

Amendment No. 4 to Ordinance No. 29
“THE MONROE COUNTY UNIFIED DEVELOPMENT CODE”

BE IT ENACTED by the Board of Supervisors of Monroe County, Iowa:

SECTION 1. PURPOSE: The purpose of this amendment to Ordinance No. 29 – “The Monroe County Unified Development Code” is to amend Table of Contents to add Section 5.25, Private Schools page 5.26; amend Chapter 2, 2.2 Administrative Permits D.5 . Home Occupation Validity; E.5 Home Industry Validity; amend Chapter 3, Section 3.3.G Commercial Service District 3a. Performance Standards; Section 3.3. H – I-1 Light Industrial 3a. Performance Standards; Section 3.3.I – I-2 Heavy Industrial 3a. Performance Standards; amend Exhibit 3.4 Use Matrix Accessory Dwelling and Mixed Uses; amend Chapter 5, 5.7 Home Occupations; 5.8 Home Industry; amend Exhibit 3.4 Use Matrix Chart, Schools to incorporate Private Schools; Add new Section 5.25 Private Schools; and amend Chapter 10, Section 10.2 Definitions;

SECTION 2. The code of Ordinances of Monroe County, Iowa shall include the following Amendment to Ordinance No. 29:

Proposed Amendment to Ordinance No. 29 – Monroe County Unified Development Code:

TABLE OF CONTENTS is hereby amended as follows:

Chapter 5. Supplementary Conditions for Specific Uses	
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Proposed Code Amendments:

Chapter 2. Section 2.2D.5. of the UDC is hereby amended as follows:

5. Validity. After the permit has been issued, it shall be reviewed every second year in January. Monroe County shall contact the home occupation permit holder(s) for the review process and collect the applicable fee. If the use has complied and continues to comply with the provisions of this UDC, then the permit shall be renewed.

Chapter 2. Section 2.2E.5. of the UDC is hereby amended as follows:

5. Validity. After the permit has been issued, it shall be reviewed every second year in January. Monroe County shall contact the home industry permit holder(s) for the review process and collect the applicable fee. If the use has complied and continues to comply with the provisions of this UDC, then the permit shall be renewed.

Chapter 3 Section 3.3.G. of the UDC is hereby amended as follows:

- 3.a. Commercial Service District development shall avoid strip development along arterial streets and shall be located as follows, except where an existing commercial center has been established prior to the adoption of this Code:
- (1) clustered in nodes located along a State maintained highway within one-half (1/2) mile of the intersection of the State maintained highway and a local Level “A” Road under Monroe County jurisdiction: or
 - (2) Along a paved local Level “A” Road under county jurisdiction; or
 - (3) Within one-half (1/2) mile of the intersection of a paved local Level “A” Road under county jurisdiction and any other Level “A” local road under Monroe County jurisdiction.

Chapter 3 Section 3.3.H. of the UDC is hereby amended as follows:

- 3a. I-1 Districts shall abut paved arterials and highways, shall provide paved access or dust control as deemed necessary by the Monroe County Zoning Administrator, to the arterial or highway and should be located in the vicinity of established or existing Industrial areas. For purposes of this section, paved access may be via paved road or paved driveway designed to support trucks and other vehicles used in conjunction with the industry;

Chapter 3 Section 3.3.I. of the UDC is hereby amended as follows:

- 3.a. I-2 Districts shall abut paved arterials and highways, shall provide paved access to the arterial or highway and should be located in the vicinity of established or existing industrial areas. For purposes of this section, paved access may be via paved road or paved driveway designed to support trucks and other vehicles used in conjunction with the industry;

Exhibit 3.4 of the UDC is hereby amended as follows:

Exhibit 3.4 Use Matrix

Use Category	Definition (Excerpt)	Specific Use Type	Zoning Districts							
			A-1	A-2	R-1	R-S	C	I-1	I-2	
	See Sec. 10 For complete description									
Accessory Dwelling	Accessory dwelling for business owner	Dwelling for owner, his/her parents or lineal descendant	--	--	--	--	P	C	--	
Mixed Use	Any type of residential unit in conjunction with one or more commercial uses.	Commercial and residential uses on the same site.	--	--	--	--	C	--	--	

Chapter 5 Section 5.7 of the UDC is hereby amended as follows:

5.7 Home Occupations

A. Purpose.

1. To permit and regulate the conduct of home occupations as a secondary use to a dwelling unit, whether owner or renter occupied, but with the property owner's consent;
2. To ensure that such home occupations are compatible with, and do not have a harmful effect on nearby residential properties and uses;
3. To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;
4. To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
5. To enable the fair and consistent enforcement of these home occupation regulations; and
6. To promote and protect the public health, safety and general welfare.

