

**HUMBOLDT COUNTY ORDINANCE NO. 26
ZONING ORDINANCE FOR THE UNINCORPORATED
PORTION OF HUMBOLDT COUNTY**

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

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

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

ARTICLE 1/SHORT TITLE AND JURISDICTION

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

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

ARTICLE 2/INTERPRETATION OF REGULATIONS

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

Section 2. **FARM EXEMPT.** In compliance with Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provision of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings, or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or restrictions which relate to any structure, building, dam obstruction, deposit, or excavation in or on the flood plains of any river to stream shall apply thereto, except that:

- 2.1. The County will require a permit for the construction, reconstruction, alterations, remodeling, or expansion, of agricultural buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm out-buildings, farmstead dwellings, and taxable fences;
- 2.2. If the Permit should include construction to accommodate the location of an animal confinement feeding operation the following information shall be provided with the application for the permit:
 - 2.2.1. The location of underground drainage tiles, if any, and methods taken to cap/reroute terminate the tiles to assure the safety of groundwater;
 - 2.2.2. A sketch plan of existing and proposed improvements;
 - 2.2.3. A manure management plan, and
 - 2.2.4. A permit shall not be issued to any applicant with a pending DNR violation, or is under litigation by the office of the Iowa Attorney General, or has been classified as a habitual violator;
- 2.3. The following non-agricultural uses and buildings, though customarily found in the unincorporated areas of the County, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a Zoning Compliance Permit in accordance with the provisions of this Ordinance:
 - 2.3.1. Private golf courses; private lakes or ponds for recreational use by the general public; private club, lodge, or association; stables or kennels operated as a business, club or association; saw mills; gravel, sand, or rock quarries or pits; tourist campgrounds; private parks, private or commercial hunting preserves; farmstead home occupations; and private dumps or waste disposal areas.
- 2.4. Any farm dwelling, building, or structure intended for permanent human habitation shall not be located within a one-hundred (100) year flood zone as identified by the Federal Emergency Management Agency (FEMA) in such a manner as to meet the flood-proofing regulations of FEMA.

ARTICLE 3/DEFINITIONS

Section 1. 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 number includes the singular; the word "shall" is mandatory, the work "may" is permissive; the work "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as well as an individual; the words, "used" or "occupied" include the words intended, designed, or arranged to be used or occupied; and the word "he" includes the word she.

- 1.1. Abandoned Farmstead: A track of land which at one time was a farm dwelling and its related outbuildings, but which has not been reclaimed for row crop or grazing agriculture. To be classified as an Abandoned Farmstead, some evidence (such as buildings, shelter belts, etc.) must remain of the parcel's past status as a farmstead.
- 1.2. Accessory Use of Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
- 1.3. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floraculture, viticulture, and animal poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however that the operation of such accessory use shall be secondary to that of normal agricultural activities and provide further that the above uses shall not include the commercial feeding of garbage or offal to animals.
- 1.4. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.
- 1.5. Animal: A domesticated animal belonging to the bovine, porcine, ovine, caprine, equine, or avian species.
- 1.6. Animal Feeding Operation: A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five (45) days or more in any twelve (12) month period, and all structures used for the storage of manure from animals in the operation.
- 1.7. Animal Weight Capacity: The product of multiplying the maximum number of animals which the owner or operator confines in an animal feeding operation at any one (1) time by the average weight during a production cycle.
- 1.8. Apartment: A single room or set of rooms occupied as a dwelling (including independent sleeping, sanitary, and cooking facilities) which is part of a multi-family structure.
- 1.9. Awning/Canopy: A roof like cover extending over or before a place as a shelter.
- 1.10. Basement: A story having more than one-half (1/2) of its height below grade. A basement is not counted as a story for the purpose of height regulations.
- 1.11. Billboard: A structure, regardless of the material used, that is erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said sign or billboard is located.
- 1.12. Block: Property abutting on at least one (1) street and lying within two (2) or more intersecting or parallel streets or unsubdivided acreage or railroad right-of-way.
- 1.13. Boarding, Rooming, or Lodging House (Also, Bed and Breakfast): A building other than a hotel where for compensation, and by arrangement, lodging is provided.
- 1.14. Buildable Area: The portion of a lot remaining after required yards have been provided.
- 1.15. Building: (and/or Structure) A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals or property. The principal building on a lot is that structure in/on which the principal use of the lot occurs.
- 1.16. Building, Height of: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- 1.17. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products and other flammable, such as fertilizer.
- 1.18. Business: The words business, commercial, and manufacturing when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.
- 1.19. Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls. A carport may be attached to another building or be an accessory structure.
- 1.20. Club or Lodge (Private): An association of persons for the promotion of a nonprofit objective, who are members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with state and municipal laws.
- 1.21. Commission: The Humboldt County Planning and Zoning Commission.
- 1.22. Confinement Feeding Operation: An animal feeding operation in which animals are confined to areas which are totally roofed.
- 1.23. Cottage: A small single unit structure used for vacation or seasonal occupancy.

- 1.24. Day Nursery or Nursery School: Any private agency, institution, establishment or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children.
- 1.25. Driveway: A traffic way providing access for vehicles to a building on property abutting a public street. A driveway shall not be wider than twenty-four (24) feet at its junction with the public street.
- 1.26. Dwelling: Any building or portion thereof designed or used exclusively for residential purposes, but not including a tent or seasonal trailer.
- 1.27. Dwelling, Multiple: A residence designed for the occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.
- 1.28. Dwelling, Single Family: A detached residence designed for or occupied by only one (1) family and contains independent cooking facilities for the family.
- 1.29. Dwelling, Two Family: A residence designed for or occupied by two (2) families, with separate entrances, housekeeping and cooking facilities for each.
- 1.30. Essential Services: The erection, construction, alternation or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission, treatment, or distribution systems, including poles, wires mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare.
- 1.31. Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, nursing or convalescent home, hotel or motel as herein defined.
- 1.32. Fence: An erection intended to prevent escape or intrusion or to mark a boundary. For purposes of this Ordinance a fence is composed of posts, wire, plastic, wood, or wood simulation products.
- 1.33. Garage (Service): A building or portion thereof, designed, intended, or used for the equipping, servicing, selling, hiring, storing, care, or repair of motor vehicles, and which is operated for commercial purposes.
- 1.34. Garage, (Private): An enclosed structure intended for and used for the parking of the private motor vehicles of the families' resident upon the premises.
- 1.35. Gasoline Service Stations: Any building or premises used for the retail sale of liquid fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of the commercial garage, the premises shall be classified as a commercial garage.
- 1.36. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.
- 1.37. Home Occupation: An occupation or a profession conducted in a dwelling unit or on a farm for supplemental income, and which:
- 1.37.1. Is customarily carried on in a dwelling unit or accessory buildings;
 - 1.37.2. Is owned and operated by a member of the family residing in the dwelling unit;
 - 1.37.3. Is clearly incidental and secondary to the use of the dwelling unit for residential or farm purposes;
 - 1.37.4. Does not employ more than three (3) "on-site" persons outside of the immediate family;
 - 1.37.5. Has no exterior display or exterior storage of materials visible from any public road;
 - 1.37.6. Has no exterior indication of the home occupation other than one (1) exterior sign mounted flush with the face of the building, which sign shall not exceed four (4) square feet in area;
 - 1.37.7. Produces no offensive noise, vibration smoke, excessive congestion, dust, odors, heat or glare rendering such building or premises objectionable detrimental to the residential character of the neighborhood.
- 1.38. Hotel: A building in which lodging or boarding is provided and offered to the public for compensation and which is open to a transient guest.
- 1.39. Junk Yard (or Landfill): Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.
Where permitted by district regulations salvage shall either be located within a rear yard or fully enclosed within a building. In addition, junk yards located within one thousand (1,000) feet of a state, federal, or county highway shall obtain a current "Recycler's License" from the Iowa Department of Transportation. Junk Yards located over one thousand (1,000) feet from a state, federal, or county highway shall be screened from view from a public street by the same screening regulations as provided by the Iowa Department of Transportation when granting a "Recycler's License."
- 1.40. Junk Vehicle (Junk Machinery): Shall mean any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Humboldt County, or any other vehicle or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1, Code of Iowa. The presence of two (2) or more junk vehicles on the same lot shall cause the lot

