

**POWESHIEK COUNTY  
ZONING ORDINANCE OF 2011**

**APPROVED ON AUGUST 18, 2011  
BY THE POWESHIEK COUNTY  
BOARD OF SUPERVISORS**

**ORDINANCE PREPARED 2006 BY**



**AMENDED BY RESOLUTION #2929  
MARCH 31, 2016  
AMENDED BY RESOLUTION #2971  
MARCH 20, 2017**

**EDITED 2011 BY**



## 2011

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**ARTICLE I. REPEALING PROVISIONS**

Section 1. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**ARTICLE II. TITLE**

Section 1. This Ordinance shall be known as the 2011 Poweshiek County Zoning Ordinance.

**ARTICLE III. ZONING CERTIFICATES REQUIRED**

- Section 1. **ZONING CERTIFICATES REQUIRED.** A Zoning Certificate shall be obtained from the Administrative Officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure.
- Section 2. **PROCEDURES FOR CERTIFICATES.** To secure a Zoning Certificate, the applicant shall file with the Administrative Officer a written application on forms provided by the Board of Adjustment and shall state the legal description of the property as of public records and the names of the owner and the applicant. The applicant shall describe the uses to be established or expanded the proposed cost of the erection, construction, or structural alteration of the building or structure and any other information the Administrative Officer deems essential for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing of the lot showing the location of buildings, dimensions of the lot, and other information of importance. 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. Where public sanitary sewers are not available, the application shall include the approval of the Poweshiek County Sanitarian as to plans and specifications of proposed private sanitary sewage disposal system when said facilities are of a magnitude as to be subject to the Poweshiek County Sanitarian.
- Section 3. **FEES.** Fees will be annually set by resolution. Agricultural permits are exempt from this zoning ordinance.
- Section 4. **PAYMENT OF FEES.** Fees shall be paid to Poweshiek County at the office of the Administrative Officer.
- Section 5. **RECORDS.** All applications for Certificates, Permits and copies of those issued shall be systematically kept for ready public reference by the Administrative Officer, who shall also account to Poweshiek County for all fees collected.

**ARTICLE IV. PURPOSE AND INTENT**

Section 1. These regulations have been developed in accordance with the Comprehensive plan for Poweshiek County and have been designed and are adopted in order to decrease hazards and improve safety from fire, panic, flood, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to protect significant natural and historic resources and fragile ecosystems of Poweshiek County including forests, wetlands, rivers, streams, lakes and shorelines, aquifers, prairies, and recreational areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County.

**ARTICLE V. DEFINITIONS**

Section 1. For the purpose of this Ordinance all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses; and the future the present; the word "shall" is mandatory, while the word "may" is permissive; the singular number shall include the plural and the plural singular; the word building shall include the word structure. Unless otherwise specified, all distances shall be measured horizontally.

1. **ACCESSORY BUILDING.** A use incidental to the principal permitted use of land or a building on a lot and customarily incidental thereto.
2. **ADULT ARCADE.** Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
3. **ADULT BOOKSTORE.** Means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: 1). Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or 2). Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
4. **ADULT CABARET.** Means a commercial establishment that regularly features: 1). Persons who appear in state of semi-nudity; or 2). Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; 3). Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or 4). Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
5. **ADULT MOTEL.** Means a hotel, motel or similar commercial establishment that: 1). Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or 2). Offers a sleeping room for rent for a period of time that is less than 24 hours; 3). Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 24 hours.
6. **ADULT MOTION PICTURE THEATER.** Means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
7. **ADULT THEATER.** Means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

8. **ALIQUOT PART.** A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
9. **ANIMAL HOSPITAL.** A building or portion thereof designed or used for the care, observation, or treatment of domestic animals.
10. **ANTENNA.** A device, dish or array used to transmit or receive telecommunications signals.
11. **AUTOMOBILE SERVICE STATION.** A building or premises used for dispensing or offering for sale at retail, any automobile fuels or oils, or having pumps and storage tanks on premises, and where vehicles are not parked for purposes of inspection or sale.
12. **BOARD.** Board of Supervisors of Poweshiek County, Iowa.
13. **BOARDING HOUSE.** An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions of the menu.
14. **BLOCK.** An area of land within a subdivision that is entirely bounded by streets, highways, or ways except alleys; or by streets, highways or ways except alleys and the exterior boundary or boundaries of the subdivision.
15. **BUILDING HEIGHT.** 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 a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
16. **BUILDING LINE.** An imaginary line parallel to the front lot line over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located. Building line for subdivision plats shall not be less than that required by this ordinance. Building lines shall be shown on all subdivision plats.
17. **BULK STATIONS.** Distributing stations commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids, liquefied petroleum products, fertilizer and farm chemicals where the aggregate capacity of all storage tanks is more than 12,000 gallons.
18. **COMMERCIAL.** An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
19. **COMMISSION.** The Poweshiek County Planning and Zoning Commission.
20. **CUL-DE-SAC.** A short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.



21. **Commercial WECS:** A Wind Energy Conversion System (WECS) of equal to or greater than [100/40] kW in total name plate generating capacity.
22. **COMMUNICATIONS TOWER.** A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on a building.
23. **CONDITIONAL USE.** A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Adjustment, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.
24. **CONTROL ZONE.** Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 miles in radius, with extensions where necessary to include instrument approach and departure paths.
25. **CORN SUITABILITY RATING (CSR).** Means the relative productivity of corn on different soils, taking into account their physical and chemical properties, degree of erosion, location on the landscape, and location in Iowa. CSR is an index, not an indication of actual yield. Numbers range from 5 to 100. Soils rated 100 have high yield potential, can be continuously row cropped, and are in areas of Iowa with most favorable weather conditions. CSR ratings will remain fairly constant in relation to each other but yields can change subject to changes in technology or weather.
26. **DEVELOPMENTAL DISABILITY.** Means a disability of a person which has continued or can be expected to continue indefinitely and which has one of the following:
- a. Attributable to mental retardation, cerebral palsy, epilepsy, or autism;
  - b. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or requires treatment and services similar to those required for the persons.
  - c. Attributable to dyslexia from a disability described in subparagraph a or b.
  - d. Attributable to a mental or nervous disorder.
27. **DIVISION.** The dividing of a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division.
28. **DWELLING, DUPLEX.** A residential building containing two dwelling units entirely surrounded by open space on the same lot.
29. **DWELLING, SINGLE FAMILY, DETACHED.** A residential building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.

30. **DWELLING, MULTI-FAMILY.** A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.
31. **EASEMENT.** A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
32. **ELDER.** A person 60 years of age or older.
33. **ELDER FAMILY HOME.** A private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self care.
34. **ENGINEER.** An engineer is a licensed engineer authorized to practice civil engineering as defined in Iowa Code Chapter 542B.
35. **ESCORT.** Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
36. **FAMILY HOME.** Means a community based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services; and supervision in a family environment exclusively for not more than 8 developmentally disabled persons and any necessary support personnel. Family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa.
37. **FARM.** Agricultural real estate shall include all tracts of land and the improvements and structures located on them which are *in good faith used primarily for agricultural purposes*, except buildings which are primarily used or intended for human habitation. Land and nonresidential improvements and structures located up on it shall be considered to be used primarily for agricultural purposes if its principal use is devoted to the raising and harvesting of crops or forest or fruit-trees, the rearing, feeding and management of livestock, or horticulture, *all for intended profit*. Agriculture real estate shall also include woodland, wasteland, and pastureland, but only if that land is held or operation in conjunction with agriculture real estate as defined in sub rule. Vineyard and any buildings located on vineyard and used in conjunction with the vineyard shall be classified as agricultural real estate if the primary use of the land and buildings is an activity related to production or sale of wine.

There are key considerations of the above rule to be used as test to determine if the property qualifies for agricultural classification.

- a. Principle or primary use
- b. Used in good faith for agricultural purposes
- c. For intended profit
- d. Is the parcel a platted lot awaiting development

- e. Is the property being offered for sale for uses other than agricultural
- f. Does property owner file a Schedule F income tax purposes
- g. Is the property financed using a residential mortgage or an agricultural loan
- h. Participation in federal farm programs

38. **FARMHOUSE.** A single family dwelling on a farm which is the residence of:
- a. The farm owner, or
  - b. Relative of farm owner who is employed on the farm, or
  - c. Farm tenant, or
  - d. Other person employed full time on the farm
39. **FARMSTEAD.** The buildings and adjacent service areas of a farm.
40. **FEED LOT/CONFINEMENT OPERATION.** An animal feeding area on which the principal use is the confinement of livestock, primarily for purposes of concentrated feeding and growth prior to slaughter or the sale of products derived from animals. The term does not include areas which are used for the raising of crops or other vegetation, and/or upon which livestock are allowed to graze or feed.
41. **FLOOR AREA RATIO.** Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
42. **FRONTAGE.** All the property on one side of a street, road or highway between 2 intersecting streets or highways measured along the line of the street or highway, or if the street or highway dead-end, then all of the property abutting one side between an intersecting street or highway and the dead-end of the street or highway.
43. **GARAGE, PRIVATE.** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.
44. **GARAGE, PUBLIC.** A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
45. **HOME OCCUPATION.** An accessory use of a dwelling unit for gainful employment which: a). is clearly incidental and subordinate to the use of the dwelling unit as a residence; b). is carried solely within the main dwelling and does not alter or change the exterior character or appearance of the dwelling; 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 discharge of dust, noise, odor, or smoke or any other way.
46. **HOTEL.** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and in which no provision is made for cooking in any individual room or apartment.

