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STATE OF IOWA, BUTLER COUNTY:

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BY Craig Pearson

RECORDER

DEPUTY

BUTLER COUNTY, IOWA, ZONING ORDINANCE (UNINCORPORATED AREAS)

ORDINANCE NUMBER VI No. 7

AN ORDINANCE REPEALING THE BUTLER COUNTY ZONING ORDINANCE, AS ADOPTED ON NOVEMBER 1, 1978, AND ANY AMENDMENTS THERETO; AND ENACTING IN LIEU THEREOF A NEW ORDINANCE ENTITLED THE BUTLER COUNTY, IOWA ZONING ORDINANCE.

RECOMMEND FOR ADOPTION BY THE BUTLER COUNTY PLANNING & ZONING COMMISSION ON: April 16, 2004

ADOPTED BY THE BUTLER COUNTY BOARD OF SUPERVISORS ON: First Reading: May 11, 2004 Second Reading: May 25, 2004 Third Reading: Waived on May 25, 2004

EFFECTIVE DATE: Upon Publication

PREPARED BY THE IOWA NORTHLAND REGIONAL COUNCIL OF GOVERNMENTS

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**TABLE OF CONTENTS**

<u>Section</u>		<u>Page</u>
	Purpose and Objectives . . . . .	1
I	Title . . . . .	2
II	Special Exemptions . . . . .	2
III	Interpretation of Standards . . . . .	2
IV	Iowa Open Meetings Law . . . . .	2
V	Definitions . . . . .	3
VI	Establishment of Districts and District Boundaries . . . . .	16
VII	General Regulations and Provisions . . . . .	18
VIII	Natural Resource Protection and Preservation . . . . .	25
IX	Use Regulation for "A-1" Agricultural District . . . . .	27
X	Use Regulation for "A-2" Agricultural District . . . . .	29
XI	Use Regulation for "R-1" Low Density Residence District . . . . .	31
XII	Use Regulation for "R-2" Moderate Density Residence District . . . . .	32
XIII	Use Regulation for "C" Commercial District . . . . .	33
XIV	Use Regulation for "C-M" Commercial-Manufacturing District . . . . .	36
XV	Use Regulation for "M" Manufacturing District . . . . .	37
XVI	Nonconforming Uses . . . . .	39
XVII	Provisions for Automobile Parking . . . . .	42
XVIII	Requirements for Location of Mobile Homes and Mobile Home Parks . . . . .	45
XIX	Outdoor Advertising Signs and Billboards . . . . .	47
XX	Exceptions and Variations of the Use, Height and Area Regulations . . . . .	49
XXI	Zoning Certificates . . . . .	51
XXII	Administration and Enforcement . . . . .	52
XXIII	Violation and Penalty . . . . .	61
XXIV	Enforcement and Fees . . . . .	61
XXV	Repealer and Severability . . . . .	62
XXVI	Effective Date . . . . .	63

**NOTICE**

The Ordinance text and the zoning maps are subject to occasional change through amendments to the Ordinance Information to any specific property may be obtained from the Planning and Zoning Office

**LIST OF TABLES**

<u>Table #</u>		<u>Page</u>
1:	Bulk requirements . . . . .	23
2:	Parking requirements . . . . .	44

**LIST OF FIGURES**

<u>Figure #</u>		<u>Page</u>
1:	Grade or Slope . . . . .	8
2:	Examples of Lot Definitions . . . . .	10
3:	Examples of Road Definitions . . . . .	12
4:	Yard Definitions . . . . .	15
5:	Sight Distance at Intersections . . . . .	47

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## PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with the Butler County Comprehensive Land Use Plan, as amended, and as permitted and specifically authorized in Chapters 352, Land Preservation and 335, County Planning and Zoning, Code of Iowa, as amended

This Ordinance is intended and designed to meet the specific objectives of Chapter 335.5, Code of Iowa, as amended, to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion on the street or highway; to secure safety from fire, flood, panic, and other hazards; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements.

This Ordinance is also intended and designed to meet the specific purpose of Chapter 352, Code of Iowa, as amended, to provide local citizens and local governments the means by which agricultural land may be protected from nonagricultural development pressures. This is accomplished by the creation of the Butler County Comprehensive Plan, as amended, the adoption of this Zoning Ordinance so that land shall be conserved for the production of food, fiber, and livestock, thus assuring the preservation of agriculture as a major factor in the economy of this county and state. It is the intent of this Ordinance, as authorized in Chapters 335 and 352, to provide for the orderly use and development of land and related natural resources in Butler County, Iowa, for residential, commercial, industrial, and recreational purposes, preserve private property rights, protect significant natural and historic resources and fragile ecosystems of this county including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas, to provide the efficient use and conservation of energy resources, and to promote the protection of soil from wind and water erosion.

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BE IT ENACTED BY THE BOARD OF SUPERVISORS OF BUTLER COUNTY, IOWA:

**SECTION I.  
TITLE**

This Ordinance, VI No 7, shall be known and may be cited and referred to as the "Butler County, Iowa, Zoning Ordinance.

**SECTION II.  
SPECIAL EXEMPTIONS**

A Agricultural Exemption

In accordance with the provisions of Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provisions of this Ordinance shall be construed to apply to land, farmstead, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used:

- 1 Application It shall be the responsibility of any person or group claiming that property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
- 2 Limitation This exemption shall not apply to any structure, buildings, dam, obstruction, deposits or excavation in or on the floodplains of any river or stream
- 3 Voluntary Compliance It shall be the policy to seek voluntary compliance of the provisions of this Ordinance for agricultural uses, specifically, the minimum yard requirements of the applicable zoning district

**SECTION III.  
INTERPRETATION OF STANDARDS**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

**SECTION IV.  
IOWA OPEN MEETINGS LAW**

The Butler County Zoning Commission and Board of Adjustment, both public bodies, are subject to the terms, regulations and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in these Ordinances a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

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**SECTION V.  
DEFINITIONS**

- A. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, 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.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. Abandoned Sign: "Abandoned sign" means an advertising device, which includes the structure, that has been allowed to become in a state of disrepair or which advertises a business or service no longer in existence.
2. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
3. Administrative Officer: The individual designated by this Ordinance to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance. This person may also be referred to as the "Zoning Administrator".
4. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, fish farm, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory or interrelated agricultural uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
5. Agricultural Area: An area meeting the qualifications of section 352.6 and designated under section 352.7 of the Code of Iowa.
6. Alley or Lane: A public or private way not less than twenty (20) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
7. Apartment House: See Dwelling, Multiple.
8. Automobile Salvage Yard: See Junk Yard.
9. Basement / Cellar: That portion of a building having more than one-half (½) of its height below grade. A basement / cellar is not included in computing the number of stories for the purpose of height measurement.
10. Bed and Breakfast: An owner-occupied dwelling unit that contains no more than four guest rooms where lodging, with or without meals, is provided for compensation. For the purposes of this Ordinance, a Bed and Breakfast shall be considered a home occupation.
11. Billboard: "Billboard" as used in this Ordinance shall include all structures regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not

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carried on or manufactured in or upon the premises upon which said signs or billboards are located.

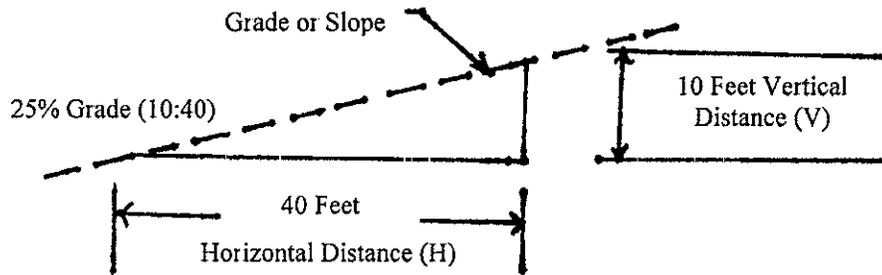
12. Block: The property abutting on one side of the street and lying within the two nearest intersecting streets, an unsubsidized acreage or railway right-of-way. An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
13. Board of Adjustment: The Board of Adjustment of Butler County, Iowa.
14. Board of Supervisors: The Board of Supervisors of Butler County, Iowa.
15. Boarding House: A building other than a hotel, where for compensation, meals and lodging are provided for three (3) or more persons.
16. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
17. Building Height of: The vertical distance from the average natural grade to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
18. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Butler County, Iowa.
19. Building Official: The agent so designated by the Board of Supervisors.
20. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
21. Business or Commercial: When used in this title, refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices, recreational, or amusement enterprises.
22. Cabin: See "Vacation or Recreational Cabin".
23. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purposes of this Ordinance, a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements herein.
24. Clinics: A building or buildings used by physicians, lawyers, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.
25. Commission/Planning and Zoning Commission: The Butler County Planning and Zoning Commission.
26. Common Sewer System: A central sewer collecting system available to each platted lot and discharging into a treatment plant, lagoon or other systems which are approved by the Butler County Department of Health. The design and location of a sewer system must be approved by the County Board of Health. The above definition is not to be construed to mean individual household, private sewage disposal systems.

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- 27 Common Water System: A central water supply system available to each platted lot approved by the County Department of Health.
- 28 Corn Suitability Rating (CSR): An index, created by the U.S. Department of Agriculture (USDA) and included as part of the Butler County Soil Survey, that ranks the productivity of soils and their suitability for row-crop production.
- 29 County: Butler County, Iowa.
- 30 Court: An open unobstructed, and unoccupied space other than a yard, which is bounded on two (2) or more sides by a building on the same lot.
- 31 Cul-de-sac: A street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.
- 32 Day Nursery, Nursery School, or Day Care (Public): Any licensed or unlicensed agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for six (6) or more children.
- 33 Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
- 34 Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 35 District: A geographic section or sections of the county within which the use and occupancy of are controlled by this Ordinance.
- 36 Driveway: A public access either to a private or public street, road, alley, highway, or freeway. All driveways, public and private, shall meet or exceed, the current Butler County driveway policy.
- 37 Dump: A premises used for the disposal of "clean type" of fill material, such as dirt, rocks, and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.
- 38 Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
- 39 Dwelling Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
- 40 Dwelling Multiple: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
- 41 Dwelling Row: Any one of three (3) 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.
- 42 Dwelling Single-Family: A detached residence designed for or used exclusively and occupied by one family only.

