

UNINCORPORATED AREAS

OF

FREMONT COUNTY

IOWA

1968

zoning and
subdivision
ordinances

Journal, Board of Supervisors, No. 17, Fremont County, Iowa

Oct. 28 Meeting continued:

At the conclusion of the hearing, the following Resolution was adopted by the Board of Supervisors:
WHEREAS, the Board of Supervisors of Fremont County, Iowa, has received a final report of the County Zoning Commission appointed pursuant to the provisions of Chapter 358A, Code of Iowa, 1966, has set same down for hearing and has given notice thereof as prescribed by law; and

WHEREAS, the final report submitted by the said Commission consists of a comprehensive plan for the protection and development of unincorporated areas of Fremont County, based upon a study made by Anderson Engineering Co. of Des Moines, Iowa, financed jointly by State, Federal and County funds in conjunction with the Commission and as a result of exhaustive investigation, consideration and revision over a period of several months; and

WHEREAS, Hearing has been held upon the proposed comprehensive plan and opportunity given proponents and objectors to be heard thereon; and

WHEREAS, the Board of Supervisors, after due consideration, has determined that the plan will promote the general welfare of this County.

NOW THEREFORE IT IS RESOLVED by the Board of Supervisors of Fremont County, Iowa, that the comprehensive land use plan for the unincorporated areas of Fremont County, Iowa, prepared and submitted by the Fremont County Zoning Commission and on file in the office of the Auditor of this County, is hereby approved and adopted.

Dated at Sidney, Iowa, this 28th day of October, 1969.

ATTEST:

Leland Smith
County Auditor.

/s/ Rolland A. Trively

/s/ Clyde C. Scoles

/s/ S. W. Scott

Fremont County Board of Supervisors

At 8:30 P. M. of the same day, the matter of the proposed zoning and Subdivision Ordinances, Unincorporated Area of Fremont County, Iowa, 1968, came on for hearing. All citizens and parties in interest were afforded an opportunity to be heard, either for or against, the proposed ordinances.

At the conclusion of the hearing, the following proceedings were recorded:

"Board Member Clyde C. Scoles introduced and moved the adoption of an Ordinance entitled "Zoning Ordinance for the Unincorporated Area of Fremont County, Iowa," consisting of printed pages 1-57, inclusive, of bound volume entitled "Zoning and Subdivision Ordinances, Unincorporated Areas of Fremont County, Iowa, 1968, submitted by the County Zoning Commission, with amendment to Section 18 entitled "District Changes and Amendments" consisting of an insertion in subparagraph 3 under "B" after the period in line 9 the following sentence: "If the proposed amendment is initiated by application, the hearing herein provided shall be held within thirty (30) days of its filing and the Commission shall make its recommendations to the Board within fifteen (15) days after the conclusion of such hearing. Motion seconded by Board Member S. W. Scott. Motion carried." After due consideration and discussion the Chairman put the question on the motion.

ON ROLL CALL voting was as follows:

Rolland A. Trively	aye
Clyde C. Scoles	aye
Steve Scott	aye

WHEREUPON the Chairman declared the motion duly carried and the ordinance adopted as follows:

ORDINANCE NO. 1

"ZONING ORDINANCE FOR THE UNINCORPORATED AREA OF FREMONT COUNTY, IOWA."

ATTEST:

Leland Smith
County Auditor

/s/ Rolland A. Trively

Rolland A. Trively, Chairman

Fremont County Board of Supervisors

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ON ROLL CALL voting was as follows:

Roland A. Trively	aye
Clyde C. Scoles	aye
Steve Scott	aye

WHEREUPON the Chairman declared the motion duly carried and the ordinance adopted as follows:

ZONING ORDINANCE FOR THE UNINCORPORATED AREA OF FREMONT COUNTY, IOWA.
ORDINANCE NO. 1

ATTEST:

Leland Smith

County Auditor

/s/ Roland A. Trively

Roland A. Trively, Chairman
Fremont County Board of Supervisors

FINAL ZONING AND SUBDIVISION ORDINANCE
FOR THE
UNINCORPORATED AREA OF FREMONT COUNTY, IOWA

Urban Planning Grant:
Project No. Iowa P-44:

Prepared under contract for and financed in part by the Iowa Development Commission under the provisions of Chapter 28, Laws of the 58th General Assembly of Iowa, as amended.

The preparation of this report was financially aided through a Federal Grant from the Urban Renewal Administration of the Housing and Home Finance Agency, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

ANDERSON ENGINEERING COMPANY
Planning and Engineering Consultants
Des Moines, Iowa 50309

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for the
UNINCORPORATED AREA OF FREMONT COUNTY, IOWA

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ZONING ORDINANCE
FOR THE
UNINCORPORATED AREA OF FREMONT COUNTY, IOWA

SECTION 1

PURPOSE

This Ordinance is made in accordance with a Comprehensive Plan and is adopted for the following purposes:

- A. To provide land use planning for the orderly growth of the County, and to enhance the beauty of its natural resources.
- B. To protect the agricultural interests of the property owners of the County.
- C. To increase the economic resources of the County by making the area more attractive to industry.
- D. To lessen congestion in the street or highway.
- E. To protect health and the general welfare.
- F. To secure safety from fire, panic and other dangers.
- G. To provide adequate light and air.
- H. To prevent the overcrowding of land.
- I. To avoid undue concentration of population.
- J. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

These regulations are made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County; as permitted by the provisions of Chapter 358A of the 1966 Code of Iowa, as amended.

SECTION 2

TITLE

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

SECTION 3

INTERPRETATIONS OF STANDARDS

Wherever the regulations made under authority of this Ordinance require a greater width or size of yards, courts or other open spaces, or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local Ordinance or regulation, the provisions of the regulations made under authority of this Ordinance shall govern. Wherever the provisions of any other statute or local Ordinance or regulations require a greater width or size of yards, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Ordinance, the provisions of such statute or local Ordinance or regulation shall govern.

SECTION 4

DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word SHALL is mandatory, and not directory.

Accessory Use or Structure:

A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.

Agriculture:

The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Apartment:

A room or suite of rooms in a multiple dwelling intended for or designed for use as a residence by a single family.

Basement:

A story having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulations.

Beginning of Construction:

The incorporation of labor and materials within the walls of the building or buildings.

Billboard:

"Billboard" shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on

the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

Block:

That property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

Board:

Board of Adjustment.

Boarding Houses:

A building other than a hotel where for compensation, meals and/or lodging are provided for four (4) or more persons.

Building:

Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards. When a structure is divided in separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

Building, Height of:

The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Line:

The line of the outside wall of the building or any enclosed projection thereof nearest the street.

Bulk Stations:

Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

Camping Ground:

Any land or portion thereof which is designed for and used exclusively, not exceeding four (4) weeks duration, by occupants of tents, trailers, mobile homes or other mobile living facilities.

Commercial Feed Lots:

Any tract, lot or parcel of land used primarily for the commercial feeding of livestock, cattle, hogs or sheep where the average number of head of cattle exceed 150 per acre or where the average number of hogs or sheep exceed 1,000 per acre.

Commission:

The Fremont County Zoning Commission.

County:

Fremont County, Iowa.

Court:

An open, unobstructed and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.

District:

A section or sections of the County within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

Dwelling:

Any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home.

Dwelling, Single-Family:

A building designed for or occupied exclusively for residence purposes by one family. (One dwelling unit).

Dwelling, Two-Family. (Duplex):

A building designed for or occupied exclusively for residence purposes by two families.

Dwelling, Multi-Family:

A building or portion thereof designed for or occupied exclusively for residence purposes by three (3) or more families or house-keeping units living independently of each other.

Family:

A group of one or more persons occupying a premises and living as a single housekeeping unit and using common cooking facilities.

Farm:

An area of ten (10) acres or more which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

Frontage:

All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage, Private:

An accessory building housing motor-driven vehicles of the residents of the premises; but not more than one (1) vehicle per family shall be used for business purposes.

Garage, Public:

Any building or premises other than a private garage used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

Garage, Storage:

Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients

and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired or sold.