47. **IMPERVIOUS SURFACE AREA.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
48. **JUNK.** Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, parts of automobiles, as defined in Poweshiek County's Ordinance #4 Nuisance Vehicle, mobile homes and trailers and parts thereof, or iron, steel, or other old scrap or ferrous or nonferrous material.
49. **JUNK YARD.** Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition shall include auto or machinery wrecking or dismantling activities. This definition shall not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards. The presence on any lot, parcel or tract of land of three or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building.
50. **KENNEL.** A place where 4 or more dogs, cats, or similar animals or pets, over 4 months of age, are boarded, bred, and/or offered for sale.
51. **LAKE AREA.** The developed area surrounding either a man made or natural body of water whose purpose is recreational.
52. **LOT.** A tract of land represented and identified by number or letter designation on an official plat, occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, open spaces and parking and loading spaces required by this Ordinance, and having its principal frontage upon a street.
53. **LOT OF RECORD.** A lot of whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.
54. **LOT, AREA.** The total horizontal area within the lot lines of a lot.
55. **LOT, CORNER.** A platted parcel of land abutting 2 road rights-of-way at their intersection.
56. **LOT, DEPTH.** The average horizontal distance between the front and rear lot lines.
57. **LOT, LINE.** Property line bounding a lot.
58. **LOT, WIDTH.** The horizontal distance between side lot lines, measured at the required front setback line.

59. **MANUFACTURED HOME.** A factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sect. 5403 and is to be used as a place of 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. A mobile home shall not meet the above definition unless it has been converted to real property.
60. **MOBILE HOME.** Means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.
61. **MOTEL.** A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such a building or group of buildings is designed, intended, or used primarily for the accommodation of automobile parking conveniently located on the premises.
62. **Non-Commercial WECS:** A wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a total name plate generating capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power.
63. **NURSING HOME.** A building other than a hotel, motel, or hospital where for compensation, meals, lodging, and physical care are provided for 3 or more persons. This definition shall include rest homes, convalescent, homes for the elderly and similar establishments.
64. **PARKING SPACE.** A permanently surfaced area of not less than 250 square feet either within a structure or in the open, exclusive of driveway or access drives for the parking of a motor vehicle.
65. **PERMITTEE AND/OR LICENSEE.** Means the person or organization whose name appears on the permit and/or license.
66. **PHYSICAL DISABILITY HOME.** An establishment formed by a non-profit organization to house those with a physical impairment that results in significant functional limitations in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration. Homes shall be limited to eight persons with a physical disability.
67. **PLAT OF SURVEY.** A graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed professional land surveyor. A plat of survey shall be made, showing information developed by the survey, for each land survey performed for the purpose of correcting boundaries, correcting descriptions of surveyed land, or for the division of land.

**A Plat of Survey is required when an owner of a tract of land conveys a portion of the tract using a metes and bounds description describing the tracts sold and the tracts retained. The purpose of the plat of survey is to inform the county auditor of the sale for the purposes of assessment and taxation. It is only required when a conveyance divides a tract of land.**

*Multiple tracts of land conveyed either by repeated divisions or simultaneous division of a Forty-acre aliquot part of a section for a rural acreage will be reviewed by the county auditor and the county engineer as to whether it is appropriate to use a plat of survey or if a subdivision plat is required.*

68. **PROPERTY SURVEY.** Any land survey performed for the purpose of describing, monumenting, retracing and establishing boundary lines, dividing, subdividing, or platting one or more parcels of land.
69. **PROVISIONAL USE.** A permitted use provided the use meets specified performance standards.
70. **RETRACE.** Surveying along a previously established lines to logical termini monumented by corners that are found or placed by the Licensed Professional Land Surveyor.
71. **RETRACEMENT PLAT of SURVEY.** A Plat of Survey that is prepared and recorded when a previously described and taxed parcel boundaries are retraced by survey, locating said boundaries, finding or setting monumentation at the corners of the parcel, by a Licensed Professional Land Surveyor.
72. **SEXUAL ENCOUNTER CENTER.** Means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: 1). Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity; 2). Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi nude.
73. **SEXUALLY ORIENTED BUSINESS.** Means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
74. **SINGLE FAMILY DWELLING.** A building designed for occupancy by one family. All new building permits after the enactment of this Ordinance shall meet the following standards:
- a. The principal portion of such building shall have a continuous and complete frost protected perimeter foundation. A manufactured home as defined in this ordinance shall be placed upon piers per the manufacturer's requirements but said home must meet the foundation requirements contained herein, namely it shall also have a complete permanent perimeter foundation with piers.
  - b. The building shall have for the exterior wall covering either:
    - i. Wood or masonry finish, or its appearance, and/or
    - ii. Vertical or horizontal grooved siding or lap siding, or its appearance.
75. **SPECIFIED ANATOMICAL AREAS.** Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
76. **SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following: 1). The fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts; 2). Sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy; 3). Masturbation, actual or stimulated; or 4). Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

77. **STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
78. **STABLE, PUBLIC.** A building in which horses are kept for remuneration, hire or sale; therefore a principal building and/or use.
79. **STRUCTURAL ALTERATIONS.** Any substantial change in the foundation, roof, or exterior walls, excepting such repairs or replacements as may be required for the safety of the building.
80. **SUBDIVISION.** A tract of land divided into three or more lots.
81. **SUBDIVISION PLAT.** The graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the county where the land is located. A Subdivision Plat is required when an owner subdivides a tract of land into three or more parcels. **The purpose of a subdivision plat is to prepare a tract of land for development. The subdivision plat is required to show each lot, easements necessary for the orderly development of the land, streets, alleys, parks, open spaces, school property, and other areas of public use within the plat. It is not prepared in connection with a conveyance.**  
A subdivision plat shall be made when a tract of land is subdivided by repeated divisions or simultaneous division into three or more parcels, any of which are described by metes and bounds description for which no plat of survey is recorded.
82. **SURVEYOR.** A licensed surveyor authorized to practice land surveying, as defined by Iowa Code Chapter 542B.
83. **TELECOMMUNICATIONS.** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
84. **TOWNHOUSE.** Single family attached dwelling with one dwelling unit from ground to roof, having individual outside access.
85. **TRACT.** An aliquot part of a section, a lot within an official plat, or a government lot.
86. **USE.** The purpose or activity, for which the land, building or structure thereon is designed, arranged or intended, or for which it is occupied or maintained.
87. **USE, ACCESSORY.** A subordinate use, such as a private garage, which is clearly and customarily incidental to the principal use of a building or premises; which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.
88. **USE, PRINCIPAL.** The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

89. **USE, NON-CONFORMING.** Any use of a building, structure, or premises which on the effective date of this Ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building, structure or premises shall be located.
90. **Wind Energy Conversion System (WECS): WIND ENERGY CONVERSION SYSTEM (WECS):**  
An electrical generating facility that operates by converting the kinetic energy of wind into electrical energy and is comprised of one or more wind turbines and accessory facilities, including but not limited to associated meteorological towers, overhead and underground electric and communication feeder transmission lines, transformers, substations, roads, administrative and operations buildings, turbines, and associated facilities. The energy may be used on-site or distributed into the electrical grid.
91. **Wind Turbine:** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.
92. **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. The measurements of a yard shall be construed as a minimum horizontal distance between the lot line and the exterior wall of a building or structure.
93. **YARD, FRONT.** A yard extending across the full width of the lot and measured between the front line of the lot or right of way if located on public road and the nearest point of the building. On a front line of the lot or right of way if located on the public road and the nearest point of the building corner lot, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
94. **YARD, REAR.** A yard extending across the full width of the lot line and measured between the rear line of the lot and nearest point of the principal building.
95. **YARD, SIDE.** A yard between the nearest point of the building and the sideline of the lot and extending from the front yard to the rear yard.
96. **ZONING LOT.** A single tract of contiguous land to be used or developed as one unit under single unified ownership or control, and which meets all minimum requirements and provisions of the Zoning Ordinance.



## ARTICLE VI. DISTRICTS AND GENERAL REGULATIONS

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

- “A” Agricultural District.
- “R-1” Single Family Residential District.
- “R-2” Multi-Family Residential District.
- “R-3” Mobile Home Park District.
- “LA” Lake Area Residential District
- “LA-S” Lake Area Storage District
- “C” Commercial District.
- “M” Manufacturing District.

Section 2. **DISTRICT BOUNDARIES - MAPS.** The above districts were bounded and defined as shown on the paper maps entitled “Zoning District Map, Poweshiek County, Iowa”, which were previously adopted, and have been transferred to the “Poweshiek County Zoning Ordinance of 2011 Official Zoning Map” layer of the Poweshiek County GIS Website, 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 not 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 buildings in zone "A", 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 this ordinance and farmhouses where farming practices are conducted on the zoning lot; 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 apply to church spires, belfries, monuments, tanks, water towers, fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, radio, television, and other communication towers, antenna or aerials, chimneys, elevator bulkheads, smoke stacks, conveyors and flag poles. Exception can be granted by the Poweshiek County Board of Adjustment for any of the above. .

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.

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.

3. **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 eight (8) 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 Zoning 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. **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 Subsection 3 and that meets the performance criteria set forth in Subsection 5.
3. **PROHIBITED USES.** (Shall not be allowed to operate)
  - a. Animal hospitals.
  - b. Private clubs.
  - c. Restaurants
  - d. Public Stables and Kennels
  - e. Automobile repair or paint shops.
  - f. Any use which does not meet the criteria in Subsection 5.
4. **OTHER USES.** Uses that are not listed as permitted or prohibited shall follow the Conditional Use process outlined in Article XVIII. 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. 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.