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43. Dwelling Two-Family: A residence designed for or used exclusively and occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
44. Dwelling Unit: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
45. Earth Home: An earth home is a structure that is below the ground on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be construed or confused with the definition of a basement or cellar.
46. Easement: A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees, which interfere with the use of such easements.
47. Engineer: An engineer is a licensed engineer authorized and licensed to practice engineering in the State of Iowa.
48. Factory-Built Structure: Any structure which is, wholly or in substantial part, made fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
49. Factory-Built Housing: A factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of two types: Mobile Homes and Manufactured Homes.
50. Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption.
51. Farm: An area comprising thirty-five (35) contiguous acres, exclusive of streets and roads, or more which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property non-contiguous.
52. Farmstead: The buildings and adjacent service areas of a farm, including sites where the buildings may have been removed provided the land has not been cultivated.
53. Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at roadside stand or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.
54. Farm Products: Those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

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55. Feed Lot/Confinement Operation: An animal feeding area on which the principal use is the confinement of livestock, primarily for the purposes of concentrated feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and/or upon which livestock are allowed to graze or feed.
56. Fill: The placing, storing, or dumping of any material such as earth, clay, sand, rubble, or concrete upon the surface of the ground which results in increasing the surface elevation.
57. Flood: A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff of surface waters from any source.
58. Floodplain: Any land area susceptible to being inundated by water as a result of a flood. Development in floodplain is governed by the County Floodplain Ordinance.
59. Floor Area: The sum of gross horizontal areas of all floors of a building.
60. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
61. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
62. Garage, Private: An enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises.
63. Garage, Public: Any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
64. Garage, Storage: Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
65. Gasoline Filling Station or Convenience Store: Any building or premises used for the retail sale of products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.
66. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building (see Figure 1).

Figure 1: Grade or Slope



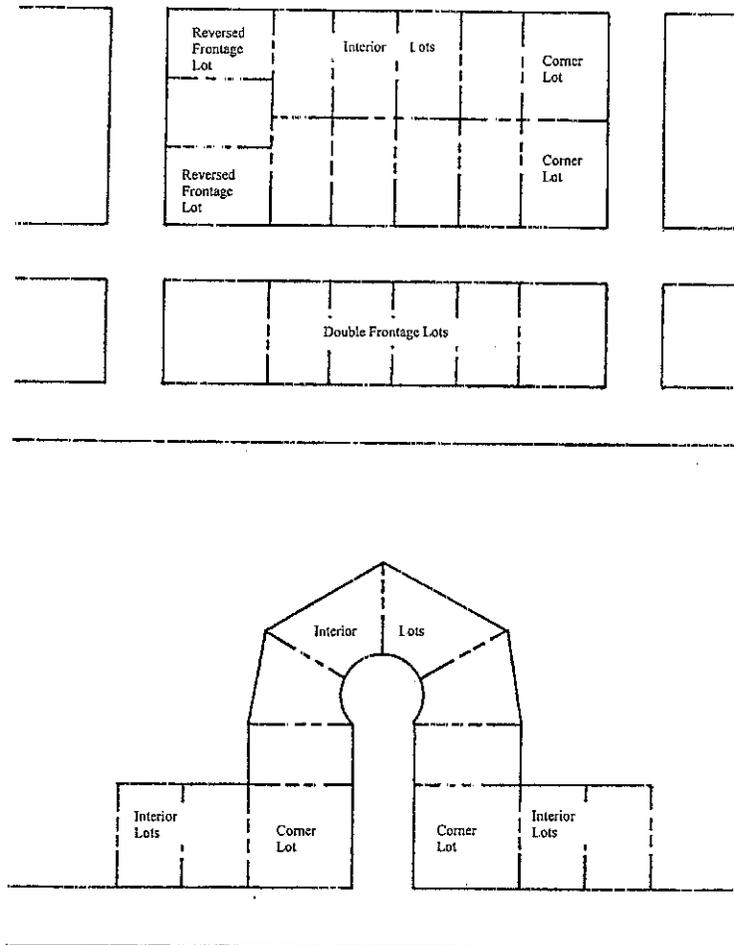
$$\text{SLOPE CALCULATION} = V/H$$

67. Grain Elevator: A structure or group of related structures whose primary purpose is, but not limited to, the receiving, selling, processing, storage, drying and transporting of bulk grain
68. Group or Family Home: A group home, or family home, means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 in the Iowa Code to provide room and board, personal care, habitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However a group home or family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa
69. Hazardous Waste: A hazardous waste as defined in Chapter 455B 411, Code of Iowa, as amended or designated as such by the Federal Environmental Protection Agency
70. Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.
71. Home Occupation: A gainful occupation or profession conducted entirely within an enclosed dwelling unit which is clearly incidental and secondary to residential occupancy and does not change the character thereof.
72. Home Industry: Any gainful occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof
73. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house

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74. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainageways, sewers, water mains, wells, and other works and appurtenances
75. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use
76. Junk or Salvage: Scrap copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous materials.
77. Junk or Salvage Yard: Any area where junk, discarded or salvaged material or equipment is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations and not including contractors' storage yards. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been licensed or are not capable of operating under their own power, or from which parts have been removed for reuse, salvage or sale, shall constitute prima facie evidence of a junk yard
78. Kenel, Dog (Commercial): Any parcel of land on which four (4) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes
79. Livestock: Cattle, horses, sheep, swine, poultry or any other animal or fowl, which are being produced primarily for commercial purposes
80. Lot: For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of:
- a. A single lot of record;
  - b. A portion of a lot of record;
  - c. A combination of complete lots of record; or complete lots of record and portions of lots of record; or of portions of lots of record;
  - d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance
81. Lot, Area: Total horizontal area within lot lines
82. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection (see Figure 2)
83. Lot, Depth of: The mean horizontal distance between the front and rear lot lines
84. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot (see Figure 2)
85. Lot, Interior: A lot other than a corner lot (see Figure 2)
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86. Lot, Lines: The lines bounding a lot
87. Lot Line, Front: The line separating the lot from the street on which it fronts
88. Lot Line, Rear: The lot line opposite and most distant from the front lot line
89. Lot Line, Side: Any lot line other than a front or rear lot line
90. Lot of Record: A lot, the contract or deed to which, that has been recorded in the office of the Recorder of Butler County, Iowa, prior to November 1, 1978
91. Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear (see Figure 2).
92. Lot, Width: The width of a lot measured at the building line and at right angles to its depth.

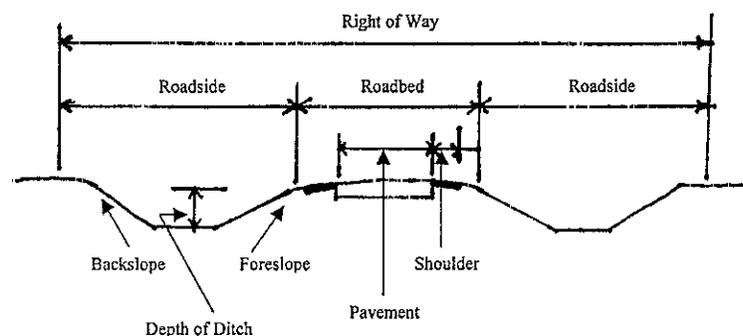
**Figure 2: Examples of Lot Definitions**



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- 93 Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
- 94 Manufactured Home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, National Manufactured Home Construction and Safety Standards Act of 1974, 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 it 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, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured home shall be subject to the same standards as site-built dwellings.
- 95 Metes and Bounds Description: The method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.
- 96 Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved location, as specified in this Ordinance.
- 97 Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
- 98 Motel, Auto Court, Motor Lodge: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
- 99 New Construction (New Buildings, New Mobile Home Parks): Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.
- 100 Nonconforming Use: The lawful use of any building or land that was established prior to or at the time of passage of this Ordinance or amendments thereto which does not conform after the passage of his Ordinance or amendments thereto with the use regulations of the district in which it is situated.
- 101 Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.
- 102 Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

- 103 Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf
- 104 Parcel: A part of a tract of land.
- 105 Parking Lot: A parcel of land devoted to unenclosed parking spaces.
- 106 Parking Space: An area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or non-parking, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be a surface material approved by the County Engineer.
107. Pavement or Paving: The pavement structure, or the upper surface of a pavement structure, or the materials of which the pavement structure is constructed
- 108 Permanent Real Estate Index Number: A unique number of combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa
- 109 Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens
110. Principal Use: The main use of land or structures as distinguished from an accessory use.
111. Public Utilities: Public or quasi-public distributing or operating equipment for related services for telephone, electricity, cable television, gas, sewer and water. For purposes of this Ordinance, a private, common water system and/or a common sewer system may be considered a public utility when a public or quasi-public system is not available and when the creating parties agree
112. Recreational vehicle: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 113 Right-of-Way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes (see Figure 3)
114. Road: All property intended for use by vehicular traffic, dedicated or intended for public or private road, street, alley, highway, freeway or roadway purposes or to public easements therefore.

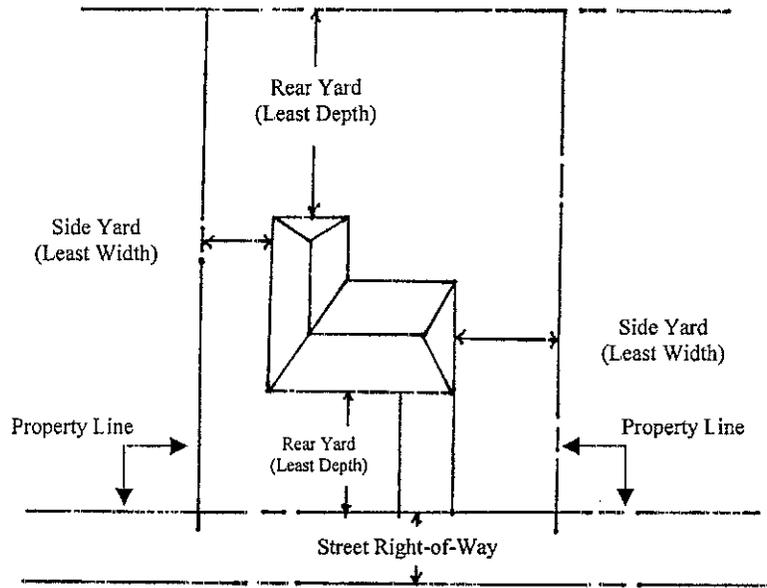
**Figure 3: Examples of Road Definitions**



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- 115 Roadside Stand: A temporary structure used seasonally for the sale of homegrown agricultural products
- 116 Rooming or Lodging House: A building or place where lodging or boarding is provided for compensation for three (3) or more, but not exceeding twenty (20) individuals, not open to transient guests, in contrast to hotels open to transients
- 117 Sanitary Landfill: Land utilized for disposing of solid or hazardous wastes in accordance with the rules and regulations of the Department of Environmental Quality.
- 118 Shoulder: That portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses
- 119 Sign: "Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement "Sign" includes "billboard" but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit Nor does it include any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event
- 120 Sign, Exterior: A sign that directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located An exterior sign is a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.
- 121 Sign, Free Standing or Post: Any sign that is not attached to a building erected or affixed in a rigid manner to any pole or post, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof
- 122 Sign, Illuminated: A sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign, including but not limited to neon and exposed lamp signs.
- 123 Sign, Off-Site: A sign other than an on-site sign.
- 124 Sign, On-Site: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises.
- 125 Stable, Public and Riding Academy: A building or structure used or intended to be used for the housing only of horses on a fee basis Riding instruction may be given in connection with a public stable or riding academy
- 126 Stable, Riding Club: A building or structure used or intended to be used for the housing only of horses by a group of persons for noncommercial purposes.
- 127 Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it
- 128 Story, Half: A space under a sloping roof which has the line of intersecting of roof decking and wall face not more than four (4) feet above the top floor level
- 129 Street, Road, Drive, Alleys, or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision.

