

Kossuth County Zoning Ordinance

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RESOLUTION OF KOSSUTH COUNTY BOARD OF SUPERVISORS NO. 7-23-1 ADOPTING A COUNTY ZONING ORDINANCE

AN ORDINANCE CONTAINING DEFINITIONS; REGULATIONS AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES IN THE UNINCORPORATED TERRITORY OF KOSSUTH COUNTY, IOWA; DIVIDING THE UNINCORPORATED TERRITORY OF SAID COUNTY INTO DISTRICTS; ADOPTING A ZONING MAP FOR SAID UNINCORPORATED TERRITORY SHOWING BOUNDARIES AND CLASSIFICATIONS OF SUCH DISTRICTS; CREATING A BOARD OF ADJUSTMENT; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, a comprehensive plan for Kossuth County, Iowa, except the City of Algona and the Towns of Titonka and LuVerne, has been made, and

WHEREAS, the Kossuth County Regional Planning Commission has recommended to the Kossuth County Board of Supervisors that a Zoning Ordinance hereinafter set forth be adopted, and

WHEREAS, notice of the hearing on the adoption of the said Zoning Ordinance has been published and hearing thereon has been held as prescribed by law.

NOW, THEREFORE, BE IT RESOLVED BY THE KOSSUTH COUNTY BOARD OF SUPERVISORS that all territory lying outside of the incorporated municipalities in Kossuth County, Iowa, is subject to the following ordinance regulations:

Articles I through XXVIII of the Zoning Ordinance as hereinafter set forth, are hereby adopted by reference and are made a part hereof as fully as though set out herein verbatim.

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ARTICLE I – DIFINITIONS ARTICLE

- 1.0** For the purpose of the regulations, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “shall” is mandatory and not directory.
- 1.1** **Accessory Use or Structure** – A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.
- 1.2** **Agriculture** – The use of land for agricultural purposes, including necessary buildings and structures which shall be used for agriculture including, but not limited to, farming, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- 1.3** **Airport** – any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
- 1.4** **Alley** – A public or private way less than 21 feet in width affording secondary means of access to abutting property
- 1.5** **Automobile Repair – Major** – General repairs, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
- 1.6** **Automobile Repair – Minor** – Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks, but not including any operation specified under “Automobile Repair – Major.”
- 1.7** **Automobile Wrecking Yard** – Any area of land where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or parts thereof, not in running condition.
- 1.8** **Basement** – A story having part but not more than 50% of its height below the average grade of the adjoining ground (as distinguished from a “cellar”). A basement shall be counted as a story for purpose of height measurement.
- 1.9** **Building** – Any structure for the shelter or enclosure of persons, animals or chattels.
- 1.10** **Cellar** – A story having 50% or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
- 1.11** **Dwelling** – A building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, travel or camping trailer, or a room in a hotel or motel.
- 1.111** **Dwelling Group** – Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in [Section 18.1](#).
- 1.12** **Essential Services** – The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas,

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electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection there within; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

- 1.13 Family** – One or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.
- 1.14 Flood Plain** – That continuous area, adjacent to a stream or stream bed or other natural drainage channels or areas, which is low-lying difficult to drain or subject to flood.
- 1.15 Garage, Private** – A detached Accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding 1 ½ tons.
- 1.16 Height** – In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.
- 1.17 Highway or Primary Thoroughfare** – An officially designated federal or state numbered highway or other road designated as an interstate, arterial, or collector on the Transportation Plan as officially adopted and amended from time to time by the Planning Commission and City Council or County Board.
- 1.18 Junk Yard** – An open area or fenced-in enclosure, where used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.
- 1.19 Land Use Plan** – The comprehensive long-range plan for the desirable use of land in the county, as officially adopted and as amended from time to time by the Planning Commission and County Board or City Council; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.
- 1.20 Lot** – A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the regulations.
- 1.201 Lot, Corner** – A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- 1.21 Lot Area** – The horizontal area within the lot lines of the lot.
- 1.22 Lot Depth** – The mean horizontal area within the lot lines of the lot
- 1.23 Lot Width** – The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

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- 1.24 Mobile Home Dwelling** – A mobile home dwelling is a detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its' own wheels or on flatbed or other trailers and arriving complete and ready for occupancy at the site where it is to be occupied as a dwelling except for minor and incidental unpacking or assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A recreation travel trailer is not to be considered as a mobile home.
- 1.25 Mobile Home Park** – Any site, or tract of land under single ownership, upon which are located two or more mobile homes used as swellings, either free of charge or for a fee. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.
- 1.26 Motor Fuel Station** – A place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.
- 1.27 Nonconforming Use** – A building, structure or premises lawfully occupied at the time of the enactment of the regulations by a use that does not conform with the provisions of the regulations for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.
- 1.28 Ordinance/Resolution** – Any legally enacted regulation adopted or amended by ordinance or by resolution.
- 1.29 Parking Area/Accessory** – An area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than that public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.
- 1.30 Scenic Route** – The roadway and adjacent corridor as viewed from a road or highway designated as a scenic route by the State of Iowa and/or the Regional Planning Commission.
- 1.31 Sign** – Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, abut not including any flag, badge or insignia of any government or governmental agency.

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- 1.311 Sign, Gross Surface Area Of** – The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- 1.32 Story** – That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.
- 1.321 Story, Half** – A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for resident purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
- 1.33 Street Road** – Any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the regulations; and any such public way created after enactment of the regulations, provided it is 50 feet or more in width.
- 1.34 Structural Alterations** – Any change in the supporting members of a building including but not limited to bearing walls, load bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
- 1.35 Structure** – Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.
- 1.36 Yard, Front** – An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.
- 1.361 Front Yard, Least Depth** – The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.
- 1.37 Yard, Rear** – An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 1.371 Rear Yard, Least Depth** – The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line shall be considered the rear lot line.
- 1.38 Yard, Side** – An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 1.381 Side Yard, Least Width** – The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

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ARTICLE II – DISTRICTS AND MAPS

- 2.0** For the purpose of the regulations, the following districts are established :
- [“F-1” Flood Plain Districts](#)
 - [“C-1” Conservation Districts](#)
 - [“A-1” Agricultural Districts](#)
 - [“R-1” One-Family Residence Districts](#)
 - [“R-2” One and Two-Family Residence Districts](#)
 - [“R-3” One to Six-Family Residence Districts](#)
 - [“R-4” Multi-Family Residence Districts](#)
 - [“R-5” Rural One and Two-Family Residence Districts](#)
 - [“R-6” Rural Multi-Family Residence Districts](#)
 - [“B-1” Retail Business Districts](#)
 - [“B-2” General Business Districts](#)
 - [“B-3” Interchange Business Districts](#)
 - [“I-1” Light Industrial Districts](#)
 - [“I-2” General Industrial Districts](#)
- 2.1** The boundaries of these districts are hereby established as shown on maps entitled “Zoning Maps,” which accompany and are hereby made a part of the regulations. The district boundary lines on said maps are intended to follow lot lines, the centerlines of streets or alleys, the centerlines of streets or alleys projected, railroad rights-of-way, or the corporate limit lines, all as they existed at the time of enactment of the regulations; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.
- 2.2** Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the regulations, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot provided that where the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.
- 2.3** Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under [Subsection 23.21](#).
- 2.4** All territory which may hereafter be annexed to a community shall remain under its existing classification until such classification shall have been changed by amendment of the regulations as provided hereinafter.

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ARTICLE III – GENERAL PROVISIONS

- 3.0 Zoning Affects Every Structure and Use** – Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.
- 3.1 Continuing Existing Uses** – Any building, structure, or use lawfully existing at the time of enactment of the regulations may be continued except certain nonconforming uses as provided in Section 3.2. Nothing in the regulations shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official.
- 3.2 Nonconforming Uses** – Except as hereinafter provided under Subsection 3.25:
- 3.21** Any nonconforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, if damaged less than 50% of its fair market value, as determine by the board of Adjustment, at the time of such damage. If damaged more than 50% of its fair market value as determined by the Board of Adjustment, such building shall only be reconstructed in accordance with the provisions of the regulations.
- 3.22** No building, structure or premises where a nonconforming use has been or may be discontinued for more than two years or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- 3.23** Any nonconforming use of land not involving any structure, and any nonconforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed three years after enactment of the regulations, whereupon such nonconforming use shall cease or structure shall be removed.
- 3.24** Any building or structure devoted to a nonconforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the regulations, whereupon such nonconforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.
- 3.25** The foregoing provisions under Subsection 3.21, 3.22, 3.23, and 3.24, insofar as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changes, shall not be applicable where any such building, structure, or use would be conforming under the Land Use Plan as defined in [Section 1.19](#).
- 3.3 Street Frontage** – Minimum Requirement – No lot created after the adoption of the regulations shall contain any building used as a dwelling unless it abuts at least 40 feet on a street or has a permanent exclusive non-obstructed easement of access not less than 40 feet wide to a dedicated public street or road.

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3.4 Lot Area Requirements

3.41 Existing Lots of Record – In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the regulations, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Adjustment as set forth hereinafter under [Section 23.22](#). However, no lot of any size may be built upon unless the County Board of Health approves the method of sewage disposal and source of water supply.

