ORDINANCE NO. 6.1

ZONING REGULATIONS

SECTION 1: PURPOSE

This Ordinance is adopted for the purpose of promoting public health, safety, comfort, order, and general welfare; to conserve and protect natural and man-made environment; to secure and provide the social and economic advantages resulting from an orderly planned use of land resources; and to facilitate adequate but economical provisions for public improvements, all in accordance with and as permitted by the provisions of Chapter 335 of the Code of Iowa, 2013.

SECTION 2: TITLE

This ordinance shall be known as the "ZONING ORDINANCE OF FRANKLIN COUNTY, IOWA."

SECTION 3: DEFINITIONS

For use in this Ordinance, certain terms or words are herein 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 “building” shall include “structure”. The word “shall” is mandatory and not directory.

ACCESSORY BUILDING: means a subordinate building which is incidental to and customary in connection with the principal building or use of the premises.
ACCESSORY USE means a subordinate use which is incidental to and customary in connection with the principal building or use of the premises.

ADMINISTRATIVE OFFICER means the individual designated by this ordinance to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said ordinance. The person may also be reefed to as the “Zoning Administrator.”

BILLBOARD: means an advertising sign for a business, commodity or service located or offered elsewhere than upon the premises where such sign is located.

BOARD OF ADJUSTMENT: created under this chapter, acts on variance, special uses and conditional uses consistent with provisions found elsewhere in this title, all as provided for in Chapter 414 of the State Code of Iowa.

BUILDING: means any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels or property of any kind but not

including any vehicle, trailer (with or without wheels) nor any movable device such as furniture, machinery or equipment.

HEIGHT OF BUILDING: means the vertical distance from grade to the highest point of the building or any structure attached thereto.

COMMERCIAL FEEDLOT: means a commercial venture involving the assemblage of livestock for the express purpose of preparation for market, purchasing over seventy-five percent (75%) of its feed.

COMMISSION: means the Zoning Commission of Franklin County.

CONDITIONAL USE: means a use of property that will be permitted by the Board of Adjustment subject to the applicant meeting certain conditions and safeguards which will assure that the use will be in harmony with the general intent and purpose of the Zoning Ordinance.

COUNTY: means the unincorporated portion of Franklin County.

DWELLING: means any building or portion thereof which is designed and used exclusively for residential purposes.

SINGLE-FAMILY DWELLING: means a detached building arranged, designed or intended to be occupied as the residence of an individual housekeeping organization and having no wall in common with an adjacent house or houses.

TWO-FAMILY DWELLING: means a detached building that is arranged, designed or intended to be occupied as the residence of two individual housekeeping organizations living independently of each other.

MULTI-FAMILY DWELLING: means a building or buildings designed for or occupied exclusively by more than two individual housekeeping organizations. This definition will include, but not be limited to, such buildings as are commonly referred to as apartment buildings.

EARTH SHELTERED HOME: means a building designed to be used as a dwelling utilizing earth to shelter the building. The roof can be of conventional construction or covered with earth as a completed residential dwelling, as opposed to a basement with a temporary roof.

FAMILY: means a group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as defined herein.

FAMILY HOME: means a community-based residential home which is licensed as a residential care facility under State Code Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habilitation services and supervision in a family

environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the State Code.

FARM: means an area comprising of ten (10) or more acres which is used and primarily adapted, by reason of nature and area, for the growing of the growing of the usual farm products such as vegetables, fruits and grains, and their storage on the area, as well as the raising thereon of the swine, while so used. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provide, 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 collected garbage or offal to swine or other animals.

FARMSTEAD: means the service area of a farm which typically includes the farmhouse, outbuildings, and some trees.

HOME OCCUPATION: means any occupation or profession carried on by a member of a household organization residing on the premises, in connection with which there is used no sign other than a nameplate not exceeding two (2) square feet in area; provided that the occupation or profession does not occupy more than the equivalent of fifty percent (50%) of the floor areas of one story of the dwelling; there is no display that would indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling.

JUNK YARD: means an area of any lot which is used for the storage, abandonment or keeping of junk, including scrap metals or scrap material; or for the abandonment or dismantling of machinery, automobiles or other vehicles or parts thereof with a business of buying, selling or trading such items or materials.

LOT: means a piece, plot or parcel of land or contiguous parcels of land as established by survey, plot or deed, occupied or to be occupied by a use, a building or a unit group of buildings and accessory buildings thereto, together with such open spaces as are required under this Ordinance.

DEPTH OF A LOT: is the mean horizontal distance between the front and rear lot lines.

DOUBLE FRONTAGE LOT: is a lot having a frontage on two (2) non-intersecting streets.
LOT LINES: are the property lines bounding a lot.

LOT OF RECORD: is a lot which is part of a subdivision recorded in the office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH: is the width of a lot measured at the building line and at right angles to its depth.

MINERAL EXTRACTION: means the extraction of coal, gypsum, clay, stone, sand, gravel or other ores or mineral liquids or solids for sale, borrow or for processing or consumption in the regular operation of a business or governmental agency by removing any earth overburden lying above natural deposits thereof and mining directly from deposits lying exposed in their natural state, or by subsurface extraction. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, so long as no ores or minerals removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business or agency.

MOBILE HOME: means a transportable, single family dwelling unit suitable for year-round occupancy, of a size of eight (8) feet by thirty two (32) feet or greater having been designed with no foundation other than wheels, jacks, piers or skirtings and containing water supply, waste disposal, heating and electrical convenience.

MOBILE HOME PARK: means an approved site, lot, field or tract of land designed, maintained or used for the purpose of supplying location and accommodations for mobile homes and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such parks; unoccupied mobile homes which are parked for the purposes of inspection and sale may be placed in a mobile home park if they are incidental to the operation of said mobile home park.

MOBILE HOME SPACE OR MOBILE HOME LOT: means a parcel of ground within a mobile home park designed for the accommodation of one (1) mobile home.

NONCONFORMING USE: means any building or land lawfully occupied by a use at the time of passage or this zoning ordinance or amendment thereto which does not conform after the passage of this zoning ordinance or amendment thereto with the use regulation of the district in which it is situated.

NURSING HOME: means a home for the aged or infirm, in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation; but not including hospitals, clinics or similar institutions.

PARKING SPACE: means an area of not less than two hundred (200) square feet, plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or un-parking, shall not encroach upon any public right-of-way.

PLANNED UNIT DEVELOPMENT: means a tract of land which contains or will contain two (2) or more principle buildings or uses, the development of which is unique and of a substantially different character than that of the surrounding areas.

PRINCIPAL PERMITTED USE: means those uses of property allowed as a right in the district and which may be approved by the Zoning Administrator if the other requirements of this title

are met, as differentiated from a “conditional use” that can only be approved by the Board of Adjustment after they have set conditions which must be met by the applicant to ensure that the intent and purpose of this title will be met.