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130. Street, Road, Alleys, Drive or Entrance (Public): All property intended for use by vehicular traffic, which has been dedicated to the public or deeded to a political subdivision.
131. Street, Road, Alleys, Drive or Entrance (Secondary Road System): All property intended for use by vehicular traffic which has been dedicated to the public and meets requirements of the Code of Iowa and has been accepted into the county system by the Board of Supervisors.
132. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
133. Structural Alterations: 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.
134. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards, and poster panels.
135. Tract: An aliquot part of a section, a lot within an official plat, or a government lot.
136. Trailer or Mobile Home: See "Mobile Home."
137. Trailer or Mobile Home Park: See "Mobile Home Park or Trailer Park."
138. Travel Trailer: A vehicle customarily used for vacation or recreational purposes defined and licensed in accordance with Section 321.1(39)(b), Code of Iowa.
139. Vacation or Recreational Cabin: A structure consisting of not more than four (4) sleeping rooms, kitchen and living area used as a temporary residence, not to exceed six (6) months at a time, for recreational purposes.
140. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. 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.
141. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building (see Figure 4). For the purposes of this Ordinance, "front" shall be determined by the street where the address is derived.
142. Yard, Rear: A yard extending across the full width of lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches (see Figure 4). On both corner lots and interior lots the opposite end of lot from the front yard.
143. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building (see Figure 4).

Figure 4: Yard Definitions



- 144 Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance
- 145 Zoning Certificate: Written authorization, issued by the Zoning Administrator, that indicates a proposed project conforms to this Ordinance

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**SECTION VI.**  
**ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES**

A     Establishment of Districts

In order to classify, regulate, and restrict the location of trades and industries, and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the unincorporated area of Butler County, Iowa, is hereby divided into seven (7) classes of districts. The use, heights, and area regulations are uniform in each class of district, and said districts shall be known as:

- "A-1"   Agricultural District
- "A-2"   Agricultural District
- "R-1"   Low Density Residence District
- "R-2"   Moderate Density Residence District
- "C"      Commercial District
- "C-M"   Commercial-Manufacturing District
- "M"      Manufacturing District

B.     District Boundaries and Official Zoning Maps

The boundaries of these districts are indicated upon the Official Zoning Maps of Butler County, Iowa, which maps are made a part of this Ordinance by reference. The said Official Zoning Maps of Butler County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said maps were all fully described herein. The said Official Zoning Maps shall be on file in the office of the Zoning Administrator of Butler County, Iowa, and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that these are the Official Zoning Maps referred to in Section VI of this Ordinance. The Official Zoning Maps shall show all amendments or changes and shall indicate the date of each amendment or change. It shall be the responsibility of the Zoning Administrator to see that the Zoning Maps are kept current at all times.

C.     Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Maps accompanying and made a part of this Ordinance, the following rules apply:

- 1       The district boundaries are either street line or alley lines unless otherwise shown, and where the districts designated on the maps accompanying and made a part of this Ordinance are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district, street and alley right-of-way not included in zoned areas.
- 2       Where boundaries are indicated so they approximately follow lot lines and are not more than twenty (20) feet distance there from, such lot lines shall be interpreted to be the boundary of the district.
- 3       Boundaries that approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
- 4       Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.

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- 5 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
  - 6 Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines.
  - 7 Where no other indication of the district boundary is made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the maps
  - 8 Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Map; and, as such, said maps or portions of said maps need not be published
  - 9 As a last resort, the Board of Adjustment may, per Section XXII(G), interpret district boundaries

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**SECTION VII**  
**GENERAL REGULATIONS AND PROVISIONS**

A. Severance

Any addition to the unincorporated area of the county resulting from disconnections by municipalities or otherwise shall be automatically classified as in the "A-1" Agricultural District until otherwise classified by amendment

B. Conformance Required

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations that apply to uses within the jurisdiction of this Ordinance

C. Farmstead

Within an Agricultural district, a farmstead by definition in existence on November 1, 1978, the date Appendix A of the Butler County Code of Ordinances was adopted, may be severed from the farm. A minimum of one and one-half (1.5) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located. If a single family home is proposed to be built on a farmstead, an existing home may be allowed to remain until the new home is either completed or occupied, whichever is a shorter period of time.

D. Required Yard Per Building

No yard or other open space or lot area requirement shall be considered as providing a yard or open space or lot area requirement for a building on any other lot, and no yards or other open space or lot area requirement about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space or lot area requirement for any other building

E. Road Vacation

Whenever any street, road or other public way is vacated by official action of the Board of Supervisors of Butler County, the zoning district adjoining each side of such street, road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts

F. One Principal Building Per Lot

Every building hereafter erected or structurally altered shall be located on a lot as defined herein and, with the exception of areas zoned "C-M" Commercial-Manufacturing, in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided by this Ordinance.

G. Requests

All petitions for rezoning, special permits, variance, etc., must be in writing stating the exact legal description of land involved, the purpose for which the land is to be used, the disruption expected to be incurred on the area's natural setting, and the methods to be implemented to lessen the severity of disruption on the area. The Zoning Administrator must receive petitions at least twenty (20) working days prior to a stated or special meeting of the Zoning Commission. A preliminary plat shall be submitted with a petition for rezoning for subdivisions.

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H. Water Supply and Sewage Disposal

Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities that conform with the Well and Sewage Regulations of the County Department of Health and all other applicable regulations.

I. Street Frontage Required

Except as permitted in this Ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street, and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least twenty-four (24) feet wide may be provided for two (2) such single-family dwellings. For more than two (2) dwellings the access easement must be in conformance with the Subdivision Ordinance of Butler County, Iowa.

J. Accessory Buildings

Minimum lot area, lot frontage, and yard requirements will be determined for each of the zoning district classifications. All accessory buildings shall be placed in the side or rear yard. An unattached accessory building shall maintain a clearance of five (5) feet (wall to wall) between the principal permitted building and the accessory building.

An accessory building that is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard. However, nothing in this Ordinance will prohibit the construction of at least a four hundred forty (440) square foot accessory building on a lot.

K. Corner Lots

The front yard regulation shall apply to each street side. 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.

L. Front Yard

In any "R" district there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots. In computing the average setback, buildings located on reversed corner lots or entirely on the rear half of lots shall be counted. The required setback as computed herein need not exceed fifty (50) feet in any case. For the purposes of this Ordinance, "front" is determined by the street where the address is derived.

M. Required Yard Cannot Be Reduced

No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this Ordinance.

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N Building Lines on Approved Plats

Whenever the plat of a land subdivision on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback

O Pending Applications for Building Permits

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which shall conform with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

P Lot Area Computation

In all districts, lot area requirements shall be computed exclusive of street, road, alley, or highway right-of-way

Q Dwelling Standards

The following standards shall apply to all new dwellings for which building permits have been issued

1. The dwelling shall be affixed to a permanent foundation system, in accordance with the Uniform Building Code standards;
2. The minimum average dimension of the width and of the length of the main body of the dwelling unit shall not be less than twenty-four (24) feet.

R Home Occupation Standards

The following standards and criteria shall apply to home occupations:

1. Clearly incidental and secondary to the use of the dwelling unit as a residence;
2. Conducted entirely within an existing dwelling unit;
3. Conducted by a member(s) of the family residing within the dwelling unit and no more than two (2) non-resident employees;
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements:
  - a. Contains only the name of the occupant and the nature of the occupation.

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- b Shall not contain more than thirty-two (32) square feet
  - c Shall not be illuminated
  - d If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.
  - e Shall not be located on County right-of-way.
8. Shall obtain and possess a valid home occupation permit;
- a An initial permit may be issued by the Zoning Administrator, after public hearing, review, and consideration by the Planning and Zoning Commission
  - b Thereafter, a home occupation permit must be renewed annually unless the permit-holder violates any of the conditions defined in Section VII(R)(8)(c) below. The Zoning Administrator shall be authorized to renew said permits
  - c A home occupation permit may be revoked by the Zoning Administrator, after review and consideration by the Planning and Zoning Commission, for any of the following reasons: complaints against the use arise during the course of the year; the permit-holder violates this Ordinance; the permit-holder violates any Butler County ordinance or state or federal statute; or the permit-holder violates any of the conditions of the home occupation permit

S. Home Industry Standards

The following standards and criteria shall apply to home industries:

- 1 Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property;
- 2 Conducted entirely and confined within an accessory building(s) located upon the property;
- 3 Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employees;
- 4 There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
- 5. Water, sewer, and waste disposal systems shall be subject to approval of the County Health Department;
- 6 Customer parking shall be provided and be as inconspicuous as possible on the premises;
- 7 Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements.
  - a Contains only the name of the occupant and the nature of the occupation.
  - b Shall not contain more than thirty-two (32) square feet.
  - c Shall not be illuminated

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- d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained
  - e. Shall not be located on County right-of-way.
- 8 Shall obtain and possess a valid home industry permit;
- a. An initial permit may be issued by the Zoning Administrator, after public hearing, review, and consideration by the Planning and Zoning Commission
  - b. Thereafter, a home industry permit must be renewed annually unless the permit-holder violates any of the conditions defined in Section VII(S)(8)(c) below. The Zoning Administrator shall be authorized to renew said permits
  - c. A home industry permit may be revoked by the Zoning Administrator, after review and consideration by the Planning and Zoning Commission, for any of the following reasons: complaints against the use arise during the course of the year; the permit-holder violates this Ordinance; the permit-holder violates any Butler County ordinance or state or federal statute; or the permit-holder violates any of the conditions of the home industry permit

I Bulk Requirements

All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or further conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located.