to be classified as a junk yard.

- 1.41. Kenel: Any premises on which four (4) or more dogs, six (6) months old or older, are kept for the purpose of breeding for commercial purposes.
- 1.42. Lot: 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 herein required. Such lot shall have frontage on a public street and may consist of: (a) a single lot of complete lots of record and portions of lots of record; or of portions of lots of record; and (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.
- 1.43. Lot Area: The area of a horizontal plane bounded by the front, side and rear lot lines.
- 1.44. Lot, Corner: A lot fronting on two (2) intersecting streets.
- 1.45. Lot Depth: The mean horizontal distance between the front and rear lot lines.
- 1.46. Lot, Interior: A lot other than a corner lot.
- 1.47. Lot Lines: The lines bounding a lot.
- 1.48. Lot Line, Front: In the case of an interior lot, abutting on only one (1) street, the frontline is the street line of such lot. In the case of any other lot, the front lot line shall be considered as the line adjacent to the street upon which the lot has its least dimension.
- 1.49. Lot Line, Rear: That boundary line which is opposite and most distant from the front line.
- 1.50. Lot Line, Side: Any boundary line not a front lot line or rear lot line.
- 1.51. Lot of Record: A lot which is a part of a subdivision recorded in the office of the county recorder of Humboldt County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 1.52. Lot, Through: An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.
- 1.53. Lot Width: The width of a lot as measured at the required front yard set-back line.
- 1.54. Mobile Home: A vehicle used, or so originally constructed as to permit being used, as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for one (1) or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarter and which is capable of being moved by its own power, towed, or transported by another vehicle. Mobile homes of less than fourteen (14) feet in width shall be located within a Mobile Home Park.
- 1.55. Mobile Home Converted to Real Estate: A mobile home, at least fourteen (14) feet in width, which has been attached to a permanent foundation on real estate, which has had the vehicular frame destroyed rendering it impossible to reconvert to a mobile home, and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the county. A mobile home converted to real estate may be used as a dwelling for purposes of this Ordinance.
- 1.56. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which one (1) or more mobile homes or trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
- 1.57. Motel, Motor Court, Motor Lodge or Tourist Court: Any building or group of buildings containing guest rooms primarily for temporary occupancy, and laid out to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include quarters for the use of the operating personnel.
- 1.58. Nonfarm Dwelling: A residential dwelling in the unincorporated areas of the County occupied by parties not involved in agricultural production.
- 1.59. Nursing Home (Including Convalescent and Group Homes): A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, but not including penal or disciplinary cases.
- 1.60. Parking Lot: A parcel of land devoted to unenclosed parking spaces.
- 1.61. Parking Space: A surfaced 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 unparking, shall not encroach upon any public right-of-way.
- 1.62. Porch, Unenclosed: A roofed projection which is partially enclosed by a building or siding material other than meshed screens.
- 1.63. Principal Use: The main use of land or structures as distinguished from an accessory use.
- 1.64. Professional Office: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.
- 1.65. Public Use Area: That portion of land owned by a political subdivision with facilities which attract the public to congregate and remain in the area for significant periods of time.
- 1.66. Roadside Stand: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grow on the premises.
- 1.67. Sanitary Sewer System: A public or private sewerage collection system with treatment and disposal facilities operated in accordance with Department of Natural Resources standards.
- 1.68. Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and

- including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- 1.69. Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign may be attached flat against a building or structure, painted on the building or structure, projecting out from a building or structure, or erected upon the roof of a building or structure.
 - 1.70. Sign, Free Standing or Post: Any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
 - 1.71. Split Level: A story having not more than one-half (1/2) of its height below grade. A split-level story is counted as a story for purposes of height regulations.
 - 1.72. Stable: An accessory structure including, but not limited to a corral or paddock for the keeping of hoofed animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale, or lease.
 - 1.73. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it then the space between the floor and the ceiling next above it.
 - 1.74. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.
 - 1.75. Street Line: The right-of-way line of a street, road or highway.
 - 1.76. Street, Public: A public thoroughfare more than twenty feet in width.
 - 1.77. Structural Alteration: 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.
 - 1.78. 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, mobile homes, billboards, decks, poster panels, and carports.
 - 1.79. Trailer Camp or Tourist Ground: Any area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
 - 1.80. Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance may be authorized only for height of structures and area and size of lots, yards, and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformity in the zoning district or uses in adjoining zoning districts.
 - 1.81. Yard: An open space on the same lot with a building or structure. 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.
 - 1.82. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension, unless the structure can be placed on the lot and meet all required yard requirements, in which case either street side may be the front yard.
 - 1.83. Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
 - 1.84. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.
 - 1.85. Zoning Administrative Officer: The individual appointed by the Board of Supervisors of Humboldt County, Iowa to administer and enforce the provisions of this Ordinance.
 - 1.86. Zoning Compliance Permit: A the permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in application.

ARTICLE 4/DISTRICTS

Section 1. For the purpose and intent of this Ordinance Humboldt County, Iowa is hereby divided into zoning district classifications as follows:

- A -1 – Agricultural District
- A -2 – Agricultural District
- R -1 – Residential District
- C - 1 - Commercial District
- I –1 - General Industrial District

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

“This is to certify that this is the Official Zoning Map referred to in Article 4 of the Humboldt County Zoning Ordinance dated this _____ Day of _____, 1996.”

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending this Ordinance. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Auditor as other ordinance and a certified copy thereof be attached to the Official Zoning Map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending ordinances, shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the County.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or Zoning Ordinance or any subsequent amendment thereof.

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

- 3.1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public rights-of way shall be construed to follow such center lines;
- 3.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3.3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- 3.4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 3.5. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
- 3.6. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 3.7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

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

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

Section 6. GENERAL REGULATIONS.

