

LYON COUNTY, IOWA
ORDINANCE NO. 2018-01

AN ORDINANCE AMENDING ZONING ORDINANCE 2012-01 OF LYON COUNTY, IOWA, BY AMENDING THE ZONING TEXT IN MULTIPLE SECTIONS OF THE COUNTY'S 2012 ZONING ORDINANCE.

WHEREAS, the zoning ordinance and zoning map on file in the office of the County Assessor designates certain standards as provided by Chapter 335, Code of Iowa, and

WHEREAS, the Lyon County Planning and Zoning Commission has considered the proposed zoning changes and it is deemed advisable and recommended by the Planning and Zoning Commission to amend the Lyon County Zoning Ordinance.

NOW THEREFORE IT BE ORDAINED, by the Lyon County Board of Supervisors;

Section 1. REPEAL AND REPLACE ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by repealing the existing text from **Section 3.2 Use Classification, Agriculture/Conservation Use Types** and replacing with the following new text.

9. *Farmstead, Existing*: See Definition No. 43

Section 2. REPEAL AND REPLACE ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by repealing the existing text from **Section 3.2 Use Classification, Residential Use Types** and replacing with the following new text.

9. *Summer Cottage/Hunting Cabin/Seasonal Housing or Lodging*: Any single family dwelling, cabin, or other structure which is intended for seasonal or temporary occupancy for personal use only; and not used as a family residence throughout the entire year. These temporary residential structures are not intended to be used for rentals or any commercial activity of any type.

Section 3. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 5.2 Principal Permitted Uses in the A-1 Prime Agriculture District**.

| Non-Farm Residential Uses |
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| Summer Cottage/Hunting Cabin/ Seasonal Housing or Lodging |

Section 4. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 6.2 Principal Permitted Uses in the A-2 Transitional Agriculture District**.

| Non-Farm Residential Uses |
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| Summer Cottage/Hunting Cabin/ Seasonal Housing or Lodging |

Section 5. REPEAL AND REPLACE ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by repealing the existing text from **Section 3.2 Use Classification, Commercial Use Types** and replacing with the following new text.

28. *Kennel, Commercial*: Any establishment where any four (4) or more dogs, cats or non-hoofed domesticated animals at least six months of age are kept, housed, groomed, bred, boarded, trained, or sold for a fee or compensation. Typical uses include, but are not limited to, boarding kennels, pet motels, dog training centers, or private residences used for breeding and selling animals.

Section 6. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 3.2 Use Classification, Commercial Use Types**.

47. *Heavy Equipment and Large Truck Cleanouts or Washing Facilities*: Washing and cleaning of heavy equipment, large trucks, semi, agricultural equipment and other large vehicles or equipment. Typical uses include agricultural or other heavy equipment and vehicle cleanouts, as well as automotive washing facilities intended to handle larger vehicle and agricultural equipment.

Section 7. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 5.3 Special Exception Uses in the A-1 Prime Agriculture District**.

| Commercial Uses |
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| Heavy Equipment and Large Truck Cleanouts or Washing Facilities |

Section 8. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 11.3 Special Exception Uses in the C-1 Highway Commercial District**.

| Commercial Uses |
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| Heavy Equipment and Large Truck Cleanouts or Washing Facilities |

Section 9. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 12.3 Special Exception Uses in the C-2 Rural Commercial District**.

| Commercial Uses |
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| Heavy Equipment and Large Truck Cleanouts or Washing Facilities |

Section 10. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 13.3 Special Exception Uses in the I-1 Light Industrial District**.

| Commercial Uses |
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| Heavy Equipment and Large Truck Cleanouts or Washing Facilities |

Section 11. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 14.2 Principal Permitted Uses in the I-2 Heavy Industrial District.**

| Commercial Uses |
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| Heavy Equipment and Large Truck Cleanouts or Washing Facilities |

Section 12. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 5.3 Special Exception Uses in the A-1 Prime Agriculture District.**

| Commercial Uses |
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| Condominium or Business Storage |

Section 13. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text in **Section 6.2 Principal Permitted Uses in the A-2 Transitional Agriculture District.**

| Commercial Uses |
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| Condominium or Business Storage |

Section 14. DELETE ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by deleting zoning text in **Section 8.3 Special Exception Uses in the R-1 Rural Residential District.**

| Commercial Uses |
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| Commercial Stables |

Section 15. REPEAL AND REPLACE ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by repealing the existing text from **Section 18.2 Accessory Buildings** and replacing with the following new text.

4. No detached accessory building or combinations of accessory buildings in any residential district shall occupy more than thirty percent (30%) of the rear yard. Residential accessory buildings shall be limited to a maximum of two (2) total buildings, including a garage. Any detached accessory building, except within the A-1 or A-2 districts, shall not occupy more than thirty-five (35%) of the rear yard.