Minimum bulk requirements are listed in Table 1.

U. Uses Not Listed

Uses not specifically listed as principal permitted or accessory uses or special exceptions shall be considered for addition to the Ordinance according to the amendment procedures outlined in Section XXII(K)

Table 1. Bulk Requirements

"A-1" Agricultural & "A-2" Agricultural Districts	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family or Farm Dwelling in the "A-1" Agricultural District	--	35 Acres, unless CSR is 70 or less on 75% of lot then 15 Acres	150 Feet	50 Feet	25 Feet	50 Feet
Single Family Dwelling in the "A-2" Agricultural District	--	1.5 Acres	150 Feet	50 Feet	25 Feet	50 Feet
Other Permitted Structures	--	1.5 Acres	150 Feet	50 Feet	25 Feet	50 Feet
Accessory Buildings	--	--	--	50 Feet	25 Feet <sup>1</sup>	50 Feet <sup>1</sup>
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"R-1" Low Density Residence District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family	2.5 Stories or 35 Feet, whichever is lower	20,000 Square Feet	100 Feet	30 Feet	10 Feet	30 Feet
Other Permitted Structures		--	--	35 Feet	10 Feet	35 Feet
Accessory Buildings	18 Feet	--	--	50 Feet	4 Feet <sup>1</sup>	4 Feet <sup>1</sup>
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"R-2" Moderate Density Residence District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family	3 Stories or 45 Feet, whichever is lower.	8,000 Square Feet	70 Feet	30 Feet	10% of lot width	30 Feet
Two Family		9,000 Square Feet	80 Feet	40 Feet	10% of lot width	30 Feet

"R-2" Moderate Density Residence District (Continued)	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Multiple Family		10,000 Square Feet	85 Feet	20 Feet	8 Feet	35 Feet
Mobile Home Park Individual Unit Requirements		1 Acre 3,000 Square Feet	100 Feet 25 Feet	25 Feet 10 Feet	20 Feet 10 Feet	40 Feet 10 Feet
Other Permitted Structures		1 Acre	100 Feet	25 Feet	20 Feet	40 Feet
Accessory Buildings	1 Story or 18 Feet, whichever is lower.	--	--	25 Feet	10 Feet <sup>1</sup>	30 Feet <sup>1</sup>
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"C" Commercial & "C-M" Commercial-Manufacturing Districts	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Permitted Structures	2 Stories or 35 Feet, whichever is lower	2 Acres	100 Feet	25 Feet	10 Feet	25 Feet
Accessory Buildings		--	--	25 Feet	10 Feet <sup>1</sup>	25 Feet <sup>1</sup>
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"M" Manufacturing District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Principal and Conditional Uses	3 Stories or 48 Feet, whichever is lower	2 Acres	100 Feet	15 Feet	30 Feet	15 Feet

**Notes:**

Lot Area Requirements Shall Be Computed Exclusive Of Street, Road, Alley, Or Highway Right-Of-Way

<sup>1</sup> Accessory Buildings To Be Placed In The Rear Yard May Reduce The Minimum Side And Rear Yard Requirements To Four (4) Feet

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**SECTION VIII.**  
**NATURAL RESOURCE PROTECTION AND PRESERVATION**

**A**     Intent

In accordance with the Butler County Comprehensive Plan it is the intent of this section to recognize, and to preserve the natural processes of land, as land undergoes change for man's use. This Ordinance identifies the functions of the land that provide important public benefits and have designed provisions to protect those functions. The public benefits arrived by the protection of natural functions of lands include:

- 1       The preservation of important productive lands and renewable resources;
- 2       Protection of public safety by reducing the risks of natural hazards, specifically flooding;
- 3       Protection of public resources such as water supplies and the water quality of our lakes, rivers, and aquifers; and
- 4       Protection of public and private economic resources from expenditures and property values loss due to environmental degradation.

For purposes of this Ordinance, land shall be identified by function(s) and may be further classified as either sensitive or significant. Identification and classification of lands shall be based upon the explanatory materials, notations, and maps found in the official Soil Survey of Butler County, Iowa, published by the United States Department of Agriculture Soil Conservation Service, July 1982.

**B**     Significant Lands

Significant lands are agricultural lands of highly productive soils, wetlands, woodlands, flood-prone areas, and other fragile or environmentally sensitive areas

1.     Identification:

- a.     Agricultural Lands of Highly Productive Soils: Shall be defined as a parcel of land where more than twenty-five (25) percent of its area consists of agricultural lands of productive soils (having a Corn Suitability Rating that has been rated at seventy (70) or above). Determination regarding Corn Suitability Ratings (CSR) and other soil characteristics shall be referenced from the most current, official Soil Survey of Butler County, Iowa, published by the United States Department of Agriculture Soil Conservation Service

Soil boundaries shall be determined from the soil maps found in the official Soil Survey of Butler County, Iowa, or from a soil map upon an aerial photograph compiled and attested by a certified soil scientist or technician.

It shall be the policy of Butler County, Iowa, which is rich in fertile productive soils, to maintain this nonrenewable resource for future generations. In addition, this resource shall be reserved for the production of food and fiber, and therefore, such lands shall be preserved for agricultural uses and be zoned as "A-1" Agricultural District, unless there are extenuating circumstances

- b.     Other Significant Lands: These lands shall include wetlands; forest covers and forest reservations; flood-prone areas, lakes, rivers, streams, and stream banks; open and native prairies and wildlife habitats; as may be protected by the County Board of Supervisors, as amended

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2 Permitted and Conditional Uses:

- a Agricultural Lands of Highly Productive Soils: Subject to Section II, Special Exemption and Section IX, Use Regulation for "A-1" Agricultural District
- b Other Significant Lands: This classification includes areas that may be designated by Butler County in the Butler County Comprehensive Plan; Butler County Soil Survey; or in other plans, ordinances, and/or policies, as may have been or be adopted by Butler County. These areas shall be preserved in their natural, undisturbed state and are not to be used for economic gain, including but not limited to using land for development, the storage of equipment, machinery or crops.

3 Performance Standards:

Shall be applicable to the appropriate section(s) of this Ordinance.

4 Incentives for Preservation:

In accordance with Chapter 427.1, Code of Iowa, as amended, the Butler County Board of Supervisors may grant a tax exemption to other significant lands.

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**SECTION IX.**  
**USE REGULATION FOR "A-1" AGRICULTURAL DISTRICT**

Intent: The "A-1" Agricultural District is intended and designed to serve the agricultural community and protect agricultural land from encroachment of urban land uses. Furthermore, in accordance with Chapters 335 and 352, Code of Iowa, as amended, it is the intent to preserve the availability of agricultural land and to encourage efficient urban development patterns. This district is not intended for non-farm residential subdivisions, unless approved herein or in existence at the time of adoption of this Ordinance.

In the "A-1" Agricultural District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses

1. Agricultural and incidental agricultural related uses
2. Feedlots and confinement facilities for livestock
3. Specialized animal farms including but not limited to fowl, rabbits, mink, chinchilla, and bees
4. Specialized horticultural operations including orchards, viticulture, truck gardens, Christmas tree farms, floriculture, wholesale nurseries, raising of tree fruits, nuts and berries, sod, private or wholesale greenhouses, and vegetable raising
5. Stables, private. Located at least fifty (50) feet from all boundary lines of the property on which located.
6. Forest, forest preserves and environmentally significant lands
7. Hiking and horseback riding trails.
8. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers.
9. Transmitting and receiving stations and towers, upon recommendation from the Planning and Zoning Commission and approval by the Board of Supervisors
10. Parks, recreation areas, wildlife preserves, and game refuges owned by governmental agencies
11. Structures or methods for the conservation of soil.
12. Farm dwellings
13. Single-family dwellings provided that the seventy-five (75) percent of the site is comprised of soils with a Corn Suitability Ratings (CSR) of seventy (70) or less, as is determined in the most current, official Butler County Soil Survey, (USDA)
14. Single-family dwellings in existence prior to the adoption of this Ordinance
15. Single-family dwellings upon lots of record, provided said lot is at least one (1) acre in area.
16. Any use erected or maintained by the County
17. Mobile home, in accordance with Section XVIII(F) of this Ordinance.

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- 18 Kennels, private, located at least fifty (50) feet from all boundary lines of the property on which located
  - 19 Private airport grass (non-pavement) landing strips and associated facilities, in conjunction with agriculture. This provision shall be authorized only after the recommendation of the County Planning and Zoning Commission and approval of the County Board of Supervisors.
  - 20 Seed and feed dealerships provided, however, there is no evidence of showroom or other commercial activities
  - 21 Home occupations and Home industries
  - 22 Churches or other places of worship, including parish houses and Sunday School buildings; Schools, both public and private educational institutions, preschools, and day nursery or care facilities.

B Accessory Uses

- 1 Accessory buildings and uses customarily incidental to any of the above principal permitted uses.
- 2 Roadside stands, offering for sale any agricultural products or other products produced on the premises.
- 3 Church directional signs.

C Height Regulations

Shall be those specified in Section VII(T).

D. Water and Sewer Systems

Subject to approval of the County Department of Health

E. Minimum Lot Area, Lot Frontage, and Yard Requirements for "A-1" Agricultural Districts

Shall be those specified in Section VII(T).