**Section 12. LOT SPLITS.**

1. If any lot of record after the effective date of this ordinance is divided, the division and the existing lot of record shall fully conform to the Poweshiek County Zoning Ordinance of 2011 requirements.

**ARTICLE VII. PARKING REQUIREMENTS**

Section 1. **OFF STREET PARKING.** Sufficient parking for the permitted use shall be provided on the same zoning lot. No permanent storage of automobiles and other unlicensed motor vehicles shall be provided on the parking lot. This article does not prohibit vehicle parking on any public roadways.

**ARTICLE VIII. "A", AGRICULTURAL DISTRICT****Section 1. PURPOSE OF DISTRICT.**

1. Ensure the preservation of prime farmland.
2. Control where development occurs.
3. Comply with state requirements.

**Section 2. PERMITTED USES.** In the "A", Agricultural District, the following provisions of this article shall apply and the following uses are permitted:

1. Uses described as a "farm." Farmsteads can have an additional single family dwelling unit on the same lot for an employee of said farm provided that the single family dwelling complies with the setback requirements and the definition of a single family dwelling.
2. Single family dwellings, provided that the owner is a registered owner of adjacent/contiguous property that is used as a farm.
3. Cemeteries, mausoleums; provided that any mausoleum or crematory shall be located a minimum of 200 feet from all property lines and provided that any new cemetery shall contain a minimum of 20 acres.
4. Public and private forests and wildlife reservations or similar conservation projects.
5. Public parks, recreation areas and playgrounds, and community centers.
6. Home occupations.
7. **Non-Commercial WECS, subject to the following standards:**
  - a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
  - b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
  - c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
  - e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

- f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
- g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 3. **PROVISIONAL USES.** The uses listed below are permitted provided they meet at least one of the following performance standards:

· The owner or partial owner of a parcel qualifying as a farm in the "A" district, as defined under this ordinance, may divide off a parcel to separate an existing single-family dwelling or to construct a single-family dwelling. The parcel that is divided off shall be a minimum of two (2) acres net and the remaining parcel shall be not less than two (2) acres net.

· The site development plan shall be reviewed and approved by the Planning & Zoning Commission after holding a public hearing for all lots. Only those plans that conform to the Poweshiek County Comprehensive Plan shall be approved by the Planning & Zoning Commission (recommend that a majority of the zoning lot soil classification shall be Class IV, V, VI, or VII as determined by the Natural Resources Conservation Service classification system).

1. The items below shall also be examined prior to approval for any provisional use:
  - a. Single family and manufactured houses.
  - b. Church or other place of worship, including parish house and Sunday School Building.
  - c. Public and parochial schools and colleges for academic instruction.
  - d. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums.
  - e. The keeping of roomers or boarders by a resident family.
  - f. Veterinary establishments, stables, private riding stables, academies and clubs, but not including the feeding or disposal of community or collected garbage; provided that all buildings, including animal runways and exercise yards, be at least 500 feet from all adjacent dwellings.
  - g. Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes.
  - h. Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as miniature golf courses or practice driving tees which are operated for commercial purposes
  - i. 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 Planning & Zoning Commission.
  - j. Child day care facilities.



- k. Nurseries and greenhouses, provided that any heating plant shall be distant at least 200 feet from any dwelling other than a farm dwelling and from any lot line in an R district.
- l. Alterations and conversions of single-family dwellings into two-family dwellings when authorized by the Board of Adjustment, in structures erected prior to the adoption of this ordinance.

Section 4. **CONDITIONAL USES.** The following uses may be permitted by special exception per the procedures as specified in accordance with Article XX of this Ordinance:

1. Correctional and penal institutions provided that such buildings may occupy not more than fifty (50) percent of the total area of the lot or tract and will not be rendered objectionable or detrimental to the character of the area due to exterior appearance or by the emission of noise, dust, odor smoke, or in any other way, and provided further that the buildings shall be set back from side and rear yard lines heretofore established an additional distance of not less than one (1) foot for each two (2) feet of additional building height.
2. Commercial amusement or recreational developments for temporary, seasonal or permanent use, such as carnivals, circuses, expositions and fairgrounds; including skeet and trap shooting, provided that none of its function is nearer than seven hundred fifty (750) feet to any dwelling or residence.
3. Temporary sawmills, batch plants, etc. for processing timber, gravel, sand, rock, cement, concrete, asphaltic concrete and other like materials for commercial purposes.
4. Airports and private landing fields and hangars.
5. Go-Kart tracks provided that all portions of the “track” itself shall be set back from all property lines a minimum of two hundred fifty (250) feet and further provided that all property lines of said use shall be a minimum of six hundred (600) feet from any adjacent residential district or any existing adjacent residential structure or use other than dwellings owned by the applicant for the track.
6. Campgrounds for recreational vehicles (hereby referred to as “trailers”) provided that the following requirements are met.
  - a. **SITE.** The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  - b. **WATER SUPPLY.** An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. Cold water supply sources numbering not less than twenty-five (25) percent of the number of trailer spaces shall be deemed adequate, provided a water faucet is not further than one hundred (100) feet from any trailer space. The water supply shall be obtained from faucets only. No common drinking cups shall be permitted. An adequate supply of hot water shall be provided at all times in the service building for bathing, washing and laundry facilities.
  - c. **SEWAGE DISPOSAL.** Waste from showers, toilets, slop sinks and laundries shall be discharged into a public sewer system or into a private sewer and disposal plant or septic tank system in compliance with applicable statutes.
  - d. **SANITARY EQUIPMENT AND FACILITIES** Each park shall be provided with toilets, showers, slop sinks and other sanitation facilities which shall conform to the following requirements:

- i. Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproof wall.
  - ii. Toilet facilities for women shall consist of not less than one (1) flush toilet for each ten (10) trailer spaces or fraction thereof, one (1) lavatory or its equivalent and one (1) shower for each twenty (20) trailer spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.
  - iii. Toilet facilities for men shall consist of not less than one (1) flush toilet for each fifteen (15) trailer spaces or fraction thereof, one (1) shower for each twenty (20) trailer spaces or fraction thereof, one lavatory or its equivalent for each ten (10) trailer spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.
  - iv. Service buildings housing the toilet facilities shall be permanent structures and shall be located not nearer than ten (10) feet nor farther than two hundred fifty (250) feet from any trailer space. Service buildings shall be well lighted, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, and shall permit repeated cleaning and washing. They shall be maintained at a temperature of not less than seventy (70) degrees Fahrenheit. The floors of said buildings shall be of a water-impervious material and shall slope to a floor drain connected with the sewage system in the park.
    1. Each service building and the park grounds shall be maintained in a clean, slightly condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.
  - e. **GARBAGE.** Metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least one (1) receptacle for every four (4) trailer spaces and shall be located not farther than fifty (50) feet from any trailer space. The cans shall be tightly covered and shall be kept in a sanitary condition. Sufficient receptacles shall be provided to prevent lettering the ground with rubbish and debris.
  - f. **FIRE PROTECTION.** Each service building shall be equipped with not less than the minimum required fire extinguishers and smoke detectors, as required by state law.
7. Hospitals, clinics, sanitariums, and charitable institutions for the treatment of diseases, nursing and convalescent homes; except correctional or penal institutions; provided no such use shall be established or permitted on a parcel of land of less than two acres in area, nor shall its buildings occupy more area than setbacks will allow.
  8. Sanitary landfills for the proper dumping of trash or garbage, provided that such use shall not be located nearer than 2500 feet to any zoned residential district or dwelling other than lessee or owner of the site, including municipality operated or leased sanitary landfills.
  9. Commercial grain storage bins.
  10. Commercial airports and landing fields.
  11. Mining and extraction of minerals or raw materials.
  12. Other farm uses may be permitted by a Conditional Use Permit, provided the following minimum standards are met:
    - a. The owner has a single family dwelling on the same lot of record as of the time of the proposed use;

- b. There shall be no outside storage of vehicles, equipment, or junk. Trash receptacles shall be screened from public view. The screening shall be a minimum of 6 feet in height. The screening shall be in the form of live trees, evergreens, wooden fencing, or deciduous materials. The screening shall not pose a visual barrier to traffic at intersections. The screening plan shall be submitted with the special use application and be incorporated into the permit;
- c. That there shall be no more than one non-lighted sign on the zoning lot with a total square footage not exceeding 32 square feet and the height shall be no more than 8 feet;
- d. There shall be no discharge of liquid or solid waste into ditches, streams, and rivers, and there shall be no discharge of toxic or non-biodegradable materials;
- e. That the building or premises shall not be rendered objectionable or detrimental to adjoining land owners due to the exterior appearance or the emission of dust, gas, noise, odor, smoke, traffic, or in any other way;
- f. Any buildings for the special use shall be located in the required rear or side yard
- g. Any buildings for the special use shall not exceed 20 feet in height
- h. Only people that reside on the same zoning lot may be employed at the proposed use.
- i. There shall be no non-farm processing of goods and services. Assembling of products and services is permitted when a portion of those goods are sold on the site at retail. The assembling shall not include any chemical processing, any non-incident painting that requires a spray booth, any non-incident welding which requires a booth, require assisted lifting devices in the assembling process, or require any special exhausting in the assembling process. The assembling shall be clearly incidental and a minor portion of the use.
- j. There shall be no outside storage or display of goods and services, except equipment associated with a childcare facility, schools, telecommunications equipment, or unless otherwise noted in this ordinance.
- k. Traffic generation shall not increase more than a customary home occupation

Section 5. **PROVISIONAL USES.**

- 1. A Bed and Breakfast home is permitted when it meets the following standards:
  - a. Accommodations must be in the family home, which the host/hostess is in residence.
  - b. A sign not to exceed 2 square feet in area carrying the name of the bed and breakfast home and host/hostess is permitted on the premises.
  - c. In addition to the required parking spaces for the residence 1 additional space shall be provided for each family accommodated.

