

ARTICLE VI. DISTRICTS AND GENERAL REGULATIONS

Section 1. ESTABLISHMENT OF DISTRICTS. For the purpose of this Ordinance, Hardin County is hereby divided into the following districts:

- "W" Wilderness Preserve District
- "G" Conservation-Greenbelt District
- "A" Agricultural District.
- "R-1" Single Family Residential District.
- "R-2" Multi-Family Residential District.
- "R-3" Mobile Home Park District.
- "C" Commercial District.
- "M" Manufacturing District.

Section 2. DISTRICT BOUNDARIES - MAPS. The above districts are bounded and defined as shown on the maps entitled "Zoning District Map, Hardin County, Iowa", which has been adopted, which accompanies and which with all explanatory matter thereon is hereby made a part of this Ordinance.

Section 3. INTERPRETATION OF DISTRICT MAPS.

1. Where a district line is shown as approximately following the centerline of a street or highway, a street line or highway right-of-way line, this centerline, street line or right-of-way line shall be constructed to be such boundary. The boundary line shall be changed automatically whenever the said center line, street line or highway right-of-way line is changed, provided that the change does not exceed fifty (50) feet.
2. Where a district line is shown as following a lot line, such lot line shall be construed to be the boundary of the district.
3. Where a district line follows a stream or river such district boundary shall be deemed to be the centerline of said stream or river. For any lake, pond, reservoir or other body of water, the regulations of the most restrictive adjacent district in they are located shall apply.
4. Where district lines are so indicated by a dimension from an alley, street, highway, lot line, center line or right-of-way line such dimension shall control the boundary of the district.
5. Where a district divides a lot which was held in single and separate ownership at the time the district line was established, the use regulations applicable to the least restricted district shall extend over the portion of the lot in the more restricted district a distance of nor more than thirty (30) feet beyond the district boundary line.
6. If no other indications of the district boundary are made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the Zoning District Map.

Section 4. GENERAL REGULATIONS AND PROVISIONS.

1. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than 1 main building on one lot, with the exception of farm out buildings and buildings in the "C" and "M" zones.
2. All buildings hereafter built on any lot, with the exception of lots zoned agriculture, shall have the minimum average lot width as stated in the respective article of this Ordinance.
3. USES EXEMPT OF REGULATION. The regulations and restrictions established by this Ordinance shall not be construed to apply to uses defined as a farm under Section 400.16; provided, however, that

the regulations which related to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.

4. PERMITS AND CERTIFICATES REQUIRED. Hereafter an application accompanied by the necessary fees shall be filed with and a written permit or certificate shall be obtained from the Administrative Office as required by this Ordinance.

Section 5. USE REGULATIONS.

1. No building shall be erected, or structurally altered, nor shall any building or land be used except for a use permitted in the district in which the building or land is located.
2. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary building shall be removed upon completion of the construction work.

Section 6. HEIGHT REGULATIONS.

1. No building shall be erected, or structurally altered, to exceed the height limit herein established for the district in which the building is located.
2. The height regulations of this Ordinance shall not apply to church spires, belfries, monuments, tanks, water towers, fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, radio and television towers, antenna or aerials, chimneys, elevator bulkheads, smoke stacks, conveyors and flag poles except where in conflict with Article XVIII.

Section 7. AREA REGULATIONS.

