Code § 231B, and a home for persons with disabilities as defined by Iowa Code § 504C, as amended.
48. “*Fixture, Full Cutoff*” means a luminaire constructed and installed so that no light is emitted above a horizontal plane running through the lowest point of the fixture; synonymous with dark-sky compliant fixture.
49. “*Fixture, Shielded*” means a luminaire equipped with a solid barrier or housing that prevents light from escaping upward or horizontally.

50. “*Footcandle*” means a unit of illuminance equal to one (1) lumen per square foot, measuring the amount of light falling on a surface.
51. “*Garage, Storage*” means any building or premises, used exclusively for the storage of motor-driven vehicles pursuant to previous arrangements and not for use by transients, and at which automobile fuels, oils, or accessories are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
52. “*Grade*” means:
- a. For buildings having walls adjoining one (1) street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street;
  - b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the regularly established sidewalk grades at the center of all walls adjoining the streets;
  - c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.
53. “*Home-Based Business*” means a business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of a residential property that allows limited visits from customers, employees, or members of the public and must meet standards outlined in this Ordinance to ensure it remains compatible with the surrounding residential neighborhood.
54. “*Home-Based Business, No Impact*” means a business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of a residential property where no customers, employees, or members of the public visit the site and must meet standards outlined in this Ordinance and Iowa Code § 335.35, as amended, to ensure it remains compatible with the surrounding residential neighborhood.
55. “*Hotel*” means a commercial building, or portion of a building, offering lodging to the public for compensation and intended for occupancy by transient guests. A hotel is distinguished from a boarding house or lodging house by typically serving transient rather than long-term guests, and from a motel by typically providing interior corridor access to guest rooms, rather than solely direct exterior access.
56. “*Interim Use Permit*” means a permit issued for a temporary use of property until a specific date, the occurrence of a particular event, or until the use is no longer allowed by the Zoning Ordinance. The permit identifies specific conditions, limitations, or restrictions and is subject to review for approval or denial by the Board of Adjustment as outlined in Chapter 43, Enforcement and Administration.
57. “*Internet Car Sales*” means the sale of automobiles conducted primarily through an online platform or e-commerce website, where transactions, including vehicle orders, financing, and

sales agreements, are initiated or completed via the Internet. The operation may not involve a customer-facing showroom. Operations engaged in internet car sales may be required to obtain a motor vehicle dealer license from the Iowa Department of Transportation (IDOT), in compliance with state regulations governing vehicle sales.

58. “*Junk Yard*” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building. The presence on any property of four (4) or more motor vehicles, as defined by Iowa Code § 306C, as amended, without current registration which for a period exceeding thirty (30) days have not been capable of operating under their own power, and/or from which parts have been removed for re-use, salvage, or sale, shall constitute prima facie evidence of a junk yard. Also referred to as a “Automobile Salvage Yard.”
59. “*Kennel*” means any lot, parcel, tract or premises used for the commercial sale, boarding, or breeding of dogs, cats, or other household pets, including the keeping of five (5) or more dogs, cats, or other household pets of the mammal group over the age of six (6) months, for which a state license is required in accordance with Iowa Code § 162, as amended.
60. “*Light Trespass*” means light from a luminaire that extends beyond the property it is intended to illuminate, resulting in unwanted illumination or glare on neighboring properties or rights-of-way.
61. “*Livestock*” means animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, and emus.
62. “*Lodging House*” means a building where lodging only is provided for compensation for four (4) or more persons, typically on a longer-term or semi-permanent basis, generally more than thirty (30) consecutive days, without providing meals or other guest services customarily associated with a hotel or motel.
63. “*Lot*” means a tract of land represented and identified by number or designation on an official plat, as defined by Iowa Code § 354.2, as amended.
64. “*Lot Area, Gross*” means the total area of a lot, parcel, or tract of land, measured in acres or square feet, including all land within the lot boundaries and encompassing any portion of rights-of-way, easements, or dedications that may later be conveyed for public use. Gross lot area represents the entire landholding prior to any required right-of-way or public land dedications.
65. “*Lot Area, Net*” means the total area of a lot, parcel, or tract of land measured in acres or square feet excluding any portion of land within existing or proposed public rights-of-way, easements for public access or utilities, or other land required to be dedicated for public use.

Net lot area represents the portion of a lot available for development, exclusive of such dedications.

66. “*Lot, Corner*” means a lot abutting upon two (2) or more streets at their intersection.
67. “*Lot, Depth of*” means the mean horizontal distance between the front and rear lot lines.
68. “*Lot, Double Frontage*” means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
69. “*Lot, Flag*” means a lot, created by subdivision, with lot width at the street frontage less than is required for the district, and comprised of a narrow “flagpole” strip extending from the street and is connected to a wider “flag” portion lying behind a lot or lots having the required street frontage.
70. “*Lot, Interior*” means a lot other than a corner lot.
71. “*Lot Lines*” means the lines bounding a lot, including the right-of-way line of any public road or highway acquired by easement.
72. “*Lot of Record*” means a lot which is a part of a subdivision recorded in the office of the County Recorder of Warren County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
73. “*Lot Width*” means the mean horizontal distance between the front and side lot lines measured at right angles to its depth.
74. “*Lumber Yard*” means a premise on which primarily new lumber and related building materials are sold.
75. “*Lumen*” means a unit of luminous flux representing the total amount of visible light emitted by a source.
76. “*Manufactured Home*” means a factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403, Federal Manufactured Home Construction and Safety Standards, as amended, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.
77. “*Mobile Home*” means any structure used for living, sleeping, business, or storage purposes, constructed prior to June 15, 1976, that and does not display a federal or state inspection seal, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. This does not include any mobile home that has had the tongue, wheels and axles removed and placed on a permanent foundation of at least forty-two (42) inches deep, said foundation being

constructed out of concrete block with mortar, or a poured concrete foundation used to support the mobile home, and said mobile home being converted to real property pursuant to Iowa Code § 435, as amended.

78. “*Mobile Home Park*” means any lot or portion of a lot upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
79. “*Modular Home*” means a factory-built single-family structure certified as meeting the State Building Code as applicable to modular housing, pursuant to Iowa Code § 435 and § 103A, as amended. Once certified by the State, modular homes shall be subject to the same standards as site-built dwellings.
80. “*Motel*” means a commercial building, or portion of a building, offering lodging to the public for compensation and intended for occupancy by transient guests. A motel is distinguished from a boarding house or lodging house by typically serving transient rather than long-term guests, and from a hotel by typically providing direct exterior access, to guest rooms, rather than solely interior access.
81. “*Non-Commercial Livestock*” means cattle, sheep, horses, swine, goats, rabbits, poultry, or any other animal belonging to the owner of the property only for non-commercial, hobby purposes.
82. “*Nonconforming Use*” means the lawful use of any building or land that was established prior to or at the time of passage of the ordinances codified herein, or amendments thereto, which does not conform, after the passage of said ordinances or amendments, with the use regulations of the zoning district in which it is situated.
83. “*On-Site Water and Wastewater Treatment Systems*” means any privately-owned system, facility, or infrastructure that provides water supply and/or wastewater treatment and disposal on the same property or lot where the water is used or wastewater is generated. These systems are not connected to a centralized public/community wastewater collection and treatment system but may receive potable water from a rural water supply, or rely on a private well or cistern. On-site systems include, but are not limited to, private wells, cisterns, septic tanks, soil absorption (leach) fields, aerobic treatment units, and other approved on-site wastewater treatment technologies, together with associated piping, pumps, holding tanks, and disposal components. All installations and operations of these systems shall comply with all applicable local, state, and federal health and environmental regulations.
84. “*Parking Space*” means a permanently surfaced area of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle. A parking space shall be at least nine (9) feet in width by eighteen (18) feet in length.
85. “*Personal Solar Energy Conversion System (P-SECS)*” means a Solar Energy Conversion System that produces electricity from solar energy primarily for use on-site.