- 6.1. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be use, nor shall any use of the land be changed, which does not comply with all of the district regulations for the district in which the building or land is located.
- 6.2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required. No part of a yard or other open space, or off street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or off street parking or loading space required under this Ordinance for another building, structure or use.
- 6.3. Every building hereafter erected or subject to structural alteration shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in the Ordinance.

ARTICLE 5/AGRICULTURAL DISTRICT (A-1)

Section 1. INTENT. This Agricultural District (A-1) is intended primarily for application to those rural Areas of the county where it is necessary and desirable to reserve for exclusive agricultural use Appropriately located areas suitable for the raising of crops or livestock because of high quality of soils existing or potential drainage or exclusive agricultural character of the area. It is envisioned that confinement structures and animal feeding operations will be contained within the A-1 District; therefore, this district discourages the location of non-agricultural uses that would not be compatible with agriculture and its noise, pollution and smell.

Section 2. PRINCIPAL USES PERMITTED. Only the following uses and structures shall be permitted in the Agricultural District (A-1).

- 2.1. Agriculture including the raising of crops, horticultural uses, animal husbandry, poultry husbandry, fisheries, but excluding commercial auction yards and barns;
- 2.2. Bulk grain storage, both publicly or privately owned or managed;
- 2.3. Cemeteries;
- 2.4. Drainage and flood control projects;
- 2.5. Confinement Feeding Operations and Animal Feeding Operations as permitted by Department of Natural Resources (DNR) rules and regulations and for which DNR permits have been received. However, the following restrictions shall apply for Confinement Feeding Operations or Animal Feeding Operations which exceed two hundred thousand (200,000) pounds animal weight capacity for swine or fowl, and five hundred thousand (500,000) pounds animal weight capacity for bovine:
 - 2.5.1. The Confinement Feeding Operation or Animal Feeding Operation shall not be located closer than two thousand five hundred (2,500) feet to an unplugged agricultural drainage well, known sink hole, or an exposed subsurface drain tile that empties into such a structure. A request for a set-back distance of less than two thousand five hundred (2,500) feet (but in no case less than one thousand two hundred-fifty (1,250) feet, may be considered, approved, or rejected by the Board of Supervisors, based upon a review of local geographic and geologic conditions. The Supervisors shall consider the "lay of the land," drainage patterns, and other similar factors in making their determination. Where the agricultural drainage well, known sink hole, or exposed subsurface drain tile that empties into such a structure has been plugged, and documentation of that fact can be provided, that set-back distance may be reduced to five hundred (500) feet.
 - 2.5.2. The Confinement Feeding Operation or Animal Feeding Operation shall not be located closer than two hundred (200) feet to any small creek or Drainage ditch;
- 2.6. Kennels or stables;
- 2.7. Single family non-farm dwellings provided that: A) The site is an existing or abandoned farmstead at the effective date of this Ordinance and contains at least two (2) acres; or B) That the site contains a minimum of Two (2) acres and the parcel's total acreage shall average a Corn Suitability Rating (as defined by the Soil Conservation Service) of less than seventy-five (75).
- 2.8. Nurseries, greenhouses, and truck gardens;
- 2.9. Railroads.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Roadside stands for the sale of agricultural produce grown on the premises;
- 3.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- 3.6. Non-Commercial WECS, subject to the following standards:
 - a. Non-Commercial WECS – a wind energy conversion system consisting of a wind generator, wind tower and associated control or conversion electronics which has a rated capacity of no more than 30 kW for single-family residential use only and no more than 125kW for agricultural applications.
 - b. Setbacks. A wind tower for Non-Commercial WECS shall be set back a distance equal to its total height plus an additional twenty (20) feet from
 1. Any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
 2. Any right of ingress or egress on the owner's property;
 3. Any overhead utility lines;
 4. All property lines; and
 5. Any existing guy wire, anchor or wind energy conversion system on the property.
 - c. Tower Height: For property sizes between one-half (1/2) acre and one (1) acre the tower

- height shall be limited to eighty (80) feet. For property sizes of one (1) acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
- d. Noise: Non-Commercial WECS shall not exceed 60 dBA as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
 - e. Engineer Certification: Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
 - f. Compliance with FAA Regulations: Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
 - g. Compliance with National Electric Code: Applications for Non-WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
 - h. Utility Notification: No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
 - i. Abandonment. If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the Non-Commercial WECS to operating condition. If the owner fails to restore the system to operating condition within the six month time frame, it shall be considered abandoned and the owner shall be required, at owner's expense, to remove the Non-Commercial WECS. A Non-Commercial WECS that has been abandoned may be abated as a public nuisance.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in the Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Articles 14 and 18 of this Ordinance.

- 4.1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; the sale of feed supplements; the sale or slurry mix fertilizers; and the storage, distribution or sale of anhydrous ammonia; the sale of agricultural lime and agricultural chemicals; the storage and sale of fuels; the buying and storage of wool or hides; trenching or well drilling; contract farming; farm equipment repair shops; and the sale or display of farm machinery;
- 4.2. Bed and breakfast establishments within existing farm homes or non-farm dwellings;
- 4.3. Extraction and processing of minerals or raw materials, including limestone, cement, clay, gypsum, and other similar natural materials;
- 4.4. Sanitary landfill, junk yard, or other type of waste disposal area;
- 4.5. Transmitters, towers, receiver equipment.
- 4.6. Commercial C-WECS (C-WECS). The requirement of this ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirement of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.

A. General Requirement for C-WECS:

- I. Color and Finish. Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use material, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment.
- II. Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- III. Tower Configuration. All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
- IV. Lighting. C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for nighttime illumination to reduce impact on migrating birds. Red

pulsating incandescent light should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

- V. Signage. All signage on site shall comply with Article 13, Signs. The manufacturer's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
- VI. Feeder Lines. All communications and feeder lines, equal to or less than 34.5 kv in capacity, installed as part of a C-WECS shall be buried.
- VII. Waste Disposal. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Humboldt County Health Department and disposed of in accordance with all applicable local, state and federal regulations.
- VIII. Minimum Ground Clearance. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- IX. Signal Interference. The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
- X. Federal Aviation Administration. All C-WECS shall comply with FAA standards and permits.
- XI. Electrical Codes and Standards. All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- XII. Setbacks:
 - I. The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers; provided that the Board of Adjustment upon recommendation by the Planning & Zoning Commission may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as defined by the base zone district.
 - 1. Structures. Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand (1,000) feet.
 - 2. Property Lines. At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.
 - 3. Public Right of Way. Setbacks from public right-of-way, railroad power lines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
 - 4. Communication and Electrical Lines. Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
- XIII. Noise. Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any conditional use permit from the property line.
 - I. In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum the standards for audible noise set forth in subparagraph a of this subsection shall be reduced by five (5) dBA.
 - II. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable ambient noise level shall be expressed in terms of the highest whole number sound pressure level in Dba, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurement may be performed when wind velocities at the proposed project site are sufficient that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

- III. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished:
1. Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 2. If the applicant wished the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Humboldt County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

XIV Safety.