1. No building shall be erected, or structurally altered, except in conformity with the area regulations of the district in which the building is located.
2. Every part of a required yard shall be open to the sky except where accessory buildings are permitted in a rear or side yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed eighteen (18) inches.
3. The minimum yards and other open spaces, including lot area per family, required by this Ordinance, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced below the district requirements of the Ordinance.
4. FRONT YARD:
 - a. Uncovered steps or paved terraces may project into the front yard for a distance of not exceeding ten (10) feet, but this shall not permit a roof.
 - b. Porches covered by only by a covering attached to and supported entirely by or from the front wall of the main building shall be at least seven (7) feet high from ground level and shall not extend more than seven (7) feet into the front yard as is herein defined and shall not extend closer than five (5) feet to the front lot line upon which such building is located. This provision relating to projections into the front yard shall apply in all zoning districts where a front yard is required.
 - c. On an interior lot which adjoins the rear lot line of a corner lot, the minimum front yard depth shall be seventy-five (75) percent of that required by the front yard regulations of the district in which the lot is located.
5. SIDE YARD.
 - a. A carport may project into the side yard, provided every part of such carport is unenclosed and meets the side yard requirements for the side yard.

- b. Where dwelling units are permitted above commercial and industrial structures in commercial and industrial districts, no side yards are required, except such side yard as may be required by the district regulations for a commercial or industrial building on the side of the lot adjoining a dwelling district.
6. REAR YARD.
- a. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.
7. LOT AREA.
- a. A single lot having less area than required for the district in which it is located which was a lot of record on the effective date of this Ordinance may be used for any purpose permitted in that district, except for when the County Sanitarian determines that septic area requirements will not be met, which shall override the prior statement.
 - b. Where two or more vacant adjacent lots under common ownership, each having less than required for the district in which they are located and which were lots of record on the effective date of this Ordinance, that area shall be re-divided as to conform with the area regulations of that district before any building is erected or placed thereon.

Section 8. CORNER LOTS.

- 1. Permits for corner lots hereafter shall provide a side yard adjacent to the intersection which shall be equivalent to the front yard requirement if the rear lot line of a corner lot is the side yard line of the lots to the rear of the corner lot which front on the intersecting street or road.
- 2. In cases where there is no residential zoning lot abutting the rear of a corner lot, the side yard line shall not be less than 1/2 of the required front yard for the district. *
- 3. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Section 9. VISUAL CLEARANCE AT INTERSECTIONS.

- 1. INTERSECTION WITH TRAFFIC CONTROLS. On any corner lot, in all districts, at a street intersection which has some form of traffic control (stop or yield signs) there shall be no obstruction to traffic visibility from but not limited to signs, trees, shrubs, fences, within the clear sight triangle which is formed by the intersection of the center line of two intersecting streets and a straight line joining the two (2) said center lines at points fifty-five (55) feet distant from their point of intersection.
- 2. INTERSECTIONS WITHOUT TRAFFIC CONTROLS. On any corner lot, in all districts, at a street intersection which does not have any form of traffic control there shall be no obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the center line of the two intersecting streets and a straight line joining the two (2) said center lines at points a given number of feet distant from their points of intersection. The distances from said point of intersection are specified in the following table for various speeds in miles per hour of enforced speed limit.

DISTANT MEASUREMENT FOR CLEAR SIGHT TRIANGLE

<u>Miles per hour</u>	<u>Distance measurement</u>
20	73'
25	73'
30	88'
35	104'
40	138'
50	156'
55	174'
60	192'

Section 10. FENCES AND WALLS

1. DEFINITIONS

- a. FENCE: An enclosure or barrier such as wooden or metal posts, rails, slats or wire mesh used as a boundary or as a means of screening, protection or confinement.
- b. WALL: An upright structure constructed of wood, concrete, masonry or similar materials, whose vertical surface is intended to prevent the passage of light, and which is used as a boundary or as a means of screening, protection, confinement or support. This term shall not apply to retaining walls.
- c. REQUIRED YARD: The minimum open space required between a lot line and the buildable area of a lot, unoccupied and un-obstructed from ground to sky, except as otherwise specified in this Ordinance.

