

**SHELBY COUNTY
ORDINANCE NO. 2006-6**

**SHELBY COUNTY
ZONING REGULATIONS**

ORIGINAL ORDINANCE NO. 1973-1
AMENDMENT 1991-3
AMENDMENT 1992-1
AMENDMENT 1995-1
AMENDMENT 1997-2
AMENDMENT 2001-2

SHELBY COUNTY ZONING REGULATION

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ARTICLE 1: TITLE AND PURPOSE

1.0 This resolution shall be known as the Shelby County Zoning Regulation and may also be referred to as the Zoning Regulation.

1.1 Except as may be hereinafter specified, no land, building, structure, lot or parcel shall hereafter be used and no building or structure may be located, constructed, extended, converted, structurally altered or otherwise developed without full compliance with the terms of this Zoning Regulation.

1.2 The Ordinance, as amended, is effective January 1, 2007.

ARTICLE 2: DEFINITIONS

2.0 For the purpose of the regulations, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory and not directory.

2.1 Accessory Use or Structure - A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.

2.2 Agriculture - The use of land for agricultural purposes, including, but not limited to farming, dairying, pasturage, horticulture, floriculture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

2.3 Airport - Any area of land or water used or intended for use for the landing and taking off of aircraft; and any accessory areas used or intended for use for airport buildings or other airport facilities or right-of-ways, with all airport buildings and facilities located thereon.

2.4 Alley - A public or private way less than 21 feet in width affording secondary means of access to abutting property.

2.5 Automobile Repair - Major - General repair, rebuilding or recondition of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

2.6 Automobile Repair - Minor - Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks, but not including any operation specified under "Automobile Repair - Major."

2.7 Automobile Wrecking Yard - Any area of land where two or more motor vehicles, not in running condition, or without current vehicle registration and licensing, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or parts thereof, not in running condition.

2.8 Basement - A story having part but not more than 50% of its height below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for purpose of height measurement.

2.9 Building - Any structure for the shelter or enclosure of persons, animals or chattels.

2.10 Cellar - A story having 50% or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a

story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

2.11 Dwelling - A building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent, cabin, travel or camping trailer, or a room in a hotel or motel.

2.111 Dwelling Group - Two or more detached dwellings located on a parcel of land in one ownership and conforming to the special conditions and requirements set forth in Section 19.1.

2.12 Essential Services - The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, communication towers, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

2.13 Family - One or more persons related by blood, marriage or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.

2.14 Reserved

2.15 Garage, Private - A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding 1 1/2 tons.

2.16 Height - In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roofline, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

2.17 Highway or Primary Thoroughfare - An officially designated federal or state numbered highway or other road designated as an interstate, arterial, or collector on the Transportation Plan as officially adopted and amended from time to time by the Planning Commission, City Council or County Board.

2.18 Junk Yard - An open area or fenced enclosure, where used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rage, rubber tires and bottles. A junkyard includes an automobile wrecking yard, but does not include uses established entirely within enclosed buildings.

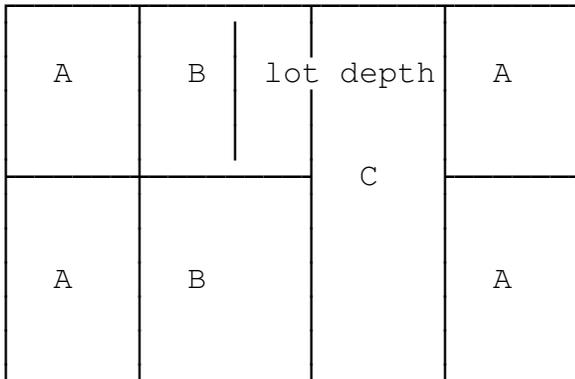
2.19 Land Use Plan - The comprehensive long-range plan for the desirable use of land in the county, as officially adopted and as amended from time to time by the Planning Commission and County Board; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.

2.20 Lot - A parcel of land, abutting on a street, or roadway, whose area, in addition buildings, is sufficient to provide the yards and courts required by the regulations. Easements for public or private streets or roadways are not part of the lot area.

2.201 Lot, Corner - A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

2.202 Lot Line - A line dividing one lot from another lot, a publicly dedicated road or the easement for section line roads.

2.21 Lot Area - The horizontal area within the lot lines of the lot.



Lot Types

- A - Corner Lot
- B - Interior Lot
- C - Through Lot
(double frontage)

2.22 Lot Depth - The mean horizontal distance between the front and rear lot lines.

2.23 Lot Width - The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

2.24 Mobile Home - Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways, and duly licensed as such; and so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one (1) or more persons.

.01 This definition shall refer to and include portable and potentially portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed or transported by another vehicle.

.02 This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include manufactured homes converted to real estate as defined herein.

2.241 Manufactured Home - A factory built structure built under authority of 42 U.S.C. & 5403, is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976. If a manufactured home is placed outside a mobile home park, the home must be assessed and taxed as real estate.

.01 Manufactured Home Converted to Real Estate - A manufactured home which is located outside a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes. Manufactured homes converted to real estate shall not be considered as portable or potentially portable structures, but rather shall be considered single family dwellings for the purpose of this ordinance.

.02 Permanent Foundation - A pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Said foundation system shall have visual compatibility with the permanent foundations systems of the surrounding residential structure. A permanent foundation shall not under any circumstances be construed as a conventional mobile home skirting.

2.25 Mobile Home Park or Trailer Park - Any site, or tract of land under single ownership, upon which are located two or more mobile homes used as dwellings, either free of charge or for a fee. A mobile home park shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

2.26 Motor Fuel Station - A place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

2.27 Nonconforming Use - A building, structure or premises lawfully occupied at the time of the enactment of the regulations by a use that does not conform with the provisions of the regulations for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.

2.28 Ordinance/Resolution - Any legally enacted regulation adopted or amended by ordinance or by resolution.

2.29 Parking Area, Accessory - An area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

2.30 Scenic Route - The roadway and adjacent corridor as viewed from a road or highway designated as a scenic route by the State and/or the Regional Planning Commission.

2.31 Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency.

2.311 Sign, Gross Surface Area of - The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

2.32 Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor, provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.

2.321 Story, Half - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor or such story; provided, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.

2.33 Street, Road - Any public way set aside as a permanent right-of-way or easement for vehicular or pedestrian access 21 feet or more in width; if it existed at the time of the enactment of the regulations; and any such public way created after enactment of the regulations, provided it is 50 feet or more in width.

