

MADISON COUNTY, IA, ZONING ORDINANCE

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SECTION 1 – PURPOSE

This Ordinance is adopted for the following purposes:

- A. To provide land use planning for the orderly growth of the County, and to enhance the beauty of its natural resources;
- B. To protect the agricultural interests of the property owners of the County;
- C. To increase the economic resources of the County by making the area more attractive to industry;
- D. To lessen congestion in the street or highway;
- E. To secure safety from fire, panic and other dangers;
- F. To protect health and the general welfare;
- G. To provide adequate light and air; and
- H. To facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; all in accordance with a Comprehensive Plan and as permitted by the provisions of Chapter 335 of the 1995 Code of Iowa, as amended.

SECTION 2 – TITLE

This Ordinance shall be known and may be cited and referred to as the “Madison County, Iowa, Zoning Ordinance.”

SECTION 3 – INTERPRETATIONS OF STANDARDS

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

SECTION 4 – DEFINITIONS

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

1. **Accessory Use or Structure:** A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.
2. **Agriculture or Agricultural Use:** The use of any land, building, structure, or portion thereof, principally for the production of, and as an accessory use for, the treatment and storage of, plants, animals or horticultural products, all for intended profit. “Agriculture” shall include the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk and the production of fruit or other horticultural crops, with the intention of selling such items or products for a profit in the marketplace. “Agriculture” shall include breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine and honey bees, with the intention of selling such animals or products therefrom for a profit in the marketplace. The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use. “Agriculture” shall not include any auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or sod. “Agriculture” shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products.
3. **Apartment:** A room or suite of rooms in a multiple dwelling intended for or designed for use as a residence by a single family.
4. **Basement:** A story having more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulations.
5. **Beginning of Construction:** The incorporation of labor and materials within the walls of the building or buildings.
6. **Billboard:** "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
7. **Block:** That property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.
8. **Board:** Board of Adjustment.

9. **Boarding Houses:** A building other than a hotel where for compensation, meals and/or lodging are provided for four (4) or more persons.
10. **Building:** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals or property, but not including signs or billboards. When a structure is divided in separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
11. **Building, Height of:** The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
12. **Building Line:** The line of the outside wall of the building or any enclosed projection thereof nearest the street.
13. **Bulk Stations:** Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
14. **Camping Ground:** Any land or portion thereof which is designed for and used exclusively, not exceeding four (4) weeks duration, by occupants of tents, trailers, mobile homes, or other mobile living facilities.
15. **Commercial Feed Lots:** Any tract, lot, or parcel of land used primarily for the commercial feeding of livestock, cattle, hogs, or sheep, where the average number of head of cattle exceed 150 per acre, or where the average number of hogs or sheep exceed 1,000 per acre.
16. **Commission:** The Madison County Zoning Commission.
17. **County:** Madison County, Iowa.
18. **Court:** An open, unobstructed and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
19. **District:** A section or sections of the County within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
20. **Dump:** A premise used for disposal of (clean) type fill material or refuse such as dirt, rock, cans, tree branches, and similar materials, but not including organic material and any type such as garbage or dead animals or portions thereof. *(Amended Oct. 4, 1971)*
21. **Dwelling:** Any building or portion thereof, which is designed or used exclusively for residential purposes but not including a tent, cabin, or trailer, but may include a mobile home, manufactured home or modular home. *(Amended Jan 10, 1995)*
22. **Dwelling, Single-Family:** A building designed for or occupied exclusively for residence purposes by one family. (One dwelling unit).
23. **Dwelling, Two-Family. (Duplex):** A building designed for or occupied exclusively for residence purposes by two families.
24. **Dwelling, Multi-Family:** A building or portion thereof designed, for or occupied exclusively for residence purposes by three (3) or more families or housekeeping units living independently of each other.
25. **Family:** A group of one or more persons occupying a premise and living as a single housekeeping unit and using common cooking facilities.
26. **Farm:** Any land, farm house, farm barn, farm outbuilding or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.
27. **Frontage:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
28. **Garage, Private:** An accessory building housing motor-driven vehicles of the residents of the premises; but not more than one (1) vehicle per family shall be used for business purposes.
29. **Garage, Public:** Any building or premises other than a private garage used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

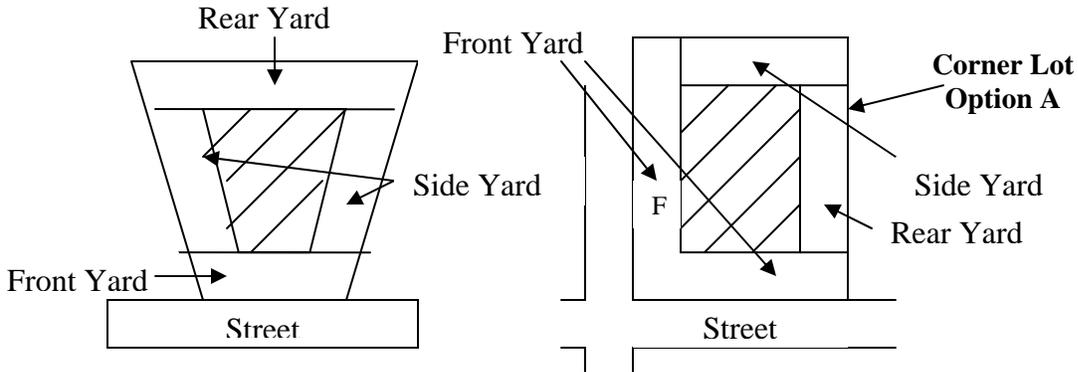
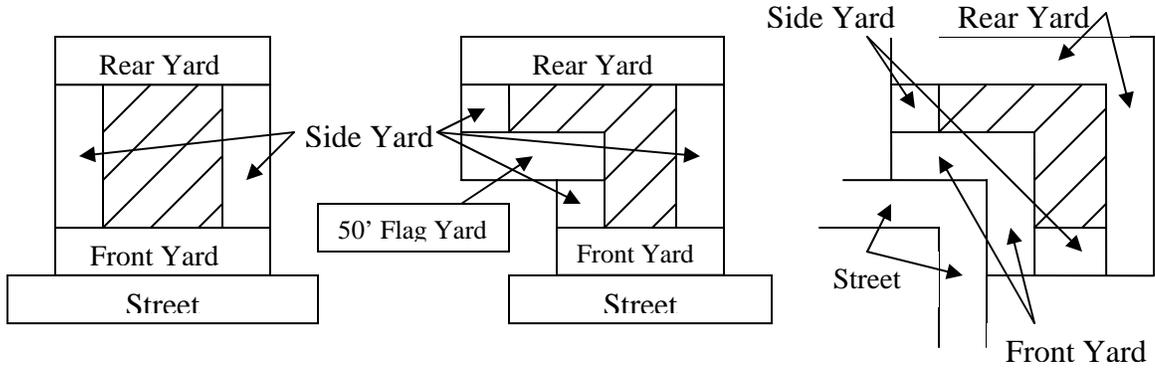
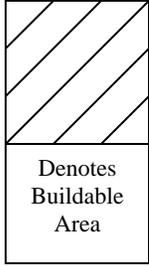
30. **Garage, Storage:** Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired, hired or sold.
31. **Grade:** The average elevation of the finished ground at the exterior walls of the main building.
32. **Home Occupation:** Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises.
33. **Hotel:** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests in contradistinction to a boarding house or lodging house.
34. **Junk Yard:** The use of a lot or portion thereof for the dismantling or wrecking of motor vehicles or trailers, or the storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, or machinery or parts thereof including scrap metals, rags, or other scrap materials. The premises on any lot, parcel or tract of land, of two or more vehicles for a period exceeding thirty days have not been capable of operating under their own power and from which parts have been removed or are to be removed for reuse, salvage or sale, shall constitute prima facie evidence of a junk yard. *(Amended Oct. 4, 1971)*
35. **Kennel:** Any premises on which three (3) or more dogs are kept for board, breeding or sales.
36. **Lodging House:** A building where lodging only is provided for compensation for four (4) or more persons.
37. **Lot:** For zoning purposes as covered by this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:
- a. A single lot of record or a portion of a lot of record.
 - b. A combination of complete lots of record and/or portions of lots of record.
 - c. A parcel of land described by metes and bounds; provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
38. **Lot Line:** Property line bounding a lot.
39. **Lot Measurement:**
- a. Depth - The mean horizontal distance between the front and rear lot lines.
 - b. A combination of complete lots of record and-or portions of distance between straight lines connecting front and rear lot lines at each side of the lot measured at the-minimum building setback line.
40. **Lot of Record:** A lot, which is part of a subdivision which is recorded in the Office of the Madison County Recorder or a lot or parcel described by metes and bounds, the deed to which has been so recorded.
41. **Lot Type (No Plat):** Terminology used in this Ordinance with reference to various types of lots is as follows:
- a. "Corner" lot. A lot located at the intersection of two (2) or more streets.
 - b. "Interior" lot. A lot other than a corner lot with only one (1) frontage on a street other than an alley.
 - c. "Double frontage" lot. A lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) non-intersecting streets may be referred to as "through" lots.
 - d. "Reversed corner" lot. A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
42. **Lumber Yard:** A premises on which primarily new lumber and related building materials are sold.