- a. All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Board of Adjustment.
 - b. Wind turbines and meteorological towers shall not be climbable up to fifteen (15) feet above ground level.
 - c. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced.
 - d. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment and C-WECS entrances.
 - e. For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
 - f. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Planning & Zoning Commission and Board of Adjustment.
- B. Discontinuation and De-commissioning. A C-WECS shall be considered a discontinued Use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Director outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. Each C-WECS shall have a De-commissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.
- C. Avoidance and Mitigation of Damages to Public Infrastructure.
- I. Roads. Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the C-WECS and obtain applicable weight and size permits from the impacted road authority (ies) prior to construction.
 - II. Existing Road Conditions. Applicant shall conduct a pre-construction survey, in Coordination with the impacted local road authority (ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Humboldt County Engineer during all phases of construction.
 - III. Drainage System. The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction operation or maintenance of the C-WECS.
 - IV. Required Financial Security. The applicant shall be responsible for restoring or Paying damages as agreed to by the applicable road authority (ies) sufficient to restore the road(s) and bridges to preconstruction condition. Financial security

in a manner approved by the Humboldt County Attorney's Office shall be submitted covering 130% the costs of all required improvement. This requirement may be waived by the Board of Adjustment by recommendation from the Humboldt County Engineer.

- D. Submittal Requirements. In addition to the submittal requirement defined for Special Exception use Permit applications, all applications for C-WECS must submit:
- I. The names of the project applicant(s).
 - II. The name of the project owner.
 - III. The legal description and address of the project.
 - IV. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnection points with the electrical grid.
 - V. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - VI. Engineer's certification(s) as required in these supplemental standards.
 - VII. Documentation of all ownership or legal control of the property.
 - VIII. The latitude and longitude of individual wind turbines.
 - IX. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the proposed WECS.
 - X. Existing Resources Inventory.
 - XI. An Acoustical analysis.
 - XII. FAA Permit Application.
 - XIII. Location of all known communications towers/facilities within two (2) miles of The proposed C-WECS.
 - XIV. Decommissioning Plan.
 - XV. Description of potential impacts on all nearby C-WECS and Non C-WECS and wind resources on adjacent properties.
 - XVI. Identification of significant migratory patterns and nesting area birds within two (2) miles.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of this Ordinance:

- 5.1. Lot Area: The minimum lot area shall be two (2) acres;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall be ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of the Ordinance

ARTICLE 6/AGRICULTURAL DISTRICTS (A-2)

Section 1. INTENT. This Agricultural District (A-2) intended primarily for application to those rural areas of the County where farm uses begin to border/mingle with non-farm uses of commercial residential, or industrial. Therefore, the attempt is to separate the more intensive agricultural uses (such as confinement operations) from the adjacent urban areas. This District is a two thousand five hundred (2,500) foot buffer around existing corporate limits, areas programmed for intensive non-farm uses, and along and around major public use areas. Within this buffer confinement agriculture is limited and discouraged because of potential conflicts with non-farm uses.

Section 2. PRINCIPAL USES PERMITTED. Only the following uses and structures shall be permitted in the Agricultural District (A-2).

- 2.1. Agriculture including that raising of crops. Horticultural uses, animal husbandry, poultry husbandry, fisheries, but excluding commercial auction yards and barns.
- 2.2. Cemeteries;
- 2.3. Confinement Feeding Operations and Animal Feeding Operations as permitted by Department of Natural Resources (DNR) rules and regulations and for which DNR permits have been received. However, the following restrictions shall apply;
 - 2.3.1. The Confinement Feeding Operation or Animal Feed Operation shall not

exceed two hundred thousand (200,000) pounds animal weight capacity for swine or fowl, and five hundred thousand (500,000) pounds animal weight capacity for bovine. An application for a larger operation may be considered, approved, or rejected by the Board of Supervisors, based upon a review of local geographic and geologic conditions;

- 2.3.2. The Confinement Feeding Operation or Animal Feeding Operation shall not be located closer than two thousand five hundred (2,500) feet to an unplugged agricultural drainage well, known sink hole, or an exposed subsurface drain tile that empties into such a structure. A request for a set-back distance of less than two thousand five hundred (2,500) feet (but in no case less than one thousand two hundred-fifty (1,250) feet, may be considered, approved, or rejected by the Board of Supervisors, based upon a review of local geographic and geologic conditions. The Supervisors shall consider the "lay of the land," drainage patterns, and other similar factors in making their determination. Where the agricultural drainage well, known sink hole or exposed subsurface drain tile that empties into such a structure has been plugged, and documentation of that fact can be provided, the set-back distance may be reduced to five hundred (500) feet.
- 2.3.3. A permitted Confinement Feeding Operation or Animal Feeding Operation shall not be located closer than two hundred (200) feet to any small creek or drainage ditch;
- 2.4. Drainage and flood control projects;
- 2.5. Nurseries, greenhouses, and truck gardens;
- 2.6. Railroads;
- 2.7. Single family non-farm dwellings provided that: A) The site is an existing or abandoned farmstead at the effective date of this Ordinance and contains at least two (2) acres; or B) That the site contains a minimum of two (2) acres and the parcel's total acreage shall average a Corn Suitability Rating (as defined by the Soil Conservation Service) of less than seventy-five (75).

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Private garage or carport;
- 3.5. Roadside stands for the sale of agricultural produce grown on the premises;
- 3.6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- 3.7. Non-Commercial WECS, subject to the following standards:
 - a. Non-Commercial WECS – a wind energy conversion system consisting of a wind generator, wind tower and associated control or conversion electronics which has a rated capacity of no more than 30 kW for single-family residential use only and no more than 125kW for agricultural applications.
 - b. Setbacks. A wind tower for Non-Commercial WECS shall be set back a distance equal to its total height plus an additional twenty (20) feet from:
 1. Any State or County right-of-way or the nearest edge of a State or County roadway, whichever is closer;
 2. Any right of ingress or egress on the owner's property;
 3. Any overhead utility lines;
 4. All property lines; and
 5. Any existing guy wire, anchor or wind energy conversion system on the property.
 - c. Tower Height: For property sizes between one-half (1/2) acre and one (1) acre the tower height shall be limited to eighty (80) feet. For property sizes of one (1) acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
 - d. Noise: Non-Commercial WECS shall not exceed 60 dBA as measured at the closest neighboring dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
 - e. Engineer Certification: Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
 - f. Compliance with FAA Regulations: Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

- g. Compliance with National Electric Code: Applications for Non-WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
- h. Utility Notification: No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- i. Abandonment. If a wind turbine is inoperable for six consecutive months, the owner shall be notified that they must, within six months of receiving the notice, restore the Non-Commercial WECS to operating condition. If the owner fails to restore the system to operating condition within the six month time frame, it shall be considered abandoned and the owner shall be required, at owner's expense, to remove the Non-Commercial WECS. A Non-Commercial WECS that has been abandoned may be abated as a public nuisance.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in the Agricultural District (A-2) subject to approval by the Board of Adjustment as provided for in Articles 14 and 18 of this Ordinance.