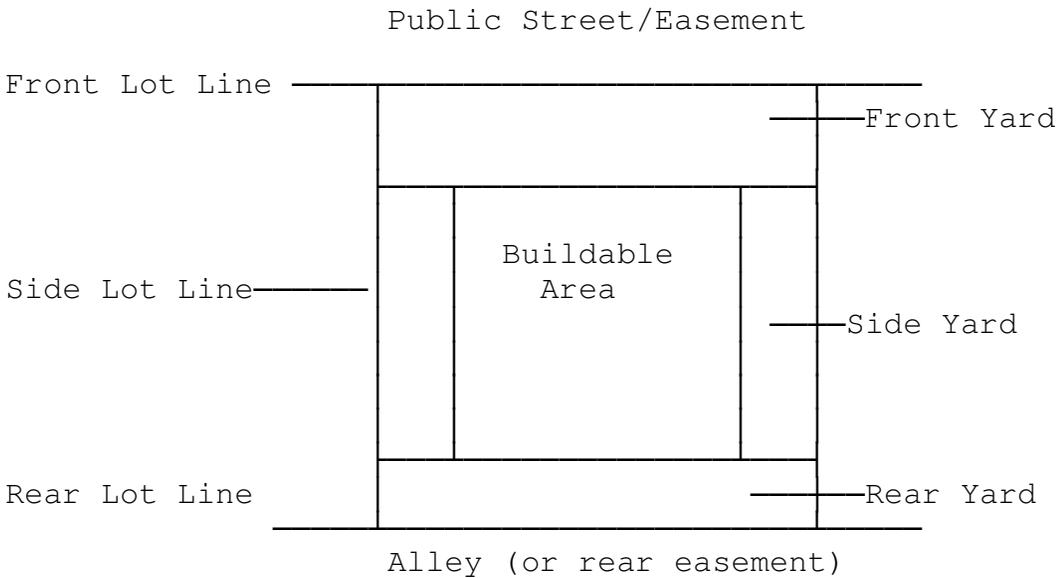
2.34 Structural Alteration - Any change in supporting members of a building including but not limited to bearing walls, load bearing partitions, columns, beams, or girders, or any substantial change in

the roof or in the exterior walls.

2.35 Structure - Anything constructed, the use of which required permanent location on the ground, or attached to something having permanent location on the ground.

2.36 Waste Incinerator - A facility built and operated in compliance with federal and state regulations to safely dispose of approved waste materials.

2.37 Yard, Front - An open space extending the full width of the lot between a building and the front line, unoccupied and obstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards. Easements for roads are not a part of the required yard.



2.371 Front Yard, Least Depth - The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.

2.38 Yard, Rear - An open space extending the full width of a lot between a building and the rear lot line, unoccupied and obstructed from the ground upward, except as hereinafter specified.

2.381 Rear Yard, Least Depth - The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore shaped lot, a line 10 feet in length entirely within the lot parallel to and a maximum distance from the front lot line shall be considered the rear lot line.

2.39 Yard, Side - An open space extending from the front yard to the rear yard between a building, other than such parts as hereinafter excepted, and the nearest side lot line.

ARTICLE 3: DISTRICTS AND MAPS

3.0 The boundaries of all districts contained herein are hereby established as shown on the Shelby County Zoning map, which is hereby made a part of the regulations. The district boundary lines on said maps are intended to follow lot lines, the centerlines of streets, existing or proposed alleys, or roadways, railroad right-of-ways or the corporate limit lines, all as they existed at the time of enactment of the regulations; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

3.1 Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the regulations, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as

extending to the entire lot provided that where the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.

3.2 Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Subsection 23.21.

ARTICLE 4: GENERAL PROVISIONS

4.0 Zoning Affects Every Structure and Use - Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

4.1 Continuing Existing Uses - Any building, structure, or use lawfully existing at the time of enactment of the regulations may be continued except certain nonconforming uses as provided in Section 4.2. Nothing in the regulations shall prevent necessary repairs to insure a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

4.2 Nonconforming Uses - Except as hereinafter provided under Subsection 4.25:

4.21 Any nonconforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, if damaged less than 50% of its fair market value, as determined by the Board of Adjustment, at the time of such damage. If damaged more than 50% of its fair market value as determined by the Board of Adjustment, such building shall only be reconstructed in accordance with the provisions of the regulations.

4.22 No building, structure, or premises shall again be devoted to a nonconforming use where such non-conforming use has been discontinued for more than two years or has been changed to a permitted use in that district.

4.23 Any nonconforming use of land not involving any structure, and any nonconforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed three years after enactment of the regulations, whereupon such nonconforming use shall cease or structure shall be removed.

4.24 Any building or structure devoted to a nonconforming use with a fair market value of less than \$5,000.00, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the regulations, whereupon such nonconforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

4.25 The foregoing provisions under Subsections 4.21, 4.22, 4.23, and 4.24, insofar as these limit reconstruction or require certain uses to cease or buildings or structures to be removed or changed, shall not be applicable where any such building, structure or use would be conforming under the Land Use Plan as defined in Section 2.19.

4.3 Street Frontage - Minimum Requirement - No lot created after the adoption of the regulations shall contain any building used as a dwelling unless it abuts at least 40 feet on a street or has a permanent exclusive non-obstructed easement of access not less than 40 feet wide to a dedicated public street or road.

4.4 Lot Area Requirements

4.41 Existing Lots of Record - In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of the regulations, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Board of Adjustment as set forth hereinafter under Section 23.22. However, no lot of any size may be built upon unless the County Board of Health approves the method of sewage disposal and source of water supply.

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

4.5 Number of Uses on One Lot - No lot shall contain more than one principal use or one principal structure unless specifically authorized by these regulations.

4.6 Accessory Buildings in Residence Districts

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

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

4.7 Required Yard Cannot be Reduced or Used by Another Building

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

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

4.8 Conversion of Dwellings - The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter applying to such district.

4.9 Reserved

4.10 Minimum Ground Floor Area for Dwellings

4.101 A one-story dwelling shall contain not less than 600 square feet of usable ground floor area, exclusive of open porches, garages or steps.

4.102 A 1 1/2 or two-story dwelling shall contain not less than 560 square feet of ground floor area, exclusive of open porches, garages or steps.

4.11 Traffic Visibility Across Corner Lots - In any "R" District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the intersection of said lot lines so as to interfere with traffic visibility at the intersection.

4.12 Essential Services - Essential services shall be permitted as authorized and regulated by law and other regulations of local governmental bodies, it being the intention hereof to exempt such essential services from the application of the regulations.

4.13 Off-street Parking and Loading - In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Article 21.

4.14 Validity of Existing Building Permits - Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of the regulations, the construction of which, conforming with such plans, shall have been started prior to the effective date of the regulations and completion thereof carried on in a normal manner within the subsequent 6 months' period, and not discontinued until completion, except for reasons beyond the builder's control.

4.15 Conditional Uses/Use Limitations - The county may create a class of uses that have conditions or other use limitations attached to approval. Such conditions or limitations shall be established in order to protect the health, safety, and welfare of the public and to preserve property values.

The County Board may, after a Public Hearing and referral to and recommendation from the Planning and Zoning Commission, authorize conditional uses as designated in the district use regulations. In granting a permit, the Board shall prescribe and impose appropriate conditions, safeguards, and an operating/maintenance plan for the proposed use.

4.151 Application for Conditional Use Permits. A request for a conditional use permit or modification may be initiated by a property owner or his authorized agent by filing an application with the County upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data and other materials constituting a record essential to an understanding of the proposed use and proposed modifications.

4.152 Standards. No Conditional Use Permit shall be granted unless that Planning and Zoning Commission or County Board has found:

a. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the County.

b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the area.

c. That the establishment of the special use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic hazards or congestion on public roads.

f. The use shall not include noise or other emissions which are objectionable due to dust vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

g. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

4.16 Additional Requirements: Height Limits - Height limitations stipulated elsewhere in the regulations shall not apply:

4.161 To barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limiting height of the building. However, if, in the opinion of the Zoning Administrator, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.

4.162 To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed 6 stories or 75 feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

4.163 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gasholders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.

4.17 Additional Requirements: Front Yard Exceptions and Modifications

4.171 Front Yard Requirements Do Not Apply - To bay windows or balconies occupying in the aggregate not more than one-third of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making an interior angle of 22 1/2 degrees in the horizontal plane with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, or similar features not over three feet high above the average finished grade and distant five feet from every lot line.

4.172 In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any "R" District shall be at least 15 feet and need not exceed 100 feet.