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**SECTION X.**  
**USE REGULATION FOR "A-2" AGRICULTURAL DISTRICT**

Intent: The "A-2" Agricultural District is intended to reinforce the intent of the "A-1" Agricultural District and in addition to provide for those activities which may be interrelated with agriculture

In the "A-2" Agricultural District, the following provisions, regulations, and restrictions shall apply:

**A**     Principal Permitted Uses

1.     Any principally permitted use in the "A-1" Agricultural District
2.     Stables, public and riding academies, clubs, and other structures for housing horses. Any such structure shall be located at least fifty (50) feet from all boundary lines of the property on which located
3.     Grain elevators with usual accessory structures.
4.     Cemeteries, including mausoleums and crematories, provided that any mausoleum and crematory shall be at least two hundred (200) feet from adjacent property and street and highway lines
5.     Schools, both public and private educational institutions, preschools, and day nursery or care facilities
6.     Institutions of a religious, charitable, philanthropic or similar nature
7.     Veterinary clinics, but not nearer than six hundred and sixty (660) feet from any zoned residential district, incorporated boundary line or dwelling other than the lessee or owner of the site
8.     Private, recreational areas, including parks, playgrounds, golf courses and country clubs, boy scout, girl scout, service and church camps, hunting and fishing clubs, private gun clubs and skeet shooting ranges and similar uses. This provision shall not be construed to mean automobile racetracks, drag strips, go-cart tracks, and/or activity areas for motorcycles, mini bikes, and snowmobiles, miniature golf courses, drive-in theaters, and similar commercial uses
9.     Private commercial campgrounds
10.    Home occupations and Home industries.
11.    Single-family dwellings.

**B**     Accessory Uses

1.     Accessory buildings and uses customarily incidental to any of the above principal permitted uses.
2.     Other accessory uses as allowed in "A-1" District
3.     Church bulletin boards

**C**     Height Regulations

Shall be those specified in Section VII(I).

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D Water and Sewer Systems

Subject to approval of the County Department of Health.

E Minimum Lot Area, Lot Frontage, and Yard Requirements for "A-2" Agricultural District.

Shall be those specified in Section VII(T)

F Special Exceptions

In accordance with Section XXII(E) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

- 1 Commercial extraction uses, to include the removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for state, county, or private projects where material is not being sold or removed from the property where it originates.

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**SECTION XL**  
**USE REGULATION FOR "R-1" LOW DENSITY RESIDENCE DISTRICT**

Intent: The "R-1" Low Density Residence District is intended and designed to provide for single-family dwellings in conjunction with agriculture at a low density, where common utilities are not available and on-site facilities must be utilized. It is further the intent of this district to be applied to land in predominantly agricultural areas for rural residential use, in accordance with the policies of the Butler County Comprehensive Plan.

In the "R-1" Low Density Residence District, the following provisions, criteria regulations, and restrictions shall apply:

A. Principal Permitted Uses

1. Single-family dwellings
2. Public utility structures and equipment necessary for the operation thereof, excluding transmitting and receiving stations and towers.
3. Schools, both public and private educational institutions, preschools, and day nursery or care facilities
4. Home occupations
5. Group homes

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above principal permitted uses
2. Roadside stands, offering for sale any agricultural products or other products produced on the premises
3. Home industries

C. Height Regulations

Shall be those specified in Section VII(T)

D. Water and Sewer Systems

Subject to approval of County Department of Health

E. Minimum Lot Area, Lot Frontage, and Yard Requirements for "R-1" Single Family Residence District

Shall be those specified in Section VII(T).

F. Parking and Sign Regulations

See Sections XVII and XIX.

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**SECTION XII.**  
**USE REGULATION FOR "R-2" MODERATE DENSITY RESIDENCE DISTRICT**

Intent: The "R-2" Moderate Density Residence District is intended and designed to provide for mixed residential development within subdivisions in the unincorporated areas of the county by encouraging the maximum use of existing subdivisions, and as an orderly expansion of existing residential development, where common water system is available and a common sewer system may be available at the time of development

In the "R-2" Moderate Density Residence District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses

- 1 Any principal permitted use allowed in the R-1 District
- 2 Two-family and multiple family dwellings
- 3 Mobile home parks and subdivisions, in accordance with Section XVIII of this Ordinance
- 4 Hospitals, day nurseries or care facilities, nursing and convalescent home and medical clinics.
- 5 Private clubs, lodges, and similar uses.
- 6 Hotels and motels, including hostels, boarding and lodging houses.
- 7 Funeral homes and mortuaries.
- 8 Public or private community parks and playgrounds, but not to include commercial recreation
- 9 Home occupations.
- 10 Group homes.

B. Accessory Uses

- 1 Accessory buildings and uses customarily incidental to any of the above principal permitted uses

C. Height Regulations

Shall be those specified in Section VII(T)

D. Water and Sewer Systems

Shall require both a common water and a common sewage treatment system, subject to approval by the County Department of Health

E. Minimum Lot Area, Lot Frontage and Yard Requirements for "R-2" Multiple Residence District

Shall be those specified in Section VII(I)

F. Parking and Sign Regulations

See Sections XVII and XIX

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**SECTION XIII.**  
**USE REGULATION FOR "C" COMMERCIAL DISTRICT**

Intent: The "C" Commercial District is intended and designed to provide for commercial and normal business uses with interior storage required to serve the general needs of the residents of the rural areas of the county.

In the "C" Commercial District, the following provisions, regulations, and restrictions shall apply:

A     Principal Permitted Uses

Any retail, service, or recreation establishment such as the following:

- 1     Antique shop
- 2     Apparel shop
- 3     Appliance store, sales and service
- 4     Art supply shop and galleries
- 5     Automobile accessory and new parts store
- 6     Bait shops
- 7     Bakery
- 8     Banks and other financial institutions
- 9     Barber shop
- 10    Beauty parlor
- 11    Bicycle sales and repair shop
- 12    Book store
- 13    Business and computer machine retail store
- 14    Camera shop
- 15    Candy retail shop
- 16    Car wash
- 17    Carpenter shop
- 18    Clothing repair, seamstress
- 19    Commercial indoor recreation facilities including bowling alleys, billiard and pool halls, theater (indoor), skating rinks, ballrooms and dance studios, game arcades, tennis courts, swimming pools, handball courts, archery, and gymnasiums
- 20    Commercial parking lots
- 21    Contractors' equipment, interior storage
- 22    Delicatessen
- 23    Diaper service
- 24    Drapery shop
- 25    Department store
- 26    Drive-in eating establishment
- 27    Drug store
- 28    Electrical supply store
- 29    Fish markets
- 30    Florist and retail nursery shop
- 31    Food storage
- 32    Fruit and vegetable market
- 33    Furniture store
- 34    Furniture upholstery shop
- 35    Gift shops
- 36    Grocery stores
- 37    Hardware store
- 38    Hobby or craft store

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- 39 Household appliance sales and repair
  - 40 Ice storage
  - 41 Jewelry and watch repair shops
  - 42 Laboratory, dental or medical
  - 43 Landscaping supply shop
  - 44 Lawnmower repair shop
  45. Laundromat
  46. Locksmith
  47. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises
  48. Music store and studios
  49. Paint and wallpaper store
  50. Pet shops
  51. Photographic studio, printing and developing establishments
  52. Plumbing, heating, or electrical contractor shops
  53. Post office substation
  54. Radio and television sales and service
  55. Restaurant, cafe, and soda fountain
  56. Shoe repair shops
  57. Single-family dwellings are permitted when physically a part of a retail, office, recreation or service establishment
  58. Sporting goods store
  59. Tack shop
  60. Tailor shop
  61. Taverns and night clubs, provided that principal building is located at least one hundred (100) feet from any "R" Residential District
  62. Toy store
  63. Travel bureau or agency
  64. Variety store
  65. Any similar commercial use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XXII(K) of this Ordinance.

B Additional Principal Permitted Uses Associated with Businesses or Professional Offices

1. Accountants
2. Architects
3. Artists
4. Church offices
5. Civil engineers
6. Collection agency
7. Credit bureau
8. Dental offices
9. Entertainment bureau
10. Insurance
11. Lawyers
12. Medical offices
13. Nurses registry
14. Psychologists
15. Public stenographers
16. Real estate
17. Any similar business or professional office use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XXII(K) of this Ordinance.

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C. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above principal permitted uses.
2. Interior storage of merchandise incidental to the principal use.

D. Height Regulations

Shall be those specified in Section VII(T)

E. Water and Sewer Systems

Subject to approval of the County Department of Health.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "C" Commercial District

Shall be those specified in Section VII(T)

G. Parking and Sign Regulations

See Sections XVII and XIX.

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**SECTION XIV.**  
**USE REGULATION FOR "C-M" COMMERCIAL-MANUFACTURING DISTRICT**

Intent: The "C-M" Commercial District is intended and designed to provide for commercial and light industrial uses with interior storage required to serve the general needs of the residents of the rural areas of the County. In this District, it is permissible for one (1) or more uses or buildings to be developed on one (1) parcel or lot, provided all of the other provisions of this Ordinance are met.

In the "C-M" Commercial District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses

Any retail, service, or light industrial establishment such as the following:

- 1 Any principally permitted use in the "C" Commercial District
- 2 Animal hospital or veterinary clinics
- 3 Automobile sales, excluding automobile repair and parts salvage operations.
- 4 Convenience stores, excluding automobile repair.
- 5 Hotels and motels
- 6 Lumberyards and home improvement stores
- 7 Shopping and outlet malls
- 8 Any similar commercial or light industrial use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XXII(K) of this Ordinance

B. Accessory Uses

- 1 Accessory buildings and uses customarily incidental to any of the above principal permitted uses
- 2 Interior storage of merchandise incidental to the principal permitted use

C. Height Regulations

Shall be those specified in Section VII(T).

D. Water and Sewer Systems

Subject to approval of the County Department of Health

E. Minimum Lot Area, Lot Frontage and Yard Requirements for "C-M" Commercial-Manufacturing District

Shall be those specified in Section VII(T).

F. Parking and Sign Regulations

See Sections XVII and XIX.