- 4.1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; the sale of feed supplements; the sale of dry or slurry mix fertilizers; and the storage, distribution or sale of anhydrous ammonia; the sale of agricultural lime and agricultural chemicals; the storage and sale of fuels; the buying and storage of wool or hides; trenching or well drilling; contract farming, farm equipment repair shops; and the sale or display of farm machinery. In all cases the business shall not store materials that are visible from the public road, produces no offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference detectable within the limits of the nearest farmstead or dwelling;
- 4.2. Bed and breakfast establishments within existing farm homes and non-farm dwellings;
- 4.3. Churches, chapels, temples, and similar places of worship;
- 4.4. Extraction and processing of minerals or raw materials, including limestone, cement, clay, gypsum, and other similar natural materials;
- 4.5. Public or private parks, playgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, and swimming pools;
- 4.6. Sanitary landfill, junk yard, or waste disposal area;
- 4.7. Transmitters, towers, receiver equipment.
- 4.8. Commercial C-WECS (C-WECS). The requirement of this ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirement of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.
- b. General Requirement for C-WECS:
 - i. Color and Finish. Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use material, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment.
 - ii. Exception may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
 - iii. Tower Configuration. All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
 - iv. Lighting. C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for nighttime illumination to reduce impact on migrating birds. Red pulsating incandescent light should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
 - v. Signage. All signage on site shall comply with Article 13, Signs. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
 - vi. Feeder Lines. All communications and feeder lines, equal to or less than 34.5 kv In capacity, installed as part of a C-WECS shall be buried.

- vii. Waste Disposal. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Humboldt County Health Department and disposed of in accordance with all applicable local, state and federal regulations.
- viii. Minimum Ground Clearance. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- ix. Signal Interference. The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
- x. Federal Aviation Administration. All C-WECS shall comply with FAA standards and permits.
- xi. Electrical Codes and Standards. All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- xii. Setbacks:
 - i. The following setbacks and separation requirements shall apply to all wind Turbines and meteorological towers; provided that the Board of Adjustment upon recommendation by the Commission may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as defined by the base zone district.
 - 1. Structures. Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand (1,000) feet.
 - 2. Property Lines. At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.
 - 3. Public Right of Way. Setbacks from public right-of-way, railroad power lines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
 - 4. Communication and Electrical Lines. Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
- xiii. Noise. Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any conditional use permit from the property line.
 - i. In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum the standards for audible noise set forth in subparagraph a of this subsection shall be reduced by five (5) dBA.
 - ii. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurement may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
 - iii. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished:
 - 1. Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - 2. If the applicant wished the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Humboldt County Recorder which describes the burdened properties and which advises all subsequent owners of the

burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

- xiv. Safety.
 - g. All wiring between wind turbines and the C-WEDS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Board of Adjustment.
 - h. Wind turbines and meteorological towers shall not be climbable up to fifteen (15) feet above ground level.
 - i. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced.
 - j. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment and C-WECS entrances.
 - k. For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
 - l. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Commission and Board of Adjustment.
- c. Discontinuation and De-commissioning. A C-WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Director outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. Each C-WECS shall have a De-commissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.
- d. Avoidance and Mitigation of Damages to Public Infrastructure.
 - i. Roads. Applicants shall identify all roads to be used for the purpose of Transporting C-WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the C-WECS and obtain applicable weight and size permits from the impacted road authority (ies) prior to construction.
 - ii. Existing Road Conditions. Applicant shall conduct a pre-construction survey, in Coordination with the impacted local road authority (ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Humboldt County Engineer during all phases of construction.
 - iii. Drainage System. The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction operation or maintenance of the C-WECS.
 - iv. Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority (ies) sufficient to restore the road(s) and bridges to preconstruction condition. Financial security in a manner approved by the Humboldt County Attorney's Office shall be submitted covering 130% the costs of all required improvement. This requirement may be waived by the Board of Adjustment by recommendation from the Humboldt County Engineer.
- e. Submittal Requirements. In addition to the submittal requirement defined for Special Exception Use Permit applications, all applications for C-WECS must submit:

- i. The names of the project applicant(s).
- ii. The name of the project owner.
- iii. The legal description and address of the project.
- iv. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnection points with the electrical grid.
- v. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
- vi. Engineer's certification(s) as required in these supplemental standards.
- vii. Documentation of all ownership or legal control of the property.
- viii. The latitude and longitude of individual wind turbines.
- ix. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the proposed C-WECS.
- x. Existing Resources Inventory.
- xi. An Acoustical analysis.
- xii. FAA Permit Application.
- xiii. Location of all known communications towers/facilities within two (2) miles of the proposed C-WECS.
- xiv. Decommissioning Plan.
- xv. Description of potential impacts on all nearby C-WECS and Non C-WECS and wind resources on adjacent properties.
- xvi. Identification of significant migratory patterns and nesting area birds within two (2) miles.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of the Ordinance:

- 5.1 Lot Area: The minimum lot area shall two (2) acres;
- 5.2 Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3 Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4 Side Yard: The minimum side yard shall be ten (10) feet;
- 5.5 Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6 Maximum Height: No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 7/RESIDENTIAL DISTRICT (R-1)

Section 1. INTENT. The intent of the (R-1) Residential District is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-1) Residential District:

- 2.1. One (1) family dwellings;
- 2.2. Two (2) family dwellings (duplexes);
- 2.3. Churches, chapels, temples and similar places of worship;
- 2.4. Private recreation facilities;
- 2.5. Publicly owned and operated buildings, parks, playgrounds, golf courses, and recreation areas;
- 2.6. Schools and colleges having curriculums approved by the State of Iowa.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;

- 3.2. Essential services;
- 3.3. Home occupations;
- 3.4. Private garage or carport;
- 3.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-1) District subject to provisions of Articles 14 and 18 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1 Boarding, lodging, and Bed and Breakfast homes;
- 4.2 Day nursery or nursery school;
- 4.3 Private clubs or fraternities.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of the Ordinance:

- 5.1. Lot Area: The minimum lot area shall be one (1) acre;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall be ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 8/ COMMERCIAL DISTRICT (C-1)

Section 1. INTENT. The intent of the (C-1) Commercial District is to provide in the unincorporated area of the county for a limited number of establishments in size and scope which cater to the primarily agriculturally oriented needs of the rural agricultural area. Also included are uses located at major highway intersections that cater to passing traffic.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (C-1) Commercial District:

- 2.1. Automobile service station and body shop;
- 2.2. Automobile sales and service;
- 2.3. Commercial or private camp ground;
- 2.4. Car wash;
- 2.5. Commercial recreation or amusement;
- 2.6. Craft stores;
- 2.7. Day nursery or nursery school;
- 2.8. Drive-in establishment;
- 2.9. Eating and drinking establishments;
- 2.10. Farm service sales and service, including implements;
- 2.11. Garden supplies stores;
- 2.12. Hay, grain, feed, seed, retail;
- 2.13. Livestock buying station;
- 2.14. Lumber and building materials;
- 2.15. Mobile homes sales and service;
- 2.16. Motels, and motor lodges;
- 2.17. Private and public museums;
- 2.18. Open-air sales of autos, implements, trucks;
- 2.19. Private clubs;
- 2.20. Private parking lots;
- 2.21. Professional office;
- 2.22. Retail pet shop and veterinarian;
- 2.23. Trucking firms.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and Structures shall be permitted;

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
- 3.2. Essential service;

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

Section 4. SPECIAL EXCEPTIONS USES AND STRUCTURES. The following uses and structures may be Permitted in the (C-1) Commercial District subject to provisions of Article 14 and 18 of this Ordinance and with the approval of the Board of Adjustment.