2. HEIGHT LIMITATIONS

- a. In any residential "R" district, fences and walls not exceeding four (4) feet in height may be located within the required front yard.
- b. In any residential "R" district, fences and walls not exceeding six (6) feet in height may be located within the required side and rear yards.
- c. In the commercial "C" district or any manufacturing "M" district, fences and walls not exceeding eight (8) feet in height may be located within any required yard. A one (1) foot extension consisting of strands of barbed wire may be used at the top of any fence or wall with a minimum height of six (6) feet which is used for security or protective purposes.
- d. Special fence requirements such as fencing provided around parks, recreation and school facilities may be erected to a height in excess of the above limits upon approval of the Administrative Officer.
- e. Fences and walls located on corner lots shall comply with the visual clearance requirements in Article VI, Section 9.

- 3. Fences and walls legally established or constructed prior to the effective date of this Ordinance amendment shall be classified as legal structures, and shall not be required to be altered or removed.

Section 11. ACCESSORY BUILDING STANDARDS IN THE "R", "C", "M", "W", and "A" (Non-Farm Uses) ZONES.

- 1. Any accessory building that is not a part of the main building shall be located not less than five (5) feet from any other structure on the lot.
- 2. Any accessory building that may be located entirely in the required rear yard shall occupy not more than thirty (30) percent of the required rear yard.
- 3. Any accessory building located entirely in the required rear yard shall not be nearer than three (3) feet to any lot line.
- 4. Any accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations of the district in which the building is located.
- 5. Any accessory building shall not exceed fifteen (15) feet in height in all "R" zones.

6. Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
7. No accessory building or part thereof shall be located in the front yard.
8. Accessory buildings may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with.
9. No accessory building shall be constructed upon a lot until the construction of the principal building has commenced, and no accessory building shall be used unless the principal building of the lot also is being used.

Section 12. HOME OCCUPATIONS.

1. STATEMENT OF INTENT. This section is intended to protect residential zones (all "R" zones) from potential adverse impacts of activities defined as home occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations; it is not the intent to eliminate certain businesses and occupations which may be compatible with residential areas.
2. PERMITTED HOME OCCUPATIONS. (No permit required)
 - a. Any use that is not prohibited under Section 3 and that meets the performance criteria set forth in Section 5.
3. PROHIBITED USES. (Shall not be allowed to operate)
 - a. Animal hospitals.
 - b. Private clubs.
 - c. Restaurants.
 - d. Stables and Kennels.
 - e. Automobile repair or paint shops.
 - f. Any use which does not meet the criteria in part 5.
4. OTHER USES. Uses that are not listed as permitted or prohibited shall follow the Conditional Use process outlined in Article XX. The use still shall meet the home occupation performance criterion contained below.
5. HOME OCCUPATIONS SHALL MEET THE FOLLOWING CRITERIA:
 - a. That in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling;
 - b. That the building shall include no features of design not customary for residential use; and
 - c. That the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way.
 - d. Signs. Any sign utilized by a home occupation in an "R" zone shall be limited to one flush-mounted sign on the main residential structure, which shall not exceed 16 square feet in area.
 - e. Equipment. There shall be no mechanical equipment used except as is customary for domestic household purposes. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building. No storage is to be visible from lot lines.
 - f. Employment. Employees must be members of the immediate family residing on the premises.

- g. Traffic and Parking. Not more than one vehicle used in commerce in connection with any home occupation shall be parked on the property. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.
6. BED AND BREAKFAST ESTABLISHMENTS.
- a. The Board of Adjustment may restrict the number of guestrooms.
 - b. Off-street parking ratio shall be one space per guestroom and a minimum of one space for the owner.
 - c. The establishment must comply with local and state regulations regarding all applicable permits and licenses including, but not limited to fire, health, food service, hotel, liquor, revenue, building and zoning permits and licenses.
7. NON CONFORMING HOME OCCUPATIONS. Any home occupations in operation on or before the effective date of this Ordinance shall continue to operate unless if complaints are submitted to the County. At that time, the home occupation shall be studied by the Administrative Officer to determine if the said operation complies with current standards. Final determination shall be made thereof or shall be forwarded to the Board of Adjustment.