43. **Mobile Home:** A factory built structure, which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles and which may not be registered as a motor vehicle in the State of Iowa.
44. **Mobile Home Park:** Any lot or portion of a lot upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.
45. **Motel, Auto Court, Motor Lodge:** A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists with garage attached or parking facilities conveniently located to each such unit.
46. **Non-Conforming Use:** Any building or land lawfully occupied by a use at the time of passage of this Zoning Ordinance (or any amendment thereto), which does not conform after the passage of the Zoning Ordinance (or amendment thereto) with the use regulations of the district in which it is situated.
47. **Nursing or Convalescent Homes:** A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled persons not including insane and other mental cases, inebriate or contagious cases.
48. **Parking Space:** A permanently surfaced area of not less than one hundred eighty (180) square feet either within a structure or in the open exclusive of driveway or access drives for the parking of a motor vehicle.
49. **Public Hunting Area:** An area specifically designated by an agency of the federal, state or county government as open to members of the public for the hunting of game and animals.
50. **Sanitary Landfill Dump:** A premises used for dumping organic materials such as garbage in an excavation and covered daily with dirt in accordance with Board of Health requirements.
51. **Sign:** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:
 - a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
 - b. Legal notices, identification, information or directional signs erected or required by governmental bodies.
 - c. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.
52. **Sign, On-site:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising business.
53. **Sign, Off-site:** A sign other than an on-site sign. (See also "Billboard").
54. **Sign, Post:** Any sign erected or affixed in a rigid manner to any pole or post and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located including signs or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
55. **Sign, Roof:** A sign erected upon or above a roof or parapet of a building or structure.
56. **Stable, Private:** A building or structure used or intended to be used for housing horses belonging to the owner of the property only for noncommercial purposes.
57. **Stable, Public and Riding Academy:** A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
58. **Stable, Riding Club:** A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

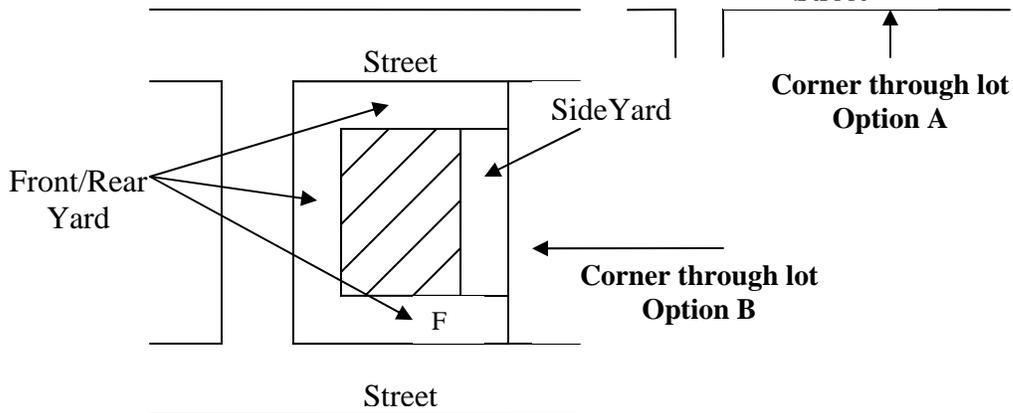
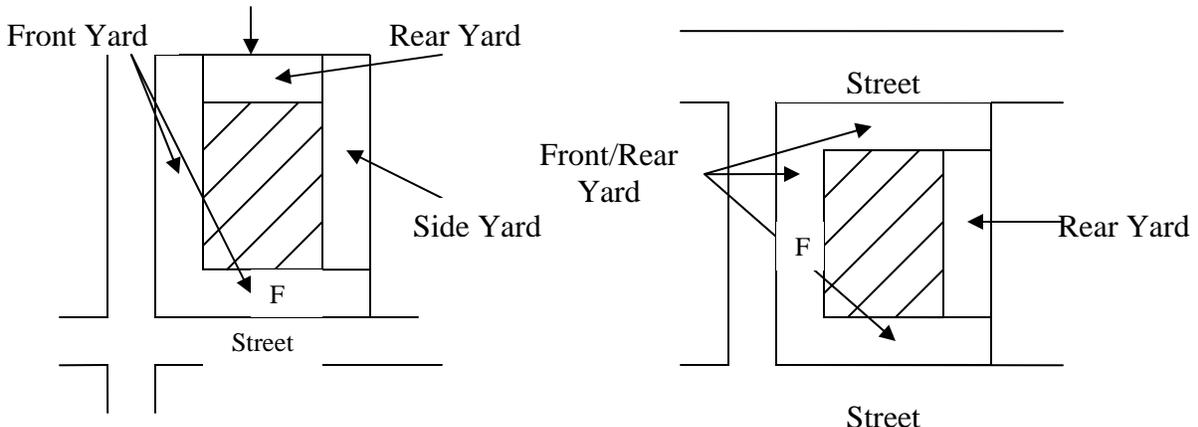
59. **Story:** That portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
60. **Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
61. **Street or Road Line:** A dividing line between a lot, tract, or parcel of land and a contiguous street or road.
62. **Street:** A public or private thoroughfare, which affords the principal means of access to abutting property.
63. **Structural Alterations:** Any replacement or changes in the type of construction or in the supporting members of, a building, such as bearing walls or partitions, columns, beams or girders beyond ordinary repairs and maintenance.
64. **Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.
65. **Tourist Home:** A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.
66. **Trailer, House:** See "Mobile Home."
67. **Trailer Park:** See "Mobile Home Park."
68. **Yard:** An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein.
69. **Yard, Front:** A Yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot.
70. **Yard, Rear:** A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the opposite end of the lot from the front yard.
71. **Yard, Side:** A yard, extending from the front yard to the rear yard and measured between the side lot lines and the building.
72. **Zoning Administrator:** The Administrative Officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.
73. **Zoning Certificate:** Written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

REQUIRED YARDS

Any yard that abuts any roadway shall maintain a 50' setback
 Front & Rear Yard setbacks are 50', Side Yard setbacks are 25'



Corner Lot Option B



SECTION 5 – DISTRICTS, BOUNDARIES THEREOF, AND INTERPRETATION OF BOUNDARIES

A. Districts.

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

- “A” Agricultural District
- “R” Residential District
- “C” Commercial District
- “M” Industrial District

B. Zoning Map.

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

C. Vacated Streets or Roads.

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

D. Interpretations of District Boundaries.

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as approximately following quarter section, quarter quarter section, or quarter quarter quarter section lines, or connecting intersecting points of said lines shall be construed to follow such lines.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F above shall be so construed.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by paragraphs 1 through 7 above, the Board of Adjustment shall interpret the district boundaries.

SECTION 6 – APPLICATION OF DISTRICT REGULATIONS

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

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located except agricultural uses are exempt.
2. No building or other structure shall hereafter be erected or altered:
 - a. To exceed the height;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area;
 - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;
 - e. In any other manner contrary to the provisions of this Ordinance.
3. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance, except as set forth herein.
5. No building intended to be inhabited by people shall be erected, constructed or moved to or within 200 yards of a Public Hunting Area; provided, however, this shall not be applicable to the erection, construction or moving of such building on or to the following:
 - a. Any lot qualified as “farms exempt”.
 - b. Any “lot of record” platted prior to the date of adoption of this amendment.
 - c. Any lot in a subdivision platted and recorded prior to the date of adoption of this amendment.
 - d. Replacement of any building inhabited by people that has been destroyed by casualty or disaster which was in existence on the date of adoption of this amendment.

SECTION 7 - NON-CONFORMING USES

A. Authority to Continue.

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

B. Repairs and Alterations.

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

C. Additions and Expansions.

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

D. Discontinuation of a Non-conforming Use.

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

E. Restoration of a Damaged Non-conforming Building.

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

F. Uses Under "Special Permit Uses."

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

SECTION 8 - GENERAL REGULATIONS

A. Farms Exempt.

In accordance with Iowa Code Section 335.2, land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used, are exempt from the provisions of this Ordinance; except that the foregoing exemption does not apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream. To qualify for the exemption, the land, buildings and structures must be utilized primarily as a part of an agricultural enterprise that is operated with the intention of selling agricultural products in the marketplace and thereby earning a profit. The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use and shall not qualify any land, buildings or structures for the exemption. Farm houses qualify for the exemption only if the persons inhabiting the houses are primarily engaged in an agricultural enterprise on the land on which the houses are located. Auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or sod shall not constitute agricultural use and shall not qualify any land, buildings or structures for the exemption. In making a determination whether property is being used primarily for agricultural purposes, consideration shall be given to such questions as: (a) What is the size of the parcel of land? (b) Is the parcel currently being used for agricultural purposes? (c) If the parcel is being offered for sale, or if it were to be offered, would it be viewed in the marketplace as other than agricultural? (d) How does the parcel conform to other surrounding properties? (e) What is the highest and best use of the property? (f) What is the actual amount of income produced and from what sources? The property owner may be requested to submit relevant evidence including, but not limited to, a copy of a Schedule F or of other relevant portions of the owner's most recent state and/or federal income tax

B. Fences, Wall And Vision Clearance.

On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the area described as follows: That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

C. Street Frontage Required.

Lots containing any building used in whole or in part for residence purposes shall abut for at least forty (40) feet on at least one (1) street, or have an exclusive unobstructed private easement of access or right-of-way at least twenty (20) feet wide to a street; and there shall be only one (1) single-family dwelling for such frontage or easement.