3.42 Lots Unserved by Sewer and/or Water – In any district, where both water supply and public sanitary sewer are not accessible, the otherwise specified lot area and width requirements shall be increased where necessary to satisfy all applicable requirements of the County Board of Health and/or the State Health authorities concerning water supply and the disposal of sanitary wastes.

3.5 Number of Uses on One Lot – No lot shall contain more than one principal use.

3.6 Accessory Buildings in Residence Districts

3.61 No accessory building shall be erected in any yard other than a rear yard and it shall occupy less than 30% of a required rear yard. Accessory buildings shall be limited to 15 feet in height, and shall be distant at least 3 feet from all lot lines of adjoining lots which are in any “R” District and at least 6 feet from alley lines and 6 feet from any other building or structure on the same lot.

3.62 Where the natural grade of a lot at the front wall of the principal building is more than 8 feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within 10 feet of any street line, provided that at least one-half of the height of such private garage shall be below the level of the yard or court..

3.7 Required Yard Cannot be Reduced or Used by Another Building

3.71 No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the regulations, and if already less than the minimum required it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.

3.72 The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

3.8 Conversion of Dwellings – The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the regulations, and only when the resulting occupancy will comply with the requirements governing new

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construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter applying to such district.

- 3.9 Transitional Uses in “R” Districts** – In any “R-1,” “R-2,” or “R-3” District a transitional use shall be permitted on a lot the side lot line of which adjoins, either directly or across an alley, any “B” or “I” District. The permitted transitional uses for any such lot in an “R-1” Districts shall be any use permitted in the “R-2” District; for any such lot in an “R-2” District any use permitted in the “R-3” District; and for any such lot in an “R-3” District any use permitted in the “R-4” District. In the case of any such lot in an “R-1,” “R-2,” or “R-3” District, the requirement governing lot area per dwelling unit, off-street parking, yards and other open spaces shall be the same as for the district respectively next listed in [Article II](#). Any transitional use authorized under this section shall not extend more than 100 feet from the side lot line of the lot abutting on the zoning district boundary line.
- 3.10 Minimum Ground Floor Area for Dwellings**
- 3.101** A one-story dwelling shall contain not less than 600 square feet of usable ground floor area, exclusive of open porches, garages or steps.
- 3.102** A 1 ½ or two-story dwelling shall contain not less than 560 square feet of ground floor area, exclusive of open porches garages or steps.
- 3.11 Traffic Visibility Across Corner** Lots – In an “R” District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the “corner” so as to interfere with traffic visibility across the corner.
- 3.12 Essential Services** – Essential services shall be permitted as authorized and regulated by law and other regulations of local governmental bodies, it being the intention hereof to exempt such essential services from the application of the regulations.
- 3.13 Off-street Parking and Loading** – In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of [Article XX](#).
- 3.14 Validity of Existing Building Permits** – Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approvals and required building permits have been granted before the enactment of the regulations, the construction of which, conforming with such plans, shall have been started prior to the effective date of the regulations and completion thereof carried on in a normal manner within the subsequent 6 months’ period, and not discontinued until completion, except for reasons beyond the builder’s control.

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ARTICLE IV – “F-1” FLOOD PLAIN DISTRICTS

4.0 Permitted Principal Uses

- 4.01** Agriculture, including customary agricultural buildings and structures but not including permanent dwellings; nurseries and greenhouses.
- 4.02** Baseball or football fields, provided that the location of such field shall comply with the distance requirements in Section 4.3.
- 4.03** Public parks, playgrounds and community centers; private recreation area and facilities, including country clubs, golf courses, riding stables, fishing lakes and boat docks.
- 4.04** Essential services as defined in [Section 1.12](#).

4.1 When Authorized by the Board of Adjustment

- 4.11** Outdoor rifle or skeet shooting ranges; on premises located as to comply with three times the distance required in Section 4.3 and which premises are suitable for such use, for reason, among others of topography, screening by trees or other features, and also in consideration of the present and potential use of adjacent properties.
- 4.12** Gravel pits, mines, and stone quarries located as to comply with 6 times the distance required in Section 4.3.
- 4.13** Any other use which, in the opinion of the Board of Adjustment, will no, when located, constructed and operated as proposed, by inconsistent with the purposes intended to be served by the provisions prescribed in this article for the “F-1” District—among others, of protecting human life, preventing material losses and reducing the cost to the public of relief or rescue efforts occasioned by the unwise occupancy of areas subject to floods; and which use, at the same time, will not impair the present of potential use of adjacent properties.

4.2 Permitted Accessory Uses

- 4.21** Accessory uses and structures customarily incidental to a permitted principal use in the “F-1” District.
- 4.22** Any other accessory use that is determined by the Board of Adjustment to be necessary and incidental to any aforesaid permitted use and located on the same lot therewith, but not including any permanent residence except for a watchman or caretaker employed on the premises.
- 4.23** Signs a regulated by [Article XIX](#).

4.3 Required Conditions

- 4.31** All uses, buildings or premises, for which compliance with the distance requirement in this section is stipulated in the foregoing sections of this article, shall be distant at least 200 feet from any lot in a “R” District, or any lot occupied by a dwelling or by any school, church, or institution for human care.

4.4 Height Regulations – No principal structure shall exceed two and one-half stories or 35 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in [Section 21.1](#).

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- 4.5 Lot Area, Frontage and Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements exceptions and modification in [Sections 21.2 and 21.4](#).

	Min. Lot <u>Width</u> 300'	Min Front Yard <u>Depth</u> Along State and Federal Roads – 80' Other Public Roads – 60'	Min Side Yard <u>Width</u> 30'	Min Rear Yard <u>Depth</u> 100'
Non-residential uses or structures				

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ARTICLE V – “C-1” CONSERVATION DISTRICTS

5.0 **Permitted Principal Uses**

5.01 Agriculture and agricultural buildings including farm dwellings

5.02 Public parks, playgrounds, and recreational areas.

5.03 Essential services as defined in [Section 1.12](#).

5.1 **When Authorized by the Board of Adjustment**

5.11 Sanitary landfills, where located above flood hazard elevation and in accordance with county and state regulations except that no sanitary landfill shall be operated within 1,200 feet of and “R” District.

5.12 Mining, removal and loading of sand or gravel, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage located not less than 1,200 feet from any “R” District and suitably distant or properly screened from any designated Scenic Highway.

5.13 Privately operated country clubs, golf courses, marinas or docking facilities, guest ranches, swimming clubs, riding stables, lakes, resorts, and similar recreational uses provided that any principal or accessory building in connection therewith shall be located above flood hazard elevation and not less than 200 feet from any lot in an “R” District.

5.2 **Permitted Accessory Uses**

5.21 Accessory uses and structures customarily incidental to a permitted principal use in the “C-1” District.

5.22 Signs as required by [Article XIX](#).

5.3 **Height Regulations** – No principal structure shall exceed two and one-half stories or 30 feet in height, and no accessory structure shall exceed 15 feet in height, except as provided in [Section 21.1](#).

5.4 **Lot Area, Frontage and Yard Requirements** – The following minimum requirements shall be observed subject to the additional requirements, exception, and modifications in [Sections 21.2-21.4](#) inclusive.

	Min	Min	Min	Min
	Front	Side	Rear	
	Yard	Yard	Yard	
<u>Building Height</u>	<u>Width</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>
1-2 ½ stories	300'	Along State And Federal roads – 80' Other public Roads – 60'	30'	100'

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ARTICLE VI – “A-1” AGRICULTURAL DISTRICTS

6.0 Permitted Principal Uses

6.01 Agriculture and agricultural buildings, provided that confinement feeding of livestock shall not be permitted within 1,200 feet of any lot in an “R” District.

6.02 Public parks, playgrounds, and recreational areas.

6.03 Essential services as defined in [Section 1.12](#) and municipal administrative or public service building or properties, except such uses as storage yards, warehouse, garages, or other uses customarily conducted as gainful business, provided no building is located less than 20 feet from any lot in any “R” District.

6.04 Cemeteries of 10- acres or more in size.

6.05 Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any “R” District.

6.06 Any building or structure occupied or used for nursery, elementary, junior high or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line.

6.07 Sale of nursery and greenhouse products.

6.08 Railroad rights-of-way and trackage, not including switching, storage, terminal facilities or freight yards.

6.09 Single-family detached dwellings on lots of 5 acres or more.

6.10 Transformer stations and booster or pressure regulating stations, without service yard or storage.

6.1 When Authorized by Board of Adjustment

6.11 Sanitary landfills, in accordance with county and state regulations except that no sanitary landfill shall be operated within 1,200 feet of any “R” District.

6.12 Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any accessory building in connection therewith shall be located not less than 200 feet from any lot in an “R” District.

6.13 Airports and landing fields.

6.14 Mining, removal and loading of sand or gravel, including equipment, buildings or structures for screening, crushing, mixing, washing, or storage located not less than 1,200 feet from any “R” District and suitably distant or properly screened from any designated scenic highway.

6.2 Permitted Accessory Uses

6.21 Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.