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**SECTION XV.**  
**USE REGULATION FOR "M" MANUFACTURING DISTRICT**

**Intent:** The "M" Manufacturing District is intended and designed to provide for uses, with exterior storage or industrial character, which due to their size and nature would not be compatible with general rural development patterns of Butler County. The district is further intended to permit the normal operation of all industries, subject to prescribed regulation needed to control congestion and to protect non-industrial uses

In the "M" Manufacturing District, the following provisions, regulations, and restrictions shall apply:

**A. Principal Permitted Uses**

- 1 Agricultural retail/service outlets
- 2 Animal hospital, veterinary clinic or commercial kennel; providing an exercising runway shall be at least six hundred and sixty (660) feet from any "R" District, incorporated boundary line or dwelling other than the lessee or owner of the site
- 3 Automobile, motorcycle, trailer and farm implement establishments for display, hire and sales (including sales lots), including as incidental to these major uses all repair work in connection with their own and customers' vehicles. In addition, this paragraph shall not be construed to include automobile, tractor, or machinery wrecking and rebuilding and used parts yards
- 4 Automobile, truck, recreation vehicle, and farm equipment manufacture and assembly
- 5 Creamery, bottling, ice manufacturing and cold storage plant
- 6 Dairy retail store.
- 7 Distribution, storage, or manufacture of food products
- 8 Lumber yards, building material sales yard, retail, sheet metal shop, sign construct and painting shop, or incidental storage warehouse or business, but not including any manufacturing or fabricating for wholesaling operations
- 9 Exterminator sales
- 10 Commercial outdoor recreation facilities including automobile race tracks, drag strips, go-cart tracks, and/or activity areas for motorcycles, mini-bikes and snowmobiles, miniature golf courses and driving ranges, drive-in theaters, water slides, and similar outdoor recreation facilities
- 11 Hatcheries
- 12 Commercial laundries
- 13 Machine shop
- 14 Monument sales yard
- 15 Wholesale warehouses
- 16 Any similar manufacturing or industrial use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XXII(K) of this Ordinance

**B. Height Regulations**

Shall be those specified in Section VII(I)

**C. Water and Sewer Systems**

Subject to the approval of the County Department of Health

**D. Minimum Lot Area, Lot Frontage and Yard Requirements for "M" Manufacturing District**

Shall be those specified in Section VII(I).

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E Parking and Sign Regulations

See Sections XVII and XIX.

F Special Exceptions

In accordance with Section XXII(E) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit

1. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred degrees (100°) Fahrenheit.
2. Milk distributing station other than a retail business conducted on the premises
3. Sales auction (automotive, livestock, or furniture and / or appliances)
4. Tire shop, including vulcanizing and re-treading
5. Public airport
6. Coal, coke, wood, and other raw material storage yards
7. Concrete mixing and concrete products manufacturing
8. Rental of equipment commonly used by contractors
9. Blacksmith or Cooperage works.
10. Enameling, lacquering, or japanning
11. Bulk storage and pumping of agricultural chemicals and fertilizers
12. Foundry casting lightweight metals to include smelting of tin, copper, zinc, or iron ores
13. Gasoline or service station or Convenience Store, but does not include body repair or used parts wrecking and storage.
14. Hide tanning
15. Junk, salvage, or scrap metal yards. Junk, metal or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or solid fence, not less than six (6) feet in height, completely obscuring the activity. Such junk yards must comply with the fifty (50) foot setback requirements for all junk and scrap metal and must screen such material from any road.
16. Laboratories, experimental, or testing
17. Locker plant and storage for retail sales only.
18. Manufacture, storage, refining, extraction, and pumping of chemicals, fertilizers, or petroleum products
19. Manufacture of cosmetics and pharmaceutical products
20. Manufacture or assembly of electrical appliances, devices and motors.
21. Manufacture of insulation.
22. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay
23. Printing and/or publishing houses
24. Rendering facilities, or its products, refining and wholesale storage.
25. Signs, manufacture and repair of electric, metallic, billboard sized signs.
26. Slaughter houses, meat packing and processing plants, and stock yards.
27. Commercial or wholesale seed processing and storage
28. Sawmill, planing mill, including manufacture of wood products
29. Cement, lime gypsum, or plaster of paris manufacture.
30. Explosive manufacture or storage.
31. Any similar manufacturing or industrial use deemed appropriate after review and approval of the Planning and Zoning Commission and Board of Supervisors, per Section XXII(K) of this Ordinance

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**SECTION XVI  
NONCONFORMING USES**

**A**     General Intent

Within the districts established by this Ordinance, or amendments that may later be adopted, there exist lots, structures, buildings, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments

1.     It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2.     To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which substantial improvements have been made
3.     Any use in existence at the time of adoption of this Ordinance which was not an authorized "nonconforming use" under the previous Zoning Ordinance shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto

**B**     Nonconforming Use of Land

The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1.     No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of the parcel, or land, in question than was occupied at the effective date of adoption or amendment of this Ordinance
2.     If any such nonconforming use of land ceases for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located, unless an extension is granted by the Commission
3.     No such nonconforming use shall be moved in whole, or in part, to any other portion of the lot or parcel that was not occupied by such use at the effective date of adoption or amendment of the Ordinance.

**C**     Nonconforming Use of Structures

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

1.     No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located
2.     Any nonconforming use of a structure may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance

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No such use shall be extended to occupy any land outside such building

- 3 If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification
- 4 When a nonconforming use of a structure, building or premises (including mobile homes) is discontinued or abandoned for one (1) year, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless an extension is granted by the Commission

D Nonconforming Structures

Where a nonconforming structure exists at the effective date of adoption or amendment of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1 No such structure may be enlarged or altered in a way which increases its nonconformity
- 2 Should such structures be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

E Nonconforming Lots of Record

In any district in which a single-family dwelling is permitted, notwithstanding limitations imposed by other provisions of this Ordinance a single-family dwelling and customary accessory buildings may be erected on a lot of record, herein defined, provided the yard area (minimum of one (1) acre) and setback requirements 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 district

F Nonconforming Status Exemption

The following exemptions shall apply to any use that would be deemed nonconforming by the provisions of this section, subject to the following provisions:

1. In an "A-1" Agricultural District existing dwellings, including mobile homes, that were lawful prior to the adoption of this Ordinance or amendments thereof that would be declared nonconforming. Such dwellings and customary accessory buildings shall qualify for an exemption which shall permit said use to be enlarged, extended, reconstructed, replaced, or structurally altered
2. Any use for which a special permit has been issued.

G Repairs and Maintenance

All nonconforming structures may be repaired for normal maintenance Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building declared to be unsafe by any official charged with protecting the public safety, upon order of such official Said maintenance or restoring shall not be valued at sixty (60) percent or more of the structure's value prior to construction

H Certification of Nonconforming Uses

All nonconforming uses and structures shall be recorded and identified in the official nonconforming use file maintained by the Zoning Administrator The file shall include, but not limited to, the property location and identification and the current use of the structure or land Nonconforming uses not included may be subsequently added to the file when accompanied by an affidavit of proof that such nonconforming use was

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legally established prior to the effective date of this Ordinance.

I Moratorium on Applied Regulations

All principal permitted and accessory uses which would be deemed nonconforming under the provisions of this Ordinance, but would have been permitted under the previous zoning district, as indicated upon the Official Butler County Zoning Maps, as amended, shall be permitted to be developed for a period of one (1) year from the adoption date of this Ordinance. This provision shall not be construed to allow a lessening of standards, rules, regulations or restrictions contained herein.

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**SECTION XVII**  
**PROVISIONS FOR AUTOMOBILE PARKING**

- A In the "C" Commercial, "C-M" Commercial-Manufacturing, and/or "M" Manufacturing Districts in connection with every industrial, commercial, business, trade, institutional, recreational, or similar uses, off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule shown in Table 2; however, no parking area required hereunder shall be less than one thousand (1,000) square feet in area except in the case of dwellings and retail stores and shops under one thousand (1,000) square feet. A parking space shall contain not less than one hundred eighty (180) square feet plus necessary maneuvering for the parking of a motor vehicle. Space for maneuvering, incidental to parking or un-parking, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be of a surface material approved by the County Engineer.
- B Where a parking lot does not abut on a public or private street, road, alley, or easement of access, there shall be provided an access drive not less than ten (10) feet in width in 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; provided however, such easement of access or access drive shall not be located in any agricultural or residence district, except where serving a permitted use in an agricultural or residence district.
- C Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
- 1 No part of any parking space shall be closer than five (5) feet to any established highway, road, street, or alley right-of-way line. In case the parking lot adjoins an "R" Residence District, it shall be set back at least five (5) feet from the "R" Residence District boundary and shall be effectively screen planted.
  - 2 All required 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 surfaces 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 and unloading and parking and storage of self-propelled vehicles.
  - 3 Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
- D In any "R" Residence District abutting a "C" Commercial, "C-M" Commercial-Manufacturing, or "M" Manufacturing District, off-street parking lots shall be permitted in accordance with Table 2 and the following requirements:
- 1 Said off-street parking lot shall not extend further than two hundred (200) feet into an "R" Residence District or to the nearest street, whichever is closer.
  - 2 Off-street parking lots located in an "R" Residence District shall provide front and side yards in accordance with the district in which it is located. Provided further that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area. Provided further that where a contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line.
  - 3 Off-street parking lot in any "R" Residence District shall provide a permanent fence of shrubbery screen on all side yards of the abutting "R" Residence District. Such screen to be located in the provided side yard.

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4. Off-street parking lots on any "R" Residence District shall be developed with an all weather, dust free surface. Such surfacing shall be approved by the County Engineer. Provided further that such parking lots shall be maintained in an orderly manner free from refuse or debris.
  5. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.

**Table 2. Parking Requirements**

USE	PARKING REQUIREMENT
Animal Hospital and Veterinary Clinic	1 for each 200 sq. ft. of floor area
Automobile or Farm Implement Sales and Service Garages	1 for each 2 employees
Barber Shops and Beauty Parlors	1 for each chair plus one
Bowling Alleys	3 for each lane
Clothing Stores, Grocery Stores, Hardware Stores, Jewelry Stores, Pharmacies	1 for each 300 sq. ft. of floor area
Church or Temple	1 for each 6 seats
Community Center, Library, and Museum	11 plus 1 for each 300 sq. ft. in excess of 2,000 sq. ft. of floor area
Dental and Medical Clinics	1 for each 300 sq. ft. of floor area except in any "R" District, where 3 plus 1 additional per 400 sq. ft. in excess of 1,000 sq. ft. of floor area
Drive-In Restaurant	3 for each employee on maximum shift
Dwelling	2 for each unit, including mobile homes
Dwelling on a cul-de-sac	2 on-site or off-street for each unit, including mobile homes
Financial Institutions, Business Offices, Professional Offices, and Studios	1 for each 300 sq. ft. of floor area
Frozen Food Lockers, Laundries, and Dry-Cleaning	1 for each 300 sq. ft. of floor area
Furniture and Household Appliance Sale and Service Establishments	1 for each 500 sq. ft. of floor area
Hospitals	1 for each 4 beds
Indoor Theaters	1 for each 4 seats
Mortuary or Funeral Home	1 for each 100 sq. ft. of floor area
Motel and Hotel	1 for each unit or suite plus 1 for each 100 sq. ft. of commercial floor area
Printing, Publishing, and Engraving Establishments	1 for each 500 sq. ft. of floor area
Private Club or Lodge	5 plus 1 for each 200 sq. ft. in excess of 1,000 sq. ft. of floor area
Restaurants, Cafes, Nightclubs	1 for each 100 sq. ft. of floor area
Sanitarium, Nursing, Rest, or Convalescent Home	1 for each 6 beds
Schools and Public Buildings	1 for each classroom or office room plus 1 for each 11 seats in main auditorium, stadium, or place of public assembly
Skating Rink	1 for each 100 sq. ft. of floor area
Warehouse, Storage, and Manufacturing Operations	1 for each 2 employees plus 1 for each vehicle used by the industry
Wholesale Display and Sales Rooms and Offices	1 for each 300 sq. ft. of floor area
In the case of any use which is not specifically mentioned either herein or through the process outlined in Section XXII(K), the provisions for a similar use mentioned shall apply.	