Grade:

The average elevation of the finished ground at the exterior walls of the main building.

Home Occupation:

Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and which does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises.

Hotel:

A building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding house or lodging house..

Junk Yard:

Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled including the dismantling or "wrecking" of automobiles or other vehicles or machinery, housewrecking yards, used lumber yards and places or yards for storage of salvaged housewrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.

Kennel:

Any premises on which three (3) or more dogs are kept for board, breeding or sales.

Lodging House:

A building where lodging only is provided for compensation for four (4) or more persons.

Lot:

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such

yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:

- A. A single lot of record or a portion of a lot of record.
- B. A combination of complete lots of record and/or portions of lots of record.
- C. A parcel of land described by metes and bounds; provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Line:

Property line bounding a lot.

Lot Measurement:

- A. Depth.
The mean horizontal distance between the front and rear lot lines.
- B. Width.
The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured at the minimum building setback line.

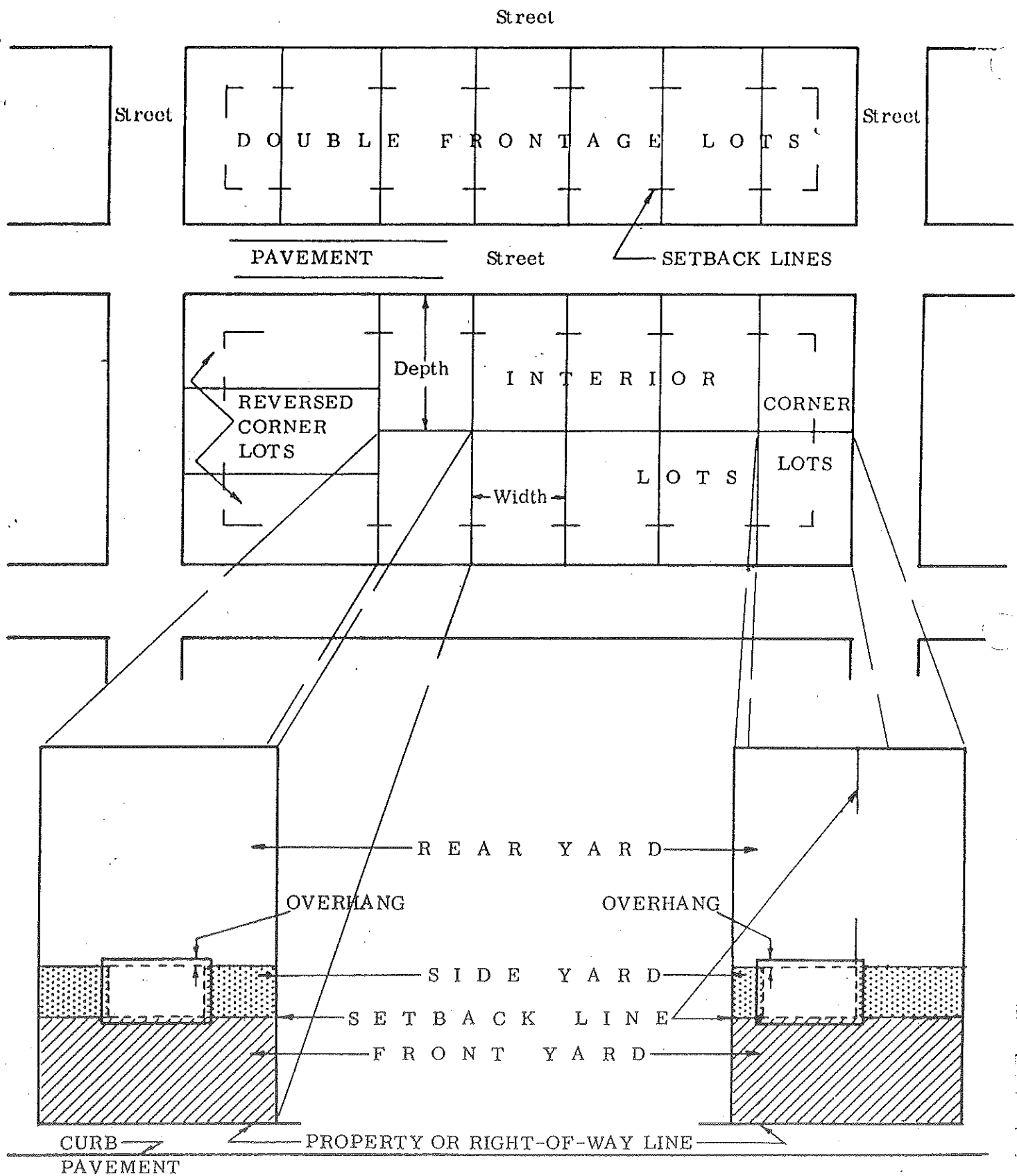
Lot of Record:

A lot or parcel which is part of a subdivision or described by metes and bounds the deed to which is recorded in the Office of the Fremont County Recorder.

Lot Types: (See Plate 1)

Terminology used in this Ordinance with reference to various types of lots is as follows:

- A. "Corner" lot.
A lot located at the intersection of two (2) or more streets.
- B. "Interior" lot.
A lot other than a corner lot with only one (1) frontage on a street other than an alley.



LOT TYPES AND YARD AREAS - PLATE 1

C. "Double frontage" lot.

A lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) non-intersecting streets may be referred to as "through" lots.

D. "Reversed corner" lot.

A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lumber Yard:

A premises on which primarily new lumber and related building materials are sold.

Mobile Home:

Any vehicle or structure designed and/or constructed in such manner as will permit occupancy thereof for living, sleeping, business or storage purposes and so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or other motive means.

Mobile Home Park:

Any lot or portion of a lot upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

Motel, Auto Court, Motor Lodge:

A building or group of attached or detached buildings containing individual sleeping or living units for overnight use with parking facilities conveniently located to each such unit.

Non-Conforming Use:

Any building or land lawfully occupied by a use at the time of passage of this Zoning Ordinance (or any amendment thereto) which does not conform after the passage of the Zoning Ordinance (or amendment thereto) with the use regulations of the district in which it is situated.

Nursing or Convalescent Homes:

A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled persons but not including insane, mental, inebriate or contagious cases.

Parking Space:

A permanently surfaced area of not less than one hundred eighty (180) square feet either within a structure or in the open exclusive of driveway or access drives for the parking of a motor vehicle.

Sign:

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
- B. Legal notices, identification, information or directional signs erected or required by governmental bodies.
- C. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Sign, On-site:

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising business.

Sign, Off-site:

A sign other than an on-site sign. (See also "Billboard").

Sign, Post:

Any sign erected or affixed in a rigid manner to any pole or post and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located including signs or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

Sign, Roof:

A sign erected upon or above a roof or parapet of a building or structure.

Stable, Private:

A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

Stable, Public and Riding Academy:

A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

Stable, Riding Club:

A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

Story:

That portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

Story, Half:

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet (4') above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

Street or Road Line:

A dividing line between a lot, tract or parcel of land and a contiguous street or road.

Street:

A public or private thoroughfare which affords the principal means of access to abutting property.

Structural Alterations:

Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders beyond ordinary repairs and maintenance.

Structure:

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

Tourist Home:

A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

Trailer, House:

See "Mobile Home".

Trailer Park:

See "Mobile Home Park".

Yard: (See Plate 1)

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward excepting as otherwise provided herein.

Yard, Front:

A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot.

Yard, Rear:

A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the opposite end of the lot from the front yard.

Yard, Side:

A yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

Zoning Administrator:

The Administrative Officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

Zoning Certificate:

Written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

SECTION 5

DISTRICTS, BOUNDARIES THEREOF, AND INTERPRETATION OF BOUNDARIES

DISTRICTS

For the purposes of this Ordinance, the unincorporated territory of the County is hereby divided into the following four (4) districts:

- | | |
|-----|-----------------------|
| "A" | Agricultural District |
| "R" | Residential District |
| "C" | Commercial District |
| "M" | Industrial District |

ZONING MAP

The boundaries of these districts are hereby established as shown on the Zoning Map of the unincorporated area of Fremont County, Iowa. The said Zoning Map and all notations and references and other matters shown thereon shall be and are hereby made part of this Ordinance. Said Zoning Map properly attested shall be and remain on file in the Office of the County Zoning Administrator and the Board of Supervisors and the County Zoning Commission, Fremont County, Iowa.