6.22 Private garages or parking areas.

6.23 Living quarters of person employed on the premises.

6.24 Office of a physician, dentist, lawyer, architect, engineer, clergyman or accountant within his dwelling.

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- 6.25** Customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, but not including beauty shop barber shop, dancing or music school with more than one pupil at one time, or similar activity carried on solely by resident occupants within their residence, subject to the following provisions: that no more than one room is used for such purposed by any resident family; that no such use shall require internal or external alternations or involve construction features or the use of mechanical equipment not customary in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining so such a visible from the street or road.
- 6.26** Signs are regulated by [Article XIX](#).
- 6.3** **Height Regulations** – No principal structure shall exceed 2 ½ stories or 30 feet in height, and no accessory structure shall exceed 15 feet in height, except as provided in [Section 21.1](#).
- 6.4** **Lot Area, Frontage, and Yard Requirements** – The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in [Sections 21.2 and 21.4](#). Each lot shall contain a minimum area of 5 acres.

Minimum Lot Width	Minimum Front Yard Depth	Minimum Side Yard Width	Minimum Rear Yard Depth
300'	Along State and Federal Roads – 80' Other Public Roads – 60'	30'	100'

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ARTICLE VII – “R”-1” ONE-FAMILY RESIDENCE DISTRICTS

7.0 **Permitted Principal Uses**

7.01 One-family detached dwellings.

7.02 Essential services as defined in [Section 1.12](#).

7.1 **When Authorized by Board of Adjustment**

7.11 Privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal building in connection therewith shall be located not less than 200 feet from any lot in an “R” District.

7.2 **Permitted Accessory Uses**

7.22 Private garages or parking areas

7.23 Living quarters of person employed on the premises.

7.24 Office of a physician, dentist, lawyer, architect, engineer, clergyman or accountant within his dwelling.

7.25 Customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, but not including beauty shop, barber shop, dancing or music school with more than one pupil at one time, or similar activity carried on solely by resident occupants within their residence, subject to the following provisions: that no more than one room is used for such purposes by any resident family; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street or road.

7.26 Signs as regulated by [Article XIX](#).

7.3 **Height Regulations** – No principal structure shall exceed 2 ½ stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in [Section 21.1](#).

7.4 **Lot Area, Frontage and Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Section 21.2-21.4](#), inclusive. Each lot shall have a minimum lot area of 7,500 square feet.

	Minimum	Minimum	Minimum Side		Minimum
	Lot	Front	<u>Yards Width</u>		Rear
Building		Yard	Least	Sum Least	Yard
<u>Height</u>	<u>Width</u>	<u>Depth</u>	<u>Width</u>	<u>Widths</u>	<u>Depth</u>
1 & 1 ½ Stories	70'	30'	7'	16'	35'
2 & 2 ½ Stories	70'	32'	9'	20'	35'

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ARTICLE VIII – “R-2” ONE AND TWO-FAMILY RESIDENCE DISTRICTS

8.0 Permitted Principal Uses

8.01 Any use or structure permitted and as regulated in [Section 7.0](#), except as hereinafter modified.

8.02 Two-family dwellings.

8.03 Public parks, playground, and recreational areas.

8.04 Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any “R” District.

8.05 Any building or structure occupied or used for nursery, elementary, junior high or high schools, public libraries, and similar public uses located not less than 20 feet from any side lot line.

8.06 Cemeteries of 10 acres or more in size.

8.07 Railroad rights-of-way and trackage, not including switching, storage, terminal facilities, or freight yards.

8.1 When Authorized by Board of Adjustment

8.11 Any use as regulated in [Section 7.1](#), except hereinafter modified.

8.12 Dwelling groups (See [Section 18.1](#).)

8.13 Parking areas accessory to a use in an adjoining less restricted district, when abutting or directly across an alley, subject to the applicable conditions stipulated in [Section 20.0](#), and such further conditions as may be stipulated by the Board.

8.14 Hospitals, sanitariums and nursing homes provided that any such buildings shall be at least 50 feet from any lot in any “R” District. Hospitals shall be located on lots of 5 acres or more, sanitariums on lots of 10 acres or more and nursing homes on lots of 20,000 square feet or more.

8.15 Residence development projects except from district height regulations (See [Section 18.2](#).)

8.2 Permitted Accessory Uses

8.21 “R-1” Residence District accessory uses.

8.22 Signs as regulated by [Article XIX](#).

8.3 Height Regulations – No principal structure shall exceed 2 ½ stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in [Section 21.1](#).

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- 8.4 Lot Area, Frontage, and Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Sections 21.2 – 21.4](#) inclusive. Each one-family residence shall be located on a lot containing at least 6,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 5,000 square feet for each family.

Bldg. Height	Min Lot Width	Min Front Yard Depth	Min. Side Yards Least Width	Widths Sum Least Widths	Min Rear Yard Depth
1 & 1 ½ Stories	60'	30'	6'	14'	30'
2 & 2 ½ Stories	60'	32'	8'	18'	30'

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ARTICLE IX – “R-3” ONE TO SIX-FAMILY RESIDENCE DISTRICTS

9.0 **Permitted Principal Uses**

9.01 Any use or structure permitted and as regulated in [Section 8.0](#), except as hereinafter modified.

9.02 Three to six-family dwellings

9.1 **When Authorized by the Board of Adjustment**

9.11 Any use as regulated in [Section 8.1](#), except as hereinafter modified.

9.12 Kindergartens, day nurseries,, or nursery schools, provided that any play lot used in connection therewith be suitably fenced and screened in accordance with requirements of the Board.

9.13 Motels or motor hotels on lots abutting on State or Federal highways, subject to the applicable provisions of [Section 20.3](#).

9.14 The following on lots abutting on State or Federal highways: office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises; professional offices of architects, engineers, and lawyers.

9.2 **Permitted Accessory Uses**

9.21 “R-2” Residence District accessory uses.

9.22 Signs as regulated by [Article XIX](#)

9.3 **Height Regulations** – No principal structure shall exceed three stories or 35 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in [Section 21.1](#).

9.4 **Lot Area, Frontage, and Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Section 21.2-21.4](#), inclusive. Each one-family residence shall be located on a lot containing at least 6,000 square feet. Each two, three, four, five, or six-family structure shall be located on a lot having an area of 4,000 square feet for each family to be house in the structure.

	Min	Min	Min. Side Yards Widths		Min
	Lot	Front	Least	Sum Least	Rear
<u>Bldg. Height</u>	<u>Width</u>	<u>Yard</u>	<u>Width</u>	<u>Widths</u>	<u>Yard</u>
1 & 1 ½ Stories	50’	30’	6’	13’	30’
2 & 2 ½ Stories	50’	32’	7’	15’	30’
3 Stories	55’	35’	8’	20’	35’

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ARTICLE X – “R-4” MULTI-FAMILY RESIDENCE DISTRICTS

10.0 Permitted Principal Uses

10.01 Any use or structure permitted as regulated in [Section 9.0](#), except as hereinafter modified.

10.02 Dwellings for any number of families.

10.03 Boarding and lodging houses.

10.1 When Authorized by Board of Adjustment

10.11 Any use as regulated in [Section 9.1](#), except as hereinafter modified.

10.12 Office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.

10.13 Physicians’ and dentists’ offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.

10.14 Mobile home parks subject to the following conditions:

10.141 The mobile home park shall be located on the parcel of ground at least 5 acres in size and each boundary line of the park shall be at least 100 feet from any residential structure located outside the park unless separated therefrom by a natural or artificial barrier.

10.142 The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

10.143 Each mobile home space shall be large enough to provide a distance of 10 feet between any residence unit or structure on the space and the lot line, a front yard of 15 feet and a rear yard of 10 feet.

10.144 All mobile home spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street.

10.145 Walkways not less than two feet wide shall be provided to service buildings

10.146 All driveways and walkways in the park shall be hard surfaced and lighted at night.

10.147 Each mobile home park shall provide service buildings to house such toilet, bathing and other sanitary facilities and such laundry facilities as may be prescribed.

10.148 An electrical outlet supplying at least 110 volts shall be provided for each trailer space.

10.149 Adequate sanitary facilities and supply of pure water shall be provided to each trailer space.

10.150 Each park shall comply with the regulations set forth by competent authority.

10.2 Permitted Accessory Uses

10.21 “R-3” Residence District accessory uses.

10.22 Signs as regulated by [Article XIX](#).

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- 10.3 Height Regulations** – No principal structure shall exceed 6 stories or 75 feet in height, at the required front, side, and rear yard lines, other than as provided in [Section 21.2](#), except that one foot may be added to the height permitted for each one foot that the building is set back from the required yard lines and that one foot be added to the minimum lot width for each one foot that the building exceeds 6 stories or 75 feet in height.
- 10.4 Lot Area, Frontage, and Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Sections 21.2-21.4](#), inclusive. Each structure shall be located on a lot containing at least 7,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 4,000 square feet for each family.

<u>Bldg. Height</u>	Min	Min	<u>Min. Side Yards Widths</u>		Min
	Lot	Front	Least	Sum Least	Rear
	<u>Width</u>	<u>Yard</u>	<u>Width</u>	<u>Widths</u>	<u>Yard</u>
		<u>Depth</u>			<u>Depth</u>
1 Story	50'	30'	6'	12'	30'
2 Stories	52'	32'	8'	17'	30'
3 Stories	55'	35'	10'	22'	35'
4 Stories	65'	40'	12'	27'	40'
5 Stories	75'	45'	14'	33'	45'
6 Stories	85'	50'	16'	40'	50'
Over 6 Stories	See Sections 10.3 for yard and width requirements.				