- 4.1. None.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of this Ordinance:

- 5.1. Lot Area: The minimum lot area shall be one (1) acre;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall ten (10) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 9/INDUSTRIAL DISTRICT (I-1)

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

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (I-1) Industrial District, except those uses which by reason of the emission of odor, excessive congestion, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the County;

- 2.1. Assembly or fabrication of metal, rubber, cloth, plastic, stone, leather, wood, or similar raw materials;
- 2.2. Auto service, assembly, and repair;
- 2.3. Beverage bottling or processing;
- 2.4. Blacksmith;
- 2.5. Cement warehousing and mixing;
- 2.6. Feed mixing;
- 2.7. Fertilizer manufacture, mixing, and storage;
- 2.8. Food processing, but not including packing or rendering plants;
- 2.9. Grain storage elevators;
- 2.10. Hatchery;
- 2.11. Lumber yard;
- 2.12. Moving company;
- 2.13. Private parking lots;
- 2.14. Produce warehouse;
- 2.15. Publicly owned buildings;
- 2.16. Transfer company;
- 2.17. Warehouse.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1. Accessory uses and structures normally incidental and subordinate to the permitted used and structures and to uses and structures permitted as exceptions;
- 3.2. Essential services;
- 3.3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (I-1) District subject to provisions of Articles 14 and 18 of this Ordinance and with the approval of Board of Adjustment:

- 4.1. Dairy products manufacture;
- 4.2. Day nursery or nursery schools provided by an employer for the benefit of employees working on the premises;

- 4.3. Explosive manufacturer;
- 4.4. Gas manufacture;
- 4.5. Manufacture or smelting of metal, rubber, plastic, stone, leather, or wood products from basic raw materials;
- 4.6. Meat packing plants;
- 4.7. Salvage or junk yard, or landfill;
- 4.8. Sanitary landfill operated by a governmental entity;
- 4.9. Stockyard;
- 4.10. Transmitters, towers, receiver equipment.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of the Ordinance:

- 5.1. Lot Area: The minimum lot area shall be one (1) acre;
- 5.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
- 5.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
- 5.4. Side Yard: The minimum side yard shall ten (ten) feet;
- 5.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
- 5.6. Maximum Height: No building shall exceed a height of two and one-half (2 ½) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of the Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of the Ordinance.

ARTICLE 10/ADDITIONAL AREA AND HEIGHT REGULATIONS

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

Section 2. LOT AREA AND WIDTH. Any lot of record at the time of passage of this Ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in the Ordinance; provided, however:

- 2.1. An existing lot of record at the time of passage of this Ordinance having a lot width of one-hundred (100) feet or less shall maintain a required side yard on each side of the dwelling, but such side yards may be reduced to five (5) feet;
- 2.2. An existing lot of record at the time of passage of this Ordinance having a lot depth of one hundred (100) feet or less shall maintain a required rear yard, but such yard may be reduced to ten (10) feet.

Section 3. YARDS.

- 3.1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district or what required by the Humboldt County Sanitarium for septic tank and private well use;
- 3.2. Buildings on through lots shall provide the required front yard on both streets;
- 3.3. The required side yard on the street side of a corner lot shall be not less than fifty (50) percent of the front yard required on the lots to the rear of the corner lot, and no accessory building shall project beyond the required front yard on either street;
- 3.4. On a corner lot in any district no fence, wall, hedge, tree, or other planting or structures that will obstruct vision between a height of two (2) feet and ten (10) feet above the ground shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, measured along the right-of-way lines.

Section 4. USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley right-of-way shall be used for display purposes or to provide any parking or loading space required by this Ordinance.

Section 5. TEMPORARY BUILDING. Temporary building(s) with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.

Section 6. ACCESSORY BUILDINGS. Accessory buildings and uses customarily incidental to that of the main building may be erected or established is permitted, provided they comply with the

following:

- 6.1. No accessory building shall be located within ten (10) feet of any side or rear lot line;
- 6.2. No accessory building is permitted within the limits of a front yard;
- 6.3. No accessory building shall be used for dwelling purposes;
- 6.4. Any open unenclosed uncovered steps, ground level patios, eaves not more than two (2) feet in width, or concrete slab driveways may project into a required yard;
- 6.5. Accessory buildings attached to, or connected to the principal building by a breezeway shall be considered to be a part of the principal building and must meet the yard requirements of the principal building;
- 6.6. Satellite television reception discs shall be considered to be an accessory building and as such shall not be located within a front yard.

Section 7. BUILDING HEIGHT. Certain items are exempt from the maximum building height. They are:

- 7.1 Television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

Section 8. BUILDINGS TO HAVE ACCESS. Every principal use building hereafter erected shall be on a lot or parcel having frontage upon a public street or road.

ARTICLE 11/OFF STREET PARKING

Section 1. INTENT. After the effective date of this Ordinance there shall be provided at the time any new building or structure is erected, off-street parking space in accordance with the requirements set forth herein:

Section 2. GENERAL PROVISIONS:

- 2.1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this Ordinance shall provide parking as required under this section;
- 2.2. All off-street parking spaces required by this Ordinance shall be located on the same lot of the use it serves or on some land adjacent to, or within three hundred (300) feet of the principal use lot;
- 2.3. All yard area, except the required front yard for residential districts, may be used for off-street parking; however, that portion of the driveway lying within the front yard may be used to satisfy the off-street parking requirements of this Ordinance;
- 2.4. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a zoning compliance permit.

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

- 3.1. Residential – two (2) spaces per dwelling unit;
- 3.2. Hotel/Motel – One (1) space per lodging unit;
- 3.3. Nursing homes, retirement centers, rest homes, or similar uses – One (1) space for every four (4) patient beds;
- 3.4. Places of public assembly such as auditoriums, theaters, stadiums, funeral homes, churches, community hall, public buildings, etc. – The greater of one (1) space for every four (4) seats or one (1) space per five hundred (500) square feet of gross floor area;
- 3.5. Retail sales and service uses such as stores, restaurants, taverns, banks, professional offices, etc. – One (1) space per three hundred (300) square feet of gross floor area;
- 3.6. Manufacturing, wholesaling, warehousing, and similar uses – One (1) space for every two (2) employees in the largest working shift;
- 3.7. Salvage yards – One (1) space per one thousand (1000) square feet of display or floor area.

ARTICLE 12/OFF STREET LOADING

Section 1. REQUIREMENTS. At the time of construction, alteration, or enlargement of a structure of building off-street loading areas shall be provided and maintained for all uses as follows:

- 1.1. A one thousand (1000) square foot off-street loading area shall be provided for each use, building, or structure of a size between five thousand (5,000) and twenty thousand (20,000) square feet;
- 1.2. For larger uses, buildings, and structures a one thousand (1000) square foot off-street loading area shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof.
- 1.3. Where the off-street loading space borders a Residential District it shall be set back five (5) feet and shall be effectively screen planted.