D. Accessory Buildings.

No accessory building shall be erected in any required yard. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breeze-way or similar structure, provided all yard requirements are complied with. Pursuant to Section 14, no building shall exceed thirty five feet in height unless a variance is granted by the Board of Adjustment. No accessory building shall be constructed upon any lot until the permit for the main or principle building has been issued, except, to allow for property maintenance equipment storage, one accessory building up to 201 sq. ft. per lot, tract or parcel of land shall be allowed without a main or principle building allowing for one building up to 10 X 20 in size or smaller.

The issuance of an accessory building permit is required for this construction unless it is deemed agricultural exempt and the proper forms are provided.

Under no circumstances shall any portion of an accessory building be used for dwelling purposes. Dwelling purposes shall mean any use consistent with the residential use for the shelter of persons including overnight camping.

On any lot, tract or parcel of land where the principle or main building has been permitted, one accessory building less than 101 sq. ft. is allowed without a zoning certificate or associated fees.

E. Corner Lots.

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

On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reversed frontage where the corner lot faces an intersection street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the setback required on the lots to the rear of such corner lot, and accessory buildings on said corner lot shall not project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

F. Building Lines on Approved Plats.

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

G. Home Occupations.

Home occupations can be conducted entirely within a dwelling and carried on by the inhabitants thereof; provided that any such activity shall not occupy more than fifty (50) percent of the floor area of one (1) story of such buildings; provided further that only the proprietor and one additional person shall be regularly employed; provided further there may be a small non-illuminated sign not exceeding two (2) square feet in area; provided further there is no mechanical equipment except such as is normally used for domestic or household purposes.

H. Madison County Fair Exempt.

No regulation or ordinance adopted under the provisions of this Ordinance shall be construed to apply to that property owned by or under the control of the Madison County Fair and Livestock Association (MCFLA) designated as the "Fairgrounds", during the course of five (5) consecutive days of what has been traditionally known as the "Madison County Fair". No Permit, Variance, or Exception shall be required from the Madison County Zoning Administrator, under any provision of this Ordinance, for any use; temporary building, structure, obstruction, parking lot, street, sign or similar structure during the course of the "Madison County Fair" as set forth herein. However, any use taking place outside of the five (5) consecutive days of what has been traditionally known as the "Madison County Fair" or any newly constructed permanent building, structure, obstruction, excavation, parking lot, street, sign or similar structure shall be subject to the provisions of the Madison County Zoning Ordinance.

(Amended; July 28, 1998)

SECTION 9 – AGRICULTURAL DISTRICT REGULATIONS

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

A. Principal Permitted Uses.

1. Agriculture and the usual agricultural buildings and structures – including one mobile home on the farm if used by the owner or a full-time employee thereof.
(Amended; Sept 6 1967, Oct. 4, 1971)
2. One and two-family dwellings. *(June 22, 1978)*
3. Church or other place of worship, including parish house and Sunday school building.
4. Public and parochial schools and colleges for academic instruction.
5. Publicly owned and operated building and facilities such as community centers, auditoriums, libraries, museums.
6. Public parks, recreation areas; private non-commercial recreational areas and centers including country clubs, swimming pools and golf courses; camping grounds; public and private forests and wildlife preserves and similar conservation areas.
7. Cemeteries including mausoleums and crematories; provided that any mausoleum and crematory shall be distant at least two hundred (200) feet from adjacent property and street and highway lines and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
8. Commercial kennels for the raising, breeding and boarding of dogs or other small animals provided that all buildings, including runways be at least two hundred (200) feet from all property lines.
9. Hospitals and sanatoriums and charitable institutions for the treatment of diseases; also, nursing and convalescent homes.
10. Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowl. Any such structures must be located at least two hundred (200) feet from all boundary lines of the property on which located.
11. Commercial swimming pools, golf courses, fishing lakes, gun clubs, skeet shooting ranges and similar uses when authorized by the Board of Supervisors after recommendation by the Zoning Commission.

12. Signs for service clubs not to exceed three (3) square feet in area displaying the emblem of the club and information on time and location of meetings. No setback or other yard requirements need be provided.
13. Nurseries and greenhouses, provided that any heating plant shall be distant at least two hundred (200) feet from any dwelling other than a farm dwelling and from any adjoining lot line in an "R" District.
14. Billboards except that no billboard shall be posted and no advertising structure shall be erected as follows:
 - a. On or within the right-of-way of a highway or where it would encroach thereon.
 - b. Along a highway within five hundred (500) feet of the center point of an intersection of such highway at grade with another highway or with a railroad.
 - c. Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than five hundred (500) feet.
 - d. No billboard within three hundred (300) feet of a house, church or school, except by written approval of the owner thereof.
 - e. No billboards less than fifteen hundred (1500) feet apart except back to back or end to end and no more than two (2) billboards facing one direction.
 - f. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State or by any county, municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - g. No advertisement shall be posted or maintained on rocks, fences, trees or other perennial plants or on poles maintained by public utilities.
 - h. See Section 13.
15. Commercial feed lots, providing the closest boundary of said feed lot is a minimum of at least 1,000 feet from the nearest dwelling, other than any dwellings on the feed lot owner's property. Also, the provisions for drainage, sanitation and fly control approved by the County Board of Health.
16. Anhydrous ammonia containers shall be located outside of buildings other than those especially constructed for this purpose. Permanent storage shall be located outside of densely populated areas and subject to the approval of the authority having jurisdiction. The container shall not be less than; 200 feet from the line of adjoining property which may be built upon (except that the distance can be reduced to not less than 50 feet from the near side of the public right of way and that of not less than 10 feet from the main line railroad right of way); 100 feet from an open source of drinking water or dwelling unit; and 1000 feet from any school, hospital or other place of public assembly. *(Amended; Mar. 6, 1970 Oct. 4, 1971)*

B. Accessory Uses.

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

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

8. Principal uses permitted in this district shall be permitted one (1) double face on-site sign on the premises not to exceed two (2) square feet in area per face.
9. One bulletin board or sign not exceeding twelve (12) square feet in area for any permitted church, school or other public or semi-public institution.

Any use, which is interpreted by the Zoning Administrator to be a similar use to one of the above named uses, and, in his opinion, conforms to the intent of this section.

C. Height Regulations.

No building shall exceed two, and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Section 14.

D. Lot Area, Width and Yard Requirements.

The following minimum requirements shall be observed:

1. Lot area: All permitted uses – Three (3) acres or more, including road right of way.
2. Lot width: Permitted Uses - One hundred fifty (150) feet.
3. Front yard depth: Dwellings and other permitted uses - fifty (50) feet from right-of-way line unless otherwise specified. When fronting on the right-of-way of a Federal, State or County highway as shown on the Comprehensive Plan, the front yard shall be measured from the proposed right-of-way line.
4. Side yard width - each side yard: Twenty-five (25) feet unless otherwise specified. See Paragraph 6 below.
5. Minimum rear yard depth: Dwellings and other permitted uses - fifty (50) feet unless otherwise specified.
6. Lots of Record (undersize): Side yard for dwellings on lots of record at the time of passage of this Ordinance and which do not meet the minimum width requirement of the district in which located may be reduced as follows:
 - a. Interior lots - the width of each of the side yards may be reduced to fifteen (15) per cent of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, each side yard be no less than five (5) feet.
 - b. Corner lots - the width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet. The width of the side yard opposite the side street may be reduced to, fifteen (15) per cent of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, this side yard shall be no less than five (5) feet.

SECTION 10 - RESIDENTIAL DISTRICT REGULATIONS

The “R” Residential District is one of single and two-family dwelling units designed to maintain, protect, and preserve the character of development with not more than one two-family dwelling and the customary accessory buildings on one lot. The following regulations and the “General Regulations” contained in Section 8 shall apply in the “R” Residential District. A building or premises may be used only for the following purposes:

A. Principal Permitted Uses.

1. Agriculture and the usual agricultural buildings and structures.
2. One and two-family dwellings.
3. Church or other place of worship including parish house and Sunday School building.
4. Public and parochial schools and colleges for academic instruction.
5. Public buildings and properties of the cultural, administrative or public service type but not including such uses as storage yards, warehouses or garages.
6. Public parks, recreational areas, playgrounds, community centers, camping grounds, forests, wildlife preserves and similar conservation areas.