VACATED STREETS OR ROADS

Whenever any street, road, alley or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert to include the right-of-way of the public way thus vacated which shall thenceforth be subject to all regulations of the extended district or districts.

INTERPRETATION OF DISTRICT BOUNDARIES

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as approximately following quarter section, quarter quarter section, or quarter quarter quarter section lines, or connecting intersecting points of said lines shall be construed to follow such lines.
- G. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through F above shall be so construed.
- H. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsections A through G above, the Board of Adjustment shall interpret the district boundaries.

SECTION 6

APPLICATION OF DISTRICT REGULATIONS

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

A. - No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located except agricultural uses are exempt.

B. No building or other structure shall hereafter be erected or altered

1. to exceed the height;
2. to accommodate or house a greater number of families;
3. to occupy a greater percentage of lot area;
4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

in any other manner contrary to the provisions of this Ordinance.

C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except as set forth herein.

SECTION 7

NON-CONFORMING USES

A. AUTHORITY TO CONTINUE.

Any building structure or use that is lawfully established and exists on the effective date of this Ordinance but does not conform to all of the regulations of the district in which it is located, may be continued subject to the provisions of this Ordinance on the effective date thereof; and if it does not conform to any subsequent amendment thereof, it may also be continued thereafter subject to the provisions of this section. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the Plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently pursued. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

B. REPAIRS AND ALTERATIONS.

Repairs and alterations may be made to a non-conforming building, provided that no structural alterations shall be made in or to a building, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except that structural alterations may be made if they are required by law or are necessary to make the building and use thereof conform to the regulations of the district.

C. ADDITIONS AND EXPANSIONS.

A non-conforming building which is non-conforming as to size, height or setbacks, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, expanded or enlarged unless such addition, expansion or enlargement conforms to all the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district as to size. A

non-conforming use of land shall not be expanded or extended beyond the area it occupied at the date of the adoption of this Ordinance.

D. DISCONTINUATION OF A NON-CONFORMING USE.

A building or land which is intended for a use which is not permitted in the district in which it is located, which is or hereafter becomes vacant and remains unoccupied or is not used for a period one (1) year, shall not thereafter be occupied or used except in a manner which conforms to the use regulations of the district in which it is located.

E. RESTORATION OF A DAMAGED NON-CONFORMING BUILDING.

A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed (60) per cent of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the cost of restoration of such damaged building does not exceed sixty (60) per cent of the cost of replacement of the entire building, no repairs or reconstruction shall be made unless such restoration is commenced within one (1) year from the date of the fire or other casualty or act of God and is diligently pursued until completion.

F. USES UNDER "SPECIAL PERMIT USES".

Any use for which a special exception is permitted as provided in Section 14 of this Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use.

SECTION 8

GENERAL REGULATIONS

A. FARMS EXEMPT.

No regulation or Ordinance adopted under the provisions of this Ordinance shall be construed to apply to land, buildings, structures or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or Ordinances which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply. No permit shall be required for any farm buildings or farm dwellings.

B. ACCESSORY BUILDINGS.

No accessory buildings shall be erected in any required court or front yard. Accessory buildings shall be distant at least ten (10) feet from any principal building or structure on the same lot, and at least three (3) feet from alley lines and from lot lines of adjoining lots which are in any "A" or "R" District. Accessory buildings, except buildings housing animals and fowl may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure; provided said buildings comply with all yard requirements for a principal building. If the accessory building is to be detached and is to be located in the side yard, the minimum side yard for a principal structure must be maintained for the accessory building.

C. CORNER LOTS.

For corner lots platted after the effective date of this Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street.

On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reversed frontage where the corner lot faces an intersection street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty per cent (50%) of the setback required on the lots to the rear of such corner lot, and accessory buildings on said corner lot shall not project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing

an intersecting street and of record or as shown by existing contract or purchase at the time of the effective date of this Ordinance to less than twenty-eight feet (28') nor to prohibit the erection of an accessory building.

D. BUILDING LINES ON APPROVED PLATS.

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

E. HOME OCCUPATIONS.

Any such activity shall not occupy more than fifty per cent (50%) of the floor area of one (1) story of such buildings; only the proprietor and one additional person shall be regularly employed; there may be a small non-illuminated sign not exceeding two (2) square feet in area; no mechanical equipment except such as is used normally for domestic or household purposes is permitted.

SECTION 9

A-AGRICULTURAL DISTRICT REGULATIONS

In "A" Districts, the following regulations shall apply except as otherwise provided herein:

A. PRINCIPAL PERMITTED USES.

1. Agriculture and the usual agricultural buildings and structures including one (1) mobile home.
2. One and two-family dwellings.
3. Church or other place of worship, including parish house and Sunday School building.
4. Public and parochial schools and colleges for academic instruction.
5. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
6. Public and private parks, recreation areas; and centers including country clubs, swimming pools and golf courses; camping grounds; forests and wildlife preserves and similar conservation areas.
7. Cemeteries including mausoleums and crematories; provided that any mausoleum and crematory shall be distant at least two hundred feet (200') from adjacent property and street and highway lines and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
8. Commercial kennels for the raising, breeding and boarding of dogs or other small animals provided that all buildings, including runways be at least two hundred feet (200') from all property lines.
9. Hospitals and sanatoriums and charitable institutions for the treatment of diseases; also, nursing and convalescent homes.
10. Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowl. Any such structures must be located at least two hundred feet (200') from all boundary lines of the property on which located.

11. Commercial swimming pools, golf courses, fishing lakes, gun clubs, skeet-shooting ranges and similar uses when authorized by the Board of Supervisors after recommendation by the Zoning Commission.
12. Signs for service clubs not to exceed three (3) square feet in area displaying the emblem of the club and information on time and location of meetings. No setback or other yard requirements need be provided.
13. Nurseries and greenhouses, provided that any heating plant shall be distant at least two hundred feet (200') from any dwelling other than a farm dwelling and from any adjoining lot line in an "R" District.
14. Commercial feed lots, providing the closest boundary of said feed lot is no less than 1,000 feet from the nearest dwelling, other than any dwellings on the feed lot owner's property. Also, the provisions for drainage, sanitation and insect control must be approved by the County Board of Health.
15. Billboards except that no billboard shall be posted and no advertising structure shall be erected as follows:
 - (a) On or within 660 feet of the right-of-way of a Federal-aid highway or where it would encroach thereon.
 - (b) Along a highway within five hundred feet (500') of the center point of an intersection of such highway at grade with another highway or with a railroad.
 - (c) Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than five hundred feet (500').
 - (d) Within three hundred feet (300') of a house, church or school, except by written approval of the owner thereof.
 - (e) Less than fifteen hundred feet (1500') apart except back to back or end to end and no more than two (2) billboards facing one direction.
 - (f) No advertisement or advertising structure shall be posted, erected or maintained which simulates

any official, directional or warning sign erected or maintained by the State or by any County, municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

- (g) No advertisement shall be posted or maintained on rocks, fences, trees or other perennial plants or on poles maintained by public utilities.
- (h) See Section 13.

B. ACCESSORY USES.

Accessory buildings and uses customarily incidental to any of the above uses including:

1. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
2. A private garage or parking space.
3. Customary incidental home occupations and office of a resident physician, dentist, architect, engineer, attorney or similar professional persons. See Section 8.
4. The keeping of roomers or boarders by a resident family.
5. Roadside stands, offering for sale only neighborhood agricultural products or other products produced on the premises.
6. One (1) bulletin board or sign not exceeding fifty (50) square feet in area appertaining to the construction, lease, hire, or sale of a building or premises which board or sign shall be removed as soon as the premises are leased, hired, sold, or construction completed.
7. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices.
8. Principal uses permitted in this district shall be permitted one (1) double face on-site sign on the premises not to exceed two (2) square feet in area per face.
9. One (1) bulletin board or sign not exceeding twelve (12) square feet in area for any permitted church, school or other public or semi-public institution.