4.18 Additional Requirements: Side Yard Exceptions and Modifications

4.181 Along any district boundary line, any abutting side yard on

a lot in the less restricted district shall have a least width equal to that required in the more restrictive district. Where a lot in an "I" or "B" District abuts a lot in an "R" District, the side yard shall be increased by 3 feet for each story that the building proposed on such lot exceeds the height limit of the said "R" District.

4.182 Side Yards Shall be Increased - In width by 2 inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 40 feet in any "R-1" District, or 50 feet in any "R-2" District.

4.183 Side Yards May be Reduced - By 3 inches from the otherwise required least width of each side for each foot by which a lot of record at the time of enactment of the regulations is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than 2 1/2 stories, and in case of the owner or record does not own any adjoining property; provided, however and irrespective of the provisions of Subsection 22.361 that no side yard shall be narrower at any point than 3 feet.

4.184 Side Yards Measured to Adjoining Alleys - In no case shall a building or structure for which a side yard is required be erected within 5 feet of such alley.

4.185 On a Corner Lot - The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.

4.186 Structures or projections Into Side Yards May be Permitted as Follows - Fences, plantings or walls not over 5 feet above the average natural grade. Fire escapes, 3 feet from side lot line. Bays and balconies not more than 3 feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of 22 1/2 degrees in the horizontal plane with the sidewall. The sum of the lengths of such projection shall not exceed 1/3 of the length of the wall of the main building.

a. Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than 1 1/2 feet.

b. Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the building and distant 3 feet from a side lot.

4.19 Additional Requirements: Rear Yard Exceptions and Modifications

4.191 Rear Yards May be Reduced - By 3 inches from the required least depth for each foot by which a lot at the time of enactment of the ordinance is less than 100 feet deep, in the case of a building not higher than 2 stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than 10 feet deep.

4.192 Rear Yards measured Adjoining Alleys - In no case shall a building or structure be erected with 5 feet of such an alley.

4.193 Structures or Projections into Rear Yards May be Permitted as Follows - Fences, plantings or walls not over 5 feet above the average natural grade. Fire escapes, 6 feet. Bays and balconies, not more than 3 feet provided these projections are entirely within planes drawn from neither main corner of the rear wall, making an interior angle of 22 1/2 degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed 1/2 of the width of the rear wall.

a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required rear yard not more than 1 1/2 feet.

ARTICLE 5: F-1 FLOOD PLAIN DISTRICT

5.0 All development in this district shall be in conformance with Flood Plain Regulations adopted and amended by Shelby County. This district is defined as that designated Zone A on the current Flood Insurance Rate Maps for Shelby County.

5.1 Permitted Principal Uses

5.01 Agriculture, including customary agricultural buildings and structures but not including permanent dwellings; nurseries and greenhouses.

5.02 Baseball or football fields, provided that the location of such fields shall comply with the distance requirements in Section 5.4.

5.03 Public parks, public recreation areas, playgrounds and community centers; private recreation areas and facilities, including country clubs, golf courses, riding stables, fishing lakes and boat docks.

5.04 Essential services as defined in Section 2.12.

5.2 When Authorized by the Board of Adjustment

5.21 Outdoor rifle or skeet shooting ranges; on premises located as to comply with 3 times the distance required in Section 5.3 and which premises are suitable for such use, for reason, among others of topography, screening by trees or other features, and also in consideration of the present and potential use of adjacent properties.

5.22 Gravel pits, mines, and stone quarries located as to comply with 6 times the distance required in Section 5.4.

5.23 Any other use which, in the opinion of the Board of Adjustment, will not, when located, constructed and operated as proposed, be inconsistent with the purposes intended to be served by the provisions prescribed in this article for the F-1 District - among others, of protecting human life, preventing material losses and reducing the cost to the public of relief or rescue efforts occasioned by the unwise occupancy of areas subject to floods; and which use, at the same time, will not impair the present or potential use of adjacent properties.

5.3 Permitted Accessory Uses

5.31 Accessory uses and structures customarily incidental to a permitted principal use in the F-1 District.

5.32 Any other accessory use that is determined by the Board of Adjustment to be necessary and incidental to any aforesaid permitted use and located on the same lot therewith but not including any permanent residence except for a watchman or caretaker employed on the premises.

5.33 Signs as regulated by Article 20.

5.4 Required Conditions

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

a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme height of tower including all attached antennae and similar structures. Detailed

drawings of the structure showing extreme height designed will be required to accompany each application.

5.5 Height Regulations - No principal structure shall exceed two and one-half stories or 35 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as provided in Section 4.16.

5.6 Lot Area, Frontage and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Article 4, inclusive.

	<u>Minimum Lot Width</u>	<u>Minimum Front Yard Depth</u>	<u>Minimum Side Yard Width</u>	<u>Min. Rear Yard Depth</u>
Non-residential	300'	Along State and Federal roads-80' Other public roads-60'	30'	100'

ARTICLE 6: C-1 CONSERVATION DISTRICT

6.0 Permitted Principal Uses

6.01 Agricultural and agricultural buildings including farm dwellings.

6.02 Public parks, playgrounds, and recreational areas.

6.03 Essential services as defined in Section 2.12.

6.1 When Authorized by the Board of Adjustment

6.11 Sanitary landfills, where located above flood hazard elevation and in accordance with county and state regulations except that no sanitary landfill shall be operated within one-half mile of any "R" District.

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

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

6.2 Permitted Accessory Uses

6.21 Accessory uses and structures customarily incidental to a permitted principal use in the "C-1" District.

6.22 Signs as regulated by Article 20.

6.3 Height Regulations - No principal structure shall exceed two and one-half stories or 30 feet in height, and no accessory structure shall exceed 15 feet in height, except as provided in Section 4.16.

a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme height of tower including all attached antennae and similar structures. Detailed drawings of the structure showing extreme height designed will be required to accompany each application.

6.4 Lot Area, Frontage and Yard Requirements - The following minimum

requirements shall be observed subject to the additional requirements, exceptions, and modifications in Article 4, inclusive.

	<u>Min. Lot Width</u>	<u>Min. Front Yard Depth</u>	<u>Min. Side Yard Width</u>	<u>Min. Rear Yard Depth</u>
1-2 1/2 stories	300'	Along State and Federal roads-80' Other public Roads-60'	30'	100'

ARTICLE 7: A-1 AGRICULTURAL DISTRICT

7.0 Permitted Principal Uses

7.01 Agriculture and agricultural buildings, provided that confinement feeding of livestock shall not be permitted within 1,200 feet of any lot in an "R" district.

7.02 Public parks, public recreation areas, playgrounds, and recreation areas.

7.03 Essential services as defined in Section 2.12 and municipal administrative or public service building or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided no building is located less than 20 feet from any lot in any "R" District.

7.03 a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme height of tower including all attached antennae and similar structures. Detailed drawings of the structure showing extreme height designed will be required to accompany each application.

7.04 Cemeteries of 10 acres or more in size.

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

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

7.07 Sale of nursery and greenhouse products.

7.08 Railroad right-of-ways and trackage, not including switching, storage, terminal facilities or freight yards.

7.09 Single-family detached dwellings on lots of ten (10) acres or more.

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

7.1 When Authorized by Board of Adjustment

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

7.12 Publicly or privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" District.

7.13 Airports and landing fields.

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

7.15 Single family detached dwellings of lots of two acres or more that are for estate purposes or involve a residential structure created at least two (2) years prior to the request.

7.15 a. Single family homes on lots of more than 20,000 square feet where the dwellings are connected to an approved community or rural water system and are in those areas with soils shown as Class III or less productive in the Shelby County Soil Survey or on sites deemed not farmable for any other reason as determined by the Administrator.