Section 6. **PARKING REGULATIONS.** Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VII.

Section 7. **HEIGHT REGULATIONS.** No building hereafter erected or structurally altered shall exceed 3 stories or 42 feet.

Section 8. **AREA REGULATIONS.**

- 1) **LOT AREA AND WIDTH.** Each and every individual permitted use shall have an average lot width of not less than 150 feet for a single-family dwelling and 330 feet for a farmstead. A zoning lot after a building permit is issued shall not be allowed to be reduced in size to create a non-conforming zoning lot.
- 2) **FRONT YARD.** A minimum front yard depth of 50 feet shall be required from the public right of way or lot line where there is no public right of way.
- 3) **SIDE YARDS.** There shall be a side yard on each side of the building, having a combined width of not less than 30 feet, provided that in no case shall either side be less than 15 feet in width.
- 4) **REAR YARD.** There shall be a rear having a depth of not less than 50 feet.
- 5) **MINIMUM LOT AREA.** Two (2) acres net.
- 6) **SEPARATION FROM FEED LOT/CONFINEMENT OPERATION.** Single family dwellings, except farmsteads associated with farms (see Article VIII, Subsection 2, Number 1), shall be a minimum of 2500' from any feed lots/confinement operations.

**ARTICLE IX. "R-1", SINGLE FAMILY RESIDENTIAL DISTRICT****Section 1. PURPOSE OF DISTRICT.**

1. Zoning district for subdivisions.
2. Control the appearance of subdivisions.
3. Zoning district for single-family dwellings.

**Section 2. PERMITTED USES.** In the "R-1", Single Family District, the provisions of this Article shall apply and the following uses shall be permitted.

1. Single family and manufactured houses, which comply with the definition of the single-family dwellings.
2. Family homes, elder family homes, and physical disability homes, as defined by this Ordinance.
3. The keeping or roomers or boarders by a resident family.
4. Home occupations.
5. Churches and similar places of worship and instruction including parish houses.
6. Child day care facilities.
7. Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as temporary offices and for tool storage only.
8. **Non-Commercial WECS, subject to the following standards:**
  - a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
  - b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
  - c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.

- e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
- g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 3. **CONDITIONAL USES.** The following uses may be permitted by special exception per the procedures as specified in accordance with Article XVIII of this Ordinance:

- 1. Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes, and not including such uses as storage yards, warehouses, or garages.
- 2. Public and parochial schools of general instruction.
- 3. Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home parks.
- 4. Private stable, provided that the lot is greater than two acres and that all buildings and exercise yards shall be at least 250 feet from all adjacent dwellings.
- 5. Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes.

Section 4. **PARKING REGULATIONS.** Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VII.

Section 5. **HEIGHT REGULATIONS.** No building hereafter erected or structurally altered shall exceed two and one-half stories or 35 feet.

Section 6. **AREA AND DIMENSION REGULATIONS.**

- 1. **LOT AREA AND WIDTH.** Each lot shall be a minimum of 2 acres net and the average lot width shall be no less than 100 feet.
- 2. **FRONT YARD.** A minimum front yard depth of 50 feet shall be required from the public right of way and from lot line if not on a public right of way.
- 3. **SIDE YARDS.** There shall be a side yard on each side of the building, having a combined width of not less than 40 feet, provided that in no case shall either side be less than 15 feet in width.

4. **REAR YARD.** There shall be a rear having a depth of not less than 40 feet.
5. **DIMENSION.** The principal portion of such building shall have a minimum dimension of not less than 20 feet.

**ARTICLE X. "R-2", MULTI-FAMILY RESIDENTIAL DISTRICT****Section 1. PURPOSE OF DISTRICT.**

1. Place for life-cycle housing choices.
2. Place for multi-family housing.
3. Zoning district for unincorporated villages.

**Section 2. PERMITTED USES.** In the "R-2" Multi-Family District, the provisions of this Article shall apply and the following uses shall be permitted:

1. All uses permitted in the "R-1" District.
2. Two family dwellings.
3. Multi-family dwellings and townhouses.
4. Nursing homes/convalescent homes.
5. Public and private forests and wildlife reservations or similar conservation projects.
6. Home occupations.
7. Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.
8. Church, school or similar bulletin boards, or signs not exceeding twelve square feet in area, appertaining only to the lease, hire or sale of products upon the premises or an announcement or identification sign carrying the name and address of the owner or tenant residing on the premises provided that such boards or signs shall be removed as soon as the premises are leased or sold or the sale of products is completed. In no event shall more than two (2) signs of the above character be permitted upon any lot, except for the display of construction signs during the time a job is under construction.

**9. Non-Commercial WECS, subject to the following standards:**

- a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
- b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
- c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.



- d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
- e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
- g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**Section 3. MULTI-FAMILY RESIDENCES AREA AND DIMENSION REGULATIONS.**

- 1. **LOT AREA AND WIDTH.** Each lot shall be a minimum of two acres net and the average lot width shall be no less than 100 feet.
- 2. **FRONT YARD.** A minimum front yard depth of 50 feet shall be required from the public right of way and from the lot line if not on a public right of way.
- 3. **SIDE YARDS.** There shall be a side yard on each side of the building, having a combined width of not less than 40 feet, provided that in no case shall either side be less than 15 feet in width.
- 4. **REAR YARD.** There shall be a rear having a depth of not less than 40 feet.
- 5. **DIMENSION.** The principal portion of such building shall have a minimum dimension of not less than 20 feet.

**Section 4. DUPLEX AREA AND DIMENSION REGULATIONS.**

- 1. **LOT AREA AND WIDTH.** All lots shall be required to have a minimum of two (2) acres net and the average lot width shall be no less than 70 feet.

ADDITIONAL LOT AREA REQUIRED PER EACH DWELLING UNIT OVER ONE (sanitary sewer provided)	ADDITIONAL LOT AREA REQUIRED PER EACH DWELLING UNIT OVER ONE (leach field)
5,000 square feet	6,000 square feet

- 2. **FRONT YARD.** A minimum front yard depth of 50 feet shall be required.
- 3. **SIDE YARDS.** There shall be a side yard on each side of the building, neither side shall be less than 15 feet in width.

- 4. **REAR YARD.** There shall be a rear having a depth of not less than 50 feet.
- 5. **DIMENSION.** The principal portion of such building shall have a minimum dimension of not less than 20 feet.

Section 5. **MULTI-FAMILY AND TOWNHOUSE AREA AND DIMENSION REGULATIONS.**

- 1. **LOT AREA AND WIDTH.** All lots shall be required to have a minimum of two (2) acres net and the average lot width shall be no less than 100 feet.

ADDITIONAL LOT AREA REQUIRED PER EACH DWELLING UNIT OVER ONE (sanitary sewer provided)	ADDITIONAL LOT AREA REQUIRED PER EACH DWELLING UNIT OVER ONE (leach field)
5,000	6,000 square feet

- 2. **FRONT YARD.** A minimum front yard depth of 50 feet shall be required for all buildings. All parking areas shall be set back a minimum of 20 feet from the front lot line.
- 3. **SIDE YARDS.** There shall be a side yard on each side of the building, neither side shall be less than 15 feet in width.
- 4. **REAR YARD.** There shall be a rear having a depth of not less than 50 feet.
- 5. **SPACING.** Units shall have a minimum spacing of 24 feet.
- 6. **HEIGHT REGULATIONS.** No building shall exceed 3 stories in height.
- 7. **DIMENSION.** The principal portion of such building shall have a minimum dimension of not less than 20 feet.

Section 6. **CONDITIONAL USES.** The following uses may be permitted by special exception per the procedures as specified in accordance with Article XX of this Ordinance:

- 1. Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes, and not including such uses as storage yards, warehouses, or garages.
- 2. Public and parochial schools of general instruction.
- 3. Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home parks.
- 4. Private stable, provided that all buildings and exercise yards shall be at least 250 feet from all adjacent dwellings.
- 5. Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes.

Section 7. **PARKING REGULATIONS.** Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VII.

**ARTICLE XI. "R-3", MOBILE HOME PARK DISTRICT**

Section 1. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations for the R 3 Mobile Home Residence District.

Section 2. **USE REGULATIONS.** A building or premises shall be used only for the following purposes:

1. Mobile homes.
2. Manufactured homes.
3. Home occupations.
4. Farms and truck gardens, orchards and wooded areas.
5. Parks, playgrounds, and community buildings owned or operated by public agencies.
6. Public libraries and museums.
7. Golf courses, country clubs, tennis courts, and similar recreational uses, all non-commercial.
8. Family homes, elder family homes, and physical disability homes, as defined by this Ordinance.
9. Accessory buildings and accessory uses customarily incident to any of the above uses.
10. **Non-Commercial WECS, subject to the following standards:**
  - a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
  - b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
  - c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
  - e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  - f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to

allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.

- g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 3. **PARKING REGULATIONS.** Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VII.

Section 4. **HEIGHT REGULATIONS.** No building shall exceed two and one and one-half (1 1/2) stories nor shall it exceed twenty-five (25) feet in height except as hereinafter provided.