86. “*Personal Wind Energy Conversion System (P-WECS)*” means a Wind Energy Conversion System that has a rated capacity of up to one hundred (100) kilowatts intended to produce electricity primarily for use on-site.
87. “*Place of Worship*” means a facility, building, or space used for people to gather for religious exercise, worship services, or related functions. Typical uses include, but are not limited to, churches, synagogues, mosques, temples, chapels, and other similar places of religious assembly. Accessory uses may include classrooms for religious education, fellowship halls, administrative offices, and on-site housing for clergy, provided such uses are incidental to the primary religious purpose. Also referred to as a “Religious Institution.”
88. “*Plat of Survey*” means a survey performed by a licensed surveyor within the past three (3) years (prior to date of application) to define and mark the boundaries of an existing parcel of land.
89. “*Private Aircraft Landing Field*” means any lot, parcel, tract of land formally set aside and designated for the landing and takeoff of privately owned aircraft, not intended for public or commercial use.
90. “*Public/Community Water and Wastewater Treatment Facilities*” means any publicly or privately owned system, facility, or infrastructure that provides centralized water supply and/or wastewater treatment services to multiple users within a designated service area, including, but not limited to, water treatment plants, wells or well fields serving a community water system, wastewater treatment plants, pumping or lift stations, lagoons, and associated distribution or collection systems. These facilities shall be designed, operated, and maintained in compliance with all applicable local, regional, state, and federal regulations.
91. “*Quarter-Quarter Section*” means the northeast, northwest, southwest or southeast quarter of a quarter section delineated by the United States Government system of land survey, and which is approximately forty (40) acres in size.
92. “*Recreation Facility, Indoor*” means a facility, whether publicly or privately operated and regardless of compensation, designed and used for recreational, cultural, or entertainment purposes conducted primarily within an enclosed building. Typical uses include, but are not limited to, bowling alleys, skating rinks, theaters (including movie theaters and performance venues), assembly halls, health clubs/fitness centers, and studios for music, dance, crafts, performing arts, or martial arts. This definition does not include event centers, which are separately defined and regulated in this Ordinance.
93. “*Recreation Facility, Outdoor*” means a facility, whether publicly or privately operated and regardless of compensation, designed and used for recreational, cultural, or entertainment purposes conducted primarily in open or outdoor spaces. Typical uses include, but are not limited to, parks, playgrounds, golf courses, athletic fields, sports arenas or stadiums (not associated with a school), amusement or theme parks, swimming pools, fairgrounds, boat



docks and marinas, outdoor amphitheaters, automobile racetracks, drag strips, snowmobile tracks, and similar outdoor recreation or entertainment activities.

94. “*Residential Care Facility*” means a facility, institution, or building licensed under as Iowa Code § 135C, as amended, providing accommodation, board, personal care services, and supervision for persons who are unable to care for themselves and who receive a continuous twenty-four (24)-hour program of care under the immediate direction of a certified administrator.
95. “*Shipping Container*” means a unit originally used for the transport, shipping, or hauling of materials or goods by land, sea, or air; capable of being moved or mounted by rail, truck, or boat. This definition includes steel sea or oceangoing containers marked with the American Bureau of Shipping’s emblem or meeting the International Standard Organization’s standards which can be detached from a trailer, chassis or frame, and which were formerly used for transporting sea or oceangoing cargo. This definition includes the terms “portable moving/storage unit/container/pod” and “cargo/oceangoing/transport container”. In addition, this definition applies to any structure designed to imitate the look of a shipping container.
96. “*Short-Term Rental*” means a residential property, dwelling, condominium, or portion thereof that is available for use or is used for accommodations or lodging of guests (including online accommodation marketplaces), who pay a fee or other compensation, for a period of thirty (30) consecutive days or less. The term Short-Term Rental does not include recreational vehicle, hospitals, nursing homes, or other medical accommodations; nor does it include hotels, motels, bed and breakfast homes, or any unit used for retail, restaurants, event centers, or similar uses.
97. “*Shouse*” means a structure with a pole foundation that contains a dwelling unit within or attached to an oversized garage, storage space, personal workshop, or machine shed under a common or connecting roofing system. For purposes of a shouse, these structures, when on a farm, agricultural operation, or acreage, shall not be considered a farm building for zoning purposes.
98. *Sign Definitions.*
- a. “*Sign*” means any device, structure, fixture, or placard that uses color, form, graphics, illumination, symbols, or written copy for the primary purpose of identifying, providing direction, or attracting attention to a building, person, institution, organization, business, product, service, event, or location, visible from a public right-of-way or adjacent property. The following devices shall not be considered signs for purposes of this Ordinance: small address or premises identification numerals not exceeding one (1) square foot; flags or similar fabric displays, provided they meet applicable height and size limits; governmental signs installed for public information, direction, or safety; and integral decorative or architectural features that do not contain letters or logos.