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**SECTION XVIII.**  
**REQUIREMENTS FOR LOCATION OF MOBILE HOMES**  
**AND MOBILE HOME PARKS**

- A Mobile homes to be used for dwelling purposes shall be placed only in mobile home parks except as may be herewith set forth. A mobile home park may be established in only designated districts provided a permit is secured as set forth herein.
- B Permit: It shall be unlawful for any person to maintain or operate a mobile home park within the unincorporated areas of Butler County unless such person shall have first obtained a special permit therefore as set forth in the Ordinance
- C Application for Permit: Any person desiring to operate a mobile home park shall first file application for approval of site location with the County Planning and Zoning Commission. Applications shall be in writing, signed by the applicant, and shall contain the name and address of the applicant, the location and legal description of the site, and a site plan, and shall have attached thereto the written consent of seventy-five (75) percent of the property owners within two hundred (200) feet of any part of the premises to be occupied for such use, exclusive of any public street or highway right-of-way
- D After consideration of the application, the County Planning and Zoning Commission shall submit its recommendations to the Board of Supervisors and said Board shall then grant or deny the application
- E After approval of the site has been obtained and before issuance of a permit for construction, the applicant must file with the Administrative Officer of the County Planning and Zoning Commission proof of compliance with all requirements of the Department of Health of the State of Iowa

Required as proof of such compliances shall include the following:

- 1 An approved set of plans showing lot and street layout
- 2 Sewage and disposal systems
- 3 Water supply and distribution system
- 4 Electrical distribution and lighting
- 5 Method of tie down.

When such approved plans have been submitted, the Administrative Officer shall then issue a permit for the construction of such facilities on the approved site

F Mobile Homes Located Other than in Mobile Home Parks

- 1 A mobile home may be placed on a farm as the principal dwelling unit. Also, one (1) mobile home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home is a member of the immediate family (father, mother, son, daughter, sibling or father, mother, son, daughter, or sibling in law) of the property owner and actively engaged in the conduct of agricultural operation of said farm. The preceding provision is not to be construed to permit two (2) mobile homes on one (1) farm.
- 2 A special use permit, for mobile homes used as temporary living quarters during construction of a principal dwelling, may be issued by the Zoning Administrator after approval of the County Planning and Zoning Commission. The Commission shall determine the expiration date of the permit.

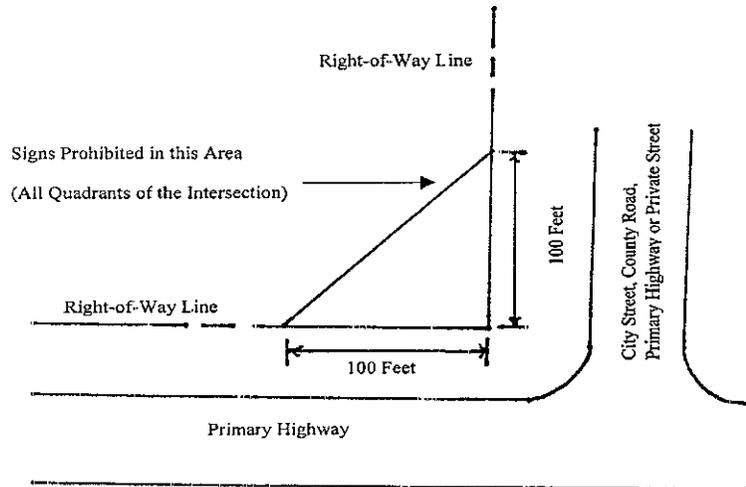
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3. A mobile home may be used as a temporary office upon obtaining a permit from the Zoning Administrator. Said permit shall be authorized for a period not exceeding one hundred eighty (180) days
  4. Nothing in this Ordinance shall be construed as permitting a mobile home to be used for permanent commercial, storage, or uses other than for human habitation.

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**SECTION XIX.**  
**OUTDOOR ADVERTISING, SIGNS, AND BILLBOARDS**

- A Outdoor advertising signs and billboards shall comply with all State and Federal regulations
- B. No outdoor advertising sign or billboard shall be permitted within a triangular corner lot when the sides are formed by the lines of streets intersecting at an angle of less than sixty degrees ( $60^\circ$ ) and a line joining points on such lines one hundred (100) feet distant from their point of intersection

**Figure 5: Sight Distance at Intersections**



- C On parcels abutting Residential Districts:
- 1 No sign or billboard shall face the front or side lot line of said residential lot
  - 2 No sign or billboard shall be located within one hundred (100) feet of said residential lot
- D. No sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred (300) feet thereof
- E. Signs in "C" Commercial, "C-M" Commercial-Manufacturing, and "M" Manufacturing Districts
- 1 In the "C" Commercial, "C-M" Commercial-Manufacturing, and/or "M" Manufacturing Districts, where permitted, billboards shall be set back from any proposed or existing right-of-way line of any county road, street or highway as shown on the official adopted street plan, at least as far as the required front yard depth for a principal building in such districts. This is not to include business identification, directional, and other incidental signs otherwise permitted under the provisions of this Ordinance
  - 2 Outdoor advertising signs and billboards in accordance with the following considerations:

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- a The total contiguous area of the "C" Commercial and/or "C-M" Commercial-Manufacturing Districts, in which the proposed outdoor advertising sign or billboard is to be located, is less than ten (10) acres in area, exclusive of road right-of-ways and alleys.
  - b That no sign shall be permitted where the majority of buildings in a block or section are exclusively residences on both sides of the street
  - c Upon recommendation of the Commission and approval from the Board of Supervisors
- 3 Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. Where the lot adjoins an "R" Residence District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" Residence District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" Residence District.
  - 4 One "post sign;" provided, however, that said "post sign" shall not have a surface area greater than thirty-two (32) square feet on any one side thereof and not more than two (2) sides of said "post sign" shall be used for advertising purposes. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
  - 5 Any exterior or roof sign, provided such sign shall not project more than fifteen (15) feet above the roof line.

F Home Occupation and Home Industry Signs

- 1 Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements:
  - a Contains only the name of the occupant and the nature of the occupation.
  - b Shall not contain more than thirty-two (32) square feet
  - c Shall not be illuminated
  - d If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained
  - e Shall not be located on County right-of-way.

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**SECTION XX.**  
**EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT,**  
**AND AREA REGULATIONS**

The district regulations as set forth in this section shall qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

- A Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from side and rear yard lines heretofore established an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located
- B Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height
- C Chimneys, cooling towers, grain silos, elevators, bulkheads, fire towers, monuments, wind generators, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers or necessary mechanical apparatus, may be erected to any safe height not in conflict with existing or hereafter adopted regulations of Butler County, Iowa.
- D Accessory buildings may be built in a required rear yard, but shall not occupy more than thirty (30) percent of the rear yard
- E No basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed This variation is not to be construed to prohibit earth-sheltered subterranean dwellings
- F Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard and except for the ordinary projections of sills, belt course, cornices, and ornamental features projecting not to exceed twelve (12) inches
- G For the purpose of side yard requirements, a two-family group house or multiple dwelling shall be considered as one building occupying one lot
- H Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located but such buildings shall not exceed the number of feet of building height permitted in such districts
- I Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period the work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.
- J More than one (1) industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract in a district permitting these uses, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings nor shall there be any change in the intensity of use regulations
- K A vacation or recreational cabin may be located in the floodplain along any river or stream in Butler County, provided that the yards and building height comply with the regulations for the "A-1" or "A-2" Agricultural Districts, provided the applicant possesses a current, valid permit from the Iowa Department of Natural Resources

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- L. Where more than thirty (30) percent of the frontage in a block has been built up with buildings having a front yard, then the building line of the buildings to be erected shall conform to the natural building line of the block as determined by the existing buildings. However, no building need set back more than fifty (50) feet.
- M. The Board of Adjustment shall review, may modify, and may, by special permit, issue a special exemption to the following uses, subject to the provisions of Section XXII(E) of this Ordinance. Said use may be located in any zoning district but otherwise restricted by other provisions of this Ordinance:
1. Municipal, state or federal government buildings.
  2. Commercial, amusement or recreational development for temporary periods
- N. In any district, in which a single-family dwelling and its customary accessory building may be erected on a lot of record, a single-family dwelling may be constructed provided the yard area (minimum of one (1) acre) and setback requirements are met.

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**SECTION XXI**  
**ZONING CERTIFICATES**

**A**     Zoning Certificate Required

Zoning Certificates shall be required in accordance with the following, except that no permit shall be required for agricultural uses in accordance with Section II of this Ordinance

- 1       No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a Zoning Certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.
- 2       No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, unless such changes are in conformity with the provisions of this Ordinance and a Zoning Certificate is issued therefore by the Zoning Administrator
- 3       Nothing in this section shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.
- 4       In accordance with this section, zoning certificates shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Zoning Certificates shall be issued to complying applicants after application is made. The appropriate records and copies of Certificates shall be maintained as a matter of public record.
- 5       A Zoning Certificate shall become null and void twelve (12) months after the date on which it is issued unless within such twelve (12) month period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced

**B**     Zoning Certificate Application Procedure

Applicants for a Zoning Certificate shall be required to provide the following:

- 1       A sketch, drawing, or plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon or used, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and a vicinity map of the lot to be built upon or used
- 2       Such information as may be necessary to provide for the enforcement of this Ordinance.