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ARTICLE XI – “R-5” RURAL ONE AND TWO-FAMILY RESIDENCE DISTRICTS

11.0 Permitted Principal Uses

11.01 Any use or structure permitted and as regulated in [Section 7.0](#) except as hereinafter modified.

11.02 Two-family residences

11.1 When Authorized by Board of Adjustment

11.11 Any use as regulated in [Section 8.1](#), except as hereinafter modified.

11.12 Transformer stations and booster or pressure regulating stations, without service yard or storage.

11.13 Residence development projects.

11.2 Permitted Accessory Uses

11.21 “R-2” Residence District Accessory Uses

11.22 Signs as regulated by [Article XIX](#).

11.3 Height Regulations – No principal structure shall exceed two and one-half stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in [Section 21.1](#).

11.4 Lot Area, Frontage, and Yard Requirements – Each one-family residence shall be located on a lot containing 40,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 30,000 square feet for each family. Large lots may be required where results of percolation tests indicate the need for a larger disposal field. Such tests shall be submitted to the County Board of Health prior to construction. The following minimum requirements shall be observed, subject to the additional exceptions and modifications in [Section 21.2-21.4](#) inclusive.

	Min	Min	Min	Min
	Front	Side	Rear	
	Yard	Yard	Yard	
<u>Bldg. Height</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>	
1-2 ½ Stories	165'	Along State	20'	100'
	Federal Roads –			
	80'			
	Other public			
	Roads – 50'			

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ARTICLE XII – “R-6” RURAL MULTI-FAMILY RESIDENCE DISTRICTS

12.0 Permitted Principal Uses

12.01 Any use or structure permitted and as regulated in [Section 11.0](#), except as hereinafter modified.

12.02 Dwellings for any number of families

12.03 Boarding and lodging houses.

12.1 When Authorized by Board of Adjustment

12.11 Any use as regulated in [Section 11.1](#), except as hereinafter modified.

12.12 Office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.

12.13 Physicians’ and dentists’ offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.

12.14 Mobile home parks subject to the conditions of [Section 10.14](#).

12.2 Permitted Accessory Uses

12.21 “R-5” Residence District accessory uses

12.22 Signs as regulated by [Article XIX](#).

12.3 Height Regulations – No principal structure shall exceed 6 stories or 75 feet in height, at the required front, side, and rear yard lines, other than as provided in [Section 21.1](#), except that one foot may be added to the height permitted for each one foot that the building is set back from the required yard lines and that one foot be added to the minimum lot width for each one foot that the building exceeds 6 stories or 75 feet in height.

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12.4 Lot Area, Frontage, and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Sections 21.2-21.4](#), inclusive. Each structure shall be located on a lot containing at least 7,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 4,000 square feet for each family.

<u>Bldg. Height</u>	<u>Min Lot Width</u>	<u>Min Front Yard Depth</u>	<u>Min. Side Yards Widths</u>		<u>Min Rear Yard Depth</u>
			<u>Least Width</u>	<u>Sum Least Widths</u>	
1 Story	50'	30'	6'	12'	30'
2 Stories	52'	32'	8'	17'	30'
3 Stories	55'	35'	10'	22'	35'
4 Stories	65'	40'	12'	27'	40'
5 Stories	75'	45'	14'	33'	45'
6 Stories	85'	50'	16'	40'	50'

Over 6 Stories See Section 12.3 for yard requirements

No lot shall be built upon or used for the above purposes unless a sewage disposal system and a safe water supply approved by the County Board of Health and/or the State Health authorities are provided to each lot by the owner or developer.

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ARTICLE XIII – “B-1” RETAIL BUSINESS DISTRICTS

13.0 Permitted Principal Uses

- 13.01** Any use or structure permitted and as regulated in [Section 12.0](#), except as hereinafter modified.
- 13.02** Any retail business establishment, such as appliance store, auto accessory store, bakery with baking limited to goods for retail sales on the premises, book or stationery store, café or restaurant, camera or photographic supply shop, candy or ice cream store, delicacies, drug store, fabric shop, floor-covering store, florist shop, furniture store including incidental upholstery, gift shop, grocery store, haberdashery or women’s ready-to-wear shop, hardware or paint store, hobby shop, jewelry store, meat market, shoe store and variety store.
- 13.03** Any service establishment, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater, and self-service laundry.
- 13.04** Bus terminal
- 13.05** Business or trade school
- 13.06** Commercial parking lot,
- 13.07** Department store.
- 13.08** Hotels and motor hotels.
- 13.09** Meeting hall, club and fraternal organization.
- 13.10** Music and dancing studio.
- 13.11** Public parking lot, customer and other accessory parking area, subject to the applicable provisions of [Section 20.0](#).
- 13.12** The following uses when occupying a completely enclosed building located at least 100 feet from any “R” District:
 - 13.121** Dance hall, bar or cocktail lounge, night club, and similar enterprises.
 - 13.122** Furniture upholstery shop only when operated in conjunction with a retail business on the premises.
 - 13.123** Printing, publishing, engraving or lithographing shop.
 - 13.124** Laundry and dry cleaning shop.

13.1 Permitted Accessory Uses

- 13.11** Other accessory uses customarily incidental to a permitted use, including signs as regulated by [Article XIX](#).

13.2 Height Regulation – No structure shall exceed 3 stories or 45 feet in height, except as provided in [Section 21.1](#).

13.3 Prohibited Uses

- 13.31** Single family detached dwellings

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- 13.4 Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Section 21.3 and 21.4](#).

	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Widths</u>	<u>Minimum Rear Yard Depths</u>
Permitted Uses	None	None except where adjoining an “R” District then same as the least width required in that “R”	10’, except where adjoining an “R” District then same as “R” District.

ARTICLE XIV – “B-2” GENERAL BUSINESS DISTRICTS

14.0 Permitted Principal Uses

- 14.01** Any use or structure permitted as regulated in [Section 13.0](#) except as hereinafter modified.
- 14.02** Building material sales yards, if enclosed on all sides by an eight-foot high solid fence.
- 14.03** Wholesale businesses and warehouses.
- 14.04** Motels or motor hotels, subject to the provisions of [Section 16.3](#).
- 14.05** Drive-in eating establishment
- 14.06** Motor fuel stations subject to the conditions stipulated in [Sections 21.1](#).
- 14.07** Animal hospitals and veterinary clinics provided that buildings or enclosure in which animals are kept shall be at least 100 feet from any lot in any “R” District.
- 14.08** Commercial baseball field, bath house, or boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, but not within 200 feet of any “R” District.
- 14.09** The following uses provided no part of a building where any activity is conducted shall have any openings other than stationary windows or required fire exits within 100 feet of any “R” District.
- 14.091.** Automobile, truck, trailer, and garden and farm implement establishments for display, hire, sales, including sales lots.
- 14.092.** Bottling of soft drinks or milk, or distribution stations.
- 14.093.** Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, night club and similar enterprises.
- 14.094.** Carpenter shop, electrical, heating, ventilating or plumbing shop, furniture upholstering shop, printing, publishing, engraving or lithographing plant, laundry and dry cleaning shop, sign painting shop, and similar establishments.
- 14.10** Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in a “B-2” District.

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14.1 Permitted Accessory Uses

14.11 “B-1” Retail Business District accessory uses.

14.12 Other accessory uses customarily incidental to a permitted principle use, including signs as regulated by [Article XIX](#).

14.2 **Height Regulations** – No structure shall exceed three stories or 45 feet in height, except as provided in [Section 21.1](#).

14.3 **Lot Area, Frontage, and Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Sections 21.3 and 21.4](#), inclusive.

<u>Use</u>	<u>Min. Lot Area</u>	<u>Minimum Lot Area Per Family</u>	<u>Min Lot Width</u>	<u>Min Front Yard Depth</u>	<u>Minimum Side Yd Width</u>	<u>Min Rear Yard Depth</u>
Dwellings		(Same as “R-4” Districts)				
Other Permitted Uses	None	None	50’	Mini-cipal Streets 25’ County Roads- 40’ State & Federal Roads- 60’	None, except where adjoining an “R” District, then same as the least width required in that “R” District	10’, except where an “R” District, then same as “R” District

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ARTICLE XV – “B-3” INTERCHANGE BUSINESS DISTRICTS

15.0 **Permitted Principal Uses**

15.01 Motels and hotels

15.02 Restaurants

15.03 Automobile service stations.

15.1 **Permitted Accessory Uses**

15.11 Food and beverage automats.

15.12 Truck service facilities.

15.13 Swimming pool, shuffleboard, tennis court, picnic areas, tourist campgrounds, drug store, delicatessen, tailor shop, pick-up laundry service, barber shop, gift shop.

15.14 Dormitories and sleeping facilities for truck operators.

15.15 Cocktail lounges

15.16 Any similar use customarily carried on as a part or accessory to an interchange service area, which in the judgment of the Zoning Administrator will not be detrimental to the public health or safety.

15.17 Signs – Signs as regulated by [Article XIX](#).

15.2 **Location of Interchange Business District**

15.21 Each service area shall be located at the interchange of two intersecting highway so as to service interchange and highway users.