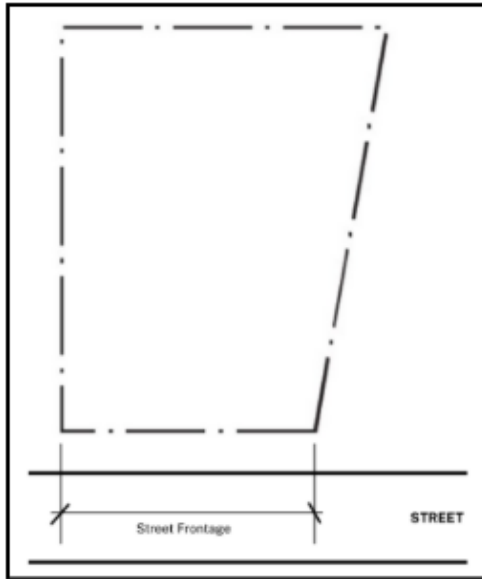
- b. “*Sign Area*” means the entire area within a single continuous perimeter enclosing all elements of the sign copy or display. Frames or supports not bearing copy are excluded unless they form part of the overall display design. For irregularly shaped signs, the area shall be the smallest rectangle or polygon that encloses all sign elements.
- c. “*Sign, Awning, Canopy, or Marquee*” means a sign that is painted on, printed on, attached to, or otherwise integrated into an awning, canopy, or marquee that projects over a doorway, window, or exterior walkway. Such signs may appear on the vertical face or valance of the structure and shall be considered building-mounted signs for the purposes of this Ordinance.
- d. “*Sign, Building-Mounted*” means a sign attached to, painted on, or erected against a building or other structure, including wall/fascia signs, canopy, awning, or marquee signs, roof signs, and projecting signs.
- e. “*Sign, Directory*” means a freestanding or wall/fascia sign identifying multiple occupants of a multi-tenant site, limited to one (1) identification sign per tenant.
- f. “*Sign, Fascia/Wall*” means a single-faced sign attached directly and parallel to its supporting wall.
- g. “*Sign, Freestanding*” means any sign erected or affixed in a rigid manner to one (1) or more poles, posts, or a monument placed in or on the ground and independent of any building. Types of freestanding signs may include, but are not limited to, directory signs and monument signs, as defined in this Ordinance.
- h. “*Sign, Illuminated*” means any sign in which the features are illuminated, using internal or external sources, including incandescent, fluorescent, LED, neon gas, or other means.
- i. “*Sign, Institutional*” means a permanent freestanding or building-mounted sign located on and identifying a property occupied by a civic, institutional, or community use such as an educational institution, religious institution, government facility, or similar establishment. Such signs may include a changeable copy area (manual or electronic) for displaying on-site information. For the purposes of this Ordinance, institutional signs may function as identification-type signs for civic, religious, or educational uses.
- j. “*Sign, Monument*” means a freestanding sign with a solid base resting on the ground and no open space between the base and the sign face.
- k. “*Sign, Off-Premise Advertising or Billboard*” means a freestanding, wall-mounted, or otherwise supported structure, display, or advertising device that directs attention to a business, product, service, activity, event, or attraction not conducted, produced, or offered on the premises where the sign is located. Off-premise advertising signs include, but are not limited to, billboards and other outdoor advertising devices

visible from a public right-of-way. Such signs are subject to the provisions of Iowa Code § 306C, as amended, and Iowa Administrative Code § 761-117, as amended, and the applicable standards of this Ordinance.

- l. *“Sign, Projecting”* means a double-faced sign attached perpendicular to a building or wall not more than four (4) feet from the building or wall surface.
  - m. *“Sign, Roof”* means a sign mounted above or on the roofline or parapet of a building; roof signs are prohibited unless specifically allowed by this Ordinance.
  - n. *“Sign, Temporary”* means a sign not permanently attached to the ground, or a building or structure, and intended to be displayed for a limited duration.
99. *“Special Exception”* means permitted a limited deviation from the required front, side, or rear yard setbacks of a zoning district, granted when unique conditions of a property create a practical difficulty in meeting such standards. A Special Exception may only be approved in cases where the deviation allows reasonable use of the property in a manner consistent with other properties in the same zoning district. The standards and review procedures for Special Exceptions are established in Chapter 43, Administration and Enforcement, and all applications are subject to approval or denial by the Zoning Administrator.
100. *“Horse Stable, Public”* means a building, structure, or premises where horses not owned by the property owner are housed, boarded, trained, rented, or where riding lessons, clinics, shows, or similar equestrian activities are offered for compensation. Such facilities may include riding academies, boarding stables, or equestrian centers operated for profit or by organizations open to the public or members on a fee or reservation basis.
101. *“Horse Stable, Private”* means a building or structure used for housing horses owned or leased by the property owner or occupant, for personal or recreational use only. No boarding, training, riding instruction, or other commercial activity is permitted.
102. *“Story”* means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
103. *“Story, Half”* means a space 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. A half-story containing independent apartments or living quarters shall be counted as a full story.
104. *“Street or Road Line”* means a dividing line between a lot, tract, or parcel of land and a contiguous street or road.
105. *“Street or Road, Public”* means any thoroughfare or public way which has been dedicated to the public or deeded to the County for street or road purposes.

106. “*Street Frontage*” means the linear feet of abutting road frontage to any level A County or State Road.

*Figure 4: Street Frontage.*



107. “*Structural Alterations*” means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.
108. “*Structure*” means anything constructed or erected, the sum of which requires permanent location on the ground or attached to something having a permanent location on the ground.
109. “*Subterranean Home*” means a home which has all but one (1) wall completely covered and landscaped with earth including the roof.
110. “*Tiny Home*” a detached residential structure on a permanent foundation up to four hundred (400) square feet in size. A tiny house on wheels must be licensed as a recreational vehicle under the laws and regulations of the state and then can be placed wherever a recreational vehicle can be placed, however, a tiny house on wheels cannot be lived in year around. To be lived in year around, the tiny house must be taken off wheels and affixed to a permanent foundation.
111. “*Tower*” means any supporting structure for microwave, radio, television, digital or cellular communication equipment.
112. “*Tower, Guyed*” means a tower that is supported, in whole or in part, by guy wires and ground anchors.
113. “*Tower, Lattice*” means a self-supporting tower with three (3) or four (4) sides, open, steel frame structure used to support communications equipment.

114. “*Tower, Monopole*” means a self-supporting tower consisting of a single pole, constructed without guy wires and ground anchors.
115. “*Tower or Antenna, Private*” means a tower, pole, or similar structure, including support structures that is no taller than sixty (60) feet, intended to hold one (1) or more communication antennas and only used for private, non-commercial purposes. This definition includes, but is not limited to, amateur (ham) radio towers and non-commercial parabolic and dish-type antennas.
116. “*Tower or Facility, Communication*” means a tower, pole, or similar structure, including supporting lines, cables, wires, braces, or supporting equipment and associated structures, designed to hold one (1) or more communications antennas, whether guyed or of monopole or lattice-type design, constructed to transmit or receive signals for the purpose of providing communication services for commercial use. This definition includes, but is not limited to, radio, television, cellular, PCS, telephone and microwave towers.
117. “*Travel Trailer*” means a recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.
118. “*Truck Terminal*” means a facility or yard for the receipt, transfer, short-term storage, and dispatching of goods transported by truck, which is designed to accommodate the simultaneous loading and/or unloading of trucks. Such establishments may include facilities where cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
119. “*Wood Products Manufacturing, Heavy*” means the large-scale cutting, planing, drying, or processing of wood into dimensional lumber or manufactured wood products, including sawmills, planing mills, truss plants, pallet manufacturing, or other high-volume operations that involve significant equipment, truck traffic, or outdoor storage of raw materials and products.
120. “*Wood Products Manufacturing, Light*” means a small-scale facility engaged in the cutting, planing, shaping, or assembly of wood into finished or semi-finished products. Operations may include limited on-site milling or planing of locally sourced or salvaged logs, drying and finishing of slabs or boards, and fabrication of custom wood items such as beams, mantels, furniture components, cabinets, or similar products.
121. “*Yard*” means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main 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 building shall be used.

122. “*Yard, Front*” means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches; the narrow frontage on a corner lot.
123. “*Yard, Rear*” means a yard extending across the full width of the lot measured between the rear lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the opposite end of the lot from the front yard.
124. “*Yard, Side*” means a yard extending from the front yard to the rear yard and measured between the side lot line and the nearest building.
125. “*Zoning Administrator*” means the administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in the Zoning Ordinance. In the absence of the Warren County Zoning Administrator, the Assistant Warren County Zoning Administrator is authorized to perform all acts empowered to the Warren County Zoning Administrator herein.
126. “*Zoning District*” means a section or sections of the County designated on the Official Zoning Map within which the regulations governing the use of land and structures, the height, bulk, and area of structures, lot coverage, and density of development are uniform.