RECREATIONAL VEHICLE: means a transportable overnight or short term sleeping or dwelling unit of a size less than eight (8) feet by thirty two (32) feet when in transport. The term includes, but is not limited to, travel trailer, pickup camper, fold-down camper and mobilized camper.

RECREATIONAL VEHICLE PARK: means an approved site, lot, field or tract of land designed, maintained or used for the purpose of supplying location and accommodations for recreational vehicles and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such parks; unoccupied recreational vehicles which are parked for the purposes of inspection and sale may be placed in a recreational vehicle park if they are incidental to the operation of said recreational vehicle park.

RECREATIONAL VEHICLE SPACE OR LOT: means a parcel of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.

SPECIAL USE: means a “conditional use” for the purposes of this title.

STRUCTURE: means anything constructed, erected or built the use of which requires location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels or properties of any kind, including, but without limiting the generality of the foregoing installations, such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy of persons. This definition does not include fences or walls less than six (6) feet in height.

SUPERVISORS: means the Board of Supervisors of Franklin County, Iowa.

VARIANCE: means an exception to the distance, area and height requirements of this title, granted by the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards.

YARD: means an open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise permitted in this title.

FRONT YARD: means a yard across the full width of the lot extending in depth from the front line of the main building to the edge of the street or road right-of-way if the street or road right-of-way is by easement, or to the front line of the lot if the street or road is dedicated public property.

REAR YARD: means a yard extending the full width of the lot between the main building and the rear lot line, or to the edge of right-of-way of any street or road easement.

SIDE YARD: means a yard between the main building and the side line of the lot, or to the edge of right-of-way of any street or road, and extending from the front yard line to the rear yard line.

ZONING ADMINISTRATOR: means the administrative officer designated or appointed to administer and enforce the regulations contained in this Ordinance.

ZONING PERMIT: means a permit issued by the enforcing officer authorizing the use of land in the manner and for the purpose specified in the application.

SECTION 4: PERMITS AND ENFORCEMENT

Permit Required. No building or part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, razed, moved or used, and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a zoning permit has been issued by the Zoning Administrator as provided herein.

Application for Zoning Permit. Each application for a zoning permit shall be in writing, on the standard forms of the County, and filed in the office of the Zoning Administrator. The application shall be accompanied with a plot plan of the lot upon which the building or structure is to be placed, reconstructed, enlarged or converted, showing the size of the lot, foundation dimensions, proposed front, side and rear yard depths of the proposed building or structure and any other existing accessory buildings on the lot and the flood plain delineation on the lot. The flood plain delineation shall be approved by the County Engineer and Soil Conservation Director.

Issuance of Zoning Permit. If, after reviewing the application the Zoning Administrator finds the application complies with all of the provisions of these regulations, he/she shall, upon payment of the required fee as prescribed herein, issue a zoning permit therefore and retain a copy thereof as a part of the permanent records of his/her office.

Refusal of Zoning Permit. If, after reviewing the application the Zoning Administrator finds the building or structure in the proposed location does not comply with the provisions of the regulations, he/she shall furnish the applicant with a statement, signed by the Zoning Administrator, refusing to issue such permit and setting forth the reason for such refusal. The refusal by the Zoning Administrator to issue a permit may be appealed by the applicant to the Board of Adjustment in the manner as provided herein.

Enforcement. The Zoning Administrator shall be appointed by the Board of Supervisors to hold office for such term as the Board of Supervisors shall determine. Said Zoning Administrator shall issue all zoning permits and enforce all provisions of these regulations and shall have the right to enter public and private property for purposes of investigation and/or enforcement. Appeals from his/her decision may be made to the Board of Adjustment as provided herein.

Records. The Zoning Administrator shall keep a record in his office of all applications filed, permits issued or refused, and if refused the reason for such refusal and the final action thereon. He shall keep a record in his office of all zoning permit fees collected and shall remit the amount of such fees to the office of the Treasurer each day.

Fees. Each application for zoning permit shall be accompanied by a fee according to the Fee Schedule most recently approved by the Board of Supervisors.

Violation – Penalty. Any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents, that violates, disobeys, omits or neglects the provisions of this title shall be given a NOTICE OF VIOLATION either by personally giving, certified mail or served by law enforcement. This NOTICE OF VIOLATION shall identify the action required to correct the violation and give 20 days to correct it. If said violation is not corrected then a COUNTY CITATION shall be filed either by personally giving, certified mail or served by law enforcement with fines of $750 for the first offense, $1000 for the second and subsequent offences. A NOTICE OF VIOLATION may be in the form of a STOP WORK ORDER which shall instruct the violator to cease any activity until said violation is corrected. Situations where a STOP WORK ORDER may be used include but are not limited to incidences where construction has begun without a BUILDING PERMIT or where proper documentation has not been filed. Each day the violation is permitted to exist shall constitute a separate offense. The Zoning Administrator shall keep a record of violations in his office. If any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents violates, disobeys, omits or neglects the provisions of this title three (3) or more times in a three (3) year period they shall be deemed a chronic offender. Chronic Offenders shall be issued a COUNTY CITATION when the Zoning Administrator becomes aware of a violation. A NOTICE OF VIOLATION with a 20 day notice shall not be required in the case of chronic offenders. In case of a violation of any provision of this title, the proper authorities of the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent or abate the illegal act.

SECTION 5: GENERAL PROVISIONS

General Provisions. The regulations herein-after set forth in this division qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

1. Interpretation of Standards. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control. Where for specific land, the requirements of any other legal provisions are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with such other legal provisions.

2. Farms Exempt. Except to the extent required to implement Section 335.2 of the State Code of Iowa, 2013, no provisions adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adopted, by reason of nature and area, for use for agricultural purposes, while so used. However, the provisions of this chapter may apply to any structure, building, dam, obstruction, deposit or excavation in or on any flood plains of any river or stream.

3. Cross Compliance. No zoning permit shall be issued for any use, building or structure that would be in violation or create a violation of any other County or State regulations or other legal provisions. Also, no zoning permit shall be issued for any development which will involve a private on-site sewage disposal system until the County Health Officer has conducted a site evaluation and given a preliminary approval to the proposed sewage system.

4. Construction of Progress. If actual construction has legally been started on any building or structure at the time of adoption of this ordinance, nothing contained herein shall require any change in the plans, construction or designation use of such building or part thereof.

5. Nonconforming Uses. The purpose of these nonconforming uses provisions is to recognize those developments and property uses that are already in existence, but which may not conform to all of the other provisions of this ordinance regarding permitted uses. It is not the intent of this ordinance to create undue hardship or to unduly restrict property uses that are in existence and not creating any appreciable problems.

