

CHAPTER I: PURPOSE AND JURISDICTION

1.1 PURPOSE AND AUTHORITY. The purpose of this ordinance is to promote the public health, safety, comfort, order and general welfare; to secure safety from fire, flood and other dangers; to conserve and protect the environment; to promote the orderly development and use of land resources; to facilitate the safe and economical provision of streets, water, wastewater disposal, schools, parks and other public requirements; and to regulate the density of population, the location and use of buildings, structures and land for trade, industry, residence or other purposes, all in accordance with Chapter 335 of the Code of Iowa and the County's adopted Comprehensive Plan, hereinafter referred to as the Master Plan.

1.2 TITLE. This ordinance shall be known and may be referred to as the Clinton County Zoning Ordinance.

1.3 JURISDICTION/APPLICABILITY.

A. Applicability. The provisions of this ordinance shall apply to all land, property and development in the unincorporated area of Clinton County, except as otherwise provided in this ordinance. No use or development of land shall be undertaken without prior authorization pursuant to this ordinance. This Code shall be liberally interpreted to further its underlying purposes.

B. Farms Exempt. No regulations or requirements adopted under the provisions of this ordinance shall be construed to apply to land, farmhouses, farm barns, farm outbuildings or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, construction, deposit or excavation in or on the flood plains of any river or stream shall apply equally to agricultural and nonagricultural lands, buildings and uses.

C. Farms Include. For purposes of this Ordinance,

1. A parcel in excess of thirty-five (35) acres shall be presumed to be a farm if used for agricultural production;
2. A parcel that is 10 to 35 acres in size may be determined to be a farm by the Administrator if the applicant demonstrates that there is significant agricultural production from property;



3. A parcel that is less than 10 acres is presumed not to be a farm unless the applicant provides overwhelming evidence to the Board of Adjustment that the property is being used as a farm.

D. **Evidence of Farm Status.** Evidence for determining whether a parcel is a farm shall be based on the type of agricultural activities occurring, the proportion of the property used to raise farm products and a demonstration that gross receipts from sale of farm products exceed 50% of the median household income for the County in the most recent decennial census.

1.4 COORDINATION WITH OTHER REGULATIONS AND PLANS. The use of buildings and land within the County shall be subject to all other applicable provisions of the Clinton County ordinances as well as these regulations, whether or not such other provisions are specifically cross-referenced in this ordinance. Cross references to other ordinances in this ordinance are for the convenience of the reader; lack of a cross reference should not be construed as an indication that other ordinances do not apply.

In interpreting and applying the provisions of this ordinance, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety or the general welfare. Minimum values are not intended to be target values. In some instances, topography or other conditions may create the need to exceed stated minimum standards. Whenever this ordinance requires a lower height of a building or lesser number of stories, or requires a greater percentage of the lot to be left unoccupied, or imposes more restrictive standards than are required pursuant to any other statute or local regulation, this ordinance shall govern.

1.4.1 Consistency with Master Plan. This ordinance is intended to implement the goals and policies of the Master Plan, and is hereby deemed to be consistent with the adopted Master Plan for the County. Any amendments or changes to this ordinance shall be consistent with the Master Plan.

An amendment to the text of this ordinance is consistent with and in accordance with the Master Plan if it complies with the goals and policies stated in the plan. An amendment to the zoning map is consistent with the Master Plan if the map amendment is consistent with the Future Land Use Map contained in the plan.

Where development is permitted under the regulations that predate this ordinance, such development shall not be deemed inconsistent with the Master Plan, as long as such development conforms to the requirements of Chapter V herein.



1.4.2 Conflicts. Whenever any provision of this Code or any other applicable law, rule, contract, resolution or regulation of the City, County, State or Federal government contains certain standards covering the same subject matter, the more restrictive requirements or higher standards shall govern.

1.4.3 Development under Prior Regulations.

- A. Existing Uses.** Existing legal uses may continue in compliance with this ordinance or as legal non-conforming uses, until vacated for a specified time period. See Chapter V.
- B. Non-Conforming Lots.** Subject to the provisions of Chapter 5 of this ordinance, existing legal lots that do not meet minimum area requirements may be developed as non-conforming lots, but unless the plat specifies building setbacks, development of vacant lots shall comply with new setbacks to the greatest extent possible. A variance must be obtained from the Board of Adjustment to diverge from these standards. Development of non-conforming lots without wastewater service shall not be authorized unless the applicant can demonstrate compliance with Health Department requirements for septic systems. If lot areas are insufficient for on-site wastewater systems, the County may approve the use of reserved off-site drain fields.
- C. Pipeline Development.** Development under prior regulations shall be allowed, provided a valid permit has been issued by the County and said permit has not expired. Any permit issued by the County under prior regulations shall expire 12 months after adoption of this zoning ordinance unless renewed by the County.

1.5 SEVERABILITY. It is hereby declared to be the intent of Clinton County that the provisions of this ordinance shall be severable. If any provision is declared invalid by a court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- A. the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
- B. such decision shall not affect, impair or nullify this ordinance as a whole or any other part thereof, but the rest of this ordinance shall continue in full force and effect.

1.6 USE OF LAND OR BUILDINGS. No land or buildings may be used, modified or built unless it complies with this ordinance.



- 1.7 APPLICATION OF REGULATIONS DURING LOCAL EMERGENCY.** The County shall have the authority to waive certain standards of this ordinance during local emergencies declared by federal, state or local officials such as natural disasters, geological disasters, or similar widespread destruction and distress.
- 1.8 RELATIONSHIP TO PRIVATE RESTRICTIONS.** The provisions of this ordinance are not intended to affect any deed restriction, covenant, easement or any other private agreement or restriction on the use of land; provided, that where the provisions of this ordinance are more restrictive or impose higher standards than any such private restriction, the requirements of this ordinance shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this ordinance, such private restrictions shall control if properly enforced by a person having the legal right to enforce such restrictions; private restrictions shall not be enforced by the County.
- 1.9 FEES.** The County may adopt reasonable fees by resolution of the Board of Supervisors to cover costs associated with the application of these regulations. Failure to approve an application shall not be deemed cause to refund the fee to the applicant.
- 1.10 COMPUTATION OF TIME.** Time shall be measured in calendar days unless otherwise noted. Business days shall include all non-holiday days from Monday through Friday.