7. Private non-commercial recreational areas and facilities, swimming pools, institutional or community recreational centers including country clubs and golf courses. Commercial golf courses may be permitted by the Board of Supervisors after public hearing and recommendation by the Zoning Commission.
8. Cemeteries adjacent to or an extension of existing cemeteries.
9. Hospitals and sanatoriums but not including those for contagious diseases or for the insane, liquor or drug addicts; religious institutions; not including correctional institutions; provided that all such buildings shall be set back from all adjacent property, street and highway lines a distance of not less than three (3) feet for each foot of building height.
10. Nurseries and greenhouses provided that any heating plant shall be distant at least two hundred (200) feet from any dwelling other than a farm dwelling and from any adjoining lot line in an "R" District.
11. Signs for service clubs not to exceed three (3) square feet in area displaying the emblem of the club and information on the time and location of meetings. No setback or other yard requirements need be provided.

B. Accessory Uses.

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

Any use, which is interpreted by the Zoning Administrator to be a similar use to one of the above named uses, and, in his opinion, conforms to the intent of this section.

C. Height Regulations.

No principal structure shall exceed two and one-half (2 ½) stories or thirty (30) feet in height; and no accessory structure shall exceed one (1) story or fifteen (15) feet in height; except as provided in Section 14

D. Lot Area, Width and Yard Requirements.

The following minimum requirements shall be observed:

1. Lot Area: Lot area: All permitted uses – Three (3) acres or more, including road right of way
2. Lot width: No public sewer and water - 100 feet; Public water supply available - 80 feet.
3. Front yard depth: Dwelling and other permitted uses - fifty (50) feet from right-of-way line unless otherwise specified. When fronting on the right-of-way of a Federal, State or County Highway as shown on the Comprehensive Plan, the front yard shall be measured from the proposed right-of-way.
4. Side yard width - each side yard: Twenty-five (25) feet unless otherwise specified. See Paragraph 6 below.
5. Rear yard depth: Dwellings and other permitted uses - Fifty (50) feet unless otherwise specified.

6. Lots of Record (undersize): Side yard for dwellings on lots of record at the time of passage of this Ordinance, which do not meet the minimum width requirement of the “R” District may be reduced as follows:
 - a. Interior lots: The width of each of the side yards may be reduced to twelve (12) per cent of the width of the lots on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, each side yard shall be no less than five (5) feet.
 - b. Corner lots: The width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet. The width of the side yard opposite the side street may be reduced to twelve (12) percent of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, this side yard shall be no less than five (5) feet.

SECTION 11 – COMMERCIAL DISTRICT REGULATIONS

The “C” Commercial District is one of neighborhood and general retail and customer service uses designed to be compatible with each other and nearby residential districts. The following regulations and the “General Regulations” contained in Section 8 shall apply in the “C” Commercial District. A building or premises may be used for the following purposes:

A. Principal Permitted Uses.

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

- f. General Retail Service:
 - i) Bird or Pet Shop
 - ii) Book Store
 - iii) Cigar Store
 - iv) Florist Shop.
 - v) Furrier
 - vi) Hardware
 - vii) Paint and Wallpaper Store
 - g. Recreational Equipment:
 - i) Toy Shop
 - ii) Variety Store
 - iii)
 - h. Personal Service:
 - i) Barber Shop
 - ii) Beauty Parlor
 - iii) Cosmetics
 - iv) Masseur Salon
 - v) Optician
 - vi) Reducing Salon
 - i. Amusement Enterprises:
 - i) Billiard Halls.
 - ii) Bowling Alleys
 - iii) Theater (indoor)
 - j. Hotel, Motel, Private Club or Lodge.
 - k. Advertising sign or billboard provided that when the same is located within fifty (50) feet of an "R" District boundary line, it shall be affixed to or be part of a building and not extend over any street line nor project above the roof line or parapet wall. See Section 13.
 - l. Funeral Homes.
 - m. Clinics.
3. Drive-in eating and drinking establishments, bars and cocktail lounges, summer gardens and road houses, including entertainment and dancing; provided the principal building is distant at least one hundred (100) feet from any "R" District.
 4. Automobile, trailer, mobile home and farm equipment establishments for display, hire, sales and repair including sales lots; however, this paragraph shall not be construed to include automobile, tractor, machinery or similar wrecking and used parts yards.
 5. Theaters: provided that for drive-in theaters, the screen shall be located so as not to be visible from adjacent highways. Sufficient drive area shall be provided so that cars will not be waiting in line on any public right-of-way or otherwise create a hazard to vehicular movement.
 6. Animal hospital, veterinary clinic or kennel; but not including any exercising runway; provided any structure or area used for such purpose shall be at least two hundred (200) feet from any "R" District boundary.
 7. Commercial baseball fields, swimming pools, skating, golf driving ranges or similar recreational uses and facilities.
 8. Carpenter, plumbing, printing, sheet metal and sign painting shops, bakery, laundry, clothes cleaning and-or dyeing establishments, lumber yards and commercial greenhouses.

B. Accessory Uses.

1. Accessory uses and structures as permitted and regulated in the “R” District except as otherwise provided herein.
2. Other accessory uses and structures customarily accessory and incidental to any permitted principal use.
3. Signs, On-Site
 - a. Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line or parapet wall, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an “R” District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the “R” District; however, this does not apply to the side of the building, which is opposite that side adjoining the “R” District.
 - b. One “post sign” on each street on which a business abuts; provided, however, that said “post sign” shall not have any visible surface area greater than eighty (80) square feet. The bottom of said "post sign" or surface area thereof shall be not less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected. The term “post sign” as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said “post sign” shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

Any use, which is interpreted by the Zoning Administrator to be a similar use to one of the above named uses, and, in his opinion, conforms to the intent of this section.

C. Height Regulations.

Two and one-half (2 ½) stories but not exceeding thirty-five (35) feet in height; and no accessory structure shall exceed one (1) story or twelve (12) feet in height, except as provided in Section 14.

D. Lot Area, Width and Yard Requirements.

The following minimum requirements shall be observed:

1. Lot area: Dwellings - same as “R” District.
2. Lot Width: Dwellings - same as “R” District:
3. Front yard depth: All uses - fifty (50) feet, exclusive of road right-of-way. When fronting on the right-of-way of a Federal, State or County Highway as shown on the Comprehensive Plan, the front yard shall be measured from the proposed right-of-way line.
4. Side yard width - each side yard: Twenty-five (25).
5. Rear yard depth: Fifty (50) feet.

E. Parking, Loading, and Outdoor Advertising.

See Section 13.

F. Exceptions.

See Section 14.

SECTION 12 - INDUSTRIAL DISTRICT REGULATIONS

The “M” Industrial District is one of industrial uses designed to serve the needs of Madison County for industrial activity.

District Restrictions.

1. Residential use is permitted subject to the Board of Adjustment approval to the extent that one dwelling unit may be maintained for a watchman or caretaker and his family.
2. No building permit shall be issued for any dwelling (except as provided above), mobile home parks, schools, hospitals, clinics, and other institutions for human care.

The following regulations and the “General Regulations” contained in Section 8 shall apply in the “M” Industrial District. A building or premises may be used only for the following purposes:

A. Principal Permitted Uses.

1. Uses permitted in “C” Districts; provided that no zoning certificate shall be issued for any dwellings, schools, hospitals, clinics and other institutions for human care, except where incidental to a principal permitted use.
2. Automobile assembly and major repair.
3. Creamery, bottling, ice manufacturing and cold storage plant.
4. The manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals, stones, tobacco, wax, yarns and wood.
5. Manufacture of musical instruments, novelties and molded rubber products.
6. Manufacture or assembly of electrical appliances, instrument and devices.
7. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
8. Laboratories - experimental, film or testing.
9. Manufacture and repair of electric signs, advertising structures light sheet metal products, including heating and ventilating equipment.
10. Blacksmith, welding or other metal shop, excluding drop hammers and the like.
11. Foundry casting lightweight non-ferrous metals or electric foundry not causing noxious fumes or odors.
12. Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
13. Enameling, lacquering or japanning.
14. Crematory - if located not less than two hundred (200) feet from any “R” District.
15. Concrete mixing, concrete products manufacture.
16. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment,
17. Building material sales yards, retail lumber yard, contractor's equipment storage yard or plant or rental of equipment commonly used by contractors, storage and sale of livestock, feed; and or fuel, provided dust is effectively controlled and storage yards for vehicles of a delivery or draying service.
18. Circus, carnival or similar transient enterprise; provided such structures or buildings shall be at least two hundred (200) feet from any “R” District.
19. Flammable liquids, storage of.
20. Printing and-or publishing houses.
21. Wholesale warehouse or business.
22. Truck terminal or yard, including repair.
23. Storage and wholesale sales of grain not raised on the premises.