The lawful use of a building existing at the time of the adoption of this ordinance, or the last previous use if not being used, may be continued, even though such use does not conform with the provisions hereof. Such uses will be referred to as “existing nonconforming”.

The lawful nonconforming use of a building may be expanded throughout the building, however, the building may not be enlarged or replaced, or the use of the building changed to any other nonconforming use without first having received a permit from the Board of Adjustment for a conditional use for the district in which the building is located.

When a nonconforming use has been changed to a conforming use or to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use.

6. Structures Considered Part of Building. Any portion of a building or any structure attached to the building shall be considered as part of the building for purposes of height and yard requirements of this ordinance unless otherwise provided.
7. Mobile Homes. Mobile homes may only be located in districts where they are specifically provided for and subject to meeting all County and State regulations pertaining to mobile homes. All mobile homes shall have tie-down systems installed that will meet the

standards of the State Building Code as provided for in Chapter 103A in the State Code of Iowa, 2013.

8. Mobile Home Parks. It is unlawful for any person or firm to operate a mobile home park without the owner or lessee having first obtained a license to operate and maintain a mobile home park from the State Department of Health.

Each yard abutting on a perimeter public right-of-way shall be considered a perimeter yard and shall be a minimum of fifty (50) feet in depth. All other perimeter yards shall have a minimum depth of twenty (20) feet. Yard requirements may be increased where the Board of Adjustment deems necessary.

The Board of Adjustment may require that an area with a minimum of ten (10) feet in width be reserved along the perimeter of the mobile home park and may require the erection of a decorative fence or wall six (6) feet in height within said area, to be constructed of a material which will provide a significant visual and sound barrier, and/or screen plantings to be provided and maintained with a minimum height of eight (8) feet at maturity, or as otherwise required by the Board of Adjustment. This area may be included as part of the perimeter yard depth.

The minimum mobile home space shall be three thousand two hundred (3,200) square feet and shall measure at least forty (40) feet by eighty (80) feet. Mobile homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile home including any permanently enclosed appendage, and any driveway, walkway or mobile home space boundary, and a ten (10) foot open space at the rear of the mobile home.

One (1) parking space per mobile home unit shall be provided at ten (10) feet by twenty (20) feet minimum size.

Mobile home park community recreational space shall be aggregated at one hundred (100) square feet per mobile home dwelling.
One (1) indirectly lighted sign may be erected facing each public street upon which the mobile home park fronts, showing the name of the mobile home park and other information pertinent thereto; provided that such sign shall not have an area of more than ten (10) square feet.

9. Planned Unit Developments. The ‘R-PUD’ and ‘C-PUD’ districts are intended to provide a means for development of a tract or tracts of land as a single entity for a number of buildings or uses, as differentiated from the traditional single lot development provided for in the other districts of this ordinance. Since planned unit developments, because of their size or intensity of land use, may have a significant effect upon services and other properties, extensive authority over their development is retained by the Supervisors and the Planning and Zoning Commission. Since it is the intent to permit flexibility of design and combination of land uses in planned unit developments, exceptions to provisions found in this ordinance (other than in the “R-PUD’ and “C-PUD’ chapters) are hereby made for planned unit developments. Any planned developments in existence or with an

approved plan for development at the time of passage of this ordinance which are zoned 'R-PUD' or 'C-PUD' by the adoption of this ordinance shall be considered as having met all of the requirements of this ordinance. All new construction, which is not covered by a plan previously approved by the County, within any 'R-PUD' or 'C-PUD' district after the effective date of this ordinance must be in compliance with the provisions of this ordinance.

10. Board of Adjustment.

a. Creation and Membership. A Board of Adjustment, to be hereinafter referred to as the Board, is established. The Board shall consist of five (5) members appointed by the Board of Supervisors. The five members of the first Board appointed shall serve terms of one, two, three, four, and five years, respectively. Thereafter, terms shall be for five years, and vacancies shall be filled for the unexpired terms of any member whose term becomes vacant. Members shall be removable for cause by the appointing authority upon written charges and after public hearing.

b. Chairperson and Meetings.
   1. The Board shall adopt its own rules of procedure, not in conflict with this title or the Iowa Statute, to enable it to perform its functions and duties.
   2. The Board shall elect its own chairperson, who shall serve for one (1) year. Such chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.
   3. The Zoning Administrator, or such other person as he/she may designate, shall serve as the secretary of the Board. In the absence of the secretary, the chairperson of the Board may appoint one of the members of the Board to act as secretary pro-tem for the meeting. The Board shall have the power to call on any County department for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may reasonably be required.
   4. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board.

c. Appeals.
   1. Appeals to the Board may be made by any person aggrieved or by any office, department, board or burden of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing, with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The

Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

2. Each appeal shall be in writing and accompanied by a fee according to the Fee Schedule most recently approved by the Board of Supervisors to be paid by the appellant to the Zoning Administrator.
3. The Board shall fix a reasonable time for the hearing of appeal, give public notice thereof and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
4. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative office certifies to the Board, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her 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 or by a court of record on application or notice to the administrative officer and on due cause shown.

d. Jurisdiction. The Board shall have the following powers:
   1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this title;
   2. To hear and decide special exceptions to the terms of this title upon which the Board is required to pass under this title;
   3. Where the street or lot layout on the ground actually varies from the street and lot lines as shown in the Zoning Map, the Board shall interpret the map and the provisions of this title for the particular district or section in question;
   4. To permit the erection and use of a building or the use of premises in any location for public utility purposes which is determined reasonably necessary for the public convenience or welfare;
   5. To authorize upon appeal in specific cases such variances from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions herein would result in unnecessary hardship, and so that the spirit of this title shall be observed and substantial justice done. The Board, in authorizing any variance, may require any appropriate conditions and stipulations as they deem necessary and such conditions and stipulations attached to the approval shall be complied with, and a violation of those stipulations shall be considered the same as any violation of other provisions of this ordinance. In granting any variance, the Board shall give due consideration to the following requirements:
      a. The variance and any attached conditions would meet the general purpose of this ordinance of promoting public health, safety, comfort, order and the general welfare.
      b. The variance and any attached conditions would be in keeping with the general character of the surrounding land area, the purpose as stated for that zoning district, and the land use plan of the County.

c. The variance and any attached conditions would not result in any appreciable depreciation of adjacent property values or detract from the enjoyment and use of those adjacent properties.

6. To determine, in cases of uncertainty, the classification of any use.

7. To permit the erection and use of any accessory building on a lot before the erection of a principal building on such lot as provided herein; provided such use is temporary and for a period of time not to exceed one (1) year.