Section 5. **MOBILE HOME PARK REGULATIONS.**

1. **TOTAL AREA.** A mobile home park shall consist of not less than 10 mobile home or manufactured homes.
2. **SETBACKS.** No mobile home park shall be located nearer than 50 feet from any public street or road or public highway, or nearer than 50 feet from any property line.
3. **COMMON SPACE.** A minimum of eight (8) percent of the total area of the mobile home park shall be devoted to common space for residents. This common area shall be easily accessible to all residents and may include space for a community building and community use facilities such as pools and indoor recreation areas, parks and playgrounds, open space, and other similar uses.

Section 6. **INDIVIDUAL LOT REGULATIONS.**

1. **FRONT YARD.** There shall be a front yard having a depth of not less than twenty (20) feet.
2. **SIDE YARD.** Zero lot lines are encouraged in order to utilize yard space, but in no event shall there be less than thirty (30) feet between any mobile home units. No mobile home shall be placed within five (5) feet of an accessory building.
3. **REAR YARD.** There shall be a rear yard having a depth of not less than ten (10) feet.
4. **LOT AREA PER FAMILY.** Every lot shall have an area of not less than five thousand (5,000) square feet with a minimum width of not less than fifty (50) feet.
5. **ACCESSORY BUILDINGS.** Accessory buildings may be located in the side and rear yards provided that a clearance of not less than five (5) feet is maintained between the accessory building and any mobile home or structure. Where no mobile home is within five feet, the accessory building may be within three (3) feet of any side or rear property line. Accessory buildings shall not be located within the required front yard.

Section 7. **STREETS.** Access to the individual mobile home spaces shall be from the interior street system of the mobile home park. Interior streets shall have the following minimum requirements for pavement widths.

1. Entrance streets and other collector streets with parking on both sides shall have a minimum of thirty-six (36) feet in width.
2. Entrance streets and other collector streets with parking on one side shall have a minimum of twenty-eight (28) feet in width.
3. Minor streets and other collector streets with parking on one side shall have a minimum of twenty-six (26) feet in width.
4. Minor or cul-de-sac streets with no parking shall have a minimum of twenty (20) feet in width (with a forty [40] foot cul-de-sac radii).

Section 8. **WATER SUPPLY.** An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park.

Section 9. **SEWAGE DISPOSAL.** Waste water from showers, toilets, slop sinks and laundries shall be discharged into a public sewer system or into a private sewer and disposal plant or septic tank system in compliance with applicable statutes.

Section 10. **GARBAGE SERVICE.** Metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least one receptacle for every one mobile home. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

Section 11. **EXISTING NON-CONFORMING MOBILE HOME PARKS.** Existing mobile home parks are not subject to the terms of this article until they are expanded or enlarged. After such expansion, the new area shall follow the terms of this ordinance.

Section 12. **TORNADO SHELTER.** All mobile home parks shall have an underground tornado shelter that meets or exceeds both State of Iowa and Federal regulations for both the old/existing area. This shelter shall be required to have a minimum occupancy ratio of 5:1 of available space per number of mobile home units. For example, a 10-unit park shall have a shelter, which would occupy at least 50 persons, with each person needing at least 7 square feet of area. This requirement shall be met prior to placement of any mobile homes.

Section 13. **POWESHIEK COUNTY COMPREHENSIVE PLAN.** No land shall be rezoned to this classification that does not comply with the comprehensive plan.

Section 14. **TIE DOWNS.** All homes in this district shall be required to have tie downs that at least meet the Iowa Code requirements.

**ARTICLE XII. "LA", LAKE AREA RESIDENTIAL DISTRICT****Section 1. PURPOSE OF DISTRICT.**

1. Zoning district for Lake Area developments.
2. Control the appearance of Lake Area developments.
3. Zoning district for single-family Lake Area development dwellings.

**Section 2. PERMITTED USES.** In the "LA", Lake Area Residential District, the provisions of this Article shall apply and the following uses shall be permitted.

1. Single family and manufactured houses, which comply with the definition of the single-family dwellings.
2. Family homes, elder family homes, and physical disability homes as defined by this Ordinance.
3. The keeping of roomers or boarders by a resident family.
4. Home occupations.
5. Child day care facilities.
6. Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as temporary offices and for tool storage only.
7. **Non-Commercial WECS, subject to the following standards:**
  - a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
  - b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
  - c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.

- e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
- g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 3. **CONDITIONAL USES.** The following uses may be permitted by special exception per the procedures as specified in accordance with Article XX of this Ordinance:

1. Reserved.

Section 4. **PARKING REGULATIONS.** Whenever Structures are erected or structurally altered there shall be provided a minimum of two parking spaces on the same lot measuring 8½ feet wide and 20 feet long each.

Section 5. **HEIGHT REGULATIONS.** No building hereafter erected or structurally altered shall exceed three stories or 40 feet.

Section 6. **AREA AND DIMENSION REGULATIONS.**

1. **LOT AREA AND WIDTH.** Each lot shall be a minimum of 6,000 square feet and a minimum width of 50 feet.
2. **FRONT YARD.** A minimum front yard depth of 25 feet shall be required from the public or private right of way.
3. **SIDE YARDS.** There shall be a minimum 6 foot side yard on each side of the building.
4. **REAR YARD.** There shall be a rear yard having a depth of not less than 40 feet. In the event the rear yard abuts the shore line of the water body the depth shall not be less than 80 feet.
5. **DIMENSION.** The principal portion of such building shall have a minimum dimension of not less than 20 feet.
6. **SECONDARY BUILDINGS.** Any secondary buildings on the lot shall adhere to all setback requirements and not exceed 25 feet in height.



**ARTICLE XIII. "LA-S", LAKE AREA STORAGE DISTRICT****Section 1. PURPOSE OF DISTRICT.**

1. Zoning district for Lake Area developments.
2. Control the appearance of Lake Area developments.
3. Zoning district for Lake Area development storage buildings.

**Section 2. PERMITTED USES.** In the "LA-S", Lake Area Storage District, the provisions of this Article shall apply and the following uses shall be permitted.

1. Single, double and triple garages, which comply with the definition of the residential garages.
2. Wood post and frame building with steel roof and siding.
3. Steel frame building with steel roof and siding.
4. Wood post and frame building with shingle or metal roof and vinyl or metal siding.
5. Buildings may have bath rooms or toilet as long as the disposal meets Health Department/Sanitarian regulations for Lake area systems.
6. **Non-Commercial WECS, subject to the following standards:**
  - a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
  - b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
  - c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
  - e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  - f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.

- g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 3. **PROHIBITED USES.** The following uses are not allowed in this area:

1. No business operations will be conducted in this district.
2. Buildings will have no living quarters and overnight guests are prohibited.

Section 4. **PARKING REGULATIONS.** Whenever Structures are erected or structurally altered there shall be provided a minimum of two parking spaces on the same lot measuring 8½ feet wide and 20 feet long each.

Section 5. **HEIGHT REGULATIONS.** No building hereafter erected or structurally altered shall exceed 35 feet.

Section 6. **AREA AND DIMENSION REGULATIONS.**

1. **LOT AREA AND WIDTH.** Each lot shall be a minimum of 3,500 square feet and a minimum width of 50 feet.
2. **FRONT YARD.** A minimum front yard depth of 25 feet shall be required from the public or private right of way.
3. **SIDE YARDS.** There shall be a minimum 10 foot side yard on each side of the building.
4. **REAR YARD.** There shall be a rear yard having a depth of not less than 20 feet.
5. **DIMENSION.** The principal portion of such building shall have a minimum dimension of not less than 16 feet.
6. **SECONDARY BUILDINGS.** Any secondary buildings on the lot shall adhere to all setback requirements and not exceed 25 feet in height

**ARTICLE XIV. "C", COMMERCIAL DISTRICT****Section 1. GENERAL CONDITIONS.**

1. Reserved

**Section 2. PERMITTED USES.** In the "C", Commercial District, the provisions of this Article shall apply and the following uses shall be permitted:

1. Any use permitted in the R-2 Multi-Family Dwelling District.
2. Any retail, rental business or service establishment such as the following:
  - a. Animal hospital or veterinary clinic provided all phases of the business conducted upon the premises be within a building where noises and odors are not evident to adjacent properties;
  - b. Antique shop;
  - c. Apparel shop;
  - d. Bakery whose products are sold only at retail and only on the premises;
  - e. Barber shop or beauty parlor;
  - f. Bicycle shop, sales and repair;
  - g. Billiard parlors and pool halls;
  - h. Book store and binding;
  - j. Bowling alleys, indoor recreation buildings, ballrooms and dance halls.
  - k. Candy shops where products are sold only at retail and only on the premises.
  - l. Clothes cleaning and laundry pickup station.
  - m. Collection office of public utility.
  - n. Commercial parking lots for passenger vehicles.
  - o. Dairy store--retail.
  - p. Dance and/or music studio.
  - q. Department store.
  - r. Drapery shop.
  - s. Drug store.
  - t. Filling station.
  - u. Financial institution.
  - v. Florist and nursery shop--retail.
  - w. Fruit and vegetable market.
  - x. Furniture store.
  - y. Gift shop.
  - z. Grocery and delicatessen.
  - aa. Hardware store.
  
  - bb. Hobby shop and/or craft shop.
  - cc. Household appliances--sales and repair.
  - dd. Ice storage and distributing station of not more than 5-ton capacity.
  - ee. Jewelry shop.
  - ff. Key shop.
  - gg. Landscape gardener.
  - hh. Launderette and laundries.
  - ii. Locker plant for storage and retail sales only.
  - jj. Motel.
  - kk. Music store.