B. Generally. No home occupation, except as otherwise provided herein, shall be initiated, established, or maintained in the County except in conformance with the regulations, administrative procedures and standards set forth in this Section. The applicant shall apply for a home occupation permit and pay the fee as established by a resolution of the Board of Supervisors. And shall be subject to a review every second year thereafter. Monroe County shall contact the home occupation permit holder(s) for the review process and collect the applicable fee. The Zoning Administrator may require an inspection prior to issuing a home occupation permit. Home occupations that are more intensive shall be known as a home industry and shall be permitted in conformance with Section 5.8 of this Chapter.

C. General Performance Standards. Home occupations are authorized in an A-1, A-2, R-1 or R-S districts if they comply with the performance standards set forth herein.

1. No retail sales shall be allowed, except those approved by conditional use as authorized in Chapter 2, Section 2.3E and also as authorized in D.3. of this section.
2. Incidental retail sales will be allowed not exceeding the lesser of 200 square feet or ten (10) percent of the floor area of the home or accessory structure used for the home occupation.
3. The location of operations must be located in a residence or accessory structure.
4. Customer hours shall be limited to the hours between 7:00 a.m. to 7:00 p.m.
5. Shipping deliveries by common carrier delivery companies (excluding U.S. mail) are limited to two (2) per day.
6. Excluding common carrier delivery companies vehicles allowed in section 5.7.C.4, no vehicle requiring a Class A or

Class B operator license by the State of Iowa shall be used in conjunction with a home occupation.

7. Up to three (3) non-resident on-site employees are allowed.
8. Home Occupations shall only be operated by a full-time resident of the property.
9. The home in which the occupation occurs shall maintain a residential appearance. The outside appearance of the residence shall not be modified to call attention to the home occupation. Home Occupations may be conducted in an accessory building on the premises.
10. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
11. Home Occupations shall not include the use or storage of tractor-trailers, semi-trucks or heavy equipment such as construction equipment.
12. Signage shall comply with the provisions of Chapter 7 of this Code.
13. Noise levels from the home occupation, shall not exceed a level generally accepted by that area.
14. The applicant for a home occupation shall demonstrate that public facilities and utilities are adequate to safely accommodate the home occupation and will be inspected and permitted, if required, by the County Sanitarian.
15. Off-street parking spaces shall be provided as required for the residential use, plus one (1) space for each allowed employee and one space for each client allowed to visit at a given time.
16. Storage of dangerous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential dwellings.
17. Small animal grooming and training as a business is allowed, but boarding of animals is prohibited.
18. More than one (1) home occupation is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by this Code for a single home occupation.

D. A-1 and A-2 District Performance Standards. The following home occupation criteria apply within A-1 and A-2 districts in addition to the general performance standards in section 5.7.C.

1. Client Vehicle Limitation. No more than an average of three (3) client vehicles at a time with a maximum of eight (8) visits per day.
2. The maximum area for a home occupation is two thousand five hundred (2,500) square feet. (Note: If the applicant requests square footage greater than two thousand five hundred (2,500) square feet, the applicant shall apply for a variance as outlined in Chapter 2.)
3. Retail sales of goods produced on the premises may be authorized through the conditional use permit process as authorized in Chapter 2, Section 2.3.E and shall also be subject to the following criteria:
 - a. The site shall abut directly on a paved road;
 - b. The site shall have direct access on a paved road;
 - c. On-site parking areas and driveways shall be paved or gravel and treated to control dust if the areas are adjacent to an off-site residence or R-1 zoning district.
 - d. Adequate sanitary facilities shall be provided to satisfactorily support all authorized employees and customers as permitted and inspected by the County Sanitarian.
 - e. All required federal, state and local licenses and permits shall be secured and maintained.