8. To permit the extension of an existing building or use into a more restricted district immediately adjacent, under such conditions as will safeguard the character of the more restricted district provided that such extension shall not be permitted more than fifty (50) feet beyond the boundary line of the district in which such building or use is authorized.

9. Conditional use permits. The Board of Adjustment shall hold a hearing and consider any application for a conditional use permit. The Board may approve conditional use permits for any use that is in keeping with and appropriate to the uses authorized in that district.

   The Board of Adjustment shall give due consideration to the following requirements in the approval or denial of any conditional use permit application:

   a. The conditional use approval would meet the general purpose of this ordinance of promoting public health, safety, comfort, order and general welfare.
   b. The conditional use approval would be in keeping with the general character of the surrounding area, the purpose as stated for that zoning district, and the land use plan of the County.
   c. The conditional use approval would not result in any appreciable depreciation of adjacent property values or detract from the enjoyment and use of those adjacent properties.
   d. The conditional use approval would not create any amounts or types of traffic that may be detrimental to others.
   e. The conditional use approval would not create objectionable noise, dust, smoke or odor for nearby properties.
   f. The conditional use approval would provide adequate parking area so as not to create congestion of public streets and roadways.

The Board of Adjustment may require any appropriate conditions and stipulations as they deem necessary to assure that the preceding requirements will be fully complied with. Such conditions and stipulations attached to the approval shall be complied with, and a violation of those conditions shall be considered the same as any violation of other provisions of this ordinance.

e. Powers. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the provisions of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make

such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

f. Deciding Vote – Authority. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this title or to affect any variation in this title. It is not the intention to grant the Board of Adjustment the power or authority to alter or change the Zoning Ordinance or Zoning Map. Such power and authority rests solely with the Board of Supervisors in the manner hereafter provided.

g. Appeal from Decision of Board of Adjustment. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of this title, or any taxpayer or any officer, department, board or bureau of the County may seek such relief through the courts as provided by statute.

11. Changes and Amendments. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may be resolution on its own action or by petition, after recommendation by the Zoning Commission, after public hearings as provided herein, amend, supplement or change the regulations, district boundaries or classifications or amendments thereof.

a. Procedure for Change. The procedure for changes and amendments will be as follows:

1. Applications for any change of district boundaries or classification of property as shown on the Zoning Maps shall be submitted to the County Zoning Commission at their public office upon such forms prescribed by it and shall be accompanied by such data and information as may be prescribed for that purpose by the County 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 these regulations shall likewise be submitted to the Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.
2. 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 regulations, 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.

3. 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 thereof, notice of the time and place of which shall be published one (1) time in a newspaper of general circulation in the County, not less than four (4) days nor more than twenty (20) days before the date of public hearing. In addition, notices shall be sent by the United States mail as specified in Subsection B above.
4. After receiving certification of the recommendation 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 on 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.
5. 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.
6. The failure to notify as provided in Subsections B and C 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 regulations.
7. Each application for an amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Treasurer of Franklin County or a cash payment according to the Fee Schedule most recently approved by the Board of Supervisors 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 and deposited within the general fund.

12. No parcel, lot or lots shall be sold, divided or set off in such a manner that either the portion sold, divided or set off or the portion remaining would create a violation of any provisions set forth within this ordinance.

SECTION 6: Districts and District Regulations

In order to carry out the purpose and intent of these regulations, the County is hereby divided into nine (9) Zoning District classifications as follows:

"A"	Agricultural District
"R-1"	Single Family Residential District

"R-2"	Multi-Family Residential District
"R-PUD"	Residential Planned Unit Development
"C-1"	Commercial District
"C-PUD"	Commercial Planned Unit Development
"I-1"	Light Industry District
"I-2"	Heavy Industry District
"F-C"	Flood Plain Conservation District (Overlay District)

1. Official Maps.

   The location and boundaries of these districts are set forth on the Official Zoning District Maps which have the same force and effect as if fully set forth herein. The Official Zoning District Maps shall be on file in the office of the Zoning Administrator. If, in accordance with the provisions of these regulations, changes are made in the district boundaries or other matter portrayed on the Official Zoning District Maps, such changes shall be made promptly by the County Zoning Administrator after the amendment has been approved by the Board of Supervisors.

2. District Boundaries.

   Where uncertainty exists as to the boundaries of districts shown on the Official Zoning District Maps, the following shall apply:

   A. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways 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 city limits shall be construed as following city limits;
   D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
   E. Boundaries not capable of being determined in the previous four paragraphs shall be as dimensioned on the Official Zoning District Map or, if not dimensioned, shall be determined by scale shown on the map;
   F. Boundaries of the "F-C" Flood Plain Conservation District are as shown on the HUD Flood Hazard Boundary maps but may require on-site determination as to where the flood hazard boundary actually is. This determination shall be made by the County Engineer.

"A" Agriculture District

1. Purpose.
   The "A" Agriculture District is created to provide for those lands within the County that are primarily intended to be used for agricultural purposes.

2. Principal Permitted Uses.
   A. Agriculture and the usual farm buildings, structures and uses, including one mobile home on a farm if used by the owner, an immediate relative or an employee. The farmhouse, farm buildings and farm uses are exempt from any regulation and permit requirements.
   B. Single-family dwellings, but only on severed farmsteads, lots with primary tree cover, or lots with a majority of the area being comprised of soils having a corn suitability rating (CSR) of less than 60 CSR. However, no such residence shall be located closer than five hundred (500) feet from any feedlot of any other person.
   C. Public and private forests and wildlife preserves and similar conservation areas (no permit required).
   D. Public parks.
   E. Accessory buildings and uses, and temporary buildings.

3. Conditional Uses.
   The following uses may or may not be permitted subject to determination by the Board of Adjustment:
   A. Church or other place of worship, including parish house and Sunday school building.
   B. Public schools and private educational institutions having a curriculum approved by the State Department of Public Instruction or regulated by the Department of Social Services.
   C. Sanitary landfills, subject to approval of the State Department of Water, Air and Waste Management.
   D. Home Occupations.
   E. Radio and television towers and broadcasting stations, windmills or wind generators of greater than twelve (12) feet in height (Ornamental windmills twelve (12) feet in height or less, or windmills used in pumping water on land being used for agricultural purpose are exempt from this section).
      A site plan shall be submitted to the County that includes the height of the structure, dimensions of the property, location of the structure on the property, location and approximate height of overhead power or transmission lines, and location of principal and accessory structures on the applicant's property as well as surrounding properties. Any radio and television towers and broadcasting stations, windmill or wind generator must be located on a lot or property so that if it falls, it will not fall on any neighboring structures which are not owned by the person operating and

owning the radio and television towers and broadcasting stations, windmill or wind generator.

F. Publicly owned and operated buildings and facilities.

G. Public golf courses and community centers; private non-commercial recreational areas and centers, including country clubs, swimming pools and golf courses.

H. Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be a distance of at least two hundred (200) feet 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.

I. Commercial kennels for raising, breeding and boarding of dogs or other small animals; provided that all buildings, including runways, be at least two hundred (200) feet from all property lines.

J. Hospitals and sanitariums and charitable institutions for the treatment of diseases.

K. Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowls. Any such structures must be located at least two hundred (200) feet from all boundary lines of the property on which located. Public stables and riding academies and clubs shall be permitted one double-face sign on the premises not to exceed two (2) square feet per face.

L. Nurseries and greenhouses; provided that any heating plant shall be a distance of at least two hundred (200) feet from any dwelling and from any adjoining lot lines.

M. Public and private airports and landing strips.

N. Commercial feedlots, however, no part of any feedlot shall be closer than five hundred (500) feet to any property line. The Board of Adjustment may require greater setbacks to protect nearby property when conditions warrant. Also, the provisions for drainage, sanitation and other health related matters must be approved by the County Board of Health and must meet any requirements of the State Department of Water, Air and Waste Management.

O. Sewage treatment plants and waste stabilization lagoons, public and private. No part of any treatment facility shall be closer than two hundred (200) feet from any property line.

P. Specialized raising of poultry, pigeon, rabbit and other similar animals.

Q. Mineral extraction and mining, and all plants for processing gravel, sand, rock or other such raw material provided that active engagement in such use shall not take place within three hundred (300) feet of any residence, nor within fifty (50) feet of any property line or right-of-way of any public street or highway. Each application for conditional use permit for mineral extraction shall be accompanied by a plan for reclamation or alternative use of the site upon completion of the proposed mineral extraction, and the applicant shall be required to post bond or to provide other appropriate assurance of the plan’s completion.

R. Any commercial or industrial use similar to the uses listed below that are primarily agriculturally oriented and would better serve the users in the Agricultural District than if located in the commercial or industrial districts.
   1. Storage and distribution centers for agricultural chemicals, fertilizers, feeds, seeds and related products.
   2. Livestock, sale barns, stockyards or marketing agencies.
   3. Commercial grain storage facilities.
   4. Repair and service of agricultural implements and vehicles by the resident operator on the same premises of his place of residence.
   5. Oil and/or gas wells, drilling for oil, gas or mineral exploration, and any related structures and installations.

4. Yard Requirements.
   A. Front yard depth, fifty (50) feet.
   B. Side yard width, twenty-five (25) feet.
   C. Rear yard depth, thirty (30) feet. An accessory building may be located in a rear yard but shall be at least five (5) feet from any property line.

5. Height Regulations.
   Airport height limitations shall prevail if applicable.

6. Lot Area.
   The minimum lot area shall be not less than twenty-one thousand seven hundred eighty (21,780) square feet or such larger size as may be determined necessary for an on-site sewage system by the County Health Officer.

"R-1" Single-Family Residential District

1. Purpose.
   The "R-1" Single-Family Residential District is created to provide for rural residential subdivisions at a moderate density.

2. Principal Permitted Uses.
   A. Single-family dwellings.
   B. Accessory buildings and temporary buildings.
   C. Private swimming pools, when enclosed by a non-climbable fence at least six (6) feet in height.
   D. Agricultural and conservation uses.
   E. Family homes, as provided for in Section 414.22, State of Iowa, 2003.

3. Conditional Uses.
   The following uses may or may not be permitted subject to determination by the Board of Adjustment.
   A. Two-family dwellings.
   B. Home occupations.

C. Churches.
D. Public parks and public buildings.
E. Public schools and private educational institutions having a curriculum approved by the State Department of Public Instruction or regulated by the Department of Social Services.

4. Yard Requirements.
Unless otherwise provided, each lot shall have front, side and rear yards of not less than the following:
A. Front yard depth, twenty-five (25) feet.
B. Side yard width, ten (10) feet, except that a side yard abutting a street or road shall be twenty-five (25) feet.
C. Rear yard depth, twenty-five (25) feet. An accessory building may be located in a rear yard but shall be at least five (5) feet from any property line.

5. Height Regulations.
Buildings and structures in the "R-1" District shall not exceed thirty-five (35) feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.

6. Lot Area.
The minimum lot area shall be ten thousand (10,000) square feet if serviced by a common sewer system approved by the State Department of Water, Air and Waste Management. If a private on-site sewage system is used, the minimum lot size shall be twenty-one thousand seven hundred eighty (21,780) square feet or such larger size as may be determined necessary for an on-site sewage system by the County Sanitarian.

7. Parking Requirements.
Two (2) off-street parking spaces shall be provided for each family unit in a dwelling, either within a building on the lot or on a surfaced open space on the lot.

"R-2" Multi-Family Residential District

1. Purpose.
The "R-2" Multi-Family Residential District is created to provide for residential development of a higher density than is allowed in the other districts.

2. Principal Permitted Uses.
A. Single-family, two-family and multi-family dwellings.
B. Family homes, as provided for in Section 414.22, State Code of Iowa.
C. Accessory buildings and temporary buildings.
D. Private swimming pools, when enclosed by a non-climbable fence at least six (6) feet in height.
E. Agricultural and conservation uses.

3. Conditional Uses.
   The following uses may or may not be permitted subject to determination by the Board of Adjustment:
   A. Mobile home parks.
   B. Home occupations.
   C. Churches.
   D. Public parks and public buildings and facilities.
   E. Public schools and private educational institutions having a curriculum approved by the State Department of Public Instruction or regulated by the Department of Social Services.
   F. Private non-commercial recreation areas and centers, such as country clubs, swimming pools and golf courses.
   G. Hospitals, clinics and nursing homes.
   H. Group homes or halfway (rehabilitation) houses.
   I. Other uses such as above when there is clear evidence that such use will not seriously affect the value and character of the surrounding neighborhood.

4. Yard Requirements.
   Unless otherwise provided, each lot shall have front, side and rear yards of not less than the following:
   A. Front yard depth, twenty-five (25) feet.
   B. Side yard width, ten (10) feet, except that a side yard abutting a street or road shall be twenty-five (25) feet.
   C. Rear yard depth, twenty-five (25) feet. An accessory building may be located in a rear yard but shall be at least five (5) feet from any property line.

5. Height Regulations.
   Buildings and structures in the “R-2” District shall not exceed forty-five (45) feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.

6. Lot Area.
   The minimum lot area for dwellings served by a common sewer system shall be six thousand six hundred (6,600) square feet for a single-family dwelling; seven thousand five hundred (7,500) square feet for a two-family dwelling; and two thousand (2,000) square feet per unit for multi-family dwellings. If a private on-site sewage system is used, the minimum lot size shall be increased to such a size as may be determined necessary for an on-site sewage system by the County Health Officer.