C. HEIGHT REGULATIONS.

No building shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, except as provided in Section 14.

D. LOT AREA, WIDTH AND YARD REQUIREMENTS.

The following minimum requirements shall be observed:

- Amended by motion
P & Z Commission
12/17/73*
1. Lot area: *Two (2)*
Permitted uses: ~~Five (5)~~ acres, exclusive of street or highway right-of-way.
 2. Lot width: *Two*
Permitted uses: ~~Three~~ hundred fifty feet (*200'* ~~350'~~).
 3. Front yard depth:
Dwellings and other permitted uses: Seventy-five feet (75') from right-of-way line unless otherwise specified.

When fronting on the right-of-way of a Federal, State or County highway as shown on the Comprehensive Plan, the front yard shall be measured from the proposed right-of-way line.
 4. Side yard width - each side yard:
Dwellings: Twenty-five feet (25').
Other permitted uses: Twenty-five feet (25') unless otherwise specified. See paragraph 6 below.
 5. Minimum rear yard depth:
Dwellings and other permitted uses: Fifty feet (50') unless otherwise specified.
 6. Lots of Record (undersize):
Side yard for dwellings on lots of record at the time of passage of this Ordinance and which do not meet the minimum width requirement of the district in which located may be reduced as follows:
 - (a) Interior lots. The width of each of the side yards may be reduced to fifteen per cent (15%) of the width of the lot on lots having a width of fifty feet (50') or more. on lots having a width less than fifty feet (50'), each side yard shall be no less than five feet (5').
 - (b) Corner lots. The width of the side yard adjacent to the side street may be reduced to not less than ten feet (10'). The width of the side yard opposite the

side street may be reduced to fifteen per cent (15%) of the width of the lot on lots having a width of fifty feet (50') or more. On lots having a width less than fifty feet (50'), this side yard shall be no less than five feet (5').

E. PARKING.

See Section 13.

F. EXCEPTIONS.

See Section 14.

SECTION 10

R-RESIDENTIAL DISTRICT
REGULATIONS

In "R" Districts, the following regulations shall apply except as otherwise provided herein:

A. PRINCIPAL PERMITTED USES.

1. Agriculture and the usual agricultural buildings and structures.
2. One and two-family dwellings.
3. Church or other place of worship including parish house and Sunday School building.
4. Public and parochial schools and colleges for academic instruction.
5. Public buildings and properties of the cultural, administrative or public service type but not including such uses as storage yards, warehouses or garages.
6. Public parks, swimming pools, recreational areas, playgrounds, community centers, camping grounds, forests, wildlife preserves and similar conservation areas.
7. Private recreational areas and facilities, swimming pools, institutional or community recreational centers including country clubs and golf courses. Commercial golf courses may be permitted by the Board of Supervisors after public hearing and recommendation by the Zoning Commission.
8. Cemeteries adjacent to or an extension of existing cemeteries.
9. Hospitals and sanatoriums but not including those for contagious diseases or for the insane, liquor or drug addicts; religious institutions; not including correctional institutions; provided that all such buildings shall be set back from all adjacent property, street and highway lines a distance of not less than three feet (3') for each foot of building height.
10. Nurseries and greenhouses provided that any heating plant shall be distant at least two hundred feet (200') from any

dwelling other than a farm dwelling and from any adjoining lot line in an "R" District.

11. Signs for service clubs not to exceed three (3) square feet in area displaying the emblem of the club and information on the time and location of meetings. No setback or other yard requirements need be provided.

B. ACCESSORY USES.

1. Private garage.
2. Summer houses and other customary incidental structures.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices.
4. One bulletin board or sign not exceeding twelve (12) square feet in area for any permitted church, school or other public or semi-public institution.
5. One bulletin board or sign not exceeding fifty (50) square feet in area appertaining to the construction, lease, hire, or sale of a building or premises which board or sign shall be removed as soon as the premises are leased, hired, sold or construction completed.
6. Private stable provided that any structure shall be located at least two hundred feet (200') from all boundary lines of the property on which located.
7. Principal uses permitted in this district shall be permitted one double face on-site sign on the premises not to exceed two (2) square feet in area per face.
8. Customary incidental home occupations and office of a resident physician, dentist, architect, engineer, attorney or similar professional persons. See Section 8.

C. HEIGHT REGULATIONS.

No principal structure shall exceed two and one-half (2 1/2) stories or thirty feet (30') in height; and no accessory structure shall exceed one (1) story or fifteen feet (15') in height; except as provided in Section 14.

D. LOT AREA WIDTH AND YARD REQUIREMENTS.

The following minimum requirements shall be observed:

1. Lot area:
No public sewer and water - 40,000 square feet; public water supply available - 20,000 square feet.
2. Lot width:
No public sewer and water - 100 feet; public water supply available - 80 feet.
3. Front yard depth:
Dwellings and other permitted uses: forty feet (40') from right-of-way line unless otherwise specified. When fronting on the right-of-way of a Federal, State or County Highway as shown on the Comprehensive Plan, the front yard shall be measured from the proposed right-of-way line.
4. Side yard width:
Each side yard - dwellings and other permitted uses: Fifteen feet (15') unless otherwise specified. See paragraph 6 below.
5. Rear yard depth:
Dwellings and other permitted uses: Fifty feet (50') unless otherwise specified.
6. Lots of Record (undersize):
Side yard for dwellings on lots of record at the time of passage of this Ordinance which do not meet the minimum width requirement of the "R" District may be reduced as follows:
 - (a) Interior lots. The width of each of the side yards may be reduced to twelve per cent (12%) of the width of the lot on lots having a width of fifty feet (50') or more. On lots having a width less than fifty feet (50'), each side yard shall be no less than five feet (5').
 - (b) Corner lots. The width of the side yard adjacent to the side street may be reduced to not less than ten feet (10'). The width of the side yard opposite the side street may be reduced to twelve per cent (12%) of the width of the lot on lots having a width of fifty feet (50') or more. On lots having a width less than fifty feet (50'), this side yard shall be no less than five feet (5').

E. PARKING. See Section 13.

F. EXCEPTIONS. See Section 14.

SECTION 11

C - COMMERCIAL DISTRICT
REGULATIONS

In "C" Districts, the following regulations shall apply except as otherwise provided herein:

A. PRINCIPAL PERMITTED USES.

1. Any use permitted in the "R" Residence District.
2. Any retail business or service establishment supplying commodities or performing services such as the following:
 - (a) Automotive Service:
Filling Station (See Section 13 for "Regulations")
Tires and Auto Accessory Store
Public Parking
Repair Garage
 - (b) Business Service:
Bank
Loan Office
Professional or Commercial Office
Travel Bureau
Real Estate Office
 - (c) Clothing Service:
Apparel Shop
Clothes Cleaning Pickup Station
Costume Rental
Diaper Service
Shoe Sales or Repair
Tailor and Hat Cleaning or Repair Shop
 - (d) Equipment Service:
Household Appliances
Phono-Record Shop
Photographic Shop
 - (e) Food Service:
Bakery
Caterer
Drugstore
Fruit and Vegetable Store

Grocery
Meat market
Restaurant
Tea rooms

(f) General Retail Service:

Bird or pet shop
Book store
Cigar store
Florist shop
Furrier
Hardware
Paint and wallpaper store
Recreational equipment
Toy shop
Variety store

(g) Personal Service:

Barber shop
Beauty parlor
Cosmetics
Masseur salon
Optician
Reducing salon

(h) Amusement Enterprises:

Billiard hall
Bowling alleys
Theater (Indoor)

(i) Hotel, Motel, Private Club or Lodge.

(j) Advertising sign or billboard provided that when the same is located within fifty feet (50') of an "R" District boundary line, it shall be affixed to or be part of a building and not extend over any street line nor project above the roof line or parapet wall. See Section 13.