24. Any other use not otherwise prohibited by law; provided, however, that none of the following uses shall be established or reconstructed, structurally altered, enlarged, or moved unless the Board of Adjustment approves the issuance of a permit therefore in accordance with the provisions of Section 17.
- a. Abattoirs and slaughter houses or stockyards.
 - b. Acid manufacture or wholesale storage of acids.
 - c. Cement, lime, gypsum, or plaster of paris manufacture.
 - d. Distillation of bones.
 - e. Explosive manufacture or storage.
 - f. Fat rendering, fertilizer, gas, or glue manufacture.
 - g. Garbage, offal or dead animal reduction or dumping.
 - h. Petroleum products refining or wholesale storage.
 - i. Smelting or reduction of ores or metallurgical products.
 - j. Transmitting stations.
 - k. Junk yard. Such activities shall be enclosed by a wooden or masonry fence or wall not less than six (6) feet in height in which any openings are less than fifteen (15) per cent of the total area of said fence. Such fence or wall shall be maintained in a good condition and the property shall not present an unsightly appearance from adjoining properties. Parking of customers or employee vehicles only shall be permitted in the front yard.
25. Anhydrous ammonia containers shall be located outside of buildings constructed for this purpose. Permanent storage shall be located outside of densely populated areas and subject to the approval of the authority having jurisdiction. The container shall not be less than 50 feet from the line of adjoining property which may be built upon (except that the distance can be reduced to not less than 10 feet from the main line railroad right-of-way); 100 feet from an open source of drinking water for a dwelling unit; and 1000 feet from any school, hospital or other place of public assembly. (*Amended; April 5, 1976*)

B. Accessory Uses.

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

Any use, which is interpreted by the Zoning Administrator to be a similar use to one of the above named uses, and, in his opinion, conforms to the intent of this section.

C. Required Conditions.

1. All uses specified in Subsection A, Paragraphs 2 through 17, inclusive shall be conducted wholly within a completely enclosed building except for parking, loading and unloading facilities.
2. No use specified in Subsection A, Paragraphs 2 through 24, inclusive shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious or offensive, owing to the emission of dust, smoke, cinders, gas fumes, noise vibration, refuse matter or water-carried waste.
3. The best practical means known for the disposal of refuse matter or water-carried waste; the abatement of obnoxious or offensive odor, smoke, dust, gas, noise, or similar nuisance shall be employed.
4. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least one hundred (100) feet from any "R" District boundary except where adjoining a railroad right-of-way, and distant at least fifty (50) feet from any "C" District boundary.

D. Height Regulations.

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

E. Lot Area, Width and Yard Requirements.

The following minimum requirements shall be observed:

1. Lot area: All permitted uses – Three (3) acres or more, including road right of way
2. Lot width: None.
3. Front yard depth: Fifty (50) feet measured from existing or proposed right-of-way line
4. Side yard width - each side yard: Twenty-five (25).
5. Rear yard depth: Fifty (50) feet; none, where adjoining railroad right-of-way.

F. Parking, Loading and Outdoor Advertising.

See Section 13.

G. Exceptions.

See Section 14.

**SECTION 13 – PARKING AND LOADING AREAS, FILLING STATIONS, OUTDOOR
ADVERTISING SIGNS AND BILLBOARDS**

A. Off-Street Loading Spaces Required.

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

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

B. Off-Street Parking Areas Required.

1. In all districts in connection with every industrial, commercial business, trade, institutional, recreational, or dwelling use, land uses, spaces for parking and storage of vehicles shall be provided in accordance with the following schedule:
 - a. Automobile sales and service garage fifty (50) percent of floor area.
 - b. Banks, clinics, business and professional offices - fifty (50) percent of floor area.
 - c. Bowling alleys - five (5) spaces for each alley.
 - d. Churches and schools - one (1) space for each eight (8) seats in a principal auditorium. Where no auditorium is involved, one (1) space for every five (5) students.
 - e. Dance halls, assembly halls - two hundred (200) per cent of floor area used for dancing or assembly.
 - f. Dwelling - one (1) parking space for each family or dwelling
 - g. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.
 - h. Furniture and appliance stores, household equipment or furniture repair shops, over one thousand (1,000) Square feet of floor area - one hundred (100) percent of floor area.
 - i. Hospitals - one (1) space for each four (4) beds.
 - j. Hotels, lodging houses - one- (1) space for each two (2) bedrooms.
 - k. Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift.
 - l. Restaurants, taverns, bars, cocktail lounges and night clubs, over one thousand (1,000) square feet floor area - two hundred (200) percent of floor area.
 - m. Retail stores, supermarkets, etc., over two thousand (2,000) square feet floor area - two hundred (200) percent of floor area.

- n. Retail stores, shops, etc., under two thousand (2,000) square feet floor area - one hundred (100) percent of floor area.
 - o. Sports arenas, auditoriums other than in schools - one (1) parking space for each six (6) seats.
 - p. Theaters, assembly halls with fixed seats one (1) parking space for each six (6) seats.
 - q. Wholesale establishments or warehouses one (1) space for each two (2) employees.
2. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is mentioned and which is similar shall apply.
 3. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question, except where provided in connection with a use permitted in an agricultural or residential district, such easement of access or access drive shall not be located in any district.
 4. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
 - a. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen planted.
 - b. Any off-set parking area, including any commercial parking lot for more than five (5) vehicles shall be surfaced with an asphalt or Portland cement binder pavement or such other surfaces as shall be approved by the County Engineer so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.
 - c. Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
 5. Subject to the requirements of Section 13, off-street parking areas may be established in any "R" District that immediately joins a "C" or "M" District, or is directly across an alley from a "C" or "M" District; provided such parking shall be accessory to land for use of one or more business or industrial establishments located in the adjoining "C" or "M" District; provided, however, that such transitional use shall not extend more than one hundred (100) feet from the boundary of the less restricted zone.

C. Filling Stations.

1. No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.
2. Pump islands, light standards and related minor accessory equipment, not involving repair work or servicing of vehicles other than for fuel, air and water shall be permitted in the yard areas provided no gasoline pump or fuel dispensing equipment shall be located within twelve (12) feet of any street right-of-way.
3. No oil draining pit or appliance for such purpose shall be located within twenty-five (25) feet of any "R" District boundary nor within twelve (12) feet of any street right-of-way line.
4. On all corner lots, all vehicular entrances to or exits from, and curb openings shall be set back a minimum of fifty (50) feet from the projecting intersection of curb lines, and such openings shall not exceed thirty-five (35) feet in width at the curb line. There shall be a minimum of twenty (20) feet measured along the curb line between any series of driveways.

5. One permanent, free-standing, double-faced post or pedestal sign shall be permitted for each street or road upon which a service station property abuts; provided that such sign shall not project over the right-of-way line of the abutting street. Said sign shall not exceed eighty (80) square feet in area per face. Non-permanent movable advertising signs shall be permitted provided the area does not exceed nine (9) square feet per face.

D. Outdoor Advertising Signs and Billboards.

1. In all districts where permitted, billboards shall be set back from the existing or proposed right-of-way line of any State or Federal Highway, any major County thoroughfare so designated by the Comprehensive Plan, and from the right-of-way line of any other street or road, at least as far as the required front yard depth for a principal building in such district; except that at the intersection of any State or Federal highway, the setback of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this Ordinance) shall be not less than one hundred (100) feet from the established right-of-way line of each such highway or street. No such sign or billboard shall be permitted which faces the front or side lot line of any lot in any "R" District used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square or entrance to any public park, public or parochial school, church, cemetery or similar institution within three hundred (300) feet thereof.
2. If any sign, because of its location, size, nature, or type constitutes or tends to constitute a traffic hazard to safe and efficient operation of vehicles upon any County thoroughfares or creates a condition which endangers the safety of persons or property, the Zoning Commission with the approval of the Board of Supervisors, may order its removal based upon a complete report
3. furnished after an inspection by the County Engineer and the Zoning Administrator as to traffic or safety problems created by any such sign. The Commission shall notify the sign company of any existing problem and within thirty (30) days set a hearing to discuss the removal of said sign.
4. If said sign is not removed within thirty (30) days after due notice to the property owner by the Commission, the County Road Department shall remove said sign and bill the property owner where the sign is located for the full cost.

SECTION 14 – EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS AND CONDITIONAL USES

A. Construction of Accessory Building Before Principal Building.

No accessory building shall be constructed upon any lot until the permit for the main or principle building has been issued, except, to allow for property maintenance equipment storage, one accessory building up to 201 sq. ft. per lot, tract or parcel of land shall be allowed without a main or principle building allowing for one building up to 10 X 20 in size or smaller.

B. Water and Sewage Requirements.

1. All on-sight wastewater treatment and disposal systems located in the County, shall be constructed and equipped in accordance with the specifications and requirements set forth by the Department in the most current edition of the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the regulations of the Board of Health.

C. Structures Permitted Above Height Limits.

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

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

D. Other Exceptions to Yard Requirements.

Every part of a required yard shall be open to the sky unobstructed with any building or structure, and except for ordinary projections not to exceed twenty four (24) inches including roof overhang.