7. Parking Requirements.
   Two (2) off-street parking spaces shall be provided for each family unit in a dwelling, either within a building on the lot or on a surfaced open space on the lot.

“R-PUD” Residential Planned Unit Development

1. Purpose.
   The “R-PUD” District is intended and designed to provide a means for the development or redevelopment of a tract or tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the single lot method provided in the other residential districts of this ordinance. This will permit the establishment of multi and integrated use residential developments on larger tracts of land. It is further the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained.

2. Permitted Uses.
   A. Dwelling units in detached, semi-detached, attached or multi-storied structures, or any combination thereof, and any accessory building.
   B. Non residential uses of a religious, cultural, recreation and commercial character to the extent they are designed and intended to serve the residents of the planned unit development.

3. Procedures.
   Since planned unit developments, because of their size or intensity of land use, may have a significant effect upon public services and adjacent properties, extensive authority over their development is retained by the Board of Supervisors and the Planning and Zoning Commission. The procedure for approval of a residential planned unit development shall be as follows.

   The owner or owners of any tract or tracts of land may petition for a zone change to “R-PUD” for a residential planned unit development. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included and surface water drainage and sanitary sewer for the proposed development, evidence that the developer is capable of successfully completing the proposed development and preliminary plan of the proposed development, in triplicate, showing in schematic form generally the location of all proposed:

   A. Building and uses, the height and exterior design of typical proposed dwellings and the number of dwelling units in each;
   B. Parking areas;
   C. Access drives;
   D. Streets abutting or within the proposed development;
   E. Walks;
   F. Site topographic features;
   G. Landscaping and planting areas;

H. Required peripheral yards;
I. Common land, recreation areas and parks;
J. Existing utility or other easement; and
K. Development stages and timing of each.

The petition, accompanying evidence and preliminary plan shall be referred to the Planning and Zoning Commission for study and report after public hearing. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning and landscape architecture. After public hearing, the Commission may approve or disapprove the preliminary plan and request for rezoning as submitted or require that the petitioner provide such additional information as the Commission may deem necessary or may require that the plan be amended to preserve the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.

The petition and preliminary plan as approved by the Commission, along with the Commission's recommendation on the request for rezoning, shall then be referred to the Board of Supervisors. The Supervisors may approve or disapprove the preliminary plan and request for rezoning as reported, or may require such additional information as may be deemed necessary or changes in the plan as are necessary to preserve the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.

If the Supervisors approve the preliminary plan and request for rezoning, the applicant shall submit within two hundred seventy (270) days, or such longer period as may be approved by the Supervisors after recommendation by the Planning and Zoning Commission, to the Zoning Administrator a final development plan, in triplicate, of not less than one stage of the proposed development showing specifically and in detail the location of all proposed:

A. Buildings and uses, the height and exterior design of typical proposed dwellings and the number of dwelling units in each;
B. Parking areas;
C. Access drives;
D. Streets abutting or within the proposed development;
E. Walks;
F. All proposed walls and fences;
G. Landscaping and planting materials, its type and size at time of installation and at maturity;
H. Required peripheral yards;
I. Common land, recreation areas and parks;
J. Existing utility and proposed utilities and public easements;
K. Proposed signs and their areas and dimensions;
L. Lighting facilities and their type and design;
M. Storm and sanitary sewer lines; and
N. Development stages and timing of each.

The final development plans shall be accompanied by the following required documents.

A. If the proposed development includes common land which will not be dedicated to the County and the proposed development will not be held in single ownership, proposed by-laws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions:

    (1) Automatically extending membership in the association to all owners of dwelling units within the development;
    (2) Limiting the uses of the common property to those permitted by the final development plan;
    (3) Granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;
    (4) Placing the responsibility for operation and maintenance of the common property in the association;
    (5) Giving every owner of a dwelling unit voting rights in the association; and,
    (6) If the development will combine rental and for sale dwelling units, stating the relationship between renters and the homeowner's association and the rights renters shall have to the use of the common land.

B. Performance bond or bonds approved by the County in an amount not less than the estimated cost of the bonded improvements, which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final development plan.

C. Covenant to run with the land, in favor of the County and all persons having a possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, parks and plantings which have not been dedicated to the County in compliance with the ordinance of the County and the final development plan as approved by the Board of Supervisors, which covenant shall be recorded in the office of the County Recorder.

D. Additional easements or agreements required by the Supervisors at the time of preliminary plan approval.

The final development plan and required documents shall be reviewed by the Commission for compliance with the standards of this section and substantial compliance with the preliminary plan. The Commission's recommendations and report of the final development plan shall be referred to the Supervisors. The Supervisors shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan.

4. Standards and Requirements – Improvements.
   All streets, sewers, storm sewers and other improvements must comply with County ordinances and specifications. If turning lanes or other forms of traffic controls are deemed necessary by the Supervisors, the developer shall provide the necessary improvements, subject to the approval of their location and design by the County Engineer.

5. Open Space and Recreation – Residential.
   Planned unit developments shall contain open yards, open space or recreation area totaling twenty-five percent (25%) or more of the net development area. The net development area shall be defined as the gross development area minus area set aside for churches, schools and streets. Open space and recreation area may be dedicated to the County (by consent of the Supervisors) or managed by the homeowner's association. Parking areas shall not be considered to be part of the required open space or recreation area.

6. Yard and Height Requirements.
   There shall be a minimum yard requirement of twenty-five (25) feet around the boundary of the project. In the absence of an appropriate barrier, the Supervisors may require additional open space for screening be located along all or a portion of the development boundary. The height limitations of any adjacent district shall apply within one hundred twenty-five (125) feet of the development boundary. The maximum height of any structure permitted within the development shall be seventy-two (72) feet.

7. Building Permits.
   No building permit for any building or structure within the development shall be issued until the final development plan is approved by the Board of Supervisors.

8. Completion.
   The Supervisors may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time. Failure to complete the construction and improvements within said period of time shall be deemed sufficient cause for the Supervisors to rezone the subject property to the classification effective at the time of the original request for rezoning to "R-PUD" for said development, unless an extension is recommended by the Planning and Zoning Commission and approved by the Supervisors. Any proposed change in the development plan, after approval of the final development plan by the Supervisors shall be resubmitted and considered in the same manner as the original proposal.

"C-1" Commercial District

1. Purpose.
   The "C-1" Commercial District is created to provide for those types of business are customarily located along major thoroughfares.