7.16 Incinerators - The following minimum conditions are required:

a. No disposal of products or waste shall be permitted on the site.

b. The facility and buildings shall not be located closer than one mile from the nearest zoning district allowing residence.

c. The facility and buildings shall not be located closer than one-half mile from the nearest dwelling.

d. Such facility shall have access to a paved road or highway approved by the County Engineer.

e. The facility shall not be constructed until all applicable state and federal agencies have approved.

7.17 Seed manufacturers or processing facilities where such facilities are designed to avoid negative impacts on adjacent properties or roads.

7.18 Home occupations subject to Section 7.25 with the exception that the business may have employees that are not residents of the dwelling if the applicant can demonstrate that adequate provisions have been made to provide parking and that all adjacent property owners have been notified of such proposal.

7.2 Permitted Accessory Uses

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

7.22 Private garages or parking areas.

7.23 Living quarters of persons employed on the premises.

7.24 Office of a physician, dentist, lawyer, architect, engineer, clergyman or accountant within the individual's personal residence.

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

7.26 Signs as regulated by Article 20.

7.3 Height Regulations - No principal structure shall exceed 2 1/2 stories or 30 feet in height and no accessory structure shall exceed 15 feet in height, except as provided in Section 4.16.

7.4 Lot Area, Frontage and Yard Requirements - The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications in Article 4, inclusive. Each lot shall contain a minimum of 10 acres, except as specified for single-family dwellings:

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

Single Family when authorized by the Board of Adjustment:

Average Lot width	Frontage	Required Front Yard	Required Side Yard	Required Rear Yard
150'	120'	50'	15'	50' or 20% of Lot depth*

* whichever is less

ARTICLE 8:RESERVED
ARTICLE 9:RESERVED
ARTICLE 10:RESERVED

ARTICLE 11: RT: RURAL TRANSITION DISTRICT

11.0 Permitted Principal Uses: This district shall only be located within one (1) mile of an incorporated community.

11.01 Agriculture and agriculture buildings, except for confinement feeding or live stock auction uses.

11.02 Single family homes on lots of two acres or more.

11.03 Public parks, playgrounds, and recreational areas.

11.04 Essential services as defined in Section 2.12 and municipal administrative or public service building or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided no building is located less than 20 feet from any lot in any "R" District.

11.05 Cemeteries of 10 acres or more in size.

11.06 Worship centers, chapels, or parish houses located not less than 20 feet from any side lot line in any "R" District.

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

11.08 Sale of nursery and greenhouse products.

11.09 Railroad right-of-ways and trackage, not including

switching, storage, terminal facilities or freight yards.

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

11.1 When Authorized by Board of Adjustment

11.11 Publicly or privately operated country clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any accessory building in connection therewith shall be located not less than 200 feet from any lot in an "R" District.

11.12 Airports and landing fields.

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

11.14 Single family homes on lots of more than 20,000 square feet where dwellings are connected to an approved community or rural water system.

11.15 Home occupations subject to 11.25 with the exception that the business may have employees that are not residents of the dwelling if the applicant can demonstrate that adequate provisions have been made to provide parking and that all adjacent property owners have been notified of such proposal.

11.2 Permitted Accessory Uses

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

11.22 Private garages or parking areas.

11.23 Living quarters of persons employed on the premises.

11.24 Office of a physician, dentist, lawyer, architect, engineer, clergyman or accountant with the individual's personal residence.

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

11.26 Signs as regulated by Article 20.

11.3 Height Regulations - No principal structure shall exceed 2 1/2 stories or 30 feet in height, and no accessory structure shall exceed 15 feet in height, except as provided in Section 4.16.

11.4 Lot Area, Frontage, and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Article 4, inclusive. Each lot shall contain a minimum of two (2) acres except as may be authorized under these articles.

a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme

height of tower including all attached antennae and similar structures. Detailed drawings of the structure showing extreme height designed will be required to accompany each application.

Minimum Lot Width	Minimum Front Yard Depth	Minimum Side Yard Depth	Minimum Rear Yard Depth
150'	Along Federal & State row-80' Other roads-60'	30'	75'

ARTICLE 12: R-5 RURAL VILLAGE DISTRICT

12.0 Permitted Principal Uses

12.01 One family detached dwellings.

12.02 Two-family dwellings.

12.03 Public parks, playgrounds, and recreational areas.

12.04 Worship centers, chapels, or parish houses located not less than 20 feet from any side lot line in any "R" District.

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

12.06 Cemeteries of 10 acres or more in size.

12.07 Railroad right-of-ways and trackage, not including switching, storage, terminal facilities, or freight yards.

12.08 Essential Services as defined in Section 2.12.

12.09 Rural Subdivisions as per the Shelby County Ordinance Regulating the Subdivision of Land.

12.1 When Authorized by Board of Adjustment

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

12.12 Airports and landing fields.

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

12.14 Mobile home parks or trailer parks subject to the following conditions:

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

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

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

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

e. Walkways not less than 2 feet wide shall be provided to service buildings.

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

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

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

i. Adequate sanitary facilities and supply of pure water shall be provided to each trailer space, in accordance with applicable state and county regulations.

j. Each park shall comply with any other regulations set forth by competent authority.

12.15 Dwellings for any number of families.

12.16 Boarding and lodging houses.

12.17 Any use as regulated in Section 12.1, except as hereinafter modified.

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

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

12.110 Mobile home parks subject to the conditions of Section 12.14.

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

12.112 Residence development projects.

12.113 Home occupations subject to Section 12.24 with the exception that the business may have employees that are not residents of the dwelling if the applicant can demonstrate that adequate provisions have been made to provide parking and that all adjacent property owners have been notified of such proposal.

12.2 Permitted Accessory Uses

12.21 Private garages or parking areas.

12.22 Living quarters of persons employed on the premises.

12.23 Office of a physician, dentist, lawyer, architect, engineer, clergyman or account within his dwelling.

12.24 Customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, beauty shop, barbershop, dancing or music school with not more than one pupil at one time, or similar activity carried on solely by resident occupants within their residence, subject to the following provisions: that such use may occupy a portion of an existing dwelling or accessory building; that no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings; that anything not produced on the premises is sold or offered for sale; and that no display of goods or services pertaining to such is visible from the street or road except for one three square foot sign located on the property.

12.25 Signs as regulated by Article 20.

12.3 Height Regulations - No principal structure shall exceed two and one-half stories or 30 feet in height, and no accessory structure shall exceed one story or 15 feet in height, except as may be authorized by the Board of Adjustment or as otherwise provided for in Section 4.16.

12.4 Lot Area, Frontage, and Yard Requirements - Each one-family residence shall be located on a lot containing 40,000 square feet. Each structure containing more than one family shall be located on a lot having an area of 30,000 square feet for each family. Larger lots may be required where results of percolation tests indicate the need for a larger disposal field. Such tests shall be submitted to the County prior to construction. The following minimum requirements shall be observed, subject to the additional exceptions and modifications in Article 4 inclusive.

a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme height of tower including all attached antennae and similar structures. Detailed drawings of the structure showing extreme height designed will be required to accompany each application.