15.3 **Entrance and Exit**

15.31 No vehicular entrance to or exit from property abutting shall be within 125 feet of the entrance roadway to or exit roadway from such interchange.

15.32 Each service area shall be provided with an entrance and exit for vehicular traffic no less than 40 feet in width at the property line.

15.4 **Height Regulations**

15.41 No building and any fixture attached thereto shall exceed three stories or 40 feet.

15.42 No accessory building or structure shall exceed 30 feet in height.

15.5 **Lot Coverage** – Ground area occupied by buildings shall not exceed 30 percent of the total lot area.

15.6 **Lot Area, Frontage, and Yard Requirements** – The following minimum requirements shall be observed, subject to the additional requirements, exceptions, and modifications in [Section 21.2 and 21.4](#) inclusive.

Min. Lot Area	Min. Lot Width	Min. Front Yard Depth	Min. Side Yard Widths	Min. Rear Yard Depth
3 acres	250'	60'	Equal to building height but not less than 25'	Equal to building height but not less than 25'

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ARTICLE XVI – “I-1” LIGHT INDUSTRIAL DISTRICTS

16.0 Permitted Principal Uses

- 16.01** Any use or structure permitted an as regulated in [Section 14.0](#), except as hereinafter modified.
- 16.02** The following uses if located not less than 100 feet from any “R” District, provided any such operations are enclosed by a solid wall or fence not less than 6 feet in height:
- 16.021** Builder’s or contractor’s plant or storage yard.
- 16.022** Building material sales and storage yard, including concrete mixing.
- 16.023** Lumber yard, including millwork.
- 16.024** Open yard for storage and sale of feed, fertilizer, or fuel.
- 16.03** The following uses, providing no part of a building occupied by such uses shall have openings other than stationary windows or required fire exits within 100 fee of any “R” District:
- 16.031** Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- 16.032** The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, milk, and food products.
- 16.033** The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semi-precious metals or stone, rubber, textiles, wood, and yard.
- 16.034** The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
- 16.035** Laboratory-experimental, film, or testing.
- 16.04** Railroad freight stations, trucking or motor freight terminals, provided that service yards or docks are at least 100 feet from any lot in any “R” District.
- 16.05** Grain elevators and related operations.
- 16.06** Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an “I-1” District. In determining the character of such use, the Board shall refer to the [Subsection 23.212](#).

16.1 Permitted Accessory Uses

- 16.11** “B-2” Business District accessory uses.
- 16.12** Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by [Article XIX](#).

16.2 Prohibited Uses

- 16.21** Dwellings, except for watchman or caretaker on the premises

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16.22 Schools, hospitals, clinics, and other institutions for human care, except when incidental to a permitted principal use.

Height of <u>Permitted Uses</u>	Minimum <u>Front Yard Depth</u>	Minimum <u>Side Yard Widths</u>	Minimum Rear Yard <u>Depth</u>
3 Stories or 50' in height	40'	Equal to building height	Height of building but not Less than 20'

16.23 Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junk yards.

16.3 Yard Requirements – The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in [Sections 21.2-21.4](#) inclusive.

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ARTICLE XVII – “I-2” GENERAL INDUSTRIAL DISTRICTS

17.0 Permitted Principal Uses

- 17.01** Any use or structure permitted and as regulated in [Section 16.0](#), except as hereafter modified.
- 17.02** Building or contractor’s plant or storage yard, building material sales and storage yard including concrete mixing, lumber yard including millwork, open yard for storage and sale of feed, fuel, or fertilizer provided any such operations are enclosed by a solid wall or fence not less than 6 feet in height, located not less than 200 feet from an “R” District and 30 feet from any “B” District.
- 17.03** Automobile salvage and wrecking operations, industrial and waste salvage operations and junk yards provided all operations are conducted within area enclosed on all sides with a solid wall or fence not less than 8 feet in height, located not less than 200 feet from any “R” District and 100 feet from any “B” District and 660 feet from any state or federal highway. No pile of salvage, scrap, or other material shall be higher than 8 feet.
- 17.04** Any use of land or of structures engaged in the production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products not previously allowed, located not less than 200 feet from any “R” District and 50 feet from any “B” District.
- 17.05** No use permitted under this article shall be so placed as to detract from a designated scenic or historic area in the county.

17.1 Permitted Accessory Uses

- 17.10** “I-1” Industrial District Accessory Uses.
- 17.11** Other accessory uses customarily incidental to a permitted principal use.

17.2 Prohibited Uses

- 17.21** Dwellings, except for watchman or caretaker on the premises.
- 17.22** Schools, hospitals, clinics, and other institutions for human care, subject to the additional requirements, exceptions, and modifications in [Section 21.2-21.4](#).

	Min.	Min.	Min.
	Front	Side	Rear
Height	Yard	Yard	Yard
<u>Permitted</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>
3 stories or 50 ft in height	60’	Equal to Building Height	Height of building but not less than 20’

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ARTICLE XVIII – PLANNED DEVELOPMENTS

18.0 The following requirements shall be considered minimum for planned developments.

18.1 **Dwelling Groups**

18.11 In the case of a project consisting of a group of two or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of the regulations to the individual building units in such project, the applying of such requirements to such project shall be done by the Board of Adjustment in a manner that will ensure substantially the same character of occupancy, maximum intensity of use, and minimum standard of open spaces as permitted by the regulations in the district in which the proposed project is to be located.

18.12 In no case shall the Board authorize a use of a building height prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required under the regulations in such district. Nor shall the board authorize a building coverage exceeding that which would be obtained were the same area to be developed by the customary subdivision thereof into street and lots in conformance with the adopted Subdivision Regulations, and by the type of buildings customary in the district and in compliance with the requirements of the regulations. The Board shall not authorize the erection of a project on a parcel of ground occupied by another principal structure.

18.2 **Residence Development Projects**

18.21 A Residence Development Project consisting of any number of buildings, the contemplated arrangement of which makes it impossible to apply the requirements of the ordinance to the individual buildings, may be authorized by the Board of Adjustment in districts in which such projects are permitted under the regulations. In so doing, the Board shall first refer the plans for such project to the Regional Planning Commission for study, public hearing and report upon finding that the plans of such project meet the following conditions

18.211 That the tract of land on which the project is to be erected meets minimum size requirements as specified in Subsection 18.22

18.212 That the buildings are to be use only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.

18.213 That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by drives or streets, will not be less than 90% of the lot area per family required in the district in which the project is to be located.

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- 18.214** That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in [Section 20.0](#).
- 18.215** That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be house therein.
- 18.216** That drives, accessways and parking areas are developed to a standard equal to that required for public use.
- 18.217** That such drives and accessways are protected by recorded deed covenants assuring their availability to all residents of the project.
- 18.218** That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and ensure substantially that same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in the regulations in the district in which the project is to be located.
- 18.219** That the project will be consistent with the intent and purpose of the regulations to promote public health, safety, and general welfare.

18.22 Height, yards, and lot coverage shall be regulated by the following schedule and in no case shall the Board authorize standards less than:

	Detached <u>One-Family</u>	<u>Town House</u>	High Rise <u>Apartment</u>
Minimum size of development	3 acres	5 acres	10 acres
Garage and parking area (per dwelling unit)	600 sq.ft.	600 sq.ft.	600 sq.ft.
Land coverage (max. % of land coverage)	20%	20%	10%
Height of main building	30'	35'	80'
Set-back from any dedicated Public right-of-way	25'	25'	Height of building
Distance between buildings Any adjoining property line	10'	15'	Height of building
Distance between buildings Face to face	80'	120'	150% of building height
Distance between buildings Face to rear or face to side	60'	80'	150% of building height
Distance between buildings Side to side	20'	30'	Height of building
Distance between buildings Rear to side	80'	50'	Height of building

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18.23 Any change in an approved plan shall be referred by Board of Adjustment to the Regional Planning Commission for study and report, prior to any action by the Board.

18.24 The Board of Adjustment shall approve or disapprove any plan or revision of an approved plan within 60 days of the filing of all elements of the plan.

18.3 Integrated Shopping Centers

18.31 Minimum Area – The owner of a tract of land located in any district at or near where a proposed business area is shown on the adopted land Use Plan shall submit to the Regional Planning Commission for its review a preliminary plan for the use and development thereof for an integrated shopping center, provided that said tract of land shall meet the following minimum area requirements:

Neighborhood Shopping Center: not less than 2 acres.

Sub-Community Shopping Center: not less than 10 acres.

18.311 Shopping Centers Defined – For purposes of this section, shopping centers shall be defined as follows:

- a) Neighborhood Shopping Center shall mean a shopping center the principal establishment of which is customarily a supermarket type food store.
- b) Sub-Community Shopping Center shall mean a shopping center the principal establishment of which is customarily a variety store.
- c) Community Center shall mean an area within which various facilities and services, such as filling stations, restaurants, banks, fire or police stations, club, etc., may be established.

18.32 Applicant – Financial Ability – In accepting such plan for review, the Regional Planning Commission shall be satisfied that the applicant is financially able to carry out the proposed project, that construction will start within one year, if a neighborhood shopping center, and two years, if a sub-community or community shopping center, of the approval of the project and necessary zoning district change, and will be completed within a reasonable time as determined by the Regional Planning Commission.