2. Principal Permitted Uses.
   A. Farm supply sales.
   B. Automobile, truck, trailer and garden and farm implement establishments.
   C. Mobile home sales.
   D. Private clubs and lodges.
   E. Bowling alleys, dance halls or skating rinks.
   F. Drive-in restaurants or theaters.
   G. Petroleum service stations.
   H. Nurseries and greenhouses.
   I. Funeral homes or mortuaries.
   J. Veterinarian or animal hospitals or clinics.
   K. Motels, hotels, restaurants or cocktail lounges.
   L. Plumbing shops.
   M. Grocery stores.
   N. Offices and office buildings.
   O. Accessory buildings and uses.
   P. Any other retail or commercial use similar to the above involving primarily sales or services.

3. Conditional Uses.
   The following may or may not be permitted subject to determination of the Board of Adjustment.
   A. Single-family, two-family or multi-family dwellings.
   B. Recreational vehicle parks or mobile home parks.

4. Yard Requirements.
   Unless otherwise provided, each lot shall have front, side and rear yards of not less than the following:
   A. Front yard depth, twenty-five (25) feet.
   B. Side yard width, none required except adjoining any residential district in which case not less than ten (10) feet.
   C. Rear yard depth, twenty-five (25) feet.

5. Height Regulations.
   Buildings and structures in the “C-1” District shall not exceed forty-five (45) feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.

6. Lot Area.
   The lot area shall be at least twice the gross floor area of the building or buildings.

7. Parking Requirement.
   The parking area for any building hereinafter erected shall be as follows:

A. Retail store or service establishment. The minimum parking space requirements shall be one (1) off-street parking space for each two hundred (200) square feet of building floor area.
B. Motels and lodging houses. The minimum parking space requirements shall be one (1) off-street space for each individual sleeping room or living unit.
C. Office and funeral homes. The minimum parking space requirements shall be one (1) off-street parking space for each three hundred (300) square feet of floor space in the building devoted to the aforementioned uses.
D. Restaurants, cocktail lounges, night clubs, bowling alleys, dance halls, skating rinks or similar establishments. The minimum parking space requirements shall be one (1) off-street parking space for each one hundred (100) square feet of floor area in the building devoted to the aforementioned uses.

"C-PUD" Commercial Planned Unit Development

1. Purpose.
The "C-PUD" District is intended to provide for the development or redevelopment of a tract or tracts of ground on a unit basis for a planned business and service area characterized by a concentrated grouping of businesses and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking facilities, etc. This type of development will include such developments as shopping centers and office complexes that are not of the traditional single-lot/single-business concept of development provided for in the "C-1" District.

2. Permitted Uses.
Any use or combination of uses permitted in the "C-1" Commercial District may be permitted in the "C-PUD" District.

3. Procedure.
Since planned unit business developments, because of their size and/or intensity of land use, may have a significant effect upon public services and other properties and facilities, extensive authority over their development is retained by the Board of Supervisors and the Planning and Zoning Commission. The procedure for approval of a commercial planned unit development shall be as follows:

The owner or owners of any tract or tracts of land may petition for a zone change to "C-PUD" for a commercial planned unit development. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground or facilities included within the development, a traffic analysis of the vicinity indicating the effect of the proposed development on nearby streets and roads, evidence of the feasibility of providing adequate storm and surface water handling and sanitary sewer for the proposed development, a statement of financial responsibility to assure construction in accordance with the plan, and a preliminary plan of the proposed development, in

triplicate, showing a schematic form generally the buildings and uses, the areas to be developed as parking areas, the location of sidewalks and driveways and the points of ingress and egress including access streets where required, the location and type of landscaping, existing utility or other easements and development stages and timing of each.

The petition, accompanying evidence and preliminary plan shall be referred to the Planning and Zoning Commission for study and report after public hearing. The Commission may waive the submittal requirements for any of the above required evidence or may request any additional evidence it deems necessary and appropriate in their consideration of the petition for zone change. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning and landscape architecture. After public hearing, the commission may approve or disapprove the preliminary plan and request for rezoning as submitted or require that the petitioner amend the plan to preserve the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.

The petition and preliminary plan, as approved by the Commission, along with the Commission's recommendations on the request for rezoning shall then be referred to the Board of Supervisors. The Board may approve or disapprove the preliminary plan and request for rezoning as reported or require such changes in the plan to preserve the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.

If the Supervisors approve the preliminary plan and request for rezoning, the applicant shall submit within two hundred seventy (270) days, or such longer period as may be approved by the Supervisors after recommendation by the Planning and Zoning Commission, to the Zoning Administrator a final development plan, in triplicate, of not less than one stage of the proposed development showing specifically and in detail the location of all proposed:

A. Buildings and uses, including the height and exterior design;
B. Parking areas;
C. Access drives;
D. Streets abutting or within the proposed development;
E. Walks;
F. All proposed walls and fences;
G. Landscaping and planting materials, its type and size at time of installation and at maturity;
H. Required peripheral yards;
I. Common land, recreation areas and parks;
J. Existing utilities and proposed utilities and public easements;
K. Proposed signs and their areas and dimensions;
L. Lighting facilities and their type and design;

M. Storm and sanitary sewer lines; and
N. Development stages and timing of each.

The final development plans shall be accompanied by the following required documents.

A. If the proposed development includes common land which will not be dedicated to the County, and the proposed development will not be held in single ownership, proposed by-laws of an association fully defining the functions, responsibilities and operating procedures of the association.
B. Performance bond or bonds approved by the County in an amount not less than the estimated cost of the bonded improvements, which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final development plan.
C. Covenant to run with the land, in favor of the County and all persons having a possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, parks and plantings which have not been dedicated to the County in compliance with the ordinance of the County and the final development plan as approved by the Board of Supervisors, which covenant shall be recorded in the office of the County Recorder.
D. Additional easements or agreements required by the Supervisors at the time of preliminary plan approval.

The final development plan and required documents shall be reviewed by the Commission for compliance with the standards of this section and substantial compliance with the preliminary plan. The Commission's recommendations and report of the final development plan shall be referred to the Supervisors. The Supervisors shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan.

4. Standards and Requirements – Improvements.
All streets, sewers, storm sewers and other improvements must comply with County ordinances and specifications. If turning lanes or other forms of traffic controls are deemed necessary by the Supervisors, the developer shall provide the necessary improvements, subject to the approval of their location and design by the County Engineer.

5. Yard and Height Requirements.
In the absence of an appropriate physical barrier, the Supervisors may require open space or screening be located along all or a portion of the development boundary. The height limitations of any adjacent district shall apply within one hundred twenty-five (125) feet of the development boundary. The maximum height of any structure permitted within the development shall be seventy-two (72) feet.

6. Building Permits.
   No building permit for any building or structure within the development shall be issued until the final development plan is approved by the Board of Supervisors.