- ll. Paint and wallpaper store.
  - mm. Photographic studio.
  - nn. Post office substation.
  - oo. Radio and television sales and service.
  - pp. Rental Storage units.
  - qq. Restaurant, cafe, and soda fountain--including drive-ins.
  - rr. Shoe repair shops.
  - ss. Sporting goods.
  - tt. Tack shop.
  - uu. Tailor shop.
  - vv. Taverns.
  - ww. Theaters, including open-air drive-in theaters.
  - xx. Variety store.
  - yy. Business or professional office and the like.
  - zz. Accessory uses to the above.
  - aaa. Lawn mower, Small Engine, and Recreational Vehicle repair shop.
3. **Non-Commercial WECS, subject to the following standards:**
- a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
  - b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
  - c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
  - e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  - f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
  - g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

Section 3. **PARKING REGULATIONS.** Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VII.

Section 4. **HEIGHT REGULATIONS.** No building hereafter erected or structurally altered shall exceed 3 stories or 42 feet in height.

Section 5. **REQUIRED YARDS.**

1. **FRONT YARD.** A minimum front yard depth of 75 feet shall be required.
2. **SIDE YARDS.** Any building containing dwelling units shall conform to the side yard requirements of the "R" district. The side yards shall be less than 15 feet.
3. **REAR YARD.** There shall be a rear yard required with a minimum depth of 50 feet. When a lot is not served by a public sanitary sewerage system, the open and undeveloped rear yard area shall be not less than the area required to provide suitable sanitary treatment facilities which shall meet the requirements of the State Board of Health for the anticipated use of the lot, and as determined by a licensed Sanitary Engineer.

Section 6. **PERFORMANCE STANDARDS**

1. No merchandise shall be stored or displayed outside a building except as allowed as part of the initial change of zoning request or a conditional use permit from the Board of Adjustment.
2. Dumpsters shall be screened by fencing or vegetation or shall be placed in a location, which is not visible or offensive to the general public or adjacent property owners. Junk, trash, non-licensed vehicles, and other items, which are detrimental to the character of the area, shall not be visible to the general public or adjacent property owners.

**ARTICLE XV. "M" MANUFACTURING DISTRICT****Section 1. GENERAL CONDITIONS.**

1. Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods, or products, shall be carried on in such a manner as not be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic, or noxious materials, odors, fires, or explosive hazards, or glare or heat.
2. No activities involving the storage, utilization, or manufacture of materials or products, which decompose by detonation, shall be permitted except as authorized by a Conditional Use Permit by the Board of Adjustment.
3. All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing, and testing of materials, products and goods shall be within completely enclosed buildings. All outdoor storage of motor vehicles, dumpsters, junk, and trash handling equipment including but not limited to motor vehicles, farm or construction equipment, or similar items shall be screened from any public streets. The screening shall be a minimum of 5 feet in height. Screening shall be provided along all public roads. The screening shall be in the form of live trees, evergreens, or deciduous materials and be sufficient to separate the noted uses above from the public streets. The screening shall not pose a visual barrier to traffic at intersections. The screening plan shall be submitted with the zoning application and be incorporated into the permit;
4. No building structure or parcel of land shall be used for manufacturing, fabricating, repairing, storing, cleaning, servicing of materials, products, or goods, within 1000 feet of any lot line adjoining a residential district.

**Section 2. PERMITTED USES.**

1. Any use permitted in the "C" Commercial district.
2. Automobile, tractor, truck, trailer, motorcycle, and other motor vehicles, manufacture and assembly, including parts.
3. Automobile, motorcycle, trailer and farm implement establishments for display, hire and sales (including sale lots), including as incidental to these major uses all repair work in connection with their own customers' vehicles. In addition, this paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
4. Bakeries.
5. Carpet and rug cleaning provided that necessary equipment is installed and operated for the effective precipitation or recovery of dust.
6. Carpenter and cabinet shop, lumber yards, building material sales yard, retail, sheet metal shop, sign construct and painting shop, storage warehouse or business, and wholesale warehouse or business.
7. Circus, carnival or similar enterprise provided that such use is at least 200 feet from any "R" district.

8. Coal, coke or wood yard.
9. Concrete mixing, concrete products manufacture, and asphaltic batching plants.
10. Contractors' 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 or a delivery or draying service.
11. Creamery, bottling works, ice cream manufacturing (wholesale), ice manufacturing and cold storage plant.
12. Enameling and lacquering.
13. Exterminator sales.
14. Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
15. Flammable liquids, underground storage only, not to exceed 25,000 gallons, if located not less than 200 feet from any "R" district.
16. Junk, iron or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence, not less than 8 feet in height, completely obscuring the activity.
17. Laboratories--experimental, film or testing.
18. Removed
19. Livery stable or riding academy.
20. Machine shop.
21. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.
22. Manufacture of musical instruments and novelties.
23. Manufacture or assembly of electrical appliances, instruments, and devices.
24. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns.
25. Manufacture and repair of electrical signs, advertising structures, sheet metal products, including heating and ventilating equipment.
26. Sawmill, planing mill, including manufacture of wood products not involving chemical treatment.
27. Milk distributing station other than a retail business conducted on the premises.
28. Monument sales yard.
29. Pet shop, including aquariums.
30. Plumbing, heating or electrical contractor shops.

31. Printing and/or publishing houses.
32. Sales auction (automotive or furniture and appliance).
33. Tire shop, including vulcanizing and retreading.
34. Used auto sales lots or any similar use.
35. Welding or other metalworking shops.
36. The manufacturing, compounding, processing, packaging, or treatment of cosmetics, pharmaceuticals, and food products.
37. The manufacture, compounding, assembling, or treatment of articles of merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals or stones, tobacco, wax, yarns, and wood.
38. No permit shall be issued for any use in conflict with any ordinance of Poweshiek County or law of the State of Iowa regulating nuisances.

No permit shall be issued for any of the following uses until and unless the location of such use and suitable enclosure shall have been authorized by the by the Board Supervisors after a public hearing by the Board of Adjustment and a recommendation by the Zoning Commission.

- a. Agriculture seed processing, storage and sales.
  - b. Automobile tractor or machinery wrecking and used parts yards
  - c. Cement, lime gypsum or plaster of Paris manufacture
  - d. Chemical manufacture or wholesale storage of chemicals
  - e. Explosive manufacture or storage
  - f. Fertilizer and /or agricultural chemical manufacture, blending and storage.
  - g. Fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour and rendering and refining
  - h. Garbage, offal or dead animal reduction or dumping
  - i. Gas manufacturing and cylinder recharging, except anhydrous ammonia
  - j. Petroleum and minerals or their products, exploration, extraction, refining or wholesale storage of.
  - k. Rubber goods manufacturing
  - l. Slaughterhouses and stockyard, distillation of bones, fat rendering, glue, size or gelatin manufacturing, hide treatment and storage.
  - m. Smelting of tin, copper, zinc, or iron ores.
  - n. Waste paper yard.
  - o. Wholesale storage of gasoline
  - p. Racetrack
39. **Non-Commercial WECS, subject to the following standards:**
- a) **Tower Height:** Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
  - b) **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.



- c) **Noise:** Non-commercial WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- d) **Engineer Certification:** Applications for Non-Commercial WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
- e) **Compliance with FAA Regulations:** Non-Commercial WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- f) **Compliance with National Electric Code:** Applications for Non-Commercial WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information is frequently supplied by the manufacturer.
- g) **Utility Notification:** No Non-Commercial WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

### Section 3. **REQUIRED CONDITIONS.**

- 1. The best practical means known for the disposal of refuse matter or water carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed. All uses except for those permitted by the Board of Adjustment shall by reason of its nature or manner of operation become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water carried waste.
- 2. All principal buildings and all accessory buildings or structures including loading and unloading facilities, shall be located at least 200 feet from any "R" district and not less than 100 feet from a "C" district.
- 3. All uses shall be completely enclosed within a building except for parking, loading, and unloading facilities, except when authorized by the board of adjustment.

### Section 4. **ACCESSORY USES.**

- 1. Accessory uses permitted in the "C" district.
- 2. Accessory uses and structures customarily incidental to any permitted principal uses.

Section 5. **HEIGHT REGULATIONS.** No structure shall exceed 3 stories or 50' in height the distance measured to the centerline of the nearest street from any portion of the proposed building or structure.

### Section 6. **REQUIRED YARDS.**

- 1. **FRONT YARD.** Shall meet the side yard set back or not to exceed the principle building.

2. **SIDE YARD.** None required except adjacent to an “R” district, in which case not less than 15 feet on any one side.
3. **REAR YARD.** There shall be a rear yard required with a minimum dept of 50 feet; none where adjoining railroad right of way. When a lot is not served by a public sanitary sewerage system the open and undeveloped rear or side yard shall be not less than the area required to provide suitable sanitary treatment facilities which shall meet Health Department requirements.
4. **ACCESSORY BUILDINGS.** Shall have a front yard setback of 75 feet, side yard setback of a total of 40 feet and no less than 15 feet on any one side, and a rear yard setback of 50 feet.

## ARTICLE XVI. SIGN REQUIREMENTS

Section 1. **PURPOSE.** The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the County; to maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

Section 2. **APPLICABILITY.** A sign may be erected, placed, established, painted, created, or maintained in the County only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance.

1. The effect of this section as more specifically set forth herein, is:
  - a. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
  - b. To prohibit signs not expressly permitted by this Ordinance;
  - c. To provide for the enforcement of the provisions of this Ordinance.