(k) Funeral Homes.

(l) Clinics.

3. Drive-in eating and drinking establishments, bars and cocktail lounges, summer gardens and road houses, including entertainment and dancing; provided the principal building is distant at least one hundred feet (100') from any "R" District.

4. Automobile, trailer, mobile home and farm implement establishments for display, hire, sales and repair including sales

lots; however, this paragraph shall not be construed to include automobile, tractor, machinery or similar wrecking and used parts yards.

5. Theaters; provided that for drive-in theaters, the screen shall be located so as not to be visible from adjacent highways. Sufficient drive area shall be provided so that cars will not be waiting in line on any public right-of-way or otherwise create a hazard to vehicular movement.
6. Animal hospital, veterinary clinic or kennel; but not including any exercising runway; provided any structure or area used for such purpose shall be at least two hundred feet (200') from any "R" District boundary.
7. Commercial baseball fields, swimming pools, skating, golf-driving ranges or similar recreational uses and facilities.
8. Carpenter, plumbing, printing, sheet metal and sign painting shops, bakery laundry, clothes cleaning and/or dyeing establishments, lumber yards and commercial greenhouses.

B. ACCESSORY USES.

1. Accessory uses and structures as permitted and regulated in the "R" District except as otherwise provided herein.
2. Other accessory uses and structures customarily accessory and incidental to any permitted principal use.
3. Signs, On-Site.
 - (a) Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line or extend more than six feet (6') over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four feet (4') above the roof line or parapet wall, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" District.

- (b) One "post sign" on each street on which a business abuts; provided, however, that said "post sign" shall not have any visible surface area greater than eighty (80) square feet. The bottom of said "post sign" or surface area thereof shall be not less than twelve feet (12') above the sidewalk or above the surface of the ground upon which it is erected. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

C. HEIGHT REGULATIONS.

Two and one-half (2 1/2) stories but not exceeding thirty-five feet (35') in height; and no accessory structure shall exceed one (1) story or twelve feet (12') in height; except as provided in Section 14.

D. LOT AREA, WIDTH AND YARD REQUIREMENTS.

The following minimum requirements shall be observed:

1. Lot area:
Dwellings: same as "R" District.
2. Lot width:
Dwellings: same as "R" District.
3. Front yard depth:
All uses: one hundred thirty feet (130'), exclusive of road right-of-way.
4. Side yard width:
Dwellings or any building containing dwelling units: same as "R" District. None required for other uses listed in this Section except when adjacent to an "R" District in which case not less than ten feet (10').
5. Rear yard depth:
Forty feet (40').

E. PARKING, LOADING AND OUTDOOR ADVERTISING. See Section 13.

F. EXCEPTIONS. See Section 14.

SECTION 12

M-INDUSTRIAL DISTRICT
REGULATIONS

In "M" Districts, the following regulations shall apply, except as otherwise provided herein:

A. PRINCIPAL PERMITTED USES.

1. Uses permitted in "C" Districts; provided that no zoning certificate shall be issued for any dwellings, schools, hospitals, clinics and other institutions for human care, except where incidental to a principal permitted use.
2. Automobile assembly and major repair.
3. Creamery, bottling, ice manufacturing and cold storage plant.
4. The manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fibre, leather, paper, plastics, metals, stones, tobacco, wax, yarns and wood.
5. Manufacture of musical instruments, novelties and moulded rubber products.
6. Manufacture or assembly of electrical appliances, instruments and devices.
7. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
8. Laboratories - experimental, film or testing.
9. Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
10. Blacksmith, welding or other metal shop, excluding drop hammers and the like.
11. Foundry casting lightweight non-ferrous metals or electric foundry not causing noxious fumes or odors.

12. Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
13. Enameling, lacquering or japanning.
14. Crematory - if located not less than two hundred feet (200') from any "R" District.
15. Concrete mixing, concrete products manufacture.
16. Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.
17. Building material sales yards, retail lumber yard, contractor's equipment storage yard or plant or rental of equipment commonly used by contractors, storage and sale of livestock, feed and/or fuel, provided dust is effectively controlled, and storage yards for vehicles of a delivery or draying service.
18. Circus, carnival or similar transient enterprise; provided such structures or buildings shall be at least two hundred feet (200') from any "R" District.
19. Flammable liquids, storage of.
20. Printing and/or publishing houses.
21. Wholesale warehouse or business.
22. Truck terminal or yard, including repair.
23. Storage and wholesale sales of grain not raised on the premises.
24. Any other use not otherwise prohibited by law; provided, however, that none of the following uses shall be established or reconstructed, structurally altered, enlarged, or moved unless the Board of Adjustment approves the issuance of a permit therefor in accordance with the provisions of Section 17. *pg 51*
 - (a) Abattoirs and slaughter houses or stockyards.
 - (b) Acid manufacture or wholesale storage of acids.
 - (c) Anhydrous ammonia storage.
 - (d) Cement, lime, gypsum, or plaster of paris manufacture.
 - (e) Commercial feed lots.
 - (f) Distillation of bones.

- (g) Explosive manufacture or storage.
- (h) Fat rendering, fertilizer, gas, or glue manufacture or storage.
- (i) Garbage, offal or dead animal reduction or dumping.
- (j) Petroleum products refining or wholesale storage.
- (k) Smelting or reduction of ores or metallurgical products.
- (l) Transmitting stations.
- (m) Junk yard. Such activities shall be enclosed by a wooden or masonry fence or wall not less than six feet (6') in height in which any openings are less than fifteen per cent (15%) of the total area of said fence. Such fence or wall shall be maintained in a good condition and the property shall not present an unsightly appearance from adjoining properties. Parking of customers or employee vehicles only shall be permitted in the front yard.

B. ACCESSORY USES.

Any uses or structures customarily accessory and incidental to a principal permitted use.

C. REQUIRED CONDITIONS.

1. All uses specified in Subsections A, 2 through 17, inclusive, shall be conducted wholly within a completely enclosed building except for parking, loading and unloading facilities.
2. No use specified in Subsections A, 2 through 24, inclusive, shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive, owing to the emission of odor, dust, smoke, cinders, gas fumes, noise vibration, refuse matter or water-carried waste.
3. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, smoke, dust, gas, noise, or similar nuisance shall be employed.
4. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least one hundred feet (100') from any "R" District boundary except

where adjoining a railroad right-of-way, and distant at least fifty feet (50') from any "C" District boundary.

D. HEIGHT REGULATIONS.

No structure shall exceed three (3) stories or fifty feet (50') in height, except as provided in Section 14 or unless a use under Subsection A, Item 25, above.

E. LOT AREA, WIDTH AND YARD REQUIREMENTS.

The following minimum requirements shall be observed:

1. Lot Area:
None.
2. Lot width:
None.
3. Front yard depth:
Seventy-five feet (75') measured from existing or proposed right-of-way.
4. Side yard width:
None, except adjacent to "R" District, then one hundred feet (100').
5. Rear yard depth:
Fifty feet (50'); none, where adjoining railroad right-of-way.

F. PARKING, LOADING AND OUTDOOR ADVERTISING.

See Section 13.

G. EXCEPTIONS.

See Section 14.

SECTION 13

PARKING AND LOADING AREAS, FILLING STATIONS, OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

OFF-STREET LOADING SPACES REQUIRED

In any district in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space plus one (1) additional such loading space for each twenty-thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of ten thousand (10,000) square feet.

- A. Each loading space shall be at least twelve feet (12') in width and forty feet (40') in length.
- B. Such space may occupy all or any part of any required yard or court space.

OFF-STREET PARKING AREAS REQUIRED

- A. In all districts in connection with every industrial, commercial business, trade, institutional, recreation or dwelling use, and similar uses, spaces for parking and storage of vehicles shall be provided in accordance with the following schedule:
 - 1. Automobile sales and service garage - fifty (50) per cent of floor area.
 - 2. Banks, clinics, business and professional offices - fifty (50) per cent of floor area.
 - 3. Bowling alleys - five (5) spaces for each alley.
 - 4. Churches and schools - one (1) space for each eight (8) seats in a principal auditorium. Where no auditorium is involved, one (1) space for every five (5) students.
 - 5. Dance halls, assembly halls - two hundred (200) per cent of floor area used for dancing or assembly.
 - 6. Dwelling - one (1) parking space for each family or dwelling unit.

7. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.
 8. Furniture and appliance stores, household equipment or furniture repair shops, over one thousand (1,000) square feet of floor area - one hundred (100) per cent of floor area.
 9. Hospitals - one (1) space for each four (4) beds.
 10. Hotels, lodging houses - one (1) space for each two (2) bedrooms.
 11. Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift.
 12. Restaurants, taverns, bars, cocktail lounges and night clubs, over one thousand (1,000) square feet floor area - two hundred (200) per cent of floor area.
 13. Retail stores, super markets, etc., over two thousand (2,000) square feet floor area - two hundred (200) per cent of floor area.
 14. Retail stores, shops, etc., under two thousand (2,000) square feet floor area - one hundred (100) per cent of floor area.
 15. Sports arenas, auditoriums other than in schools - one (1) parking space for each six (6) seats.
 16. Theaters, assembly halls with fixed seats - one (1) parking space for each six (6) seats.
 17. Wholesale establishments or warehouses - one (1) space for each two (2) employees.
- B. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and which is similar shall apply.
- C. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question, except where provided in connection with a use permitted

in an agricultural or residential district, such easement of access or access drive shall not be located in any district.

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

1. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen planted.
2. Any off-street parking area, including any commercial parking lot for more than five (5) vehicles shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the County Engineer so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
3. Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

E. Subject to the requirements of Section 13, off-street parking areas may be established in any "R" District that immediately joins a "C" or "M" District, or is directly across an alley from a "C" or "M" District; provided such parking shall be accessory to and for use of one or more business or industrial establishments located in the adjoining "C" or "M" District; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.

FILLING STATIONS

- A. No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

- B. Pump islands, light standards and related minor accessory equipment not involving repair work or servicing of vehicles other than for fuel, air and water shall be permitted in the yard areas provided no gasoline pump or fuel dispensing equipment shall be located within twelve (12) feet of any street right-of-way.
- C. On all corner lots, all vehicular entrances to or exits from, and curb openings shall be set back a minimum of fifty (50) feet from the projecting intersection of curb lines and such openings shall not exceed thirty-five (35) feet in width at the curb line. There shall be a minimum of twenty (20) feet measured along the curb line between any series of driveways.
- D. One permanent, free-standing, double-faced post or pedestal sign shall be permitted for each street or road upon which a service station property abuts; provided that such sign shall not project over the right-of-way line of the abutting street. Said sign shall not exceed eighty (80) square feet in area per face. Non-permanent movable advertising signs shall be permitted provided the area does not exceed nine (9) square feet per face.

OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

In all districts where permitted, billboards shall be set back from the existing or proposed right-of-way line of any State or Federal Highway, any major County thoroughfare so designated by the Comprehensive Plan, and from the right-of-way line of any other street or road, at least as far as the required front yard depth for a principal building in such district; except that at the intersection of any State or Federal Highway, the set-back of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this Ordinance) shall be not less than one hundred (100) feet from the established right-of-way line of each such highway or street. No such sign or billboard shall be permitted which faces the front or side lot line of any lot in any "R" District used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square or entrance to any public park, public or parochial school, church, cemetery or similar institution within three hundred (300) feet thereof.

If any sign, because of its location, size, nature or type constitutes or tends to constitute a traffic hazard to safe and efficient operation of vehicles upon any of our County thoroughfares or creates a condition which endangers the safety of persons or property, the Zoning Commission with the approval of the Board of Supervisors, may order its removal based upon a complete report furnished after an inspection by the County Engineer and the Zoning Administrator as to traffic or safety problems created by any such sign. The Commission shall notify the sign company of any existing problem and within thirty (30) days set a hearing to discuss the removal of said sign. If said sign is not removed within thirty (30) days after due notice to the property owner by the Commission, the County Road Department shall remove said sign and bill the property owner where the sign is located for the full cost.

SECTION 14

EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS AND SPECIAL USES

CONSTRUCTION OF ACCESSORY BUILDING BEFORE PRINCIPAL BUILDING

No certificate for an accessory building shall be issued until and unless a certificate has been issued for the principal building. An accessory building shall not be occupied for more than one (1) year prior to beginning construction on the principal building.

WATER AND SEWAGE REQUIREMENTS

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and public sewer and/or water is not available, the sewage disposal and/or domestic water supply shall comply with the requirements and standards of the State Board of Health. The following minimum lot area and width requirements for a single-family dwelling shall apply in such cases except in districts where the said minimum requirements for any single-family dwelling are greater than those listed below:

- | | | | |
|----|---|-------|--|
| A. | No public sewer and water | | Minimum area 20,000 sq. ft.
100 foot frontage |
| B. | Public water supply,
No public sewer | | Minimum area 12,000 sq. ft.
80 foot frontage |

STRUCTURES PERMITTED ABOVE HEIGHT LIMITS

The building height limitations of this Ordinance shall be modified as follows:

- A. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, penthouses, stacks, silos, tanks, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height approved by the Board of Adjustment.
- B. Public, semi-public or public service buildings, hospitals, sanatoriums or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples when permitted in a district may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each property line at least one (1) foot for each

foot of additional building height above the height limit otherwise provided in the district in which the building is built.

OTHER EXCEPTIONS TO YARD REQUIREMENTS

Every part of a required yard shall be open to the sky unobstructed with any building or structure except for a permitted accessory building in a rear yard, and except for ordinary projections including roof overhang.

SPECIAL USES

The Board of Supervisors may by special permit after public hearing, authorize the location of any of the following buildings or uses in the districts and according to regulations specified below. Before approval of any of the following uses, the Board of Supervisors shall refer the application to the County Zoning Commission which Commission shall hold a public hearing and shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. - Notice of hearing by the Commission shall be given to all property owners within five hundred (500) feet of the boundary of the property on which the special use is to be located by placing a notice in the United States mail at least ten (10) days prior to the hearing. Notices shall contain the time and location of said hearing. Each application for a special permit shall be accompanied by a check payable to the County Treasurer or a cash payment in the amount of ten dollars (\$10.00) to cover the approximate costs of this procedure and under no conditions shall said sum be refunded for failure of said application to be approved.

- A. Any public building erected and used by any department of the Township, County, State or Federal Government. Any district.
- B. Airport or landing field. Any district.
- C. Garbage disposal and/or refuse dumps. "A" and "M" Districts.
- D. Auto Race Tracks. "A" and "M" Districts.

MINIMUM DEVELOPMENT REQUIREMENTS:

- 1. Area - twenty (20) acres.
- 2. Width - six hundred (600) feet.
- 3. Setback - two hundred (200) feet.
- 4. Side yard - two hundred (200) feet.
- 5. Rear yard - two hundred (200) feet.
- 6. Off-street parking - a minimum of one and one-half (1 1/2) parking spaces for each racer based on the maximum

capacity of the track plus an additional one hundred (100) parking spaces for spectators shall be provided.

7. Lighting - any lighting provided shall be so arranged that it will not shine directly on to adjacent properties.
8. Buffering - noise buffering in the form of landscaping or fencing may be required by the Board of Supervisors as needed according to its discretion.
9. Distance from existing dwellings - no track shall be located closer than six hundred (600) feet from any existing dwellings other than dwellings owned by the applicant for the proposed track.
10. Surfacing - the tracks shall be surfaced with asphalt or treated with oil to reduce dust.

E. Golf Courses, Public, Private and Commercial. In any district where otherwise prohibited.

F. Non-profit fraternal institutions, provided they are used solely for fraternal purposes and institutions of an educational, religious, philanthropic or charitable character provided that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height. Any district in which otherwise prohibited except "M" Industrial. Minimum yard requirements shall be as specified in the district regulations.

G. Mineral extraction, provided that no portion of the operation shall be carried on within six hundred (600) feet of any residence except that of parking of passenger vehicles. "A" and "M" Districts.