	Min.	Min.	Min.	Min.
Building	Lot	Front	Side	Rear
<u>Height</u>	<u>Width</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>
		<u>Depth</u>	<u>Depth</u>	<u>Depth</u>
1-2 1/2 stories	165'	Along State & Federal roads-80' Other public roads-60'	20'	100'

ARTICLE 13: RESERVED
ARTICLE 14: RESERVED
ARTICLE 15: RESERVED

ARTICLE 16: B-3 INTERCHANGE BUSINESS DISTRICT

16.0 Permitted Principal Uses

- 16.01 Motels or hotels
- 16.02 Restaurants
- 16.03 Automobile service stations
- 16.04 Planned Development District

16.1 Permitted Accessory Uses

- 16.11 Food and beverage automats
- 16.12 Truck service facilities

16.13 Swimming pool, shuffleboard, tennis court, picnic areas, drug store, delicatessen, tailor shop, pick-up laundry service, barbershop, gift shop.

16.14 Dormitories and sleeping facilities for truck operators.

16.15 Cocktail lounges.

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

16.17 Signs - Signs as regulated by Article 20.

16.2 Location of Interchange Business District

16.21 Each service area shall be located at the interchange of two intersection highways so as to serve interchange and highway users.

16.3 Entrance and Exit

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

16.32 Each service area shall be provided with an entrance and exit for vehicular traffic not less than 40 feet in width at the property line.

16.4 Height Regulations

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

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

16.5 Lot Coverage - Ground area occupied by buildings shall not exceed 30 percent of the total lot area.

16.6 Lot Area, Frontage, and Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions, and modifications in Article 4 inclusive.

a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme height of tower including all attached antennae and similar structures. Detailed drawings of the structure showing extreme height designed will be required to accompany each application.

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

ARTICLE 17: 1-1 LIGHT INDUSTRIAL DISTRICT

17.0 Permitted Principal Uses

17.01 The following uses if located not less than 100 feet from

any "R" District, provided any such operations are enclosed by a solid wall or fence not less than 6 feet in height:

- a. Builder's or contractor's plant or storage yard.
- b. Building material sales and storage yard, including concrete mixing.
- c. Lumber yard, including millwork.
- d. Open yard for storage and sale of feed, fertilizer, or fuel.

17.02 The following uses, providing no part of a building occupied by such uses shall have openings other than stationary windows or required fire exits within 100 feet of any "R" District:

- a. Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- b. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceutical, toiletries, milk, and food products.
- c. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stone, rubber, textiles, wood and yard.
- d. The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
- e. Laboratory-experimental, film, or testing.

17.03 Railroad freight stations, trucking or motor freight terminals, provided that service yards or docks are at least 100 feet from any lot in any "R" District.

17.05 Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use which may become noxious or offensive in an "I-1" District. In determining the character of such use, the Board shall refer to the Subsection 23.212.

17.1 Permitted Accessory Uses

17.11 Other accessory uses customarily incidental to a permitted principal use, including signs as regulated by Article 20.

17.2 Prohibited Uses

17.21 Dwellings, except for watchman or caretaker on the premises.

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

17.23 Auto salvage and wrecking operations, industrial metal and waste salvage operations, and junkyards.

17.3 Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Article 4 inclusive.

a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme height of tower including all attached antennae and similar structures. Detailed drawings of the structure showing extreme height designed will be required to accompany each application.

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

ARTICLE 18: I-2 GENERAL INDUSTRIAL DISTRICT

18.0 Permitted Principal Uses

18.01 The following uses if located not less than 100 feet from any "R" District, provided any such operations are enclosed by a solid wall or fence not less than 6 feet in height:

- a. Builder's or contractor's plant or storage yard.
- b. Building material sales and storage yard, including concrete mixing.
- c. Lumber yard, including millwork.
- d. Open yard for storage and sale of feed, fertilizer, or fuel.

18.02 The following uses, providing no part of a building occupied by such uses shall have openings other than stationary windows or required fire exits within 100 feet of any "R" District:

- a. The manufacture, compounding, processing, packaging or treatment or such products as bakery goods, candy, cosmetics, pharmaceutical, toiletries, milk, and food products.
- b. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stone, rubber, textiles, wood and yard.
- c. The manufacture or assembly of electrical appliances, electronic instruments and devices, photographs, radio and television sets, electric and neon signs, refrigerators, and stoves.
- d. Laboratory-experimental, film, or testing.

18.03 Railroad freight stations, trucking or motor freight terminals, provided that service yards or docks are at least 100 feet from any lot in any "R" District.

18.04 Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use, which may become noxious or offensive in an "I-1" District. In determining the character of such use, the Board shall refer to the Subsection 23.212.

18.05 Reserved

18.06 Any use of land or of structures engaged in the production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products not previously allowed, located not less than 200 feet from any "R" District and 50 feet from any "B" District.

18.07 No use permitted under this article shall be so placed as to detract from a designated scenic or historic area in the county.

18.1 Permitted Conditional Uses

Subject to the provisions of Section 4.15, the following uses may be authorized a Conditional Use Permit:

18.10 Automobile salvage and wrecking operations, industrial and waste salvage operations and junkyards provided all operations are conducted within area enclosed on all sides with a solid wall or fence not less than 8 feet in height, located not less than 200 feet from any "R" District and 100 feet from any "B" District and 660 feet from any state or federal highway. No pile of salvage, scrap, or other material shall be higher than 8 feet.

18.11 Automobile, truck and farm sales and repair garage doing major repair, including tire retreading or recapping, battery service and repair with screened storage of repair vehicles.

18.12 Computer, communications or electronic services with retail sales not to occupy more than ten percent (10%) of total floor area.

18.13 Personal, office, training and related services.

18.14 Building or contractor's plant or storage yard, building material sales and storage yard including concrete mixing, lumber yard including millwork, open yard for storage and sale of feed, fuel or fertilizer provided any such operations area enclosed by a solid wall or fence not less than 6 feet in height, located not less than 200 feet from any "R" District and 30 feet from any "B" District.

18.15 Any other use that is determined by the Planning and Zoning Commission and approved by the County Board that is of the same general character as the foregoing permitted conditional uses, but not including any use, which may become noxious or offensive in an "I-1" District.

18.2 Permitted Accessory Uses

18.20 "I-1" Industrial District Accessory Uses.

18.21 Other accessory uses customarily incidental to a permitted principal use.

18.3 Prohibited Uses

18.30 Dwellings, except for watchman or caretaker on the premises.

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

18.4 Yard Requirements - The following minimum requirements shall be observed, subject to the additional requirements, exceptions and modifications in Article 4.

a. Tower set back requirements: Every tower shall be placed with setbacks from all lot lines equal to the most extreme height of tower including all attached antennae and similar structures. Detailed drawings of the structure showing extreme height designed will be required to accompany each application.

Height Permitted	Min. Front Yard Depth	Min. Side Yard Width	Min. Rear Yard Depth
3 stories or 50' in height	60'	Equal to building	Height of building but

height not less
than 20'

ARTICLE 19: PD PLANNED DEVELOPMENT

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

19.1 Dwelling Groups

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

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

19.2 Residence Development Projects

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

19.211 That the tract of land on which the project is to be erected meets minimum size requirements as specified in Subsection 19.22.

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

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

19.214 That there is to be provided within the tract, or immediately adjacent thereto, parking spaces in private garages or off-street parking areas as specified in Section 21.0.

19.215 That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.

19.216 That drives, access ways and parking areas are developed to a standard equal to that required for public use.

19.217 That such drives and access ways are protected by recorded

deed covenants assuring their availability to all residents of the project.

19.218 That the proposed project will constitute a residential environment of a sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and ensure substantially the same type of occupancy as obtained or may be expected to be obtained in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in the regulations in the district in which the project is to be located.

19.219 That the project will be consistent with the intent and purpose of the regulations to promote public health, safety, and general welfare.