E. R-1 and R-S District Performance Standards. The following home occupation criteria apply within R-1 or R-S districts in addition to the general performance standards in section 5.7.C.

1. Client Vehicle Limitation. No more than an average of two (2) client vehicles at a time with an average of five (5) client visits per day.
2. The maximum area in R-1 or R-S district is two thousand five hundred (2,500) square feet. In the R-1 or R-S district no increase in size shall be permitted under any circumstances.
3. Home Occupations shall not include the use or storage of tractor-trailers, semi-trucks or heavy equipment such as construction equipment.

F. Exempt Home Occupations. The following home occupations shall be subject to all applicable home occupation regulations and standards of this Section, but shall not be required to obtain a home occupation permit, if all persons engaged in such activities live on the property and the following conditions are met:

1. artists, sculptors, composers not selling their artistic product to the public on the premises;
2. craft work, such as jewelry-making and pottery with no sales permitted on the premises;
3. home offices with no client visits to the home permitted;
4. telephone answering and message services without non-resident employees.
5. day care for five (5) or fewer children, other than the occupants' own children.

G. Non-Conforming Home Occupations. All existing home occupations which are either expressly prohibited or which are not in conformity with Chapter 4 of this Code shall be removed or modified to become conforming.

H. Unsafe Home Occupations. If in the opinion of the Zoning Administrator, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Zoning Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or

be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Zoning Administrator shall take any action to make the home occupation and dwelling safe. Costs incurred by the Zoning Administrator, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to Chapter 9 of this Code.

Chapter 5 Section 5.8 of the UDC is hereby amended:

5.8 Home Industry

A. Purpose.

1. To permit and regulate the conduct of home industry as a secondary use to a dwelling unit, owner, or renter occupied;
2. To ensure that such home industries are compatible with, and do not have a harmful effect on, nearby residential properties and uses;
3. To adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home industries;
4. To allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
5. To enable the fair and consistent enforcement of these home industry regulations; and
6. To promote and protect the public health, safety and general welfare.

B. Generally. No home industry, except as otherwise provided herein, shall be initiated, established or maintained in the County except in conformance with the regulations, administrative procedures and standards set forth in this Section. The applicant shall apply for a home industry permit and pay the fee as established by a resolution of the Board of Supervisors. And shall be subject to a review every second year thereafter. Monroe County shall contact the home industry permit holder(s) for the review process and collect the applicable fee. The Zoning Administrator may require an inspection prior to issuing a home industry permit.

C. Performance Standards. Home industries are authorized in the A-1 and A-2 districts if they comply with the performance standards set forth herein.

1. The minimum parcel size shall be five (5) acres unless the home industry was previously permitted as a legal and lawful home industry on a smaller parcel.
2. The location must be located in a residence or accessory structure.
3. In A-1 and A-2 districts, limitation of an average of five (5) client vehicles at a time with a maximum of ten (10) client visits per day.
4. Customer hours shall be limited to the hours between 6:00 a.m. to 9:00 p.m.
5. Shipping deliveries by common carrier delivery companies (excluding U.S. mail) are limited to three (3) per day.
6. Excluding common carrier delivery company's vehicles allowed in section 5.8.C.5, no vehicle requiring a Class A operator license by the State of Iowa shall be used in conjunction with a home industry.
7. The maximum area for a home industry is three thousand (3,000) square feet.
8. Up to six (6) non-resident on-site employees are allowed.
9. Home industries shall only be operated by a full-time resident of the property.
10. The home in which the home industry occurs shall maintain a residential appearance. The outside appearance of the residence may not be modified to call attention to the home industry. Home industries may be conducted in an accessory building on the premises.
11. No outdoor storage of materials or equipment used in the home industry shall be permitted except in conformance with the following standards:
 - a. For contractors' shops or small equipment and vehicle repair outdoor storage of up to two (2) operable vehicles with valid license and registration is allowed, provided that they are parked behind the front building line. Up to two (2) additional vehicles or pieces of small equipment may be stored outside subject to the Zoning Administrator's approval of a site plan showing that the storage area for all vehicles used in conjunction with the home industry is behind the front building line and is screened from view from the street and from adjacent residences.
 - b. Products produced in the home industry may be stored behind the structure used for the home industry provided that the storage area shall be screened by solid or opaque screening. The screening shall be approved by the Monroe County Zoning Administrator.
12. Signage shall comply with the provisions of Chapter 7 of this Code.
13. The applicant for a home industry shall demonstrate that public facilities and utilities are adequate to safely accommodate the home industry and shall be inspected and permitted, if required, by the County Sanitarian.
14. Off-street parking spaces shall be provided as required for the residential use, plus one (1) space for each allowed employee and one (1) space for each client allowed to visit at a given time.
15. Storage of dangerous, combustible or volatile materials used in conjunction with the home industry shall not be permitted in residential dwellings.