Section 3. **DEFINITIONS AND INTERPRETATION.** Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases not defined in this section but defined in other parts of the Ordinance shall be given the same meanings. All words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

1. **ABANDONED SIGN.** A sign which advertises or identifies a product, place, activity, person, profession, service, institution or business which is no longer conducted or available on the premises or elsewhere. Signs, which have been in a state of disrepair for at least 90 days, are also considered abandoned signs.
2. **ACCESSORY SIGN.** A sign which directs attention to a product, place, activity, person, profession, service, institution or business which is located, produced, conducted, sold or offered on the same premises where the sign is located.
3. **ADVERTISING SIGN.** A sign which directs attention to a product, place, activity, person, profession, service, institution or business which is located, produced, conducted, sold or offered elsewhere than on the premises where the sign is located.
4. **AWNING SIGN.** A sign incorporated into or attached to an awning.
5. **BANNERS, PENNANTS, STRING LIGHTS.** Temporary signs hung with or without frames, possessing characters letters, illustrations, or ornamentation applied to paper, plastic, fabric, or other similar material.
6. **BILLBOARD.** A form of advertising sign designed for both painted bulletins and paper posters which advertises a product, place, activity, person, profession, service, institution or business located upon property other than the premises on which the sign is located.

7. **BULLETIN BOARD.** A sign containing a surface upon which individual letters are temporarily attached for the announcement of services, activities, or special events related to and located on the same premises as schools, churches and institutions.
8. **CANOPY/MARQUEE SIGN.** A sign attached to, or constructed in or under, a canopy or marquee.
9. **CHANGEABLE COPY SIGN.** A sign that is designed so that characters, letters, or illustrations can be periodically changed or rearranged, manually or automatically, without altering the face or the surface of the sign.
10. **COMMERCIAL MESSAGE SIGN.** Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, or service, or other commercial activity.
11. **CONSTRUCTION SIGN.** A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, and information about the enterprises or project being developed.
12. **DIRECTIONAL/INFORMATION SIGN.** Any sign giving directions, instructions, or information principally to pedestrian or vehicular traffic.
13. **ELECTRONIC MESSAGE CENTER.** A sign where different copy changes are shown such as an electrically or electronically controlled time and temperature sign, message center, or reader board.
14. **FASCIA SIGN.** A single faced sign, which is, attached parallel to its supporting wall and not extending more than 18 inches from a wall or building.
15. **FLASHING SIGN.** A sign, which contains an intermittent, or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs conveying public service messages such as time and temperature or electronic message centers and reader boards are not classified as flashing signs.
16. **FREESTANDING SIGN.** A sign which is supported by one or more columns, ropes or lines, uprights, poles or braces in or upon the ground and not attached to any building, structure or wall. This term shall include signs placed directly upon the ground.
17. **HOME OCCUPATION SIGN.** A non-illuminated sign or nameplate that identifies only the name and/or occupation of a practitioner or one conducting a permitted home occupation in a dwelling.
18. **ILLUMINATED SIGN.** Any sign illuminated in any manner by an artificial light source.
19. **INCIDENTAL SIGN.** A sign pertaining to specific products, services, or facilities available on the premises.
20. **MENU BOARD.** A permanently mounted sign displaying the bill of fare of a drive-in or drive-thru restaurant.
21. **NON-CONFORMING SIGN.** Any sign, which does not conform to the regulations of this Article.
22. **POLITICAL SIGN.** A temporary sign relating to candidates or issues associated with a local, state or national election or referendum.

23. **PORTABLE SIGN.** A sign which by its construction or nature is designed to be moved from one location to another. When on a trailer, the removal of wheels or undercarriage, or the anchoring of the sign by means of chains, wires, concrete blocks, sandbags, or other types of temporary anchors, does not change the classification of the sign.
24. **PROJECTING SIGN.** A sign attached to and projecting more than 18 inches from the building face or wall.
25. **REAL ESTATE SIGN.** A temporary sign advertising the sale, rental or lease of the premises on which the sign is located.
26. **ROOF SIGN.** A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partially supported by said building.
27. **SIGN.** Any object, device, display or structure, or part thereof, which is affixed to or represented directly or indirectly upon a building, structure or parcel of land and which advertises, displays, identifies or directs attention to a product, place, activity, person, profession, service, institution or business.
28. **SIGN AREA.** The area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary exposed supports or uprights on which the sign is placed. If the sign consists of more than one section or module, all areas will be totaled. The area of signs composed of words or characters attached directly to a building or wall shall mean and shall be computed as the area within a regular geometric shape, which encloses the words or characters. The area of signs composed of spherical, three-dimensional, free form, sculpture, and other non-planar shapes shall be the sum of the areas of the four vertical sides of the smallest polyhedron (cube-like volume) that will enclose the sign structure. The area of back-to-back signs shall be taken as the area of one sign face if the two sign faces are of equal area or as the area of the larger face if the two faces are of unequal area.
29. **SIGN HEIGHT.** The vertical distance from the uppermost point on a sign to the surrounding grade level immediately below and upon which the sign is located.
30. **SIGN STRUCTURE.** Any supports, uprights, braces, mounting device, hardware or framework of a sign.
31. **TEMPORARY SIGN.** A sign not permanently attached to a building, structure, or the ground and designed or intended to be displayed for a limited period of time such as political signs, real estate signs, portable signs, and special event signs.
32. **WALL SIGN.** A sign painted on or attached to a wall or building with the face in a parallel plane to the plane of the building or wall.

Section 4. **PERMITS REQUIRED.** If a sign requiring a permit under the provision of this Ordinance is to be placed, constructed, or modified on a zoning lot, the owner of said lot shall secure a sign permit prior to the construction, placement, erection, or modification of such sign. No signs shall be erected in the public right-of-way except in accordance with this Ordinance. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Ordinance.

1. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design,

structure, and location of each particular sign. One application and permit may include multiple signs on the same zoning lot.

Section 5. **TEMPORARY SIGN PERMITS.** Temporary signs on private property shall be allowed only upon issuance of a Temporary Sign Permit, which shall be subject to the requirements listed below.

1. A temporary sign permit shall allow the use of a temporary sign for a specified 30-day period, other than political signs.
2. Only 1 temporary sign permit shall be issued to the same business license holder on the same zone lot in any calendar year.

Section 6. **VIOLATIONS.** Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance, by the Zoning Ordinance, and by state law.

1. To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which sign is located;
2. To install, create, erect, or maintain any sign requiring a permit without such permit;
3. To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which it is located;
4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalties of this Ordinance.

Section 7. **FEES.** See resolution for fees on file with the County Auditor.

Section 8. **EXEMPTIONS.** The following signs are exempted from the permit requirements of this Ordinance, unless specified elsewhere herein, but must be in compliance with all other applicable codes and Ordinances:

1. Miscellaneous traffic or other signs of a public agency, such as railroad crossing signs, and signs warning of danger, hazards or unsafe conditions.
2. Display of any official flag or emblem of a nation, state, or county, or a religious, charitable, educational, or non-profit institution or organization.
3. Any sign which is located within a structure.
4. Grave markers, statues, or remembrances of persons or events that are non-commercial in nature.
5. Works of fine art, if not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.
6. Signs applied directly onto the body of a car, truck, bus, trailer, or other vehicle if such vehicle is operated in the normal course of a business and such vehicle is not used primarily to display such sign.

7. Nameplates posted in conjunction with doorbells or mailboxes, and not exceeding one square foot in surface area.
8. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.
9. Directional/information signs displayed strictly for the direction, safety or convenience of the public, including signs which identify restrooms, telephones, danger areas, parking area entrances or exits, freight entrances, or the like. Such signs shall not exceed 6 square feet in area and shall not exceed 4 feet in height.
10. Address signs, not exceeding one square foot in surface area, containing only the address of the premises upon which it is located.
11. Plaques, tablets, or names of buildings and date of erection when cut into any surface of when such sign is attached flush to the building.
12. Commemorative plaques or monuments placed by historical organizations.
13. Public Notices.
14. Safety and warning signs, such as warnings of high voltage, explosives, hazardous materials, and other dangerous situations.
15. Signs advertising any sales popularly referred to as "Garage" and "Yard" sales shall not exceed 4 square feet in area and shall be removed within 24 hours after a sale has ended.
16. Signs for Home Occupations that do not exceed 16 square feet in area, are not illuminated, are building mounted, and are limited to one sign per home.
17. No Trespassing signs.
18. Signs or bulletin boards associated with medical, educational, civic, philanthropic, or religious organizations or institutions, not exceeding 24 square feet in area and not exceeding 6 feet in height, which shall be located on the premises of such institution or organization.
19. **Temporary signs**, including:
  - a. Signs advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed. One such non-illuminated sign, not to exceed 9 square feet in area and not to exceed 6 feet in height, shall be permitted on each premise.
  - b. Signs advertising the architects, engineers, contractors, occupants, or other individuals involved in the construction, re-construction or remodeling of a building and/or development project and such signs announcing the character and/or purpose of the site. One such non-illuminated sign, not to exceed 120 square feet in area and not to exceed 8 feet in height, with a minimum setback of 15 feet, shall be permitted on each premise. Such signs shall not be erected until building permits have been issued, and shall be removed no longer than 30 days following project completion.
  - c. One non-illuminated sign in any residential real estate development indicating real property for sale or rent, not larger than 120 square feet in area. In no case is any such sign to be located closer than 30 feet to any street line. In no case will a temporary sign be permitted after residences have been erected on 60 percent of the lots in the subdivision or after more than 60 percent of the lots have been sold.