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

	Detached One- Family	Town House	High Rise Apt.
Minimum size of development	3 acres	5 acres	10 acres
Garage and parking area (Per dwelling Unit)	600 sq. ft.	600 sq. ft.	600 sq. ft.
Land Coverage (maximum % of land coverage)	20%	20%	10%
Height of main building	30'	35'	80'
Set-back from any dedicated public right-of-way	25'	25'	Height of Building
Distance between building and any adjoining property line	10'	15'	Height of Building
Distance between buildings face	80'	120'	150% of face to building height
Distance between buildings face to rear or face to side	60'	80'	150% of building height
Distance between buildings side to side	20'	30'	Height of building
Distance between buildings rear to rear	80'	50'	Height of building

19.23 Any change in an approved plan shall be referred by Supervisors to the Planning Commission for study and report, prior to any action by the Supervisors.

19.24 The Supervisors shall approve or disapprove any plan or revision of an approved plan within 60 days of the report from the Planning Commission.

19.3 Integrated Shopping/Business Centers

19.31 Minimum Area - The owner of a tract of land located in any district, within one fourth (¼) mile of an existing paved road or with frontage on a paved road, at or near where a proposed business area is shown on the adopted Land Use Plan shall submit to the Planning Commission for its review a preliminary plan for the use and

development thereof for an integrated shopping center, provided that said tract of land shall meet the following minimum area requirements:

- a. Neighborhood Shopping Center; not less than 2 acres.
- b. Sub-Community or Community Shopping Center; not less than 10 acres.

c. Shopping Centers Defined - For purposes of this section, shopping centers shall be defined as follows:

(1) Neighborhood Shopping Center shall mean a shopping center the principal establishment of which is customarily a supermarket type food store.

(2) Sub-Community Shopping Center shall mean a shopping center the principal establishment of which is customarily a variety store.

(3) Community Shopping Center shall mean an area within which various facilities and services, such as filling stations, restaurants, banks, fire or police stations, clubs, etc., may be established.

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

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

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

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

19.333 Traffic Congestion - Not to be Created - That the proposed shopping center is at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed center, and where such congestion will not likely be created by the proposed center; or where such existing or possible future congestion will be obviated by presently projected improvement of access thoroughfares or by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking.

19.334 Thoroughfare Access Required - That any neighborhood shopping center will abut and front a street designated on the official Transportation Plan as a primary thoroughfare; and any sub-community or community shopping center shall abut and front on a street designated on said Plan as a primary thoroughfare.

19.335 Integrated Design - That the plan provides for a shopping center consisting of one or more groups of establishments in building of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping. The project shall be arranged in an attractive and efficient manner,

convenient, pleasant and safe to use, and fitting harmoniously into, and having no adverse effects upon the adjoining or surrounding properties.

19.34 Permitted Uses - The uses permitted in an integrated shopping/business center shall be appropriate to the specific functions thereof, however, that no residential, heavy commercial or industrial uses shall be permitted in any shopping center, and only those uses shall be authorized which are necessary or desirable to supply the surrounding neighborhood, sub-community or community with goods or services. All uses authorized in this manner shall be in harmony with the design of the center and the environs thereof.

a. Any retail business establishment, such as appliance store, auto accessory store, baker with baking limited to goods for retail sales on the premises, book or stationery store, cafe or restaurant, camera or photographic supply shop, candy or ice cream store, delicatessen, drug store, fabric shop, floor covering store, florist shop, furniture store including incidental upholstering, gift shop, grocery store, haberdashery or women's ready-to-wear shop, hardware or paint store, hobby shop, jewelry store, meat market, shoe store and variety store.

b. Any service establishment, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater, and self-service laundry.

c. Bus terminal.

d. Business or trade school.

e. Commercial parking lot.

f. Department store.

g. Hotels and motor hotels.

h. Meeting hall, club and fraternal organization.

i. Music and dancing studio.

j. Public parking lot, customer and other accessory parking area, subject to the applicable provisions of Section 21.0.

k. The following uses when occupying a completely enclosed building located at least 100 feet from any "R" District:

a. Dance hall, bar or cocktail lounge, nightclub, and similar enterprise.

b. Furniture upholstering shop only when operated in conjunction with a retail business on the premises.

c. printing, publishing, engraving or lithographing shop.

l. Other business, professional or service establishment.

m. Building material sales yards, if enclosed on all sides by an 8-foot high solid fence.

n. Wholesale business and warehouses.

o. Motels or motor hotels, subject to the provisions of Section 21.3.

p. Drive-in eating establishments.

q. Motor fuel stations subject to the conditions stipulated in Section 21.1.

r. Animal hospitals and veterinary clinics provided that buildings or enclosures in which animals are kept shall be at least 100 feet from any lot in any "R" District.

s. Commercial baseball field, bathhouse, or boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities, but not within 200 feet of any "R" District.

19.341 The following uses provided no part of a building where any activity is conducted shall have any openings other than stationary windows or required fire exists within 100 feet of any "R" District.

a. Automobile, truck, trailer, and garden and farm implement establishments for display, hire, sales, including sales lots.

b. Bottling of soft drinks or milk, or distribution stations.

c. Bowling alley, pool hall or billiard parlor, dance hall, bar or cocktail lounge, nightclub and similar enterprises.

d. Carpenter shop, electrical, heating, ventilating or plumbing shop, furniture upholstering shop, printing, publishing, engraving or lithographing plant, laundry and dry-cleaning shop, sign painting shop, and similar establishments.

19.342 Any other use that is determined by the Board of Adjustment to be of the same general character as the foregoing permitted uses, but not including any use, which may become noxious or offensive.

19.343 Permitted Accessory Uses

19.344 Other accessory uses customarily incidental to a permitted use, including signs as regulated by Article 20.

19.345 Prohibited Uses

a. Single family detached dwellings.

19.35 Standards Applicable - The following regulations shall apply to an integrated shopping center:

a. Building Height - No building shall exceed 2 1/2 stories or 35 feet in height.

b. Yards - No building shall be less than 50 feet distant from any boundary of the tract or site on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any "R" District, and except for necessary entrances and exits, from all properties located in any "R" District across the street and with 100 feet from such center. The type and nature of such screening shall be determined by the Planning Commission.

c. Tract Coverage - The ground area occupied by all the buildings shall not exceed in the aggregate 25% of the total area of the tract or site.

d. Customer Parking Space - Notwithstanding any other

requirements of the regulations, there shall be provided at least 2 square feet of off-street parking area, including driveways, for every square foot of total floor space, not including storage space, in a sub-community or community shopping center.

e. Loading Space - Notwithstanding any other requirements of the regulations, there shall be provided one off-street loading space for each 5,000 square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

f. Illumination of Access Ways and Parking Areas - Access ways and parking areas shall be adequately lighted by shielding media lighting fixtures, which shall be so installed as to reflect light away from adjoining properties.

g. Signs - Subject to the provisions of Article 20 and approval by the Planning Commission, all signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, with the view to preventing excessive advertising and promoting a harmonious appearance of the center as a whole.

19.36 Final Development Plan - Upon determination by the Planning Commission that the proposed integrated shopping center as shown in the preliminary plan appears to conform to the requirements herein and all other applicable requirements of the regulations, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes or modifications required by the Planning Commission, along with an application for change of zoning to the appropriate business district classification.

19.37 Recommendations to Elected Officials - If the final development plan is found to comply with the requirements herein and other applicable provisions of the regulations, the Planning Commission, after public hearing on both the development plan and application for a zoning district change, shall submit said plan, its report and recommendations to the appropriate elected governing body.