#### **40.06 Official Zoning Map**

The boundaries of the Warren County zoning districts are indicated upon the Official Zoning Map of Warren County, Iowa, which map is made a part of the Zoning Ordinance by reference hereto. The Official Zoning Map, and all the information shown thereon, are a part of this Ordinance, and has the same force and effect as if the Official Zoning Map and all the information shown thereon were all set forth or described therein. The Official Zoning Map shall be on file, physically and digitally, in the office of the County Zoning Administrator and shall bear the signature of the Chairperson of the Board of Supervisors attested by the County Auditor, under the certification that this is the Official Zoning Map of Warren County, Iowa referred to in Section 40.06 of the Zoning Ordinance.

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

**40.07 Vacated Roads**

Whenever any railroad, street, road, alley, highway, or other public way is vacated by official action as provided by law, the zoning districts adjoining the sides of such public way shall be automatically extended to the center of said rights-of-way of the public way thus vacated, which shall henceforth be subject to all appropriate regulations of the extended zoning district.

**40.08 Disincorporation**

All territory which may hereafter become part of the unincorporated area of Warren County, Iowa, that is regulated by the Zoning Ordinance, by the disincorporation of any city, or any part thereof, shall automatically be classed as lying and being in the AG (Agricultural) Zoning District until such classification shall have been changed by amendment to the Zoning Ordinance, as provided by law.

**40.09 Interpretation of Zoning District Boundaries**

Where uncertainty exists as to the boundaries of the zoning districts shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, roads, alleys, highways, or other public ways shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the centerlines of rivers, streams, creeks, or other waterways lines shall be construed to follow such center lines.
6. Boundaries indicated as approximately following section lines, quarter-section lines, or quarter-quarter section lines shall be construed as following such lines.
7. Boundaries indicated as separated from, and parallel or approximately parallel to, any of the features indicated in subsections 1 through 6 above shall be construed to be parallel to such features and at such distances from as are shown on the Map. The scale used on the Official Zoning Map shall determine distances not specifically indicated on the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Map or in other circumstances not covered above, the Zoning Administrator shall interpret the district boundaries.

All amendments (rezonings) to the Official Zoning Map, the process for which is outlined in Chapter 43, shall follow the boundary lines of existing platted lots.

#### **40.10 Application of Zoning District Regulations**

The regulations set by the Zoning Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations specified in the Zoning Ordinance for the zoning district in which it is located.
2. No building or structure shall hereafter be erected, moved, enlarged, or altered in any way that:
  - a. Exceeds the maximum height permitted in the zoning district.
  - b. Contains more dwelling units than permitted in the zoning district.
  - c. Occupies a greater percentage of the lot area.
  - d. Provides narrower or smaller yards, setbacks, or open spaces than required by this Ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of the ordinance codified herein shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established by the Zoning Ordinance.

#### **40.11 Nonconforming Uses**

Within the zoning districts established by the Zoning Ordinance, or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of the Zoning Ordinance or future amendment. It is the intent of the Zoning Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of the Zoning Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district. To avoid undue hardship, nothing in the Zoning 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 the Zoning 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 an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

1. *Nonconforming Lots of Record.* In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of the Zoning Ordinance, a single-family dwelling, one (1) accessory dwelling unit (ADU), and customary accessory buildings may be erected on any single lot of record which was established prior to the effective date of adoption or amendment of the Zoning Ordinance, provided all other applicable standards are met. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zoning district.
2. *Nonconforming Use of Land.* Where, at the effective date of adoption or amendment of the Zoning Ordinance, lawful use of land exists that is no longer permissible under the terms of the Zoning Ordinance as enacted or amended, such use may be continued, subject to the following provisions:
  - a. 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 the Zoning Ordinance.
  - b. No such nonconforming use shall be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Zoning Ordinance.
  - c. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Zoning Ordinance for the zoning district in which such land is located.
3. *Nonconforming Use of Structures.* If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Ordinance that would not be allowed in the zoning district under the terms of the Zoning Ordinance, the lawful use may be continued, subject to the following provisions:
  - a. No existing structure devoted to a use not permitted by the Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.
  - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the

- Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or of a more restricted classification.
  - d. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two (2) years, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
  - e. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
  - f. Any structure devoted to a use made nonconforming by the Zoning Ordinance that is destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure is less than sixty percent (60%) destroyed above the foundation, it may be reconstructed and used as before provided it is done within six (6) months of such happening and is built of like or similar materials.
4. *Nonconforming Structures.* Where a structure exists at the effective date of adoption or amendment of the Zoning Ordinance that could not be built under the terms of the Zoning 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:
- a. No such structure may be enlarged or altered in a way which increases its nonconformity.
  - b. Should such structure be destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of the Zoning Ordinance.
5. *Registration of Nonconforming Use.* The owner of any use of land or use of land and structure in combination in existence at the time of passage of the Zoning Ordinance and made nonconforming by the provisions of the Zoning Ordinance shall apply for a Building Permit from the Zoning Administrator within twelve (12) months after the effective date of the Zoning Ordinance.
6. *Repairs and Maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Ordinance shall not be increased. Nothing herein shall be deemed to prevent the strengthening or restoring to a

safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

#### **40.12 Visibility at Intersections in Residential Zoning Districts**

On a corner lot in any residential zoning district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of the intersection.

#### **40.13 Permanent Perimeter Foundation Required**

A permanent perimeter foundation shall be required for all principal buildings in all zoning districts.

#### **40.14 Minimum Principal Building Width**

The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet in all zoning districts.

#### **40.15 Accessory Buildings**

No accessory building shall be erected in any required court or yard other than a rear yard except in the AG (Agricultural) District except as provided hereinafter. Accessory buildings shall conform to all minimum setback requirements, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not part of the main building shall not exceed the maximum accessory height restriction in the specified zoning district. This section shall not apply to Accessory Dwelling Units (ADUs), which as defined in this Chapter and regulated separately under Chapters 41, Districts and Boundaries and 42, Supplementary and Qualifying Regulations.

#### **40.16 Street Frontage Required**

Every lot shall have adequate street frontage as a condition of development, as defined in this Chapter. The minimum frontage requirement shall be as specified for each zoning district in Chapter 41, Zoning Districts and Boundaries.

**40.17 Flag Lots**

The creation of flag lots in the unincorporated areas of Warren County is prohibited except where approved by the Board of Adjustment upon finding that unique site conditions, natural features, or existing development patterns make a conventional lot layout impractical. Such determinations shall only be made after providing the Zoning Administrator, County Engineer, and other applicable County, city, or other regional agency officials and departments an opportunity for review and comment. The Board may also impose conditions for approval, including but not limited to, any conditions or design requirements deemed necessary by the Board to ensure safe and adequate access, including emergency vehicle access, and to promote compatibility with surrounding development. For any flag lot approved by the Board of Adjustment, the access drive (“flagpole”) shall be a minimum of forty (40) feet in width and not more than three hundred (300) feet in length. Flag lots established prior to the effective date of this Ordinance shall be considered legal nonconforming lots and may continue to exist, provided that they are not enlarged, expanded, or re-subdivided in a manner inconsistent with this section and the applicable zoning district standards.