16. Noise level from the home industry shall not exceed a level generally accepted by that area.
17. More than one (1) home industry is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by the Code for a single home industry.
18. Home industries involving the raising, boarding or treatment of animals are allowed.

D. Non-Conforming Home Industries. All existing home industries which are either expressly prohibited or which are not in conformity with Chapter 4 of this Code shall be removed or modified to become conforming.

D.Unsafe Home Industries. Any home industry that has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Zoning Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home industry is being undertaken, directing that the home industry be immediately made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Zoning Administrator shall take any action to make the home industry and dwelling safe. Costs incurred by the Zoning Administrator, if forced to take enforcement actions, shall be borne by the property owners and shall be treated as a zoning violation pursuant to Chapter 9 of this Code.

Exhibit 3.4 of the UDC is hereby amended as follows:

Exhibit 3.4 Use Matrix

Use Category	Definition (Excerpt) See Sec. 10 For complete description	Specific Use Type	Zoning Districts							
			A-1	A-2	R-1	R-S	C	I-1	I-2	
Schools	Schools at the Pre-primary, Primary, Elementary Middle, Junior High, High School, Colleges And vocational schools; Other schools of instruction.	<u>Boarding School</u>	--	C	--	--	C	--	--	
		<u>Nursery or Pre-School</u>	--	C	C	C	C	--	--	
		<u>Dance/Art/Music School</u>	--	--	C	--	C	--	--	
		<u>Elementary Schools</u>	--	--	C	--	C	--	--	
		<u>Private Schools</u>	--	C	C	--	C	--	--	
		<u>Secondary Schools</u>	--	--	C	--	C	--	--	
		<u>All Other Schools</u>	--	--	C	--	C	--	--	
		<u>Vocational Technical Schools</u>	--	--	--	--	--	C	--	

Chapter 5: Supplementary Conditions for Specific Uses is hereby amended as follows:

Add the following new Section 5.25 Private Schools, to the UDC

A. Applicability. All private schools shall be authorized subject to the Conditional Use permit requirements established in Section 2.3.E and the requirements of this section and any other applicable codes, regulations and policies adopted by the County, State or Federal Government.

B. Purpose: The purpose of this section is to establish appropriate conditions for the establishment or expansion of private schools within the un-incorporated area of Monroe County to protect the public health, safety and welfare of all residents.

C. Performance Standards: Private schools are authorized if they comply with the performance standards set forth herein and all requirements established in the Conditional Use Permit.

1. **Compliance with applicable state standards.** Compliance with applicable state standards is required. With the exception of fire standards, review of the validity of a conditional use permit based on compliance with state standards will be invoked only upon request of the applicable state agency.
2. **Maximum Enrollment.** The conditional use permit shall establish the maximum student enrollment. Maximum enrollment may be based on building capacity, transportation system capacity or other pertinent factors as determined by the County.
3. **Location Criteria.**
 - a. Schools located on an unpaved road shall allow an enrollment of no more than fifty (50) students and shall be located within two (2) miles from a minor collector or greater.
 - b. Schools with a maximum enrollment of more than fifty (50) students shall be located on hard surface and within a ten (10) minute driving response time of fire and hospital or first responder’s medical service.
4. **Building Criteria.**

- a. The minimum floor area in classrooms shall be thirty-five (35) square feet per student at maximum enrollment.
- b. The school shall provide indoor bathrooms connected to a potable water supply and a septic system approved and permitted by the County Sanitarian, a community sewer system or a centralized sewer system. Said water supply and wastewater system shall have the capacity to serve the maximum number of authorized students and staff.
- c. The building shall comply with state fire standards for schools.