E. Conditional Uses.

The development and administration of a comprehensive zoning ordinance is based upon the division of the County into zoning districts with uniform regulations defining permitted uses of land and structures within each district. It is recognized, however, that there are occasions when in addition to the principal permitted uses, conditional uses may be allowed after careful consideration of the impact of the particular uses upon the neighborhood and public facilities therein. The following uses may be authorized by a conditional use permit granted by the Board of Adjustment Under no conditions shall the sum or any part thereof be refunded for failure of said application to be approved.

1. Any public building erected and used by any department of the Township, County, State or Federal Government. Any district.
2. Airport or landing field. Any district.
3. A-Dump
A premise used for disposal of (clean) type fill material or refuse such as dirt, rock, cans, tree branches, and similar materials, but not including organic material and any type such as garbage or dead animals or portions thereof;
B- Sanitary Land Fill Dump
premise used for dumping organic materials such as garbage in an excavation and covered daily with dirt in accordance with Board of Health requirements.
4. Moto Cross, Figure 8 and other motorized race tracks. "A" and "M" Districts. Minimum Development Requirements:
 - a. Area – twenty (20) acres.
 - b. Width – six hundred (600) feet.
 - c. Setback – two hundred (200) feet.
 - d. Side yard – two hundred (200) feet.
 - e. Rear yard – two hundred (200) feet.
 - f. Off-street parking – a minimum of one and one-half (1 ½) parking spaces for each racer based on the maximum capacity of the track plus an additional one hundred (100) parking spaces for spectators shall be provided.
 - g. Lighting – any lighting provided shall be so arranged that it will not shine directly onto adjacent properties.
 - h. Buffering - noise buffering in the form of landscaping or fencing may be required by the Board of Supervisors as needed according to its discretion.
 - i. Distance from existing dwellings – no track shall be located closer than six hundred (600) feet from any existing dwellings other than dwellings owned by the applicant for the proposed track.
 - j. Surfacing – the tracks shall be surfaced with asphalt or treated with dust inhibitor to reduce dust.

5. Golf courses, Public, Private and Commercial. In any district where otherwise prohibited.
6. Non-profit fraternal institutions used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or charitable character, may be permitted in any district in which otherwise prohibited, except that none may be permitted in an "M" district, and provided that the building shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height. Minimum yard requirements shall be as specified in the district regulations.
7. Mineral Extraction.
 - a. "Mineral Extraction" means, for purposes of this Ordinance, the mining, extraction, removal processing and selling of coal, gypsum, limestone, stone, sand, gravel, slate or other materials. Each application for a conditional use permit for mineral extraction shall identify the material to be extracted.
 - b. Mineral extraction shall be allowed only in "A" Districts.
 - c. No portion of the mineral extraction operation shall be carried on within six hundred (600) feet of any commercial or industrial district or any residence except that of parking of passenger vehicles. The restrictions of this paragraph shall not apply to property for which the permit is requested.
 - d. Except as authorized under the terms and conditions of a conditional use permit granted hereunder, no material, other than excavated for which a conditional use permit has been issued, shall be removed from the tract that is being excavated.
 - e. All conditional use permits granted for mineral extraction shall be granted by the Board for a defined period of time. All such permits shall contain the condition that the operational rights granted under the permit automatically shall expire at such time as the mining operations on the subject tract have terminated.
 - f. The terms of the permit shall require that the operator shall be obligated to rehabilitate the tract immediately upon termination of the mining operations on the tract. The permit application shall contain a plan for a rehabilitation of the tract after completion of mineral extraction. The operator shall certify in the rehabilitation plan that the operator shall fully rehabilitate the tract to the standards and requirements of the rehabilitation plan and the state of Iowa. The rehabilitation plan shall provide that the operator shall file a bond with the state of Iowa and that the bond shall not be released until inspection and approval of the rehabilitation of the tract by the state of Iowa and after notification to the Board of Adjustment. The rehabilitation plan shall provide a detailed showing of the manner in which the tract will be graded and furnished with replacement topsoil that will support vegetation. The rehabilitation plan shall set forth detailed measures to be taken to assure that the tract after rehabilitation will have at least the same agricultural productivity and capacity as before the commencement of the mining operations and excavations. As part of the rehabilitation plan, the operator may designate a portion of the tract to be exempt from rehabilitation and to be used as a water storage area, and such water storage area may be permitted by the Board of Adjustment if the Board determines that the water storage area would serve the best interests of the tract, the surrounding area and Madison County. All rehabilitation work and other actions taken to rehabilitate the tract shall be undertaken by the operator, at the operator's expense and at no cost to Madison County. The rehabilitation plan and all of its standards and requirements shall be incorporated as a part of the conditional use permit, and the standards and requirements of the rehabilitation plan shall be enforceable to the full extent of all other conditions imposed by the Board in granting the permit.

- g. In lieu of the requirement for inclusion of a rehabilitation plan as part of the permit application, the operator and Madison County may enter an agreement for the County to accept an irrevocable offer of dedication of fee simple title to the tract to the County immediately upon the termination of the mining operations on the tract. In the event that the operator enters such an agreement with the County, the County shall assume all responsibility and costs of rehabilitation of the tract after termination of the mining operations and transfer of title to the tract to the County.
 - h. No conditional use permit shall be granted for mineral extraction on any tract that contains any prime productive agricultural land. For purposes of this requirement, “prime productive agricultural land” is defined as agricultural land having a CSR rating of seventy percent (70%) or greater.
 - i. An applicant for a conditional use permit for mineral extraction shall submit a plan containing a vicinity sketch, contour lines, rilles, amount of material deposits, depth of overburden and plan for drainage of the area of the affected tract. In determining whether to allow or deny a conditional use permit for mineral extraction, the Board shall consider and take into consideration all of this information.
 - j. In determining whether to allow or deny a conditional use permit for mineral extraction, the Board shall consider and take into consideration the distance of the affected tract from the corporate limits of any city or town and the effects on the neighboring city’s or town’s plans for growth and development. If the proposed operation is located, at its nearest point, within two (2) miles of the boundaries of a city or town, and if the city’s or town’s comprehensive plan includes the property on which the proposed operation is located, then the Board shall review and consider the city’s comprehensive plan in making its determination regarding the granting of the conditional use permit and the conditions to be imposed.
 - k. If rock crushing or material recycling is to be conducted on the subject site, the applicant must include in the permit application a complete description of the proposed rock crushing or material recycling use, including a description of the equipment to be used, anticipated noise levels, times of operation and any other relevant information required by the Board or its staff. The Board shall determine whether rock crushing or material recycling is to be allowed on the site under a conditional use permit, and, if allowed, the Board shall impose appropriate conditions and limitations as a part of the permit.
 - l. The Board of Adjustment shall not consider any new application for a conditional use permit for mineral extraction, if the applicant has an existing conditional use permit for mineral extraction in Madison County, if the permit was granted more than ten (10) years prior to the Board hearing on the new application, and if the applicant has not completed mining operations and completed rehabilitation of the subject tract.
8. Temporary concrete and/or asphalt batch plants may be permitted only in “A” and “M” Districts, subject to all of the following requirements:
- a. Such batch plants shall be erected and used only to supply material for use in one identified city, county, state or federal highway or road construction or improvement project.
 - b. A conditional use permit for such a batch plant shall be granted only for the period of eighteen (18) months after the date of issuance of the permit, or until completion of the identified highway or road project, whichever time period expires first.
 - c. No such batch plant shall be permitted within 1,000 feet from any residential dwelling.
 - d. Access to such batch plant shall be allowed only from arterial or collector streets, roads or highways. Access from local residential streets or roads or collector streets or roads serving residential areas shall be prohibited.
 - e. The applicant shall submit a plan for routing of trucks to and from the proposed batch plant as part of the permit application, and approval of such plan by the Board is a condition to approval of the permit application.

- e. The batch plant shall be removed immediately after the completion of the identified highway or road project or projects, and the batch plant site shall be rehabilitated and restored by the operator to its original state prior to erection of the batch plant.
9. Mobile Home Parks may be permitted only in “A,” “R” or “C” Districts, subject to the following minimum development requirements:
- a. Subdivision Ordinance Regulations. Mobile Home Parks, in accordance with the development standards set forth in the Madison County Comprehensive Plan, shall follow the requirements set forth in the Madison County Subdivision Ordinance. All rules and regulations pertaining to lot size, road construction and on-site wastewater treatment shall be followed. No part of any park shall be used for non-residential purposes except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park or other common areas such as parks, ponds or recreation areas. This shall in no way prohibit the sale by a resident owner of a mobile home located on a mobile park.
 - b. Accessory Uses.
 - i) Accessory uses may include common facility service buildings which provide laundry facilities, short order food service, accessory supplies, vending machines, etc.; also park management buildings, maintenance buildings, community buildings, and other uses of a similar nature. All such buildings shall be located within the central “park” area, and shall be restricted to the use of the park occupants.
 - ii) One permanent identification sign shall be permitted at any main entrance to the Mobile Home Park. Such sign shall be of ornamental metal, stone, masonry, or other permanent material and shall indicate only the name of such Mobile Home Park. Such sign shall not exceed twenty (20) square feet in surface area.
 - c. Height Regulations. No mobile home or accessory building shall exceed thirty-five (35) feet in height.
 - d. Lot Area, Lot Frontage and Yard Requirements. The minimum area proposed for a Mobile Home Park shall have at least fifteen (15) acres of gross development area. The maximum density allowed for the gross development area shall be one (1) mobile home unit per three acre lot.
 - e. Parking. A minimum of two (2) off-street car spaces for each mobile home lot shall be provided. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of 200 feet from the mobile home that it is intended to serve.
 - f. Skirting. Skirting of a permanent type material and construction shall be installed within ninety (90) days to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. This skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the Mobile Home Park.
 - g. Utilities. Sewer and water facilities shall be provided for each Mobile Home Park space in accordance with the requirements of the Iowa Department of Natural Resources and the General Environmental Health Regulations of Madison County.
10. Public water supply and sewage treatment facilities may be permitted in any district.
11. Public and private cemeteries may be permitted in any “R” or “M” District
12. Any structure or land used by public or private utility service company or corporation for public utility purpose, including sewage lagoons, or for purposes of public communication may be permitted in any district. The basis for such permit shall be public convenience.