Section 16. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text in **Section 18.2 Accessory Buildings**.

13. Detached Accessory Buildings intended for Aircraft. Such detached accessory buildings intended to house, store, or for the maintenance of personal aircraft (non-commercial basis) are restricted to the R-1 Suburban Residential District. These provisions also apply to any detached accessory building specifically intended to house, store or for the maintenance of personal aircraft on a private runway within the A-1 or A-2 Agricultural districts. None of these provisions in this section apply to any building associated for the storage or maintenance of any aircraft intended for public, chartered, or commercial use. On any property in which such designated aircraft accessory buildings are allowed, one (1) additional detached building will be permitted to be constructed with an overall height of not to exceed thirty-five feet (35') and no regulation on the height of sidewalls or door openings, to be able to accommodate aircraft. Aircraft accessory buildings shall not be governed by any specific maximum square footage; however, no such building shall occupy more than fifty percent (50%) of the rear yard area. Aircraft accessory buildings may be situated as close to the front property line as the main building on the property, but in no case, shall be located within the front yard. If such aircraft accessory buildings or structures are located on a separate lot adjacent to the lot with a principal dwelling on it, then such detached accessory building or structure shall comply with all site development regulations and yard setback requirements that would otherwise apply to the principal dwelling on such lot.

Section 17. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 5.3 Special Exception Uses in the A-1 Prime Agriculture District**.

| Industrial Uses |
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| Fuel Storage |

Section 18. ADD NEW ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by adding new zoning text to **Section 6.3 Special Exception Uses in the A-2 Transitional Agriculture District**.

| Industrial Uses |
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| Fuel Storage |

Section 19. REPEAL AND REPLACE ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by repealing the existing text from **Section 26.5 Election of Officers** and replacing with the following new text.

Section 26.5. ELECTION OF OFFICERS.

Nomination of officers shall be made from the floor at the organizational meeting and annually at the regular January meeting. A candidate receiving a majority vote of the entire

membership of the planning and zoning commission shall be declared elected and shall serve for one year or until his successor shall take office. Officers are eligible for re-election. Vacancies in offices shall be filled immediately by regular election procedure.

Section 20. REPEAL AND REPLACE ZONING TEXT. The Lyon County Zoning Ordinance is hereby amended by repealing the existing text from **Section 28.5 Standards** and replacing with the following new text.

Section 28.5. STANDARDS.

The board of adjustment shall not grant any special exception use permit unless such board shall find:

1. That the use shall be in harmony with the intent, purpose and spirit of this ordinance.
2. That the use shall be an appropriate use of the land and is necessary or desirable to provide a service or a facility which is in the interest of the public convenience or which will contribute to the general welfare of the vicinity or the county.
3. That the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations.
4. That the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.
5. That the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.
6. That the use shall be served by essential public facilities and services such as highway, streets, parking spaces, drainage structures, water supply and sewage disposal; or that the persons or agencies responsible for the establishment of the proposed use will provide for such services.
7. That the use complies with all conditions imposed on it by the provisions of the district in which such special exception use may be authorized.
8. In the case of existing relocated dwelling units or accessory structures, the proposed use aesthetically blends in with the neighboring existing permitted uses and special attention is given to the architectural style, size and condition of the proposed building or structure.
9. The use shall not create a hazard to vehicular or pedestrian traffic.
10. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a special exception use permit. The special exception shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the board of adjustment.

Section 21. REPEALER. All ordinances or parts of the previously adopted Lyon County Zoning Ordinance in conflict with the provisions of this zoning amendment are hereby repealed.

Section 22. SEVERABILITY CLAUSE. If any section, provision or any part of this zoning amendment is determined to be invalid or unconstitutional, such adjudication shall not affect the validity of the previously adopted Lyon County Zoning Ordinance as a whole, or any part or provision of the zoning amendment not determined to be invalid or unconstitutional.

Section 23. EFFECTIVE DATE. This zoning amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation.

Passed and approved this 23 day of April, 2018.


Chairperson, Lyon Co. Board of Supervisors

Attest:

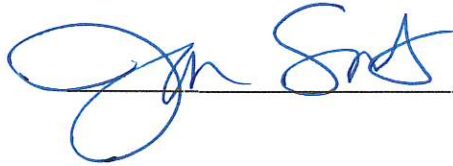

Lyon County Auditor

First Reading: April 9, 2018

Second Reading: April 23, 2018

Third Reading waived by motion and vote of Board of Supervisors on 4-23-2018.

I certify that the foregoing was published as Ordinance No. 18-01 on the 2 day of May, 2018.


Lyon County Auditor