7. Completion.
   The Supervisors may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time. Failure to complete the construction and improvements within said period of time shall be deemed sufficient cause for the Supervisors to rezone the subject property to the classification effective at the time of the original request for rezoning to "C-PUD" for said development, unless an extension is recommended by the Planning and Zoning Commission and approved by the Supervisors. Any proposed change in the development plan, after approval of the final development plan by the Supervisors, shall be resubmitted and considered in the same manner as the original proposal.

"I-1" Light Industry District

1. Purpose.

The "I-1" Light Industry District is created to provide for those commercial and light manufacturing industries which do not qualify for location in the commercial districts, but which are not heavy manufacturing industries.

2. Principal Permitted Uses.
   A. Wholesale establishments.
   B. Truck terminals.
   C. Blacksmith and machine shops.
   D. Sheet metal shops.
   E. Storage and distribution warehouses.
   F. Printing shops.
   G. Builder's or contractor's plant or storage yard.
   H. Building materials sales and storage, including concrete mixing.
   I. Lumber yards, including millworks.
   J. Carpenter and cabinet shops.
   K. Feed stores.
   L. Bakery, wholesale.
   M. Plumbing and heating shop.
   N. Open yards for storage and sales.
   O. Automobile repair garage, including body shops.
   P. Raising of crops.
   Q. Accessory buildings.
   R. Any other light manufacturing or commercial enterprise similar to the above listed uses which will not produce significant amounts of dust, noise, smoke, odor or objectionable types or amounts of vehicular traffic.

3. Conditional Uses.

The following uses may be permitted, subject to conditional approval of the Board of Adjustment:

A. Mineral extraction, provided that each application for conditional use permit be accompanied by a plan for reclamation or alternative use of the site upon completion of the proposed mineral extraction, and provided that active engagement in such use shall not take place within fifty (50) feet of any property line or within three hundred (300) feet of any residence. The applicant shall be required to post bond or to provide other appropriate assurance of the plan's completion.

B. Oil and/or gas wells, drilling for oil, gas or mineral exploration, and any related structures or installations.

4. Yard Requirements.

Unless otherwise specified, each lot shall have front, side and rear yards of not less than the following:

A. Front yard – depth, thirty (30) feet.

B. Side yard – width, thirty (30) feet.

C. Rear yard – depth, thirty (30) feet.

5. Height Regulations.

Building structures in the "I-1" District shall not exceed sixty (60) feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.

6. Lot Area.

The principal and accessory buildings may not occupy more than fifty percent (50%) of the lot.

7. Parking Requirements.

Two (2) off-street parking spaces shall be provided on the lot for every three (3) employees regularly employed at the same time, plus space to accommodate all trucks or other vehicles, including off-street loading space.

"I-2" Heavy Industry District

1. Purpose.

The "I-2" Heavy Industry District is created to provide for heavy manufacturing industries and other types of businesses that might not be compatible if permitted in the other zoning districts.

2. Principal Permitted Uses.

A. Food product manufacture, excluding fish and meats.

B. Concrete mixing, including concrete products manufacture.
C. Contractor's equipment storage yard.
D. Laboratory, experimental or testing.
E. Sawmill, including the manufacture of wood products.
F. Manufacture and assembly from previously prepared materials such as cloth, leather, plastics, metal, stone or wood.
G. Raising of crops.
H. Any other heavy industrial use similar to the above uses which would not create excessive amounts of dust, smoke, gas, noise, fumes, odor, vibration, fire or explosion.

3. Conditional Uses.
The Board of Adjustment may approve as conditional uses those industrial uses which may prove objectionable by reason of odor, noise, smoke or hazard, such as the following:
A. Slaughter houses, stock yards and meat processing plants.
B. Distillation of ethanol.
C. Acid or chemical manufacture or storage.
D. Cement, lime, gypsum or similar material manufacture.
E. Explosive manufacture or storage.
F. Grain elevators, fertilizer manufacturer or storage.
G. Garbage, offal or dead animal reduction.
H. Petroleum refining or storage.
I. Rubber goods manufacture.
J. Salvage yard or junk yard providing that the premises on which such activity is conducted shall be wholly enclosed within a building, wall or fence not less than six (6) feet in height, completely obscuring the activity.
K. Mineral extraction and mining, and all plants for processing gravel, sand, rock or other such raw material provided that active engagement in such use shall not take place within fifty (50) feet of any property line. Each application shall be accompanied by a plan for reclamation or alternative use of the site upon completion of the proposed mineral extraction and the applicant shall be required to post bond or to provide other appropriate assurance of the plan's completion.
L. Oil and/or gas wells, drilling for oil, gas or mineral exploration, and any related structures and installations.

4. Yard Requirements.
Unless otherwise specified, each lot shall have front, side and rear yards of not less than the following:
A. Front yard – depth, thirty (30) feet.
B. Side yard – width, thirty (30) feet.
C. Rear yard – depth, thirty (30) feet.

5. Height Regulations.

There is not height limitation within the “I-2” District unless a building or structure is to be located in an area regulated by airport height zoning.

6. Lot Area.
   The principal and accessory buildings may not occupy more than fifty percent (50%) of the lot.

7. Parking Requirements.
   Two (2) off-street parking spaces shall be provided on the lot for every three (3) employees regularly employed at the same time, plus space to accommodate all trucks or other vehicles, including off-street loading space.

“F” Flood Plain Conservation District

1. Purpose.
   The “F” Flood Plain Conservation District is intended and designed as an overlay district that may include any of the other zoning districts. The purpose of the “F” District is to provide additional regulations pertaining to those areas in the County which are subject to flooding. The regulations for the “F” District prevail over any other district regulations pertaining to the subject property.

2. Principal Permitted Uses.
   A. Public and private forests and wildlife preserves and similar conservation areas (no permit required).
   B. Public and private recreational facilities such as golf courses, picnic grounds, boat launching ramps and hiking and horseback riding trails, but not including any permanent buildings.
   C. Agricultural uses, but not including any permanent buildings or structures except by permit from the State Department of Water, Air and Waste Management.
   D. Oil and/or gas wells, drilling for oil, gas or mineral exploration, and any related structures or installations.

3. Conditional Uses.
   Mineral extraction, provided each application is accompanied by a plan for reclamation or alternative use upon completion of the proposed mineral extraction. The applicant shall be required to post bond or to provide other appropriate assurance of the plan’s completion.

4. Yard Requirements.
   No restrictions.

5. Height Regulations.
   Airport height zoning regulations will prevail if applicable.

6. Lot Area.
   No restrictions.

7. Parking Regulations.
   Off-street parking space shall be provided as needed.

SECTION 7: VALIDITY

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

SECTION 8: REPEALER

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance (and specifically the Franklin County Zoning Ordinance in effect prior to the adoption of this ordinance) are hereby repealed.

SECTION 9 AMENDMENTS