ARTICLE 13/SIGNS

Section 1. REQUIREMENTS. Billboards and signs that are located in conjunction with principal permitted uses are allowed subject to the following regulations:

- 1.1 Agricultural District:
 - 1.1.1. Church bulletin boards are permitted;
 - 1.1.2. Signs used by a farm operation to advertise seed and feed types are permitted.
- 1.2 Residential District
 - 1.2.1. Church bulletin boards are permitted
 - 1.2.2. Signs for home occupations are permitted.
- 1.3 Commercial and Industrial Districts:
 - 1.3.1. Signs are permitted provided that they are either attached flush to the building, painted on the building, hang from an attached canopy, or are attached to the building;
 - 1.3.2. One (1) free standing or post sign referring to a use or uses conducted on the premises may be erected in any yard abutting a public street; however, such sign shall not obstruct the public view;
 - 1.3.3. Billboards are permitted, provided that the yard and height requirements for a principal structure are met.

Section 2. SIGNS FOR SPECIAL EXCEPTION USES. In all cases where a use is permitted as a special exception, signs will be allowed only through Board of Adjustment approval.

Section 3. INFORMATIONAL SIGNS. Publicly owned informational and directional signs will be permitted in all districts.

Section 4. REAL ESTATE SIGNS. Real estate signs advertising for sale, rental or lease only, the premises, lot or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed fifty (50) square feet in area in all non-residential Districts and five (5) square feet in area in any Residential District.

Section 5. INTERMITTENT FLASHING TYPE SIGNS. No intermittent flashing type signs are permitted. No moving, flashing, rotating, illuminated signs or colored lights, that may be confused with traffic lights are permitted.

Section 6. TEMPORARY ADVERTISING SIGNS. Temporary, portable advertising signs are permitted for a period not to exceed forty-eight (48) hours in duration. The temporary, portable devices may not contain lights.

ARTICLE 14/SPECIAL EXCEPTION USES

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

Section 2. APPLICATION FOR SPECIAL EXCEPTION USE PERMIT. An application for a special exception use permit may be initiated by a property owner or his authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a site plan and other such plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the Board of Supervisors.

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

- 3.1. The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given to the public hearing as required by State Statute by publication in a newspaper of general circulation in the County. If feasible, notice of the public hearing will be mailed to property owners within two hundred (200) feet of the exception request;
- 3.2. The Board of Adjustment shall determine that is empowered under this Ordinance to grant the special exception as described in the application, and that granting of the special exception will not adversely affect the public interest pursuant to testimony presented

at the public hearing.

- 3.3 In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Article 17 of the Ordinance;
- 3.4 The concurring vote of three (3) members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced;
- 3.5 The Board of Supervisors may, after a decision of the Board of Adjustment is made, vote to delay the implementation of such decision for a period of thirty (30) days. The Council may not overturn a decision of the Board of Adjustment. During the thirty (30) day period the Board of Adjustment may or may not reconsider its decision.

Section 4. STANDARDS. No special exception use permit shall be granted by the Board of Adjustment unless such Board shall find:

- 4.1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;
- 4.2. That the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;
- 4.3. That the establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district;
- 4.4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;
- 4.5. 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;
- 4.6. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material;
- 4.7. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled;
- 4.8. The use shall not include vibration which is discernible without instruments on any adjoining lot or property;
- 4.9. The use shall not involve any malodorous gas or matter which is discernible on any adjoining property;
- 4.10. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation;
- 4.11. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road or highway;
- 4.12. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are initiated to limit traffic hazards and congestion;
- 4.13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary Adjustments;
- 4.14. That the use will not be in major conflict with the Comprehensive Land Use Plan.

ARTICLE 15/NONCONFORMING USES

Section 1. INTENT. Within the various districts established by this ordinance, or amendments that may later be adopted, there exists structures and uses of land and structures which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under the provisions of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

Section 2. NONCONFORMING LOTS OF RECORD IN ANY RESIDENTIAL DISTRICT. A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall be obtained through action of the

Board of Adjustments.

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

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

- 3.1. The use is changed to a use permitted in the district in which such structure or premises is located;
- 3.2. A Nonconforming use of a structure may be changed to another Nonconforming use of the same or more restrictive classification, provided no structural alterations are made;
- 3.3. If a Nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4. NONCONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN A RESIDENTIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to Nonconforming uses in a commercial, industrial or agricultural district, subject to the following exception:

- 4.1. Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on a lot of record (or a combination of lots of record in the same ownership) prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the Nonconforming use that existed prior to the effective date of this Ordinance;
- 4.2. If a Nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

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

Section 6. REPLACING DAMAGED BUILDINGS. Any Nonconforming building or structure damaged more than fifty (50) percent of its replacement value (inclusive of the foundation) at the time of damage by fire, flood, explosion, war riot, or act of God shall not be restored or reconstructed and used as before such happening, but if less than fifty (50) percent of the structure is damaged, it may be restored, reconstructed, or used as before provided that reconstruction be started within one (1) year of such happening.

Section 7. USES UNDER SPECIAL EXCEPTION PROVISIONS. Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

ARTICLE 16/ ADMINISTRATION

Section 1. ZONING ADMINISTRATIVE OFFICER. The Board of Supervisors of Humboldt County, Iowa, shall appoint a Zoning Administrative Officer, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the County or in another governmental agency. The Administrative Officer is the executive branch of the zoning process. He/she enforces the ordinance by checking proposed construction or uses for compliance and by taking action against those who violate the ordinance. Any person proposing construction, reconstruction, alteration, us of any change of use should first contact the Administrative Officer to determine the application of the ordinance to his proposal. The Administrative Officer must enforce the ordinance as written. He/she cannot make any changes or adjustments. The duties of the Administrative Officer are:

- 1.1. Determine if proposed construction or change of occupancy complies with the ordinance an enforce the ordinance;
- 1.2. Issue compliance certificates and collect fees;

- 1.3 Provide the Planning and Zoning Commission, the Board of Adjustment, and the Board of Supervisors with information necessary to decide questions before them;
- 1.4 Keep records of all requests submitted and certificates issues;
- 1.5 Make periodic field reviews of the County of check for violations;
- 1.6 Provide the public with information on zoning provisions, upon request.

Section 2. DUTIES OF THE BOARD OF SUPERVISORS. The Board of Supervisors, as the legislative body, appoints the Planning and Zoning Commission, Administrative Officer, and Board of Adjustment, primarily have interaction only with the Planning and Zoning Commission. The Board of Supervisors must obtain a recommendation from the Planning and Zoning Commission on all legislative matters relative to the ordinance before it take action. Once it has received a recommendation from the Planning and Zoning Commission, the Board of Supervisors may accept or reject it. The following duties and powers are relative to the zoning ordinance:

- 2.1. Appoint the members of the Planning and Zoning Commission;
- 2.2. Appoint the Administrative Officer;
- 2.3. Appoint the members of the Board of Adjustment;
- 2.4. Adopts the Ordinance, upon recommendation of the Planning and Zoning Commission;
- 2.5. Institutes action to prevent, correct, or abate violations;
Amends the text, district regulations, or official zoning map after referral to and recommendation from the Planning and Zoning Commission.