5. Site Development Criteria.

- a. The minimum parcel size shall be two (2) acres.
- b. Buildings shall be set back at least one hundred (100) feet from all property lines.
- c. Separate access/driveway approved by the County Engineer shall be provided for each school.
- d. Surfaces for each access/driveway shall be gravel or other durable surface as approved by the County Engineer.
- e. Vehicle use areas and parking shall accommodate anticipated traffic and parking demands on the site based on maximum enrollment as demonstrated by the applicant.
- f. The application shall describe the mode of transportation and anticipated need for parking and queues (lines) of vehicles used for picking up and dropping off students.
- g. If horses or other animals are used to transport students, the applicant will show facilities shall be provided to accommodate animals that will remain on site.
- h. The site shall designate an area of at least one-half acre that will be reserved for outdoor recreation and physical education. This area shall not include any required vehicle use area.

6. Off-Site Improvements.

The applicant shall pay for school warning signs to be posted on adjacent road(s) as required by the County Engineer.

Chapter 10 Section 10.2 of the UDC is hereby amended to add or amend the following definitions:

Abut: Immediately next to or sharing common property ownership or easement boundaries.

Arterial Street or Arterial: A primary street or highway that provides access through Monroe County to abutting counties. Arterial streets include all state maintained highways and other streets designated as arterial streets on a functional street classification map adopted by the County.

Collector Street: A primary street that carries moderate amounts of traffic as designated on a functional street classification map adopted by the County.

Common Carrier Delivery Company: A company primarily engaged in shipping packages deliveries, including FedEx, UPS, DSL or similar package delivery service, but not including individuals or companies primarily engaged in shipping bulk goods by tractor trailer or other large truck.

Incidental Retail: Sales of goods that is secondary to the primary service or activity of a home occupation or industry in terms of area and income generation.

Large Equipment/Vehicle Repair: The repair of any motorized vehicle or piece of equipment weighing in excess of **1000** lbs.

Lineal Descendant: A lineal descendant refers to a blood relative in the direct line of descent. The children, grandchildren, great-grandchildren, etc. of a person.

Major Collector Street: A primary street that carries moderate to high volumes of traffic as designated on a functional street classification map adopted by the County.

Minor Collector Street: A primary street that carries light to moderate amounts of traffic as designated on a functional street classification map adopted by the County.

Mixed Use: Any development that includes both residential and commercial uses on a single site, excluding home occupations and home industries.

Small Equipment/Vehicle Repair: The repair of any motorized vehicle or piece of equipment weighing less than **1000** lbs.

Opaque screening: Screening that is opaque (solid) from the ground to a height of at least six feet provided that they do not conflict with the required sight triangle and are not in the right of way. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation.

Paved Road: A road constructed with cement concrete or asphaltic concrete.

SECTION 3. REPEALER CLAUSE: All Ordinances in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE: If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. An official copy of Ordinance No. 29, including a certificate of the County Auditor as to its adoption and the effective date, and a copy of this amendment is on file in the Office of the County Auditor, 10 Benton Ave. East, Albia, Iowa, Monday through Friday, 8:00 a.m. to 4:00 p.m. and shall be kept available for public inspection.

SECTION 6: WHEN EFFECTIVE all provisions of this amendment to Ordinance No. 29 shall be in effect from and after its final passage, approval and publication as provided by law, Section 331.302 Code of Iowa.

Passed and approved by the Board of Supervisors the 14th day of February, 2012.

MONROE COUNTY, IOWA

/s/ Dennis J. Ryan
DENNIS J. RYAN, Chairman
Monroe County Board of Supervisors

ATTEST:

/s/ Jeannie Bettis
JEANNIE BETTIS, Monroe County Auditor

I, Jeannie Bettis, Monroe County Auditor, certify the foregoing Amendment to Ordinance No. 29 "The Monroe County Unified Development Code" was published FEBRUARY 16, 2012 AND FEBRUARY 21, 2012.

/s/ Jeannie Bettis
JEANNIE BETTIS, Monroe County Auditor

Passage of Amendment to Ordinance No. 29:
First Reading: February 14, 2012
Second Reading: Waived February 14, 2012
Third Reading: Waived February 14, 2012
Final Consideration & Passage: February 14, 2012

Proposed Amendment to Ordinance No. 29: **PUBLISHED FEBRUARY 16, 2012 AND FEBRUARY 21, 2012.**