13. Transmitting stations may be permitted only in "A," "C" and "M" Districts.
14. Travel trailer parks/camp grounds may be permitted only in "A," "C" and "M" Districts, subject to the following requirements:
 - a. Requirements for Park.
 - i) Front Yard: Fifty (50) feet. This requirement shall apply to any and all roads or streets upon which the "park" abuts.
 - ii) Side Yard: Twenty-five (25) feet.
 - iii) Rear Yard: Fifty (50) feet.
 - iv) Minimum Area: Three (3) acres.
 - v) Maximum Density: Twenty (20) unit spaces per gross acre of park site.
 - vi) Drives: Twenty-five (25) feet in width with minimum 4 inch sub-base and 3 inch granular surface.
 - vii) A common service building providing laundry facilities, short order food service, accessory supplies, etc., may be included in the "parks" permitted in the "A" District, provided such building shall be located within the central "park" area, shall not be visible to passing traffic, and shall be restricted to the use of the park occupants.
Such service buildings shall be permitted in the "C" District providing such use shall conform to the requirements provided in the "C" District Regulations.
 - viii) The rear and-or side yards shall be screened from adjacent property access by planting screen not less than ten (10) feet in width, or by an un-climbable fence wall.
 - b. Requirements for "Trailer" spaces.
 - i) Minimum Space Size: Twenty (20) feet by fifty-five (55) feet.
 - ii) Minimum Space Area: One thousand one hundred (1,100) square feet.
 - iii) Off-Drive Parking: One (1) parking space for and within the area of each "Trailer" space.
 - iv) Minimum Front Yard: Ten (10) feet.
 - v) Minimum Rear Yard: Five (5) feet.
 - vi) Minimum Side Yard: Five (5) feet.
 - vii) Trailer Separation: The minimum distance between any two trailers shall be not less than ten (10) feet.
 - c. Site Plan Requirements. A site plan of the park site shall be required for review and consideration by the Board of Adjustment. The site plan shall be prepared at a scale of not less than 1 inch = 100 feet. All provisions to meet the requirements of this Ordinance shall be clearly illustrated on the site plan. All existing drainage and public utility facilities shall be shown, and proposed methods of storm water removal, waste removal and water distribution shall be stated on the plan. An approved Pollution Prevention Plan shall accompany each request. Detailed requirements shall be approved by the County Engineering and Health Departments as well as the Madison County Conservation Commission. prior to the issuance of a conditional use permit. Final trailer park development shall be in accordance with the approved site plan.

F. General Requirements and Conditions Applicable to All Special Use Permits.

In granting any special use permit, the Board of Adjustment may prescribe such restrictions and conditions with respect to the permitted use as the Board deems reasonable to further the objectives of this Ordinance. The following general requirements are applicable to all special use permits that may be granted by the Board:

- a. Required Findings. No special use permit shall be granted by the Board of Adjustment unless the Board first finds that all of the following conditions exist:
 - i. Surrounding Area. The value and qualities of the area (or neighborhood) surrounding the conditional use are not substantially injured, and the establishment of a special use will not impede the normal and orderly development and improvement of surrounding undeveloped property for uses predominant in the area. In reviewing and acting upon each application for a special use permit, the Board shall each give due consideration to the proximity of the proposed use to public parks, schools, licensed day care facilities, dwellings and residential districts.
 - ii. Infrastructure. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
 - iii. Intent of Ordinance. The special use is consistent with the intent and purpose of this Ordinance to promote public health, safety, and general welfare.
 - iv. Nuisance Factors. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
 - v. Comprehensive Plan. The special use is not inconsistent with the comprehensive plan and land use policies of the County.
 - vi. Cumulative Impact. The Board shall make a determination that the proposed use would not cause a significant adverse cumulative impact when considered together with other uses previously permitted by special use permit. While the impact of a single use permitted by conditional use permit may be deemed acceptable by the Board, the location of more than one conditional use in close proximity to another conditional use may have the potential of causing a significant adverse cumulative impact in the neighborhood.
- b. Conditions on Use. In granting any special use permit, the Board of Adjustment may set minimum requirements, and/or specify conditions and restrictions on the proposed use. Violations of such conditions and requirements, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Ordinance and punishable under Section 16 of this Ordinance. In addition, the Board is authorized to revoke any special use permit under circumstances where the special use is being conducted in violation of the conditions and restrictions of the permit or of any other applicable legal requirements.
- c. Time. The Board shall determine whether or not the conditional use shall be limited in duration and/or hours of operation. The terms of the conditional use permit shall specify any such limitation.
- d. Landscaping. Appropriate landscaping berms and buffers are included if necessary to minimize the impact of the conditional use on adjacent property.
- e. Financial Guarantees. The Board shall determine whether or not the special use permit applicant should be required to submit a plan to rehabilitate the subject tract once the special use has terminated, and provide for the funding of said restoration. If the Board requires such a plan, then the special use permit may not be granted until such time as the plan as the plan has been submitted to the Board and approved.

- f. Review by County Zoning Commission. All applications for special use permit shall be submitted to the County Zoning Commission for its review prior to the public hearing before the Board of Adjustment. Each application shall be considered by the Zoning Commission at a public hearing. After the public hearing, the Zoning Commission promptly shall submit a report to the Board of Adjustment on its findings and recommendations regarding the application. No final action shall be taken by the Board of Adjustment on any application for special use permit until such time as the Board has received and reviewed the report of the Zoning Commission.
- g. Report by Conservation Department. All applications for conditional use permit shall be submitted to the Conservation Department for review. The Conservation Department shall submit a report on the impact of the proposed use on the environment and on conservation issues prior to the public hearings before the County Zoning Commission and Board of Adjustment. The Board shall consider all recommendations included in the report before determining appropriate environmental protections. The Board shall require reasonable measures to control noise, odor, and dust adequately and to prevent the operation from posing an environmental risk for neighboring properties or waterways. The terms of the conditional use permit shall specify any such required measures.
- h. Report by County Engineer. All applications for conditional use permit shall be submitted to the County Engineer for review. The County Engineer shall submit a report on the impact of the proposed use on roads and other infrastructure matters prior to the public hearings before the County Zoning Commission and Board of Adjustment. The Board may require reasonable measures to be taken by the applicant to address the impact on roads and other infrastructure matters. The terms of the conditional use permit shall specify any such required measures.
- i. Proximity to City Limits. In determining whether to allow or deny a conditional use permit, the Board of Adjustment shall consider the proximity of the subject property to the corporate limits of any city or town.

SECTION 15 – ZONING CERTIFICATES

A. Zoning Certificate Required.

It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure until a zoning certificate shall have been issued by the Zoning Administrator, except no zoning certificate shall be required for agricultural uses. It shall also be unlawful to change the use or occupancy of any building, structure or land from one classification to another or to change a non-conforming use without the issuance of a zoning certificate.

B. Application and Site Plans.

Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate, and when no buildings are involved, the location of the present use and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator, together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

B-1. Certification by the Madison County Board of Health.

Certification by the Madison Board of Health stating sewage disposal and water storage or supply systems for the proposed dwelling has met minimum requirements and approval for the permit has been granted.

C. Zoning Certificate Fees.

There shall be a fee for zoning certificates (building permits) established and approved by the Madison County Board of Supervisors. Under no condition shall the sum or any part thereof be refunded after the certificate (building permit) has been approved and issued by the Madison County Zoning Administrator.

Zoning Certificates (Building Permits):

- Dwellings, Mobile Homes, Manufactured Homes, Modular Homes.....\$250.00
- Other permitted structures.....\$150.00

Business Use Permits.....\$50.00

Billboards or Sign Permits.....\$50.00

Board of Adjustment Hearings:

- Special Use.....\$250.00
- Variances.....\$250.00

Zoning Commission Hearings:

- District Changes.....\$250.00
- Amendments.....\$250.00

Subdivision Plat Review:

- Preliminary Plats.....\$350.00
plus \$25.00 each lot over six (6) lots
- Final Plats..... \$300.00

Fee shall be paid to the Madison County Zoning Administrator then deposited in the General Fund in the office of the Madison County Treasurer.