Section 3. DUTIES OF THE PLANNING AND ZONING COMMISION. This organization is the advisory body to the Board of Supervisors and is responsible for the initial preparation of the proposed ordinance. Thereafter, it makes recommendations on all matters relative to the ordinance on which the Board of Supervisors must act. In arriving at its recommendations, the Planning and Zoning Commission may seek advice and information from the Administrative Officer, legal counsel, consultants, or other sources which may be available. The Planning and Zoning Commission has no authority to act on any decision of the Administrative Officer, The Board of Adjustment, or the Board of Supervisors, although it may exercise the same right to appeal to the Board of Adjustments, or the courts as any other person. Duties of the Planning and Zoning Commission are:

- 3.1. Prepare the zoning ordinance;
- 3.2. Hold hearings on the proposed ordinance;
- 3.3. Recommend ordinance to the Board of Supervisors;
- 3.4. Keep records of all proceedings of the Commission;
- 3.5. Recommends the proper district for proposed uses not covered in the prepared ordinance (the need for future revisions);
- 3.6. Make recommendations on amendments to the text, district regulations, and Official Zoning Map.

Section 4. ZONING COMPLIANCE PERMITS. 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 permit is issued by the Zoning Administrator, stating that the building and use complies with the provisions of the Ordinance.

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

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

Section 5. APPLICATION FOR COMPLIANCE PERMIT. Compliance permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure. Permits shall be kept on file in the office of the Zoning Administrative officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Compliance permits shall be issued to applicants within ten (10) days after application is made. Permits will be valid for one hundred-eighty (180) days. If construction is not completed within that time period a new permit must be obtained. Failure to timely complete construction may be grounds for denial of an additional permit.

Section 6. PLATS. Each application for a compliance permit shall be accompanied by either a dimensioned drawing or plat drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.

Section 7. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION. PLANS AND PERMIT. Compliance permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article 20.

Section 8. FEES. Before receiving a compliance permit, the owner or his agent shall pay to the County the permit fee as provided by resolution of the Board of Supervisors.

Section 9. SPECIAL EXCEPTIONS. A compliance permit for a special exception may be issued by the Administrative Officer upon the order of the Board of Adjustment.

ARTICLE 17/VIOLATION AND PENALTY

Section 1. VIOLATION AND PENALTY. The violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, shall be subject to a fine of not more than one hundred (100) dollars or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

Section 2. RESTRAINING ORDER. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure of land is used in violation of this Ordinance, the County Attorney, in addition to other remedies may institute any proper action or proceed in the name of Humboldt County, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 18/BOARD OF ADJUSTMENT

Section 1. CONFIRMATION. The existing Board of Adjustment is hereby confirmed. The Board shall consist of five (5) members to be appointed by Board of Supervisors for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by the Board of Supervisors, for the unexpired term of the member.

Section 2. PROCEEDING OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meeting shall be held at the call of the chairman and at such other times as the Board may determine. The chairman or in his absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meeting shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Administrative Officer. The presence of three (3) members shall constitute a quorum.

Section 3. HEARING, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning interpretation of administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau Humboldt County affected by a decision of the Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Administrative Officer and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

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

A fee to be determined by resolution of the Board of Supervisors shall be paid to the Administrative Officer at the time the notice is filed.

Section 4. STAY ON PROCEEDINGS. An appeal stays all proceedings in furtherance of the action appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer

from whom the appeal is taken and upon due cause shown.

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

- 5.1. Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.
- 5.2. Special Exceptions: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance and as provided for in Article 13.
- 5.3. Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:
 - 5.3.1. A written application for a variance is submitted demonstrating:
 - 5.3.1.1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 5.3.1.2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - 5.3.1.3. That the special conditions and circumstances do not result from the actions of the applicant;
 - 5.3.1.4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - 5.3.2. A public hearing shall be held, with the notice of such hearing being provided according to state statute. If feasible, notice of the public hearing shall be mailed to property owners within two hundred feet of the proposed variance.
 - 5.3.3. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - 5.3.4. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - 5.3.5. The application for a variance shall be accompanied by a fee to be determined by resolution of the Board of Supervisors.
 - 5.3.6. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.
 - 5.3.7. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 16 of this Ordinance.

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

Section 7. APPEALS FROM THE BOARD OF ADJUSTMENT. Any person(s), board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by Chapter 335, Code of Iowa. The Board of Supervisors may vote to delay a decision of the Board of Adjustment for a thirty (30) day period, but such vote may not overrule a decision of the Board of Adjustment. During the thirty (30) day delay the Board of Adjustment may, or may not review its previous decision.

ARTICLE 19/ CHANGES AND AMENDMENTS

Section 1. This Ordinance and the districts created by said Ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning Commission shall have thirty (30) days in which to submit its report to the Board of Supervisors. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the Board of Supervisors before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published according to state statute. Such notice shall include the time and place for the public hearing.

In the case of a written protest against a change or repeal which is filed with the County Auditor and signed by the owners of twenty (20) percent or more of the area of lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is indicated within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective unless it receives the favorable vote of at least three fourths (3/4) of all the members of the Board of Supervisors.

Section 2. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning map.

- 2.1. Such application shall be filed with the Administrative Officer accompanied by a fee as determined by resolution of the Board of Supervisors and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
 - 2.1.1. The legal description and local address of the property;
 - 2.1.2. The present zoning classification and the zoning classification request for the property;
 - 2.1.3. The existing use and proposed use of the property;
 - 2.1.4. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested;
 - 2.1.5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid;
 - 2.1.6. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two hundred feet thereof, including streets, alleys, railroads, and other physical features;
- 2.2. Upon receipt of the application by the Administrative Officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
 - 2.2.1. Whether or not the current district classification of the property to be rezoned is valid;
 - 2.2.2. Whether there is a need for additional land zoned for the purpose requested;
 - 2.2.3. Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - 2.2.3.1. Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area;
 - 2.2.3.2. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - 2.2.4. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- 2.3. The Commission shall hold a public hearing (the notice of which shall be according to state statute) and report its determinations and recommendations to the council within thirty (30) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. If feasible, notice of the public hearing will be mailed to all property owners within two hundred (200) feet of the proposal.

ARTICLE 20/ SEVERABILITY CLAUSE

Section 1. If any section, provision, or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

ARTICLE 21/REPEAL OF CONFLICTING ORDINANCES

All ordinances in conflict with this Ordinance are hereby repealed.

ARTILCE 22/ADOPTION

This ordinance shall be in effect from and after its final passage, approval and publication as required by law. First implementation shall be on February 26, 1996.

This Ordinance was adopted on: July 20, 2015

/s/ Carl F. Mattes
Chair, Humboldt County Board of Supervisors

Attest:

/s/ Peggy J. Rice
Humboldt County Auditor