**40.18 Corner Lots**

For corner lots, platted or of record after the effective date of this ordinance, the front yard regulations shall apply to each street side of the corner lot. Side and rear yard requirements are determined by direction of front of principal building. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

**40.19 Building Line on Approved Plats**

Whenever the plat of a land subdivision approved by the Board of Supervisors and on record in the office of the County Recorder shows a building line along any road for the purpose of creating a front yard or side yard line, the building line thus shown shall apply along such road in place of any other yard line required in the Zoning Ordinance unless specific yard requirements herein require a greater setback.

**40.20 Zoning Districts Dividing Property**

Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning district classification, and for the purpose of applying the regulations of the Zoning Ordinance, each portion shall be considered as if in separate and different ownership.

**40.21 Prohibited Storage of Motor Vehicles**

Outdoor storage of not more than three (3) motor vehicles that have storage licenses or are not currently licensed are prohibited in all zoning districts. This rule does not apply to licensed motor vehicle dealers who keep vehicles for sale at their business location in a district where vehicle sales are allowed.

**40.22 Signage**

The purpose of this section is to regulate the placement, size, design, and illumination of signs to protect public health, safety, and welfare; preserve the rural and visual character of Warren County; promote effective communication and economic vitality; and ensure compatibility with surrounding land uses. These regulations apply to all signs erected, altered, or maintained in the unincorporated area of the County and shall be content neutral, regulating only physical characteristics such as type, size, height, location, and illumination. All signs shall be designed, installed, and maintained subject to the following standards:

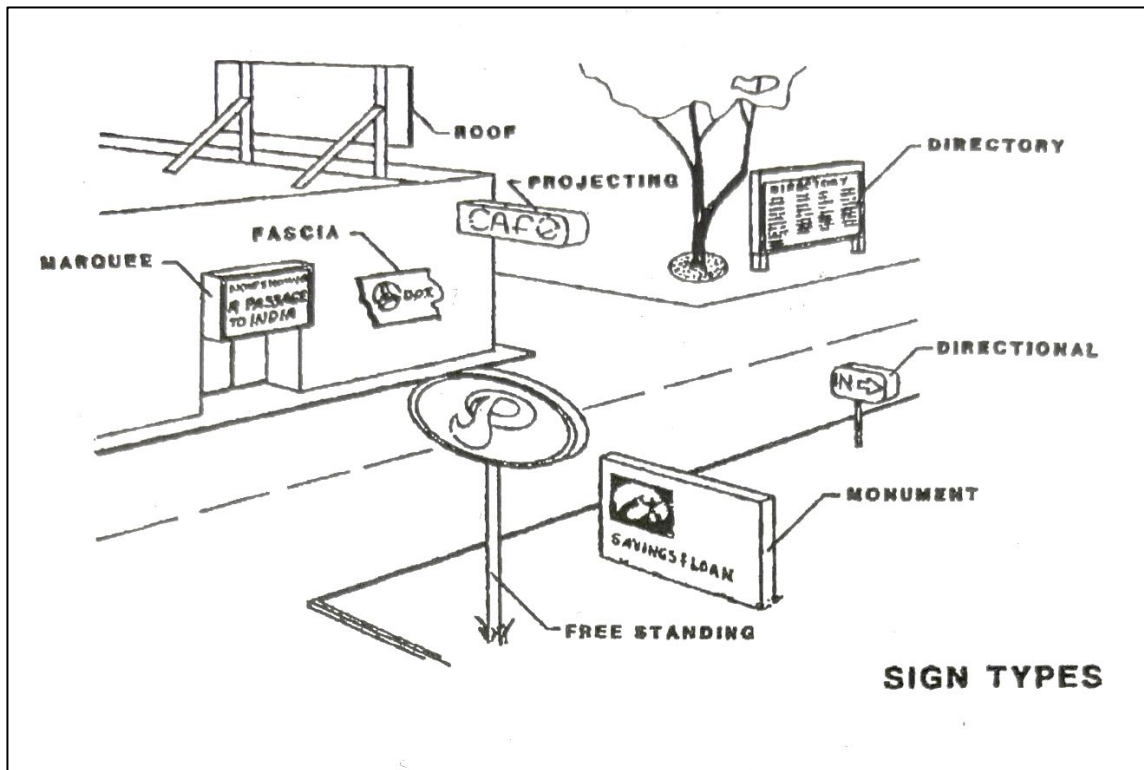
1. *Conformance Required.* Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed, or altered which does not comply with all of the regulations established by this Ordinance.
2. *Maintenance.* All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, lighting, fasteners, and finishes. Unsafe or deteriorated signs shall be repaired or removed.
3. *Permit Required.* Except as otherwise provided herein, any sign erected, maintained, painted, illuminated, altered, or relocated in the unincorporated area of Warren County shall conform to the provisions of this section, the applicable provisions within Chapters 41 and 42 of the Zoning Ordinance, and the Sign Permit procedures in Chapter 43.
4. *Signs Not Requiring a Permit.* The following signs are exempt from the requirement to obtain a Sign Permit, provided they comply with all other provisions of this Ordinance, including placement, height, and visibility standards, and except where superseded by state or federal law:
  - a. One (1) non-illuminated address sign not exceeding two (2) square feet identifying an address, entrance, parking area, or similar information necessary for public safety or convenience.
  - b. Signs installed by or on behalf of a public agency for traffic control, direction, safety, or other regulatory purposes.
  - c. Signs required or authorized by law, including court orders or public hearing notices.
  - d. One (1) permanent identification sign per commercial, industrial, or institutional (educational, cultural, or religious) site, which may be mounted to the principal

building or a freestanding sign, and shall be located on the same premises as such use. Such sign shall identify the building, structure, or occupant and shall not exceed thirty-two (32) square feet, and comply with all other applicable height, and illumination standards of this Ordinance. Larger or additional signs may be permitted in accordance with subsection (8) below and shall require a Sign Permit.

- e. Tablets, plaques, or signs integral to a structure or site commemorating historical or cultural significance.
- f. Temporary freestanding or wall-mounted signs that are not permanently attached to a building, structure, or the ground, and are displayed for a limited period not exceeding ninety (90) days in any calendar year. Such signs shall not exceed thirty-two (32) square feet in area and ten (10) feet in height and shall be removed within seven (7) days following the end of the event or purpose for which they were displayed. Temporary signs shall also comply with all applicable visibility requirements and shall not be illuminated. Where state or federal law establishes different or additional standards for certain temporary signs, including but not limited to those relating to political signs tied to elections as required by Iowa Code § 68A.406, as amended, those provisions shall govern and supersede the requirements of this Ordinance to the extent of any conflict.
- g. Window signs, whether permanent or temporary, within building windows, provided they comply with applicable area and illumination standards of this Ordinance.
- h. Temporary decorative lighting or displays, including string lights and similar temporary installations, that are erected for a limited duration not exceeding thirty (30) consecutive days, provided they contain no commercial advertising and are removed within seven (7) days after the display period ends.
- i. Temporary banners or decorations installed over or within a public right-of-way, when authorized in writing by the County Engineer, Board of Supervisors, or other jurisdiction having authority over the right-of-way.
- j. Repainting, refacing, or replacing parts of a lawful sign as part of routine maintenance without changing its structure, size, location, or illumination.