18.33 Commission Findings – It then shall be the duty of the Regional Planning Commission to investigate and ascertain whether the location, size and other characteristics of the site, and the proposed plan comply with the following conditions.

18.331 Need Must be Demonstrated – That need for the proposed center at the proposed location, to provide adequate shopping facilities to the surrounding neighborhood, sub-community, or community or part thereof, as the case may be, has been demonstrated by the applicant by means of market studies and such other evidence as the Regional Planning Commission may require.

18.332 Adequacy – Site – That the proposed shopping center is adequate, but not excessive, in size to provide adequate shopping or service facilities for the population which reasonably may be expected to be served by the proposed center.

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- 18.333** Traffic Congestion – Not to be Created – That the proposed shopping center is at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed center, and where such congestion will not likely be created by the proposed center; or where such existing or possible future congestion will be obviated by presently projected improvement of access thoroughfares or by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking.
- 18.334** Thoroughfare Access Required – That any neighborhood shopping center will abut and front a street designated on the official Transportation Plan as a primary thoroughfare; and any sub-community or community shopping center shall abut and front on a street designated on said Plan as a primary thoroughfare.
- 18.335** Integrated Design – That the plan provides for a shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping. The project shall be arranged in an attractive and efficient manner, convenient, pleasant and safe to use, and fitting harmoniously into, and having no adverse effects upon the adjoining or surrounding properties.
- 18.34** Permitted Uses – The uses permitted in an integrated shopping center shall be appropriate to the specific functions thereof. In the case of all shopping centers, the allowable uses shall be those permitted in the “B-1” District provided, however, that no residential, heavy commercial or industrial uses shall be permitted in any shopping center, and only those uses shall be authorized which are necessary or desirable to supply the surrounding neighborhood, sub-community or community with goods and services. All uses authorized in this manner shall be in harmony with the design of the center and the environs thereof.
- 18.35** Standards Applicable – The following regulations shall apply to an integrated shopping center:
- 18.351** Building Height – No building shall exceed 2 ½ stories or 35 feet in height.
- 18.352** Yards – No building shall be less than 50 feet distant from any boundary of the tract or site on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any “R” District, and except for necessary entrances and exits, from all properties located in any “R” District across the street and within 100 feet from such center. The type and nature of such screening shall be determined by the Regional Planning Commission.
- 18.353** Tract Coverage – The ground area occupied by all the buildings shall not exceed in the aggregate 25% of the total area of the tract or site.

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- 18.354** Customer Parking Space – Notwithstanding any other requirements of the regulations, there shall be provided at least 2 square feet of off-street parking area, including driveways, for every square foot of total floor space, not including storage space, in an integrated neighborhood shopping center; and three square feet of off-street parking area for every square foot of total floor space, not including storage space, in a sub-community or community shopping center.
- 18.355** Loading Space – Notwithstanding any other requirements of the regulations, there shall be provided one off-street loading space for each 5,000 square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.
- 18.356** Illumination of Accessways and Parking Areas – Accessways and parking areas shall be adequately lighted by shielding media lighting fixtures which shall be so installed as to reflect light away from adjoining properties.
- 18.357** Signs – Subject to the provisions of [Article XIX](#) and approval by the Regional Planning Commission, all signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, with the view to preventing excessive advertising and promoting a harmonious appearance of the center as a whole.
- 18.36** Final Development Plan – Upon determination by the Regional Planning Commission that the proposed integrated shopping center as shown in the preliminary plan appears to conform to the requirements herein and all other applicable requirements of the regulations, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes or modifications required by the Regional Planning Commission, along with an application for change of zoning to the appropriate business district classification.
- 18.37** Recommendations of Elected Officials – If the final development plan is found to comply with the requirements herein and other applicable provisions of the regulations, the Regional Planning Commission, after public hearing on both the development plan and application for a zoning district change, shall submit said plan, its report and recommendations to the appropriate elected governing body.
- 18.38** Rezoning – The elected officials may modify the plan, consistent with the intent and meaning of the regulations, and may rezone the property to a classification permitting the proposed center, for development in substantial conformity with the final plan, as approved by Board.
- 18.39** Adjustments – Authorized by Regional Planning Commission – After the final development plan has been approved by the elected officials and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, height, or yards may be

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requested by the proponents, and provided such requests conform to the standards established by the final development plan and the regulations, such adjustments or rearrangements may be authorized by the Regional Planning Commission.

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ARTICLE XIX – SIGNS

19.0 Standard of Measurement

19.01 The total area of all signs permitted on a lot shall include:

19.11 The total area of the faces of all permanent exterior signs visible from a public way, plus

19.12 The area of permanent signs placed upon the surface of windows and doors, plus

19.13 The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

19.02 A building or use having frontage on a second street may include 20% of the length of the lot facing the second street.

19.1 Signs Permitted in the “F-1” District

19.11 Real estate signs of a temporary nature not exceeding two in number per lot nor larger than 12 square feet set back 20 feet from any roadway.

19.12 Signs not exceeding 4 square feet in area indicating the type of plant being grown or the type of fertilizer being use.

19.13 Signs not exceeding 20 square feet in area pertaining to a permitted recreation use or areas of scenic beauty provided such signs shall be set back at least 20 feet from any right-of-way and there shall be a distance of 300 feet between any such signs.

19.2 Signs Permitted in the “C-1” District

19.21 Signs as permitted and regulated in Section 19.1

19.3 Signs Permitted in the “A-1” District

19.31 Signs as permitted and regulated in section 19.2

19.32 Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than 10 square feet in area and set back at least 10 feet from the right-of-way of a street, highway or road.

19.33 NOT USED ON ORIGINAL

19.34 Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than 12 square feet, set back 20 feet from any highway, street, or road.

19.35 Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street or road, may be erected in connection with any of the permitted principal uses of a non-residential nature.

19.4 Signs Permitted in the “R-1” District

19.41 Real Estate sign of a temporary nature, not exceeding two in the number per lot not larger than 6 square feet set back 20 feet from any highway, street or road.

19.42 A sign or signs flat against a building appertaining to a nonconforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.

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- 19.43** Small announcement or professional signs, not over 6 square feet in area, except than an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street or road, may be erected in connection with any of the permitted principal uses of nonresidential nature.
- 19.44** One nameplate not exceeding 2 square feet for each dwelling.
- 19.5** **Signs Permitted in the “R-2” District**
- 19.51** Signs as permitted and regulated in Section 19.4.
- 19.6** **Signs Permitted in the “R-3” District**
- 19.61** Signs as permitted and regulated in Section 19.5.
- 19.62** Signs flat against the building, appertaining to any of the permitted principal uses of a non-residential character.
- 19.7** **Signs Permitted in the “R-4” District**
- 19.71** Signs as permitted and regulated in Section 19.6
- 19.8** **Signs permitted in the “R-5” District**
- 19.81** Signs as permitted and regulated in Section 19.4.
- 19.9** **Signs Permitted in the “R-6” District**
- 19.91** Signs as permitted and regulated in Section 19.7.
- 19.10** **Signs Permitted in the “B-1” District**
- 19.101** Signs as permitted and regulated in Section 19.7, except as hereinafter modified
- 19.102** The total area of all sings permitted on any one lot shall not exceed four times the number of linear feet the lot abuts on the street.
- 19.11** **Signs Permitted in the “B-2” District**
- 19.111** Signs as permitted and regulated in Section 19.10, except as hereinafter modified.
- 19.112** Billboards and signboards subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions:
- 19.1121** No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, hearing or interfere with pedestrian or vehicular safety.
- 19.1122** No billboard, signboard or similar advertising signs shall be located within 50 feet of any lot in an “R-1” District or within 40 feet of any lot in an “R-2” District.
- 19.1123** No billboard or signboard facing shall exceed 700 square feet in area.
- 19.1124** No billboard, signboard or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
- 19.113** Elevated signs at least five feet from any lot line.

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19.12 Signs Permitted in the “B-3” District

19.121 Signs as permitted and regulated in Section 19.11 except as hereinafter modified.

19.122 One free standing or projecting sign for each business enterprise on the premises of not more than 100 square feet per sign face, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceeding 50 feet in height from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

19.13 Signs permitted in the “I-1” District

19.131 Signs as permitted and regulated in Section 19.11.

19.14 Signs permitted in the “I-2” District

19.141 Signs as permitted and regulated in Section 19.13.

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ARTICLE XX – SPECIAL PROVISIONS

20.0 **Off-Street Parking Areas and Loading Spaces**

20.01 In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street, plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of a required rear yard, or with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.

20.02 In all districts, off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of “R” Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of “B-1,” “B-2,” “B-3,” “I-1,” or “I-2” Districts, and in connection with uses other than dwellings, such areas shall be on the premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.