C-1 Billboard Permit Fee

There shall be a fee to place or erect any size of any sign or billboard with the maximum area of thirty two (32) square feet informative or directional in nature. Fee for the billboard permit to be established and approved by the Madison County Board of Supervisors. Under no condition shall the sum or any part thereof be refunded after the application has been approved and the permit issued by the Madison County Zoning Administrator.

D. Business Use Permit Fee.

Any business of any nature for any purpose other than for the sale of agricultural products raised on the premise be required to obtain a (Business Use Permit). There shall be a fee for the Business Use Permit established and approved by the Madison County Board of Supervisors. Under no condition shall the sum or any part thereof be refunded after the application has been approved and the permit issued by the Madison County Zoning Administrator or if the business is found to be offensive and detrimental to the surrounding properties or community and must be discontinued.

E. Zoning Certificate Expiration.

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

SECTION 16 – ENFORCEMENT

A. Enforcement by the Zoning Administrator

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

B. Violations and Penalties.

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

C. Violations – How Prevented.

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

SECTION 17 – BOARD OF ADJUSTMENT

A. Appointments and Terms.

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

B. Meetings.

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

C. *Applications, Appeals, Hearings and Stay of Proceedings.*

1. Applications; When and by Whom Taken. An application in cases in which the Board of Adjustment has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit same to the Board of Adjustment.
2. Appeals; When and by Whom Taken. An appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. Hearings.
 - a. The Board of Adjustment shall fix a reasonable time for a public hearing on each application or appeal, give ten (10) days notice by mailing written notice to all owners of property located within five hundred (500) feet in all directions from the property that is the subject of the application or appeal, and make a decision within a reasonable time after the application or appeal is considered at the public hearing.
 - b. Each application or appeal shall be accompanied by a check payable to the Treasurer of the County, or a cash payment, for the fee to be established and approved by the Board of Supervisors. Under no circumstances shall the fee or any part thereof be refunded after the application has been accepted and notice prepared by the Zoning Administrator.
4. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with the Board, that, by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application and after notice to the officer from whom the appeal is taken and only upon a showing of due cause.

D. *Jurisdiction and Powers of the Board of Adjustment.*

1. The Board of Adjustment shall have the following powers and duties.
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in enforcement of this Ordinance.
 - b. To hear and decide applications for conditional use permits and exceptions upon which the Board is required to address by other sections of this Ordinance.
 - c. To grant a variance from the terms of this Ordinance when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or where by reason of exceptional topographical conditions of other extraordinary or exceptional situation, the strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. To establish unnecessary hardship, a property owner must show all of the following elements:
 - i. The land in question cannot yield a reasonable return from any use permitted by the regulations of the district in which the land is located. Failure to yield a reasonable return may only be shown by proof that the owner has been deprived of all beneficial or productive use of the land in question. It is not sufficient merely to show that the value of the land has been depreciated by the regulations or that a variance would permit the owner to maintain a more profitable use; and

- ii. The plight of the owner is due to unique circumstances not of the owner's own making, which unique circumstances must relate specifically to the land in question and not to general conditions in the neighborhood; and
 - iii. The use to be authorized by the variance will not alter the essential character of the locality of the land in question.
- 2. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 16 of this Ordinance.
- 3. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- 4. Under no circumstances shall the Board grant a variance unless and until the Board shall be satisfied that granting the variation will not:
 - a. Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variation.
 - b. Impair the general purpose and intent of the regulations and provisions contained in this Ordinance.
 - c. Impair an adequate supply of light and air to adjacent properties.
 - d. Increase the hazard from fire and other danger to said property.
 - e. Diminish the value of land and buildings in the County.
 - f. Increase the congestion and traffic hazards on public roads.
 - g. Otherwise impair the public health, safety and general welfare of this inhabitants of the County.
- 5. Every variance, exception or conditional use permit granted or denied by the Board shall be supported by testimony or evidence submitted in connection therewith.

E. Decisions of the Board of Adjustment.

- 1. In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper.
- 2. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any three of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance.
- 3. The action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution shall be filed in the office of the Board, and shall be open to public inspection.
- 4. Every variance, exception or conditional use permit granted or denied by the Board shall be supported by testimony or evidence submitted in connection therewith.
- 5. No rehearing or reconsideration of any decision by the Board shall be held. However, an aggrieved applicant may file a new application or appeal in cases where the facts and circumstances present at the time of the Board's prior decision have so changed as to materially affect the reasons which produced and supported it. When presented with such a new appeal or application, the Board shall first determine whether there has been a change in circumstances since the prior Board decision. If the Board determines circumstances have changed, then it shall make the additional determination whether the change in circumstances is so material as to affect the reasons underlying the prior Board decision.
- 6. It is not the intention to grant to the Board of Adjustment the power or authority to alter or change the Zoning Ordinance or the District Maps. Such power and authority rests solely with the Board of Supervisors in the manner provided in Section 18 of this Ordinance.

F. Appeals from Decisions of the Board of Adjustment.

1. Any taxpayer, or any officer, department, board or bureau of Madison County, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.
2. Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board of review such decision of the Board, and shall prescribe therein the time within which a return thereto shall be made.
3. The allowance of the writ by the court shall not stay proceedings upon the decision appealed from, but the court may on application, upon notice to the Board and on due cause shown, grant a restraining order.
4. The Board shall not be required to return the original papers acted upon by it, but shall return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other pertinent facts and material to show the grounds of the decision appealed from, and shall be verified.
5. If upon the hearing, which shall be tried de novo, it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take such evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law. This shall constitute a part of the proceedings upon which the determination of the court shall be made.
6. The court may reverse or affirm wholly or in part, or may modify the decision brought up for review.

SECTION 18 – DISTRICT CHANGES AND AMENDMENTS

A. General.

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

B. Procedure for Change.

1. Any person or persons may apply for zoning district changes, or amendments by petition. The Zoning Commission or Board of Supervisors may initiate any changes or amendments by their own action.
2. Applications for any change of district boundaries or classifications or property as shown on the Zoning Maps shall be submitted to the County Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the County Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

3. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold it least one (1) Public Hearing thereon, notice of which shall be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance including text and maps may be examined. Inhere the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.
4. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a Public Hearing thereon. At least fifteen (15) days notice of the time and place of the Hearing shall be given by one publication in a newspaper of general circulation in the County. In addition, notices shall be sent by the United States mail as specified in Paragraph 3, above.
5. In case of a protest against any changes or amendments signed by the owners of twenty (20) per cent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such changes shall not become effective except by favorable vote of at last sixty (60) percent of all the members of the Board of Supervisors. Public Hearings and official notice shall apply equally to all changes or amendments.
6. After receiving certification of the recommendations on the proposed amendment from the Zoning Commission and after holding the Public Hearing provided for, the Board of Supervisors shall consider such recommendations and vote upon the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of the members of the Board of Supervisors.
7. Any person or persons desiring a change in the zoning classification of property shall file with the a placation for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed.
8. The failure to, notify as provided in Paragraphs 3 and 4 above, shall not invalidate any recommendation of the Zoning Commission, provided such failure was not intentional and the omission of the name of any owner of property who may in the opinion of the Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this Paragraph to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Zoning Commission proposing to make a change in the zoning maps or the regulations set forth in this Ordinance.

Each application for an amendment to the Madison County Zoning Ordinance or any district change requested, shall be accompanied by a check payable to the treasurer of the county, or a cash payment for the fee required for public hearing or hearings on each amendment or district change requested. Fee established and approved by the Madison County Board of Supervisors. Under no condition shall the sum or any part thereof be refunded for said amendment or district change to be approved or enacted into law.

SECTION 19 – VALIDITY

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid. *(Amended; June 22, 1978)*

SECTION 20 – WHEN EFFECTIVE

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

SECTION 21 – AMENDMENT SUMMARY

Originally Adopted:

Madison County Board of Supervisors' Resolution dated May 16, 1966

Subsequently Amended:

Madison County Board of Supervisors' Resolution dated September 6, 1967

Madison County Board of Supervisors' Resolutions dated December 16, 1969

Madison County Board of Supervisors' Resolution dated March 6, 1970

Madison County Board of Supervisors' Resolution dated April 6, 1970

Madison County Board of Supervisors' Resolution dated October 4, 1971

Madison County Board of Supervisors' Resolution dated April 5, 1976

Madison County Board of Supervisors' Resolution dated October 3, 1977

Madison County Board of Supervisors' Resolution dated June 22, 1978

Madison County Board of Supervisors' Resolution dated March 23, 1993

Madison County Board of Supervisors' Resolution dated January 10, 1995

Madison County Board of Supervisors' Resolution dated July 28, 1998

Madison County Board of Supervisors' Resolution dated May 25, 2004

Madison County Board of Supervisors' Resolution dated December 14, 2004