5. *Sign Types.* The general types of signs regulated by this Ordinance are illustrated in the accompanying figure below:

*Figure 5: Sign Types*



6. *Measurement of Sign Area and Height.* The area of a sign shall include all copy, emblems, logos, and background elements that form an integral part of the display, but shall exclude supporting structures unless such structures are part of the sign's design. For double-faced signs with faces separated by three (3) feet or less, only one (1) face shall be counted in determining total area. For irregularly shaped signs, the area shall be the smallest rectangle that fully encloses all sign elements. The height of a sign shall be measured from the average ground level at the base of the sign to the highest point of the sign or its supporting structure.
7. *Sign Location.* No sign shall obstruct visibility at intersections or driveways. Signs visible from a primary highway require Iowa Department of Transportation (IDOT) compliance, pursuant with Iowa Administrative Code § 761-117, as amended, prior to County approval, where applicable. Signs shall not project into a public right-of-way unless permitted by a government agency. Signs shall comply with setback requirements for accessory structures in the same zoning district.

8. *Signs for Commercial, Industrial, and Institutional Uses.* Signs for businesses, institutional uses, and other non-residential activities shall comply with the following standards in any zoning district where such uses are permitted, to ensure visibility, safety, and compatibility with surrounding areas:
- a. *Projection and Height.* No sign shall project over any public road or right-of-way line or extend more than six (6) feet beyond a building line, whether attached to or supported by a building or other structure. In no case shall any sign extend more than four (4) feet above the roofline or parapet wall of the building to which it is attached.
  - b. *Sign Area.* The total area of all signs associated with a business, institution, or other non-residential use on a building shall not exceed two (2) square feet of sign area for each linear foot of building frontage on which the sign is displayed.
  - c. *Orientation Adjacent to Residential or Agricultural Properties.* Where such lot containing a business, institution, or other non-residential use abuts an AG (Agricultural) or residential zoning district, any building-mounted sign shall be attached flat against the building and oriented away from the adjoining lot. This requirement does not apply to a building façade opposite the shared property line.
  - d. *Illumination.* Sign illumination shall comply with the lighting standards of Section 40.23 and the illumination requirements of this Section. All lighting shall be fully shielded, downward-directed, and designed to prevent glare or light trespass onto adjacent properties.
9. *Signs in Agricultural and Rural Residential Zoning Districts.* In the AG (Agricultural) and RR (Rural Residential) zoning districts, only limited accessory signs are permitted to maintain the rural and scenic character of the County. The standards in this section apply only to signs located within the AG (Agricultural) and RR (Rural Residential) zoning districts and do not modify or supersede signage allowances in other zoning districts.
- a. *Small Identification Sign.* One (1) non-illuminated sign not exceeding ten (10) square feet in area and eight (8) feet in height is permitted per property. Such sign shall identify the farm, residence, or lawful use on the premises.
  - b. *Medium Identification Sign.* One (1) sign between ten (10) and fifty (50) square feet in area and not more than twelve (12) feet in height is permitted per property in the AG (Agricultural) and RR (Rural Residential) zoning districts, subject to the following conditions:
    - i. The sign shall identify or advertise only activities, products, or services located on the same premises (on-premise use).
    - ii. The sign shall be set back at least twenty-five (25) feet from all property and right-of-way lines and outside any sight-distance triangle.



- iii. Signs shall be non-illuminated or externally illuminated with fully shielded, downward-directed lighting in compliance with Section 40.23.
- iv. Each property shall be limited to one (1) such sign, inclusive of any smaller identification sign.
- v. Signs shall be kept in good repair, free of peeling paint, rust, or structural damage, and shall be removed if the use or product advertised ceases.

10. *Prohibited Signs.* The following signs are prohibited in all unincorporated areas of Warren County:

- a. Signs that identify or depict a use, business, or service no longer conducted or available on the premises.
- b. Devices such as balloons, pennants, ribbons, streamers, or spinners, or any sign element designed to move or attract attention through motion, except as specifically authorized for temporary decorative displays or banners under this Ordinance.
- c. Signs that are not permanently anchored or secured to either a building or the ground, except expressly permitted as temporary signs under Subsection (4) above.
- d. Signs obstructing clear view to and from traffic along any road right-of-way, entrance, or exit.
- e. Signs placed or maintained on public property or within public rights-of-way without authorization from the public agency having jurisdiction.
- f. Flashing, blinking, or rotating lights on any sign, except for changeable electronic message centers that comply with the timing, brightness, and dimming standards of this Ordinance.
- g. Signs or sign structures with parts or elements that physically move or rotate by mechanical means, except as specifically permitted for authorized Electronic Message Centers.
- h. Off-premises signs painted or applied directly onto building walls are prohibited.
- i. Semi-trailers, shipping containers, or other vehicles or portable structures used primarily for permanent signage or advertising purposes.

11. *Illumination.* Unless specifically permitted in this Ordinance, signs in the AG (Agricultural) and residential zoning districts shall not be illuminated. Illuminated signs may be permitted in the commercial and industrial zoning districts, and for institutional uses where illumination is otherwise allowed, provided they comply with the following:

- a. *Compliance with Lighting Standards.* All sign lighting shall conform to the County's outdoor lighting requirements in Section 40.23, including full cutoff (dark-sky compliant) fixtures, color temperature not exceeding three thousand

- (3,000) Kelvin, and a maximum illumination level of zero point five (0.5) footcandle at any property line.
- b. *Shielding and Direction.* External illumination shall be top-mounted and fully shielded, directed downward onto the sign face, and shall not cause glare, light trespass, or upward light emission.
  - c. *Hours of Operation.* Sign illumination shall be extinguished between 12:00 a.m. (midnight) and sunrise unless the associated business or use remains open to the public during that period.
  - d. *Approval.* The Zoning Administrator shall verify compliance with these standards as part of the Sign Permit review and approval process.
12. *Abandoned Signs.* A sign that no longer identifies or advertises an active business, service, event, or product, or that remains blank or unused for six (6) consecutive months, shall be deemed abandoned. The property owner shall remove any abandoned sign and supporting structure within thirty (30) days of written notice by the County. If not removed, the County may remove the sign and recover associated costs pursuant to the enforcement provisions of this Ordinance.
13. *Non-Conforming Signs.* Where a sign 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, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
- a. No such sign may be enlarged or altered in a way which increases its non-conformity; however, reasonable repairs and alterations may be permitted.
  - b. Should such sign be destroyed by any means to an extent of fifty percent (50%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

#### **40.23 Lighting**

This section establishes outdoor lighting standards that balance nighttime safety and utility with protection of neighboring properties, the rural character of the County, and the visibility of the night sky. These regulations advance the County's "dark sky" goals by minimizing glare, light trespass, and sky glow, conserving energy and reducing unnecessary illumination, and encouraging lighting systems that provide safety, security, and functionality while preserving the natural darkness of the night environment. All outdoor lighting shall comply with the following standards:

1. *Shielding.* Any luminaire with a lamp rated at more than one thousand eight hundred (1,800) lumens shall not emit, in its installed position, any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
2. *Measurement.* Illumination at any residential property line shall not exceed one-half (0.5) footcandle.
3. *Color Temperature.* LED fixtures shall not exceed three thousand (3,000) Kelvin (warm white) color temperature.
4. *Full Cutoff.* All outdoor fixtures shall be full cutoff (dark-sky compliant), meaning no light is emitted above the horizontal plane. Fixtures shall be aimed and shielded to confine light to the area intended for illumination.
5. *Recreational and Construction Lighting.* Lighting of construction projects and outdoor recreation facilities, including, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, swimming pools, special event or show areas, shall meet the following conditions:
  - a. All fixtures used for such lighting shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
  - b. Illumination of the playing field, court, track, pool, or event site, after 12:00 a.m. (midnight) is prohibited except to conclude a scheduled event that was scheduled to be completed before 11:00 p.m. that circumstances prevented concluding before 11:00 p.m.
  - c. Temporary outdoor light fixtures for uses incidental to construction work shall only be illuminated when construction work is occurring and removed upon completion or abandonment of the construction work.
6. *Prohibited Light Sources.*
  - a. Laser-source lights, aerial or sky-beam lights, and searchlights used for advertising or attraction purposes are prohibited.
  - b. Mercury vapor lamps and fixtures are prohibited.
7. *Replacement of Nonconforming Luminaires.* Legally established nonconforming luminaires may be replaced with fixtures of the same type, unless more than fifty percent (50%) of fixtures on the site are replaced, in which case all must be brought into compliance with this section.
8. *Specific Use Regulations.*
  - a. *Signs.* All outdoor advertising signs shall be illuminated by top-mounted, fully shielded fixtures directed downward onto the sign face. Bottom-mounted or upward-directed lighting is prohibited unless fully shielded to confine illumination to the sign face. Illuminated off-site advertising signs shall be extinguished between 12:00 a.m. and sunrise.

- b. *Flagpoles*. Flagpoles shall be lighted from above where feasible. If bottom-mounted lighting is necessary, fixtures shall be shielded and placed on a timer to reduce illumination between 11:00 p.m. and sunrise.
- 9. *Exempted Light Sources*. The following are exempted from this section:
  - a. Any light source producing 1,800 lumens or less.
  - b. All temporary emergency lighting needed by emergency services, as well as all vehicular luminaries.
  - c. All hazard warning luminaires required by Federal regulatory agencies.
  - d. A building or structure that has been designated for historic preservation by the State of Iowa, or the National Park Service, shall be exempt from the "fully shielded" requirements, if a historic restoration cannot be achieved by other means.

#### **40.24 Buffering**

The purpose of this section is to establish buffering requirements that provide appropriate separation and compatible transitions between differing land uses. These standards promote orderly development, minimize conflicts between varying land-use intensities, and protect the use and enjoyment of adjacent properties. The requirements apply to all uses in the unincorporated area of the County where buffering is required. All buffers shall be designed, installed, and maintained in accordance with the following standards:

1. *Applicability*. As shown in Table 1: Buffering Standards Table below, buffering is required on any lot, parcel, or tract of land, containing a use classification listed in the left column when adjacent to land used or zoned for the use classification identified across the top row. The use classifications in this table correspond directly to the categories established in Section 41.11, Table of Uses.
2. *Buffer Types*. Two (2) buffer types are established to ensure consistent application of landscaping and separation requirements. The required buffer type is determined by the use relationships shown in Table 1: Buffering Standards, as follows:
  - a. *Light Buffer*. A minimum thirty (30) foot-wide buffer containing vegetation equivalent to one (1) tree per thirty (30) linear feet of buffer length.
  - b. *Heavy Buffer*. A minimum fifty (50) foot-wide buffer containing vegetation equivalent to two (2) trees per thirty (30) linear feet of buffer length, supplemented with additional vegetation as needed to achieve appropriate screening.
3. *Tree Size and Maturity Standards*. Required trees shall be selected and installed so that they are capable of achieving effective screening within the intended buffer area. All required trees shall meet the following minimum standards:

- a. *Minimum Mature Height.* Required trees shall be species that reach a minimum mature height of twenty-five (25) feet, or a height equal to any required security fencing, whichever is greater.
  - b. *Minimum Installation Size.* Required trees shall meet industry-standard nursery stock grades, including being of a size and caliper suitable for establishing a viable screen; generally at least two (2) inches in caliper (for species measured by diameter at breast height (DBH)), or at least four (4) feet in height (for species measured by height) at the time of installment.
  - c. *Establishment and Screening Performance.* Required trees, and other required vegetation, as applicable, shall be capable of achieving a height of approximately six (6) feet and forming an effective screen within three (3) years of installation. This height requirement does not apply to grasses, forbs, or groundcovers.
4. *Plant Material Requirements.* All plant materials shall consist of native Iowa species, or where appropriate, naturalized non-invasive species, and shall include a diverse mix of canopy trees, understory trees, shrubs, grasses, and forbs to create a layered vegetative screen.
5. *Alternative Compliance.* The final decision-making body may authorize reduced buffer widths or alternative screening where existing topography or enhanced measures, including but not limited to, berms, solid wood or composite fencing, or masonry walls, or plantings of a different size, species, or density, provide equal or greater buffering or screening is achieved.
6. *Installation and Maintenance.* All required buffers shall be installed prior to occupancy or operation of the use and shall be maintained in good condition for the life of the use, including but not limited to, free of litter, debris, noxious weeds, and invasive species.
7. *Multiple Uses on a Lot.* Where a lot contains more than one (1) use or use classification, the more stringent buffering requirement shall apply. However, on any side where only the lesser-intensity use is located, the lesser requirement may be used.
8. *Relation to Required Yards.* Required (setback) yards may overlap buffer areas, however, no principal structures, accessory structures, or parking areas may encroach into a required buffer unless expressly allowed elsewhere in this Ordinance.
9. *Uses Separated by a Public Road Right-of-Way.* Industrial and utility uses shall provide the required buffer when located across a public road right-of-way from the adjacent use classifications identified in Table 1.
10. *Planned Community Development (PCD) District.* In the Planned Community Development (PCD) zoning district, buffering requirements apply only along the peripheral yards along the boundaries of the Planned Community Development unless otherwise required by the approved Planned Community Development Master Plan. Buffers are not required between individual interior lots or uses. Refer to Section 41.06

Planned Community Development (PCD) Zoning District for detailed fencing, screening, and landscaping requirements.

11. *Use-Specific Buffering*. Nothing in this section shall preclude the application of more specific buffering or screening requirements established elsewhere in this Ordinance for particular uses or development types. Where such requirements differ from the general standards of this section, the use-specific requirements shall govern and may include enhanced vegetative screening, fencing, or alternative measures appropriate to the scale and duration of the use and consistent with any approved landscaping or screening plan for the development.