20.03 Number of Parking Spaces Required

<u>Use</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales And Service Garages	1 for each 1,000 square feet of floor area plus 1 for each full-time employee
Banks, Business and Professional Offices	1 for each 200 square feet of floor area
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in principal auditorium
Convenience Stores – Drug, Grocery Hardware, and similar stores	1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time Employee
Dance Halls and Assembly Halls Without fixed seats	1 for each 50 square feet of floor area used for assembly or dancing

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Drive-In Eating Establishments	Not less than ½ of the total ground area Be devoted exclusively to parking and Accessways
Dwellings - Single-Family Detached	2 for each dwelling unit
All Other	1 ½ for each dwelling unit
Food Pick-up Establishments	Minimum of 2 plus 1 for each 100 square Feet of floor area
Funeral Homes, Mortuaries	6 per chapel room or parlor or 1 per 50 Square feet of rooms used for services, Whichever is greater
Hospitals, Nursing Homes and Similar care centers	1 for each 5 beds plus 1 for each 2 doctors and employees
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	2 for each 3 employees on maximum working shift
Medical or Dental Clinics	1 for each 200 square feet of floor area plus 1 for each full-time employee and 1 for each Doctor
Motels or Motor Hotels	1 for each unit, plus 1 for each 2 employees On maximum shift
Motor Fuel Stations	1 for each employee on duty plus 2 for each Service bay
Service Establishments – Barber Shops	2 for each chair plus 1 for each 2 employees On maximum shift
Beauty Shops	1 for each dryer plus 1 for each 2 employees On maximum shift
Coin-Operated Laundries and/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees on Maximum shift
Restaurants	1 for each 3 seats plus 1 for each 2 Employees on maximum shift

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Shoppers Goods – Appliance, Household Equipment, Furniture and similar stores	1 for each 500 square feet of floor area plus 1 for each full-time employee
Taverns or Bars	1 for each 2 seats plus 1 for each 2 Employees on maximum shift
Theaters	1 for each 4 seats
Wholesale Establishments	1 for each 4 employees on maximum work Shift

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.

20.04 Units of Measurement

20.041 Parking Space – Each parking space shall be rectangular in shape, not less than 8 ½ feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.

20.042 Loading Space – Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.

20.043 Floor Area – In the case of merchandising or service types of uses, “floor area” shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest rooms, utilities, or dressing rooms.

20.044 Hospital Bassinets – In hospitals, bassinets shall not be counted as beds.

20.045 Benches in Place of Public Assembly – In stadiums, sports, arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under the regulations.

20.05 Development Standards – Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the county or city, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any “R” District.

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20.06 Exceptions

20.61 The board of Adjustment may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

20.62 The Regional Planning Commission, in consultation with other departments and agencies, shall make studies as found determining the areas within which there is need for off-street parking facilities to be provided by a public body and to be financed wholly, or in part, by a special assessment district or other means. Where such need is found, the Regional Planning Commission shall report its recommendation for the acquisition of such off-street parking facilities to the appropriate elected officials. Each report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the area they are intended to serve.

20.1 Garages, Motor Fuel Stations, and Car Washes

20.11 No building, structure or premises shall be used, erected or altered which is intended or designed to be use as a public garage, automobile repair shop, motor fuel station or car wash having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.

20.12 All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure.

20.2 Trailers and Mobile Homes

20.21 Trailers and mobile homes, shall for the purposes of the regulations, be regarded the same as residences of conventional construction.

20.3 Motels or Motor Hotels

20.31 No vehicular entrance to or exit from any motel or motor hotel wherever such may be located shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.

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20.32 The following regulations shall be complied with:

20.321 Any lot to be used for a motel or motor hotel shall be not less than 20,000 square feet in area and shall contain not less than 1,200 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25% of the area of the lot.

20.322 All areas used for automobile access and parking shall comply with the provisions of Subsection 20.05.

20.323 All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.

20.324 No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

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ARTICLE XXI – ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS

- 21.0** The requirements and regulations specified hereinbefore in the regulations shall be subject to the additional requirements, exceptions, modifications and interpretations in the following.
- 21.1** Height Limits – Height limitations stipulated elsewhere in the regulations shall not apply.
- 21.11** To barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerals; to parapet walls extending not more than 4 feet above the limiting height of the building. However, if, in the opinion of the Zoning Administrator, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
- 21.12** To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six stories or 75 feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 21.13** To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.
- 21.2** Front Yard Exceptions and Modifications
- 21.21** Front Yard Requirements Do Not Apply – To bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making an interior angle of 22 ½ degrees in the horizontal plane with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, planters, or similar features not over 3 feet high above the average finished grade and distant 5 feet from every lot line.

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- 21.22** In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in and “R” District shall be at least 15 feet and need not exceed 100 feet.
- 21.3** **Side Yard Exceptions and Modifications**
- 21.31** Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a least width equal to that required in the more restrictive district. Where a lot in an “I” or “B” District abuts a lot in an “R” District, the side yard shall be increased by 3 feet for each story that the building proposed on such lot exceeds the height limit of the said “R” District.
- 21.32** Side Yards Shall be Increased – In width by two inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in any “R-1” District, or 50 feet in any “R-2” District.
- 21.33** Side Yards May be Reduced – By three inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the regulations is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2 ½ stories, and in case the owner of record does not own any adjoining property; provided, however and irrespective of the provisions of Subsection 21.361 that no side yard shall be narrower at any point than 3 feet.
- 21.34** Side yards May be Measured to the Center Line of Adjoining Alleys – But in no case shall a building or structure for which a side yard is required be erected within 5 feet of such alley.
- 21.35** On a Corner Lot – The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.
- 21.36** Structures or Projections Into Side Yards May be Permitted as Follows – Fences, planters or walls not over five feet above the average natural grade. Fire escapes, three feet from side lot line. Bays and balconies not more than three feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of 22 ½ degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed 1/3 of the length of the wall of the main building.

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21.361 Chimneys, flues, belt courses, leaders, sill, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than 1 ½ feet.

21.362 Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant three feet from a side lot line.

21.4 Rear Yard Exceptions and Modifications

21.41 Rear yards May be Reduced – By three inches from the required least depth for each foot by which a lot at the time of enactment of the ordinance is less than 100 feet deep, in the case of a building not higher than two stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than 10 feet deep.

21.42 Rear Yards May be Measured to the Centerline of Adjoining Alleys – But in no case shall a building or structure be erected within 10 feet of such an alley.

21.43 Structures or Projections into Rear Yards May be Permitted as Follows – Fences, planters or walls not over five feet above the average natural grade. Fire escapes, six feet. Bays and balconies, not more than three feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle of 22 ½ degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed ½ of the width of the rear outer wall.

21.431 Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than 1 ½ feet.

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ARTICLE XXII – ADMINISTRATION AND ENFORCEMENT

- 22.0 It shall be the duty of the Zoning Administrator, with the aid of county and municipal departments, to enforce the regulations.**
- 22.1 Zoning Administrator**
- 22.11** Appointment – The Zoning Administrator shall be appointed by the chief legislative officer with the advice and consent of the governing body.
- 22.2 Powers and Duties of the Zoning Administrator** – The Zoning Administrator shall enforce the regulations, and in addition thereto and furtherance of said authority, shall:
- 22.21** Issue all zoning certificates and make and maintain records thereof;
- 22.22** Issue all occupancy permits and make and maintain records thereof;
- 22.23** Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of regulations;
- 22.24** Maintain permanent and current records of the regulations, including, but no limited to, all maps, non-conforming uses, amendments, uses on review, variances, appeals, and applications therefore;
- 22.25** Provide and maintain a public information service relative to all matters arising out of the regulations;
- 22.26** Forward to the Zoning Commission all applications for amendments to the regulations;
- 22.27** Transmit to the Board of Adjustment applications for appeals, variances, uses on review, or other matters on which the Board of Adjustment is required to pass under the ordinance.
- 22.28** Issue occupancy permit regulating the erection of buildings and structures and use of land for periods not to exceed 10 days for specific purposes such as temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the county and municipality.
- 22.29** Initiate, direct, and review from time to time a study of the provisions of the regulations and make reports of his recommendations to the Regional Planning Commission and elected officials.
- 22.3 Zoning Certificates and Occupancy Permits**
- 22.31** Zoning Certificates – Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the county or city unless the application for such permit has been examined by the Zoning Administrator, indicating that the proposed building or structure complies with all the provisions of the regulations. Any permit or certificate issued in conflict with the provisions of the regulations shall be null and void.
- 22.32** Occupancy Permits – No buildings, or addition thereto, constructed after the effective date of the regulations, and no addition to a previously

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existing building shall be occupied, and no land, vacant on the effective date of the regulations, shall be used for any purpose until an occupancy permit has been issued by the Zoning Administrator. No change in a use, other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Zoning Administrator. Every occupancy permit shall state that the use or occupancy complies with the provisions of the regulations.

22.321 Application for Occupancy Permit – Every application for a building permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new use of land where no building permit is required shall be made directly to the Zoning Administrator.

22.322 Every application for a permit shall be accompanied by plans in duplicate and plot plan drawn to scale in ink or blueprint, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the building or structure to be erected or altered, the existing and intended use of each building or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the regulations. One copy of such plans shall be signed and returned to the applicant when approved by the Zoning Administrator together with such permit as may be granted.

22.323 Prior to building construction, any lot pins disturbed by construction or grading shall be reset in proper location.

22.33 Issuance of Occupancy Permit – No occupancy permit for a building, or portion thereof, constructed after the effective date of the regulations, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than 14 days after the request for an occupancy permit.