H. Mobile Homes. "A", "R", or "C" Districts.

I. Mobile Home Parks. "A", "R", or "C" Districts.

Minimum Development Requirements. (See Plate 2).

1. Park

Front yard - same as district or fifty (50) feet, whichever is greater.

Side yard - thirty-five (35) feet.

Rear yard - thirty-five (35) feet.

Area - two (2) acres.

Drives - twenty-five (25) feet in width surfaced with asphalt or Portland cement concrete.

2. "Home" spaces

Space size - fifty (50) feet by eighty (80) feet.
Space area - four thousand (4,000) square feet.
Off-drive parking - one (1) parking space for each
"home" space.
Front yard - fifteen (15) feet.
Rear yard - ten (10) feet.
Side yard - five (5) feet each side.

J. Public and Private Cemetery. "R", "C", or "M" District.

K. Multiple dwellings containing three (3) or more dwelling units provided the minimum lot area per dwelling unit shall be as follows:

With public sewer and water 4,000 sq. ft.
With public water and septic tanks.. 10,000 sq. ft.
With private well and septic tanks.. 10,000 sq. ft.

Any district except the "M" District.

L. Any structure or land used by public or private utility service company or corporation for public utility purpose, including sewage lagoons or for purposes of public communication. Any district. The basis for such permit shall be public convenience and necessity.

M. Transmitting Stations. "A", "C", and "M" Districts.

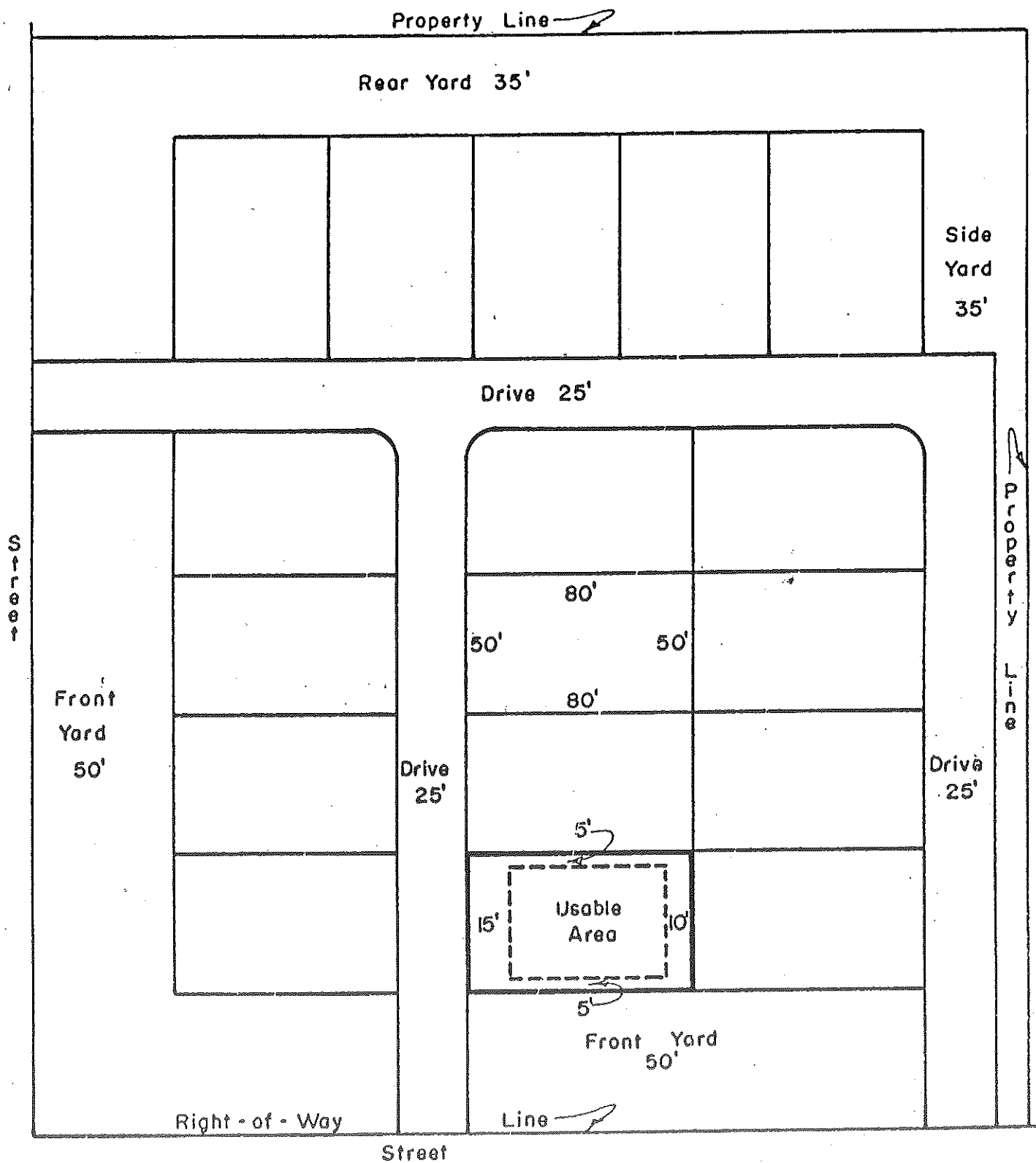


ILLUSTRATION OF MOBILE HOME PARK REQUIREMENTS-Plate 2

SECTION 15

APPLICATIONS FOR ZONING CERTIFICATES

- A. It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering or moving of any building or structure until a zoning certificate shall have been issued by the Zoning Administrator, except no zoning certificate shall be required for agricultural uses. It shall also be unlawful to change the use or occupancy of any building, structure or land from one classification to another or to change a non-conforming use without the issuance of a zoning certificate.
- B. Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate, and when no buildings are involved, the location of the present use and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- C. There shall be a fee for zoning certificates to be established as follows:

<u>Value of Building</u>	<u>Fee</u>
To and including \$1,000	\$ 2.50 minimum
For each additional \$1,000 or fraction thereof, up to and including \$15,000	\$.50 per \$1,000
For each additional \$1,000 or fraction thereof, up to and including \$50,000	\$ 0.25 per \$1,000
For each additional \$1,000 or fraction thereof, exceeding \$50,000	\$ 0.10 per \$1,000

- D. Zoning Certificates issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue if the construction, alteration or change of use has not commenced during the six (6) month period. Proposed construction or alteration must be completed within eighteen (18) months.

~~250~~
~~250~~

SECTION 16

ENFORCEMENT

A. ENFORCEMENT BY ZONING ADMINISTRATOR

It shall be the duty of the Zoning Administrator to enforce this Ordinance in accordance with its provisions. All departments, officials and public employees of the County which are vested with the duty or authority to issue certificates shall conform to the provisions of this Ordinance and shall issue no certificate for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

B. VIOLATIONS AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of the County. Any person, firm or corporation violating any regulation in or any provision of this Ordinance or of any amendment or supplement thereto shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment of not more than thirty (30) days. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, may be deemed a separate offense.

C. VIOLATIONS - HOW PREVENTED

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, said Board of Supervisors, the County Attorney of Fremont County, said County Zoning Administrator or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

APPLICATION FOR ZONING CERTIFICATE AND/OR SPECIAL USE PERMIT

TO: FREMONT COUNTY ZONING ADMINISTRATOR
ROUTE 2 - BOX 19
SIDNEY, IOWA 51652

DATE: _____

Application is hereby made, pursuant to the provisions of Chapter 358A of the 1966 Code of Iowa, as amended, for approval of any excavating, erecting, constructing, reconstructing, enlarging, altering or moving of a building or structure as described herein and on the accompanying drawings.

1). NAME AND ADDRESS OF APPLICANT:

2). DESCRIPTION OF PROPOSED WORKS:

3). EXISTING AND INTENDED USE OF FACILITY:

4). ESTIMATED COST OF FACILITY: \$ _____

5). ANTICIPATED DATES OF CONSTRUCTION:

INITIATION _____ COMPLETION _____

6). LOCATION OF SUBJECT PROPERTY (LEGAL DESCRIPTION):

All lands required for the construction, operation and maintenance of the above described works are owned by the applicant(s) as title holders of record unless information is attached regarding the nature and extent of easements or rights of way which have been or will be obtained.