19.38 Rezoning - The elected official may modify the plan, consistent with the intent and meaning of the regulations, and may rezone the property to a classification permitting the proposed center, for development in substantial conformity with the final plan, as approved by the Supervisors.

19.39 Adjustments - Authorized by Planning Commission - After the final development plan has been approved by the elected officials and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, height, or yards may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and the regulations, such adjustments or rearrangements may be authorized by the Planning Commission.

ARTICLE 20: SIGNS

20.0 Standard of Measurement

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

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

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

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

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

20.1 Signs, Type

20.11 Real estate. Not more than 2 signs per lot to be used as a temporary sign no larger than 6 square feet (except, F-1 may be up to 12 square feet) and set back 20 feet from the road right of way or road easement boundary.

20.12 Agricultural. Signs not exceeding 4 square feet in area indicating the type of plant being grown or the type of fertilizer being used.

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

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

20.15 Announcement. Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted Principal uses of a nonresidential nature.

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

20.17 Name plate. One nameplate not exceeding 2 square feet for each dwelling.

20.18 Billboard. Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions:

a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.

b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.

c. No billboard, signboard, or similar advertising signs facing shall exceed 700 square feet in area.

d. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

20.19 Elevated. Elevated signs at least 5 feet from any lot line with a maximum height of 10 feet.

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

20.2 Sign Schedule - Signs shall be permitted in the various districts according to the following schedule:

SIGN SCHEDULE

SIGN TYPE	ZONING DIST								
	F-1	C-1	A-1	RT	R-5	B-3	I-1	I-2	PD
Real Estate	Y	N	Y	Y	Y	Y	Y	Y	C
Agriculture	Y	Y	Y	Y	N	N	Y	Y	C
Recreation	Y	Y	Y	Y	Y	Y	Y	Y	C
Roadside stand	Y	N	Y	Y	N	N	N	N	C
Announcement	N	N	Y	Y	Y	Y	Y	Y	C
Wall	N	N	C	Y	Y	Y	Y	Y	C
Name plate	N	N	Y	Y	Y	Y	Y	Y	C
Billboard	N	N	N	N	N	Y	Y	Y	C
Elevated	N	N	N	N	N	Y	Y	Y	C
Projecting or pole	N	N	N	N	N	Y	Y	Y	C

Y= permitted
 N= not permitted
 C= conditional

ARTICLE 21: PARKING, LOADING, AND CIRCULATION

21.0 Off-Street Parking Areas and Loading Spaces

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

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

21.03 Number of Parking Spaces Required

<u>Use</u>	<u>Parking Spaces Required</u>
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Automobile or Machinery Sales and Service Garages	1 for each 1,000 square feet of floor area plus 1 for each full time employee
Banks, Business and Professional Offices	1 for each 200 square feet of floor area
Bowling Alleys	6 for each alley
Churches and Schools	1 for each 4 seats in Principal auditorium
Convenience Stores - Drug, Grocery, Hardware, and similar stores	1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time employee
Dance Halls and Assembly Halls without fixed seats	1 for each 50 square feet of floor area used for assembly or dancing
Drive-In Eating Establishments	Not less than 1/2 of the total ground area be devoted exclusively to parking and access ways
Dwellings -	
Single-Family Detached	2 for each dwelling
All Other	unit 1 1/2 for each dwelling unit
Food Pick-Up Establishments	Minimum of 2 plus 1 for each 100 square feet of floor area
Funeral Homes, Mortuaries	6 per chapel room or parlor or 1 per 50 square feet of rooms used for services, whichever is greater
Hospitals, Nursing Homes and similar care centers	1 for each 5 beds plus 1 for each 2 doctors and employees
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants	2 for each 3 employees on maximum working shift
Medical or Dental Clinics	1 for each 200 square feet of floor area plus 1 for each full time employee and 1 for each doctor
Motels or Motor Hotels	1 for each unit, plus 1 for each 2 employees on maximum shift
Motor Fuel Stations	1 for each employee on duty plus 2 for each service bay
Service Establishments -	
Barber Shops	2 for each chair plus 1 for each 2 employees on maximum shift

Beauty Shops	1 for each dryer plus 1 for each 2 employees on maximum shift
Coin-Operated Laundries and/or Dry Cleaning Establishments	1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees on maximum shift.
Restaurants	1 for each 3 seats plus 1 for each 2 employees on maximum shift
Shoppers Goods-Appliance, Household Equipment, Furniture and similar stores	1 for each 500 square feet of floor area plus 1 for each full-time employee
Taverns or Bars	1 for each 2 seats plus 1 for each 2 employees on maximum shift
Theaters	1 for each 4 seats
Wholesale Establishments	1 for each 4 employees on maximum work shift.

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

21.04 Units of Measurement

21.041 Parking Space - Each parking space shall be rectangular in shape, shall not be less than 8 1/2 feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.

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

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

21.044 Hospital Bassinets - In hospitals, bassinets shall be counted as beds.

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

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

21.06 Exceptions -

21.061 The Board of Adjustment may authorize on appeal a

modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

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

21.1 Garages, Motor Fuel Stations, and Car Washes

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

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

21.2 Trailers and Mobile Homes

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

21.3 Motels or Motor Hotels

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

21.32 The following regulations shall be compiled with:

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

21.322 All areas used for automobile access and parking shall comply with the provisions of Subsection 21.05.

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

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

for such an establishment.

ARTICLE 22: ADMINISTRATION, AMENDMENT AND ENFORCEMENT

22.0 It shall be the duty of the Zoning Administrator, with the aid of county and municipal departments, to enforce the regulations.

22.1 Zoning Administrator

22.11 Appointment - The Zoning Administrator shall be appointed by the County Engineer with the advise and consent of the governing body.

22.2 Powers and Duties of the Zoning Administrator - The Zoning Administrator shall enforce the regulations, and in addition thereto and in furtherance of said authority, shall:

22.21 Issues all zoning certificates and make and maintain records thereof;

22.22 Issues all occupancy permits and make and maintain records thereof;

22.23 Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of the regulations;

22.24 Serve as secretary to the Planning Commission and Board of Adjustment, maintain permanent and current records of the regulations, including, but not limited to, all maps, nonconforming uses, amendments, uses on review, variances, appeals, and applications therefor;

22.25 Provide and maintain a public information service relative to all matters arising out of the regulations;

22.26 Forward to the Planning Commission all applications for amendments to the regulations;

22.27 Transmit to the Board of Adjustment applications for appeals, variances, uses on review, or other matters on which the Board of Adjustment is required to pass under the ordinance.

22.28 Issue occupancy permit regulating the erection of buildings or structures and use of land for periods not to exceed 10 days for specific purposes such as temporary carnivals, churches, charities, and revival meetings that are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the county and municipality.

22.29 Initiate, direct, and review from time to time a study of the provisions of the regulations and make reports of his recommendations to the Planning Commission and elected officials.

22.210 Prepare annual work program and budget recommendations for all planning and zoning activities.

22.3 Zoning Certificates Application for Construction Approval and Occupancy Permits

22.31 Zoning Certificates - Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the county unless the application for such permit has been examined by the Zoning Administrator, indicating that the proposed building or structure complies with all the provisions of the regulations. Any permit or certificate issued in conflict with the provisions of the regulations shall be null and void.