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**SECTION XXII.**  
**ADMINISTRATION AND ENFORCEMENT**

A. Organization

The administration of this Ordinance is vested in the following four (4) offices of the government of Butler County: Board of Supervisors, Planning and Zoning Commission, Board of Adjustment, and the Zoning Administrator

B. Basis of Regulations

Regulations are made in accordance with the Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements

C. Board of Supervisors

1 Jurisdiction The Board of Supervisors of Butler County, Iowa, shall discharge the following duties under this Ordinance:

- a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance
- b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
- c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance
- d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission
- e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance
- f. To decide all matters upon which it is required to pass under this Ordinance, or by Statute or Regulation

D. Board of Adjustment

1 Creation The Board of Adjustment, as established under applicable provisions of the Iowa State Statutes, is the Board of Adjustment referred to in this Ordinance

2 Appointment-Terms-Removal The Board of Adjustment shall consist of five (5) members to be appointed by the Board of Supervisors for a term of three (3) years. A majority of the members of the Board of Adjustment shall be persons residing within the county but outside the corporate limits of any city. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member affected.

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- 3 Powers and Duties The Board of Adjustment is hereby vested with the following powers and duties:
- a To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance. The Board of Adjustment will also interpret this Ordinance, as is necessary.
  - b To hear and decide all applications for special exceptions and temporary use permits in the manner prescribed in this Ordinance.
  - c To hear and decide all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.

- 4 Meetings and Rules The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article Meetings shall be held at the call of the chairperson and at such other times as the board may determine The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses All meetings shall be open to the public Meetings requiring action will require that the Board of Adjustment hold at least one (1) public hearing, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent, or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be filed in the office of the Zoning Administrator.

The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title

- 5 Finality of Decisions of the Board of Adjustment All decisions and findings of the Board of Adjustment on appeals applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided
- 6 Appeals from the Board of Adjustment Any person or persons, or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the state

E. Special Exceptions

- 1 Purpose The development and administration of this Ordinance is based upon the division of the County into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such special exceptions fall into two categories:
- a Uses publicly operated or traditionally affected with a public interest, and

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- b. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities
2. Initiation of Special Exceptions. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
3. Application for Special Exception. An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
4. Hearing on Application. Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Butler County. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.
5. Authorization. For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
6. Standards. No special exception shall be granted by the Board of Adjustment unless such Board shall make written findings of fact:
- a. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
  - b. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
  - c. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
  - e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
  - f. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment; and

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g That the special exception shall conform to the Butler County Comprehensive Plan.

7 Conditions and Guarantees Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.

8 Reapplication for and Revocation of Special Exceptions

a. Reapplication for Special Exception After Denial No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

b. Revocation of a Special Exception In any case where special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

F. Variances

1. Purpose and Findings of Fact The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

2. Application for Variances An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.

3. Hearing on Application Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance request. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Butler County. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.

4. Standards for Variances The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section, unless there is evidence presented to it in each specific case that:

a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from a literal enforcement of the Ordinance.

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- c Special conditions and circumstances do not result from the actions of the applicant
  - d Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district
  - e The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure
  - f The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the surrounding landowners, or otherwise detrimental or contrary to the public welfare
  - g The Board of Adjustment shall make a finding that granting a variance will be in conformance with the Butler County Comprehensive Plan.
  - h In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under this Ordinance.
  - i Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
  - j If a variance is sought to permit building within four (4) feet or less of a property line, the request must be accompanied by a certified survey.
- 5 Reapplication for Variances After Denial. No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

G Other Powers of the Board of Adjustment.

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

1. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in this Ordinance leaves a reasonable doubt as to the boundary between two (2) Zoning Districts, the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance
2. Temporary Uses and Permits. The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

H Planning and Zoning Commission

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1. Creation. The Planning and Zoning Commission of Butler County, as established under the applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance.
  2. Membership. The Planning and Zoning Commission shall consist of five (5) members to be appointed by the Board of Supervisors for a term of three (3) years. A majority of the members of the Planning and Zoning Commission shall be persons residing within the county but outside the corporate limits of any city. Vacancies shall be filled by the Board of Supervisors for only the unexpired term of the member affected. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the Board of Supervisors.

Immediately following their appointment the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with County Ordinances and state laws. The Commission shall keep written records of its proceedings that shall be open at all times to public inspection.

3. Powers and Duties. The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:
  - a. Make such surveys, studies, maps, plans, or charts of the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Board of Supervisors, and may publish its studies and recommendations.
  - b. Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the County, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the County.
  - c. Make careful and comprehensive studies of present conditions and future growth of the County with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
  - d. Hold at least one (1) public hearing before the adoption of any such comprehensive plan, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. The adoption of the plan shall be by resolution of the Commission carried by the affirmative vote of a simple majority of the members.
  - e. Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Planning and Zoning Commission disapproves the proposed change it may be adopted by the Board of Supervisors only by the affirmative vote of at least two-thirds (2/3) of the Board of Supervisors members.
  - f. Recommend to the Board of Supervisors changes in the zoning regulations or districts, per Section XXII(K).
  - g. File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the Board of Supervisors.

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- h Expend all sums of money appropriated, and expend all gifts, donations or payments received by the county for county plan purposes.
  - i Hold at least one (1) public hearing prior to any action item, pertaining to this Ordinance, that is to be reviewed by the Board of Supervisors, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. A formal recommendation from the Planning and Zoning Commission to the Board of Supervisors shall then be made. Landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing.

I. Zoning Administrator

- 1. Designation of Zoning Administrator The Zoning Administrator shall be designated by the Butler County Board of Supervisors
- 2. Powers and Duties of the Zoning Administrator The Zoning Administrator shall enforce this Ordinance and in addition thereto and in furtherance of said authority, shall:
  - a. Issue all permits and collect applicable fees
  - b. Process all applications for variances, special exceptions, and rezoning for referral to the Board of Adjustment and Planning and Zoning Commission
  - c. Respond to complaints of alleged violations to the Ordinance.
  - d. Provide and maintain a public information service relative to all matters arising out of this Ordinance.
  - e. Provide proper forms to the public for the zoning process.
  - f. Review site plans for conformance with the Ordinance
  - g. Carry out the administrative duties for both the Planning and Zoning Commission and the Board of Adjustment
  - h. Shall act as the Secretary to the Planning and Zoning Commission and the Board of Adjustment
  - i. Insure that public notices of hearings are properly advertised in local newspapers, and that notice is provided to the parties of interest.

J. Secretary of the Planning and Zoning Commission and the Board of Adjustment

- 1. Jurisdiction The Secretary of the Planning and Zoning Commission and the Secretary of the Board of Adjustment shall be the Zoning Administrator
  - a. The Secretary of the Planning and Zoning Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission.

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- b The Secretary of the Board of Adjustment shall attend all meetings, take full and necessary reports and documents for and on behalf of the Board of Adjustment, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board of Adjustment

K. Amendments to this Ordinance

- I. Procedure The regulations, restrictions, zoning designation and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearings first before the Planning and Zoning Commission and then the County Board of Supervisors. The notice of the time and place of the hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice. Land owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action. Following the hearings, the County Board of Supervisors shall conduct the necessary readings regarding the Ordinance amendment, as outlined in the Code of Iowa

In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the Board of Supervisors against such change signed by the owner of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed five-hundred (500) feet there from, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed five hundred (500) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Board of Supervisors

As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change in zoning district.

L. Applications for Rezoning, Variances, and/or Special Exceptions

Applications shall contain the following items:

- a The name of the applicant/owner.
- b The legal description and local address, if available, of the property to be rezoned
- c The present zoning classification and the zoning classification requested for the property
- d The existing use and proposed use of the property.
- e The names and addresses of the property owners within five hundred (500) feet of the property in question
- f A statement of the reasons why the applicant feels the present zoning classification should be changed or why a variance or special exception is necessary.
- g A plat, or copy thereof, showing the locations, dimensions, and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features.

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- h Assurances that all applicable fees are paid
  - i When requesting rezoning, notice shall be given indicating that rezoning shall constitute an official amendment to the Official Zoning Map(s), thus requiring publication of the address and legal description of the property in question.
  - j The signature of the property owner
  - k. Reapplication for Rezoning After Denial No application for rezoning that has been denied wholly or in part by the Board of Supervisors shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Supervisors

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**SECTION XXIII.  
VIOLATION AND PENALTY**

Violations of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of special exceptions or variances) shall constitute a county infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Butler County from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION XXIV.  
ENFORCEMENT AND FEES**

A. Enforcement

The Board of Supervisors shall appoint an Administrative Officer, and it shall be the duty of said officer to enforce this Ordinance. Such Administrative Officer may be a person holding other public office in the County, or in a city or other governmental subdivision within the County. The Board of Supervisors is authorized to pay to such officer out of the general fund such compensation as it shall deem fit.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, shall institute any proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business, or use in or about such premises.

B. Fees

Fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted by resolution by the County Board of Supervisors. A copy of the Schedule of Fees shall be on file in the Zoning Administrator's office. The following fees will be charged by the County:

1. Rezoning application fee.
2. Variance application fee.
3. Special exception application fee.
5. Zoning certificate application fee.
6. Subdivision review fee.
7. Home occupation and home industry permit fees, both initial and renewal.

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**SECTION XXV.  
REPEALER AND SEVERABILITY**

A. Repealer

All ordinances, including the existing Butler County Zoning Ordinance, as adopted on November 1, 1978, and all amendments thereto, resolutions, or any part thereof, in conflict with all or any part of this Ordinance are hereby repealed

B. Severability

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

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**SECTION XXVI.  
EFFECTIVE DATE**

This Ordinance, adopted as Ordinance VI No. 7, shall be in full force and effect upon publication.

Final passage and adoption of this Ordinance was documented on the 25<sup>th</sup> of May 2004.

  
Chair  
Butler County Board of Supervisors

ATTEST:

  
Butler County Auditor

STATE OF IOWA

COUNTY OF BUTLER

On this 8 day of June, 2004, before me the undersigned, a Notary Public in and for said County and State, personally appeared **John Zimmerman** and **Holly A. Fokkena**, to me personally known, who, being duly sworn, did say that they are the Chairperson of the Board of Supervisors and County Auditor of Butler County, Iowa, respectively; that the seal affixed hereto is the seal of said County; that said instrument was signed and sealed on behalf of the said Butler County, Iowa, by authority of its Board of Supervisors and pursuant to Ordinance I, No. 1, of said Board; and that said **John Zimmerman** and **Holly A. Fokkena** as such officers, acknowledge the execution of said instrument to be the voluntary act and deed of said County, it and by them voluntarily executed.



*Joan C. Becker*  
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Notary Public In and For Said County  
And State of Iowa