I hereby certify that this application and the accompanying drawings and any other attachments, which are a part hereof, have been reviewed and approved by the applicant(s) and are true and correct to the best of my (our) knowledge and belief.

Signature of Applicant(s): _____

THIS APPLICATION IS RECEIVED THIS _____ DAY OF _____, AND IS
ACCOMPANIED BY A FEE OF \$ _____, THE AMOUNT SET FORTH IN THE REGULATIONS
AND HEREBY RECEIVED.

ZONING ADMINISTRATOR'S SIGNATURE: _____

FEE SCHEDULE

Value of Building

FEE

To and including \$1,000

\$2.50 minimum

For each additional \$1,000, or
fraction thereof, up to and
including \$15,000

\$0.50 per \$1,000

For each additional \$1,000, or
fraction thereof, up to and
including \$50,000

\$0.25 per \$1,000

For each additional \$1,000, or
fraction thereof, exceeding
\$50,000

\$0.10 per \$1,000

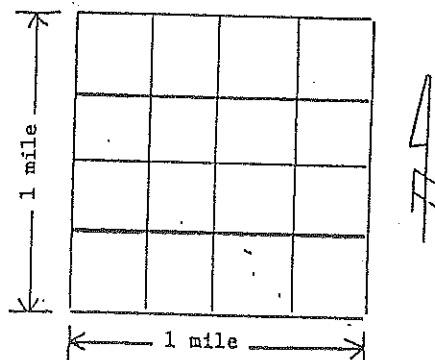
"Special Use" Permit

\$10.00 over above

NAME OF APPLICANT: _____

Attachment to "Application for Zoning Certificate" form dated _____.

A) Sketch location of property within Section _____ Township:



B) Sketch below the proposed facility within property lines showing the following information.

1. Actual shape and dimensions of lot to be built upon or to be changed in its use in whole or in part.
2. Exact location and size of any building or structure to be erected or altered.
3. Buildings of adjacent properties including dimensions, distance to lot lines, use, type of construction, and property owners of record.
4. Location of roads, streets and driveways (both present and proposed).

C) Sketch elevation views with dimensions of proposed facility:

END VIEW

SIDE VIEW

Site plans and/or building plans may be furnished in lieu of this attachment form if desired. Please note that any such plans will not be returned.

SECTION 17

BOARD OF ADJUSTMENT

A. APPOINTMENTS AND TERMS

A Board of Adjustment is hereby created. Such Board of Adjustment shall consist of five (5) members appointed by the County Board of Supervisors. The five (5) members of the first Board of Adjustment shall serve terms of one, two, three, four and five years respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. The County Board of Supervisors shall have power to remove any member of the Board of Adjustment for cause upon written charges and after Public Hearing.

B. MEETINGS

The Board of Adjustment shall organize and adopt rules in accordance with provisions of this Ordinance and the Iowa Statute. The Board of Supervisors shall name one of the members of the Board of Adjustment as chairman upon his appointment, and in case of vacancy, shall name another chairman. All meetings of the Board of Adjustment shall be held at the call of the chairman, or in his absence, the acting chairman, and at such time and place within the County as the Board of Adjustment may determine. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep complete records of its hearings and other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement or decision of the Board of Adjustment, shall immediately be filed in the Office of the Board of Adjustment, and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

C. APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS

1. APPLICATIONS, WHEN AND BY WHOM TAKEN

An application in cases in which the Board of Adjustment has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner including a tenant or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit same to the Board of Adjustment.

2. APPEALS, WHEN AND BY WHOM TAKEN

An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

3. HEARINGS

The Board of Adjustment shall fix a reasonable time for the Hearing of the appeal, give ten (10) days notice by letter to all owners of the property located within five hundred (500) feet in all directions from the property for which the variation is being sought, and make a decision within a reasonable time after the appeal is submitted. Each application shall be accompanied by a check payable to the Treasurer of the County, or a cash payment of five dollars (\$5.00) to cover the cost of publishing and/or posting or mailing the notices of hearing or hearings. At the hearing, any party may appear in person or by attorney. Any taxpayer or any officer, department, board or bureau of the County, or any person or persons jointly or severally aggrieved by any decision of the Board, may present to a court of record, a petition duly verified setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision with the Board. Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board, and shall prescribe therein the time within which a return thereto shall be made, which time shall not be less than ten (10) days, and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application upon notice to the Board and on due cause shown, grant a restraining order.

The Board shall not be required to return the original papers acted upon by it, but shall return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other pertinent facts and material to show the grounds of the decision appealed from, and shall be verified.

If upon the hearing which shall be tried de novo, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, the Court may take such

evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his finding of fact and conclusions of law. This shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm wholly or in part, or may modify the decision brought up for review.

Costs shall not be allowed against the Board unless it shall appear to the Court that the Board acted with gross negligence or in bad faith or with malice in making the decision that is appealed.

4. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

D. JURISDICTION AND POWERS OF BOARD OF ADJUSTMENT

1. The Board of Adjustment shall have the following powers and it shall be the Board's duty:
 - (a) To hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or any supplement or amendment.
 - (b) To hear and decide special exception to the terms of this Ordinance upon which such Board is required to pass under this Ordinance.
 - (c) To authorize upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.

2. No variation in the application of the provisions of this Ordinance shall be made unless and until the Board of Adjustment shall be satisfied that granting the variation will not:
 - (a) Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variation.
 - (b) Impair the general purpose and intent of the regulations and provisions contained in this Ordinance.
 - (c) Impair an adequate supply of light and air to adjacent properties.
 - (d) Increase the hazard from fire and other danger to said property.
 - (e) Diminish the value of land and buildings in the County.
 - (f) Increase the congestion and traffic hazards on public roads.
 - (g) Otherwise impair the public health, safety and general welfare of the inhabitants of the County.
3. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order or determination of the Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which the Board is authorized by this Ordinance to render a decision.
4. It is not the intention to grant to the Board of Adjustment, the power or authority to alter or change the Zoning Ordinance or the District Maps. Such power and authority rests solely with the Board of Supervisors in the manner hereafter provided in Section 18.

SECTION 18

DISTRICT CHANGES AND AMENDMENTS

A. GENERAL

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may by resolution on its own action or by petition after recommendation by the Zoning Commission after public hearing as provided herein, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof.

B. PROCEDURE FOR CHANGE

1. Any person or persons may apply for zoning district changes or amendments by petition. The Zoning Commission or Board of Supervisors may initiate any changes or amendments by their own action.
2. Applications for any change of district boundaries or classifications of property as shown on the Zoning Maps shall be submitted to the County Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the County Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.
3. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance including text and maps may be examined. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

4. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of the hearing shall be given by one publication in a newspaper of general circulation in the County. In addition, notices shall be sent by the United States mail as specified in Subsection 3, above.
5. In case of a protest against any changes or amendments signed by the owners of twenty (20) per cent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such changes shall not become effective except by favorable vote of at least sixty (60) per cent of all the members of the Board of Supervisors. Public hearings and official notice shall apply equally to all changes or amendments.
6. After receiving certification of the recommendations on the proposed amendment from the Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote upon the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of the members of the Board of Supervisors.
7. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed.
8. The failure to notify as provided in Subsections 3 and 4 above, shall not invalidate any recommendation of the Zoning Commission, provided such failure was not intentional and the omission of the name of any owner of property who may in the opinion of the Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Zoning Commission proposing to make a change in the zoning maps or the regulations set forth in this Ordinance.

9. Each application for an amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Treasurer of the County or a cash payment in the amount of fifteen dollars (\$15.00) to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law

SECTION 19

VALIDITY

Sould any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 20

WHEN EFFECTIVE

This Ordinance shall be in full force and effect in Fremont County after its passage, approval and publication as provided by law.