*Table 1: Buffering Standards Table.*

Use Classification		Adjacent Use					
		Adjacent to Residential Districts	Adjacent to Agricultural Districts	Adjacent to Commercial/Business Uses	Public/Semi-Public Uses	Industrial Uses	All Abutting Property Lines
	Agricultural and Residential Uses	Light, if specified in Ch 42	Light, if specified in Ch 42	None	None	None	None
	Commercial/Business Uses	Heavy	None	None	Light, if specified in Ch 42	None	Heavy, if specified in Ch 42
	Public/Semi-Public Uses	Heavy	None	None	None	None	Heavy, if specified in Ch 42
	Industrial/Utility Uses	Heavy	Heavy	Heavy	Heavy	None	Heavy, if specified in Ch 42

#### **40.25 Off-Street Loading Spaces Required**

In any zoning district in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (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 and maintained on the same lot with such building at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof gross floor area so used in excess of ten thousand (10,000) square feet. Each loading space shall be not less than twelve (12) feet in width and forty (40) feet in length. Such space may occupy all or any part of any required yard or open space, except where adjoining a residential zoning district, it shall be set back at least twenty (20) feet and effectively screened in accordance with the buffering requirements in Section 40.24.

**40.26 Off-Street Parking Area Required**

In all zoning districts, in connection with every industrial, commercial, business, trade, institutional, recreational, residential use, and similar uses, spaces for the parking and storage of vehicles shall be provided in accordance with the requirements of this section. Required off-street parking facilities shall be used primarily for the parking of private passenger automobiles of occupants, patrons, and employees of the principal use served.

*Accessible Parking.* Off-street parking facilities shall also include the number, size, and design of accessible parking spaces as required by the Americans with Disabilities Act (ADA) and the most current standards of the U.S. Department of Justice and the State Building Code, as amended. Accessible parking shall be provided in addition to, and not in lieu of, the minimum number of required spaces set forth in this section. In all cases, there shall be at least one (1) accessible parking space for persons with disabilities per use.

*Table 2: Required Off-Street Parking Spaces.*

<b>Use</b>	<b>Minimum Number of Spaces Required</b>
Single-family dwelling, duplex, townhome, and rowhomes	Two (2) spaces per dwelling unit
Multi-family dwelling ( $\geq 3$ households and including condominiums and apartments)	Two (2) spaces per dwelling unit
Bed and breakfast home	One (1) space per rental room/suite
Boarding and lodging houses	Two (2) parking spaces for each three (3) residents accommodated, plus one (1) space for each employee
Residential care facilities	One (1) space for each three (3) beds for residents accommodated, plus one (1) space for each employee
Hotels and motels	One (1) space per guest room/rental unit plus one (1) space per employee on the largest shift; additional spaces required for accessory uses (restaurant, meeting rooms, etc.)
Clubs and lodges	One (1) space for each three (3) persons, at maximum design capacity
Event centers	One (1) space per four (4) patrons at maximum capacity, plus one (1) space per employee on the largest shift
Places of worship, dance halls, assembly halls, theaters, auditorium	One (1) parking space for each four (4) seats based on the design capacity of the main assembly hall
Schools— elementary and middle school (primary and intermediate schools)	Two (2) spaces per classroom, plus one (1) space per each faculty or staff member of full-time equivalent status

Schools— high school, college, university and trade/specialty schools	One (1) space per seven (7) students in attendance at any one time, plus one (1) space per faculty or staff member of full-time equivalent status
Child care centers	One (1) space per six (6) persons of licensed capacity of the facility, plus one (1) space per employee, plus one (1) drop-off space per ten (10) children
Hospitals	One (1) space per every two (2) beds, plus one (1) space per employee on the largest shift
Clinics – medical, dental, chiropractic, veterinary, etc.	Three (3) spaces per one thousand (1,000) square feet of floor area
Funeral homes and mortuaries	One (1) space for each four (4) seats maximum capacity, plus one (1) space for each employee, plus one (1) space per funeral vehicle
Sports arenas and stadiums (non-school)	One (1) space per four (4) seats at maximum capacity
Recreation facilities—indoor and outdoor	One (1) space for each three (3) persons, at maximum design capacity, or one (1) per five hundred (500) square feet of activity area (whichever is greater)
Businesses and professional offices	Three (3) spaces for each one thousand (1,000) square feet of floor area
Financial institutions	One (1) space per two hundred fifty (250) square feet of floor area, plus five (5) stacking spaces per drive-thru lane
Food services (restaurants, coffee shops, bakeries, and similar uses)	One (1) space per two hundred (200) square feet of floor area
Retail stores and service establishments under two thousand (2,000) square feet of floor area	One hundred percent (100%) of gross floor area
Retail stores and service establishments over two thousand (2,000) square feet of floor area	Two hundred fifty percent (250%) of gross floor area
Furniture and appliance stores, household equipment stores, or repair shops	One (1) space per four hundred (400) square feet of display/sales area
Car sales and service establishments	One (1) space per four hundred (400) square feet of gross floor area devoted to sales and display, plus one (1) space per service stall, and one (1) space per employee on the largest shift
Gas stations	Four (4) spaces, plus two (2) spaces for each service stall; additional spaces required for accessory convenience service (other than strictly automotive products, parts and/or service)
Wholesale or warehouse establishments	One (1) space for each two (2) employees
Manufacturing and industrial plants	One (1) space per three (3) employees on the maximum shift



Other commercial uses not listed	One (1) space per employee on the largest working shift, plus either one (1) space per four (4) seats, or if no seats, one (1) space per one thousand (1000) square feet of gross building and outdoor activity area
Other industrial uses not listed	One (1) space per four thousand (4000) square feet of gross floor area, plus one (1) space per employee on the largest working shift

1. The number of parking spaces shall be rounded up to the nearest whole parking space.
2. “Employees on the maximum working shift” means the maximum number of employees working on site at any one (1) time.
3. “Maximum capacity” means that maximum number of persons that may be accommodated by the design of the facility, in accordance with the State Building and Fire Code.
4. For any use not specifically listed in this section, the Zoning Administrator shall apply the parking requirement for the listed use deemed most similar in trip generation and functional characteristics. If no similar use exists, the Zoning Administrator may require the applicant of the proposed use provide a parking study completed by a licensed third-party to establish the minimum number of spaces.
5. The Zoning Administrator can require additional parking if there is a documented, recurring shortage of parking spaces.
6. Where a lot does not abut on a public or private street, road, alley, or easement of access, there shall be provided an access drive of not less than ten (10) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question. Except where provided in connection with a use permitted in a residential zoning district, such easement of access or access drive shall not be located in any residential zoning district.
7. 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.
  - a. No part of any parking space shall be located closer than ten (10) feet to any highway, road right-of-way, or street right-of-way, measured horizontally from the closet edge of the nearest parking space. If the parking lot adjoins a residential zoning district, it shall be set back at least five (5) feet from the residential zoning district boundary and shall be effectively screen-planted.
  - b. Any off-street parking area, including any commercial parking lot for more than five (5) vehicles, shall be surfaced with an asphaltic or Portland cement binder pavement or such other surface as shall be approved by the County Engineer, so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all

- surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
- c. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be in compliance with Section 40.25 Lighting.
8. Off-street parking areas in the AG (Agricultural) and residential zoning districts shall be provided on the same lot with the principal use. Off-street parking and loading areas 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 or loading areas shall be located in any required front yard in the AG (Agricultural) or residential zoning districts.