22.311 Application for Construction Approval - Any person proposing to construct a structure having a value of more than five thousand dollars (\$5,000) must have an Application of Construction Approval on file in the office of the Zoning Administrator. This applies to all structures, regardless of intended use. Application fee shall be set at fifty dollars (\$50) with forms available in the Administrator's office. Failure to have an Application on file will be considered a violation of this ordinance and subject to provisions stated in Article 22.10.

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

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

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

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

22.33 Issuance of Occupancy Permit - No occupancy permit for a building, or portion thereof, constructed after the effective date of the regulations, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed 6 months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than 14 days after the request for an occupancy permit.

22.4 Amendments - In accordance with the provisions of Chapters 358A and 414 of the Code of Iowa, the elected officials may from time to time amend or change by ordinance or resolution the number, shape, or area of districts established of the Zoning Maps or the standards set forth in the regulations; but no such amendment or change shall first be submitted effective unless the regulations proposing such amendment or change shall first be submitted to the Planning Commission for a recommendation of approval, disapproval or for suggestions, and said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report to the elected officials.

22.5 Hearing - Before submitting its recommendations and report to the proper elected officials, the Planning Commission shall hold a public hearing on the proposed amendment, supplement or change. It shall give not less than 4 nor more than 20 days' notice of the time

and place of such hearing by publication in a newspaper published in the community/county and by mailing notices to all property owners directly involved, contiguous to or directly across a street, road easement, or alley from the area proposed to be altered.

22.6 Application for Change - Any person desiring a change in zoning or property may make application therefor, and in so doing shall accompany the petition for such change in zoning, or the ordinance or resolution introduced for the purpose of changing such zoning, with such information as may be specified by the administrator and a fee in an amount of fifty dollars (\$50.00) toward the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

22.7 Notice - During the time prior to the public hearing the text or copy of the text of such ordinance, resolution, or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Administrator and any city directly affected by the proposed change. No ordinance or resolution that differs from the recommendation made by the Planning Commission shall become effective unless passed by 2/3 of all members of the County Board.

22.8 Written Protest

22.81 In case of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20 percent or more of either the area of lots proposed to be altered, or of the area adjacent, extending 200 feet from the area proposed to be altered, excluding the width of streets, is filed with the County Clerk or the affected City Clerk, such amendment shall not be passed or become effective except by the favorable vote of 2/3 of the Board of Supervisors or 3/4 of all members of the governing body.

22.82 In case of a written protest against a proposed change in the boundaries of a zoning district located in the unincorporated area signed and acknowledged by the owners of the area adjacent extending 500 feet from the area proposed to be altered, excluding the width of roads or streets, is filed with the County Auditor, such amendment shall not be passed or become effective except by the favorable vote of 2/3 of all members of the County Board of Supervisors.

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

22.10 Penalties - Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of the regulations may be fined. Each day that a violation continues shall constitute a separate offense. Fines can be up to \$750.00 for each infraction or up to \$1000.00 if the infraction is a repeat offense.

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

ARTICLE 23: BOARD OF ADJUSTMENT

23.0 Creation, Membership and Procedure - A Board of Adjustment consisting of 5 members shall be appointed in accordance with the provisions of Chapters 358A and 414 of the code of Iowa. The appointing authority may remove any member of the Board for cause and after public hearing.

23.01 The Board shall elect its own Chairman and shall have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of any other ordinances or resolutions. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel attendance of witnesses.

23.02 Meetings of the Board shall be open to the public, minutes shall be kept of proceedings, showing the action of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the Board's examinations and other official actions, all of which shall be filed immediately in the office of the Board as a public record.

23.03 Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which it is required to pass under the regulations, or to effect any variation in the requirements of the regulations.

23.04 The Board may call on the county and municipal departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

23.1 Applications and Appeals

23.11 An application to the Board, in cases in which it has original jurisdiction under the provisions of the regulations, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator, together with a fee of fifty dollars (\$50.00) who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the Board. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.

23.12 An appeal to the Board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the Board, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed was taken.

23.13 The Board shall fix a reasonable time for the hearing of an application or of an appeal. It shall give not less than 4 days' nor more than 20 days' notice of the time and place of such hearing by insertion in a newspaper published in the county/community, and shall also give notice delivered by certified mail at least 5 days before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or by attorney. The Board shall decide the application or appeal within a reasonable time.

23.14 Stay of Proceedings - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certified to the Board 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 an order which may, on due cause shown, be granted by the Board on application, after notice to the Zoning Administrator, or by a court of record.

23.2 Powers of the Board - The Board shall have jurisdiction in matters and shall have the specific and general powers provided in the regulations.

23.21 Special Exceptions and Interpretation of Map - The Board shall have the power to hear and decide, in accordance with the provisions of the regulations and other safeguards as the Board may deem necessary, requests of applications for special exceptions or for interpretation of the Zoning Maps or for decisions upon other special questions upon which the Board is authorized to pass.

23.211 Special Exceptions - The following guidelines shall be used when processing requests for special exceptions. The Board shall also have the authority to permit those other special exceptions found below.

a. Authority - The development and administration of the ordinance is based upon the division of the county into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case, of the impact of those uses upon surrounding land and of the public need for the particular use at the particular locations. Such uses are classified as special exceptions and fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest; and

2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

b. Standards - No special use shall be granted by the Board of Adjustment unless such Board shall find:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, comfort, or general welfare;

2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

6. That the special use shall, in all other respects, conform to the applicable regulations of the district in

which it is located, except as such regulations may in each instance, be modified by the Board.

c. Conditions and Guarantees - Prior to the granting of any special use, the Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in Section 23.211.b. In all cases in which special uses are granted the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

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

e. Temporary Uses and Permits

1. The temporary use of a building or premises in any district for a purpose or use that does not conform to the conditions prescribed by the regulations, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

2. The temporary use of a building or premises in undeveloped sections for a purpose that does not conform to the conditions prescribed by the regulations, provided that such structure or use is of a temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under Subsection 23.211.b.1.

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

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

23.22 Administrative Review and Variances - To hear and decide appeals on the ground or as recorded, differs from the street and lot lines indicated on the Zoning Maps, the Board, after notice to the

owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the regulations for the particular section or district in question.

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

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

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

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of use in the same zoning district.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

3. That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the regulations or the public interest.

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

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

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

1. Shape and area of lot in question.

2. Bulk and floor area of the main building or structure.

3. Set-back of proposed sign from all property lines.
4. Zoning and use of surrounding parcels.
5. Unusual or exceptional topography.
6. Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

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

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

Passed and adopted this 21st day of November, 2006.

SHELBY COUNTY BOARD OF SUPERVISORS

 ROGER SCHMITZ
 Chairman

 RICHARD FERRY

 LAVON CHRISTENSEN

ATTEST: _____
 MARSHA J. CARTER
 SHELBY COUNTY AUDITOR

STATE OF IOWA

ss:

COUNTY OF SHELBY

On this 21st day of November, 2006, before me, the undersigned, a notary public in and for said County and State, personally appeared Roger Schmitz, Richard Ferry, LaVon Christensen and Marsha J. Carter, to me personally known, who being by me duly sworn, did say that they are the Chairman and Members of the Board of Supervisors and Clerk to the Board of Supervisors and County Auditor respectively, for said County; that the seal affixed thereto is the seal of said County; that said instrument was signed and sealed on behalf of said County by authority of its Board of Supervisors and that said Roger Schmitz, Richard Ferry, LaVon Christensen and Marsha J. Carter as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said County by it and by them voluntarily executed.

 Notary Public

1st Publication _____
 2nd Publication _____
 3rd Publication _____
 1st Reading _____
 2nd Reading _____
 3rd Reading _____
 Final Publication _____