22.4 **Penalties** – Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the regulations may be fined. Each day the violation continues shall constitute a separate offense.

22.5 **Remedies** – In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of the provisions of the regulations, the City or County Attorney, in addition to other remedies under the Iowa statutes is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.

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ARTICLE XXIII – BOARD OF ADJUSTMENT

- 23.0 Creation, Membership and Procedure** – A Board of Adjustment consisting of five members shall be appointed in accordance with the provisions of Chapters 358A and 414 of the Code of Iowa. The appointing authority may remove any member of the Board for cause and after public hearing.
- 23.01** The Board shall elect its own Chairman and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of any other ordinances or resolutions. Meetings 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 Chairman, may administer oaths and compel attendance of witnesses.
- 23.02** Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the office of the Board as a public record.
- 23.03** Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which it is required to pass under the regulations, or to effect any variation in the requirements of the regulations.
- 23.04** The Board may call on the county and municipal departments for assistance in the performance of its duties, and it shall be duty of such departments to render such assistance to the Board as may reasonably be required.
- 23.1 Applications and Appeals**
- 23.11** An application to the Board, in cases in which it has original jurisdiction under the provisions of the regulations, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator, together with a fee as established by the elected officials who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the Board. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

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- 23.12** An appeal to the Board may be taken by any property owners, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the Board, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken.
- 23.13** The Board shall fix a reasonable time for the hearing of an application or of an appeal. It shall give not less than 15 days' nor more than 30 days' notice of the time and place of such hearing by insertion in a newspaper published in the county/community, and shall also give notice delivered by first class mail at least five day before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.
- 23.14** Stay of Proceedings – An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to the life or property. In such case, proceedings shall not be staying otherwise than by an order which may, on due cause shown, be granted by the Board on application, after notice to the Zoning Administrator, or by a court of record.
- 23.2** **Powers of the Board** – The Board shall have jurisdiction in matters and shall have the specific and general powers provided in the regulations.
- 23.21** Special Exceptions and Interpretation of Map – The Board shall have the power to hear and decide, in accordance with the provisions of the regulations, requests or applications for special exceptions or for interpretation of the Zoning Maps or for decisions upon other special questions upon which the Board is authorized to pass.
- 23.211** Special Exceptions – The following guidelines shall be used when processing requests for special exceptions. The Board shall also have the authority to permit those other special questions found below.
- 23.2111** Authority – The development and administration of the ordinance is based upon the division of the county into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case, of the impact of those

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uses upon surrounding land and of the public need for the particular use at the particular locations. Such uses are classified as special exceptions and fall into two categories:

- 23.21111** Uses publicly operated or traditionally affected with a public interest; and
- 23.21112** Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- 23.2112** Standards – No special use shall be granted the Board of Adjustment unless such Board shall find:
 - 23.21121** That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort, or general welfare;
 - 23.21122** That the special 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;
 - 23.21123** That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - 23.21124** That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
 - 23.21125** That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street; and
 - 23.21126** That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations of the district in which it is located, except as such regulations may in each instance, be modified by the Board.

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23.2113 Conditions and Guarantees – Prior to the granting of any special use, the Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in Section 23.2112. In all cases in which special uses are granted the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

23.2114 Nonconforming Uses – The substitution of a nonconforming use for another nonconforming use, if no structural alterations except those required by law or regulations are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.

23.2115 Temporary Uses and Permits

23.21151 The temporary use of a building or premises in any district for a purpose or use that does not conform to the conditions prescribed by the regulations, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for no more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

23.21152 The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the conditions prescribed by the regulations, provided that such structure or use is of true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings,. Such permit shall be granted in the form specified under Subsection.

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23.212 Certain Industries in “I-1” Districts – In determining whether certain uses shall be located in an “I-1” District, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the Boards shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use to assist it in reaching a fair and objective decision. Upon authorizing a special use and/or exception, the Board may impose such requirements and conditions in addition to those expressly stipulated in these regulations for the particular special use and/or exception as the Board may deem necessary for the protection of adjacent properties and public interest.

23.213 Interpretation of Maps – Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the Zoning Maps, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of the regulations for the particular section or district in question.

23.22 Administrative Review and Variances – To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, decision, grant or refusal made by the Zoning Administrator in the enforcement of the provisions of the regulations.

23.222 Variances – To authorize on appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the regulations will result in unnecessary hardship, and so that the spirit of the regulations shall be observed and substantial justice done as follows:

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23.2221 Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or conditions of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of the regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of the regulations, the Board shall have the power to authorize, upon appeal, a variance from such strict application, so as to relieve such difficulties or hardships, and so that the spirit and purpose of the regulations shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of the regulations.

23.2222 No such variance in the provisions or requirements of the regulations shall be authorized by the Board unless the Board finds beyond reasonable doubt that all of the following conditions exist:

- a.** That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district.
- b.** That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
- c.** That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the regulations or the public interest

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23.2223 No grant or variance shall be authorized unless the Board specifically finds the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the regulations, for such conditions or situations.

23.2224 The Board shall have no power to authorize a variance for the establishment of a nonconforming use where none previously existed.

23.2225 In considering a request for a variance from the regulations concerning signs, the Board shall give consideration and arrive at a finding on the following:

- a.** Shape and area of lot in question.
- b.** Bulk and floor area of the main building or structure.
- c.** Set-back of proposed sign from all property lines.
- d.** Zoning and use of surrounding parcels.
- e.** Unusual or exceptional topography.
- f.** Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

23.23 Action of Board – In exercising its powers, the Board may, in conformity with the provisions of the Code of Iowa and of the regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as, in the Board's opinion, out to be made, and to that end has all the powers of the officer from whom the appeal is taken.

23.3 Judicial Review – All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions of the Code of Iowa, Chapters 358A and 414, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

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ARTICLE XXIV – DISTRICT CHANGE AND REGULATION AMENDMENTS

- 24.0 Amendments** – In accordance with the provisions of Chapters 358A and 414 of the Code of Iowa, the elected officials may from time to time amend or change by ordinance or resolution the number, shape, or area of the districts established on the Zoning Maps or the standards set forth in the regulations; but no such amendment or change shall become effective unless the regulations proposing such amendment or change shall first be submitted to the Regional Zoning Commission for a recommendation of approval, disapproval or for suggestions, and said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report to the elected officials.
- 24.1 Hearing** – Before submitting its recommendations and report to the proper elected officials, the Regional Zoning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than 15 nor more than 30 days' notice of the time and place of such hearing by publication in a newspaper published in the community/county and by mailing notices to all property owners directly involved, contiguous to or directly across a street or alley from the area proposed to be altered.
- 24.2 Application for Change** – Any person desiring a change in zoning of property may make application therefore, and in so doing shall accompany the petition for such change in zoning, or the ordinance or resolution introduced for the purpose of changing zoning, with a fee in an amount to be determined by the elected officials toward the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
- 24.3 Notice** – During the time prior to the public hearing the text or copy of the text of such ordinance, resolution, or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Regional Zoning Commission and any city directly affected by the proposed change. No ordinance or resolution which differs from the recommendation made by the Regional Commission shall become effective unless passed by not less than 2/3 of all members of the County Board of Supervisors or 3/4 of all members of the City Council.
- 24.4 Written Protest**
- 24.41** In case of a written protest against a proposed change in the boundaries of a municipal district signed and acknowledged by the owners of 20% or more of either the area of lots proposed to be altered, or of the area adjacent, extending 200 feet from the area proposed to be altered, excluding the width of streets, is filed with the City Clerk, such amendment shall not be passed or become effective except by the favorable vote of 3/4 of all members of the City Council.
- 24.42** In case of written protest against a proposed change in the boundaries of a zoning district located in the unincorporated area signed and acknowledge by the owners of 20 percent or more of either the area proposed to be altered or of the area adjacent extending 500 feet from the area proposed

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to be altered, excluding the width of roads or streets, is filed with the County Auditor, such amendment shall not be passed or become effective except by the favorable vote of 60 percent of all members of the County Board of Supervisors.

- 24.5** **Notification** – The failure to notify, as provided by this article, shall not invalidate an ordinance or a resolution, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Regional Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance or resolution passed hereunder, it being the intention of this article to provide for notice to the person substantially interested in the proposed change that an ordinance or resolution is pending before the County Board of Supervisors or City Council, proposing to make a change in zoning.

ARTICLE XXV – VIOLATION OF ORDINANCE

- 25.0** Any firm, person or corporation who violates, disobeys, omits, neglects or refuses to comply with any of the foregoing provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100.00 for each offense or imprisonment in the county jail for a period not exceeding 30 days. Each day the violation is permitted to exist after notification in writing and the expiration of the time designated in said notice shall constitute a separate offense. In the event of a conflict with [Section 22.4](#) this Section shall be controlling.

ARTICLE XXVI – SEVERABILITY CLAUSE

- 26.0** If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not effect the provision or applications of this Ordinance, which can give effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.

ARTICLE XXVII - REPEALER

- 27.0** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

ARTICLE XXVIII – WHEN EFFECTIVE

- 28.0** This Ordinance shall become effective and in full force from and after its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED this 23 day of July, 1973. By
Lawrence Newbrough – Chairman, Kossuth County Board of Supervisors.
ATTEST: Delores Dodds – County Auditor