- d. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property.
- e. Temporary signs pertaining to drives or events of civic, philanthropic, educational, or religious organizations. Also, any special event sign, banner, pennant, flag, streamer, or advertising device displayed on the premises of an establishment having a grand opening, anniversary, or similar special event. Such sign shall also include signs erected for the purpose of notifying the public of non-commercial community events including but not limited to fairs, festivals and celebrations open to the general public, and sponsored or approved by the county or school district. Signs shall not exceed 50 square feet in area and shall not exceed the height of the principal structure. Signs shall not be posted more than 30 days before said event and shall be removed within 24 hours after the event.
- f. **CERTAIN TEMPORARY SIGNS PERMITTED.** Notwithstanding any provision of this Ordinance to the contrary, the temporary posting of Political Signs, Real Estate Signs or signs referred to in Article XVI, Section 8 may be placed on private property under the jurisdiction and control of Poweshiek County, Iowa, terrace or parking areas if said posting is approved by the owner of the adjacent real estate who maintains the public property, terrace or parking area, and said posting does not interfere with vehicular traffic visibility or pedestrian movement.

20. Agricultural seed corn, farmstead, and other similar signs.

Section 9. **PROHIBITED SIGNS.** The following signs are prohibited in all zoning districts within Poweshiek County:

- 1. Abandoned signs.
- 2. Flashing signs, including those illuminated by or containing flashing, intermittent, rotating, or moving light or lights. This requirement shall not apply to electronic message centers.
- 3. Signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- 4. Signs placed on vehicles or trailers, which are parked or located for the primary purpose of displaying said sign.
- 5. Signs, which revolve or swing with normal wind currents or mechanical devices.
- 6. Any sign, except menu boards, emitting sound other than that normal for their internal operation.
- 7. Any sign, which contains statements, words or pictures of an obscene, pornographic or immoral character.
- 8. Temporary signs, except for those expressly permitted by this Ordinance.
- 9. In no event shall an illuminated sign or lighting device be placed or directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. All signs shall be screened from beaming on residential windows.
- 10. No sign shall be erected so as to prevent free ingress to, or egress from, any door, window or any other exits.



11. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices, except as specified herein.
12. No advertisement, advertising structure, billboard or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the County or by the State of Iowa.
13. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.
14. No neon sign or other illuminated advertisement shall be of such color or located in such a manner as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.
15. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
16. No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof. No sign shall be placed on the roof of any building.
17. No sign shall be located in or over any public right-of-way, except as specified herein.

Section 10. **SUPPLEMENTAL PROVISIONS.**

1. All signs and sign structures shall be erected and maintained in a safe condition. It shall be the responsibility of the sign owner or property owner to keep all signs thereon properly maintained.
2. **Non conforming signs.** Legally established signs, other than portable signs as herein defined, existing on the effective date of this Ordinance which do not conform to the provisions of this Ordinance shall be classified as legal nonconforming signs and be allowed to continue as such for a period not to exceed 10 years. At that point in time a new permit will need to be obtained to be continued. No nonconforming sign shall be altered, reconstructed, enlarged, extended or relocated except in compliance with the provisions of this Ordinance. For purposes of this Section only, the terms "altered" and "reconstructed" shall not include minor maintenance, minor repair, landscaping around the sign, or the replacement of bulbs, changeable letters or figures, or other embellishments if such changes do not increase the size of the sign or the degree of its non-conformance.
3. **Projecting signs** may be erected in commercial and industrial zones provided that such signs shall project no more than 8 feet from the building to which attached, and provided that the minimum clearance from grade shall be 9 feet above any pedestrian way and 17 feet above any vehicular way. Said signs may not project into or over any public right-of-way.
4. **Illuminated Signs.** All illuminated signs shall be turned off within one hour after the close of business.
5. **Changeable copy sign attached and supported by a commercial message freestanding sign structure.** The commercial message sign shall be the same size or larger than the changeable copy sign. The commercial message sign shall be placed above the changeable copy sign. Both signs shall be facing the same direction, and at the same angle. The total sign area of the changeable copy and the commercial message signs shall not exceed the allowable sign area, height, setback, and all other requirements for the given zone. The changeable sign shall have at least one color in the background that is the same or complementary to that which is in the commercial message sign. The changeable copy sign and the commercial message sign shall be made of the same type of materials.

6. **Violation.** The Administrative Officer shall, upon determination of any violation of this Ordinance, including the existence of any abandoned, dangerous or defective sign and/or sign structure, notify in writing the owner of the sign or the owner of the property upon which the sign is located. Such written notification of violation shall identify the sign and/or sign structure, state the nature of the violation, and order the action necessary to correct the violation.
7. If the Administrative Officer has issued written notification of violation of this Ordinance and the violation has not been corrected within 45 days after receipt of written notice, and no appeal has been filed within 30 days of receipt of written notice with the Zoning Board of Adjustment, the Administrative Officer is authorized to cause removal of such sign. The owner of the sign and/or sign structure or the owner of the property upon which the sign is located shall pay any expense incident to such removal. Failure to pay said costs may result in the assessment of such costs against the property.

Section 11. **ZONING DISTRICT REGULATIONS.** The following provisions shall apply to the regulation of signs in the respective zoning districts within Poweshiek County:

Section 12. "A", **AGRICULTURAL DISTRICT.**

1. Signs permitted per this Ordinance.
2. One identification sign for principal permitted uses other than single-family dwellings, not to exceed 48 square feet and not to exceed 6 feet in height. Freestanding signs shall be setback a minimum of 10 feet from all property lines.

Section 13. "R-1 **SINGLE-FAMILY DISTRICT.**

1. Signs permitted per this Ordinance.
2. One identification sign for principal permitted uses other than single-family dwellings, not to exceed 48 square feet and not to exceed 6 feet in height. Freestanding signs shall be setback a minimum of 10 feet from all property lines.

Section 14. "R-2", **MULTI-FAMILY DISTRICT.**

1. Any sign permitted in the R-1 District.

Section 15. "R-3", **MOBILE HOME PARK DISTRICT.**

1. Any sign permitted in the R-1 District.

Section 16. "C", **COMMERCIAL DISTRICT.**

1. Signs permitted per this Ordinance.
2. **Wall signs.** The sum of all wall signs, including incidental signage, shall not exceed 1.5 square foot for each one linear foot (1-1/2:1) of the frontage wall. If the lot is a corner lot, the above percentages shall be determined by linear frontage of the building in the front yard. 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 residential district; however, this requirement does not apply to the side of the building, which is opposite that side adjoining the "R" district.

In no event shall any wall sign extend beyond the width of the building or more than 6 feet above the top of the building wall or parapet.

3. Signs affixed to an approved canopy, marquee or awning, and shall maintain a vertical clearance above ground surface and a distance from the curb line of not less than the distances established by Poweshiek County for said canopy, marquee or awning.
4. **Freestanding Signs.** Commercial message freestanding signs not to exceed 120 square feet and not to exceed 25 feet in height. Where a front yard is required, such signs shall be set back a minimum of 20 feet or the distance from the property line to the principal structure, whichever is less. This 20-foot setback requirement shall not apply where the lot fronts on an established four-lane street or highway. No sign shall be located closer than 25 feet to an adjoining "R" District.
5. Provided that they are not erected or placed within 300 feet of the right-of-way of any intersecting streets, roads or highways; or within 300 feet of a railroad intersecting a street, road or highway; or within 300 feet of any existing residence or residence district; provided that no sign, regardless of size, shall be closer to another billboard or sign than 300 feet on any one side of the street, road or highway; nor shall any billboard or sign, at any point, obstruct proper and necessary sight distance from any street, road or highway.
  - a. Structures shall be limited to 2 faces per sign, with 1 face in each direction, shall not exceed 30 feet in height, and shall have a total sign face area visible in any one direction of traffic not exceeding 300 square feet;
  - b. Advertising signs shall be subject to the setback requirements established for principal permitted uses for the zoning district in which they are located.

Section 17. "M" **MANUFACTURING DISTRICT.**

1. Signs permitted per this Ordinance.
2. **Wall signs.** The sum of all wall signs, including incidental signage, shall not exceed 1.5 square foot for each one linear foot (1-1/2:1) of the frontage wall. If the lot is a corner lot, the above percentages shall be determined by linear frontage of the building in the front yard. 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 residential district; however, this requirement does not apply to the side of the building, which is opposite that side adjoining the "R" district. In no event shall any wall sign extend beyond the width of the building or more than 6 feet above the top of the building wall or parapet.
3. Signs affixed to an approved canopy, marquee or awning, and shall maintain a vertical clearance above ground surface and a distance from the curb line of not less than the distances established by Poweshiek County for said canopy, marquee or awning.
4. **Freestanding Signs.** Commercial message freestanding signs not to exceed 120 square feet and not to exceed 25 feet in height. Where a front yard is required, such signs shall be set back a minimum of 20 feet or the distance from the property line to the principal structure, whichever is less. This 20-foot setback requirement shall not apply where the lot fronts on an established four-lane street or highway. No sign shall be located closer than 25 feet to an adjoining "R" District.
5. Advertising signs provided that they are not erected or placed within 300 feet of the right-of-way of any intersecting streets, roads or highways; or within 300 feet of a railroad intersecting a street, road or highway; or within 300 feet of any existing residence or residence district;

provided that no sign, regardless of size, shall be closer to another billboard or sign than 300 feet on any one side of the street, road or highway; nor shall any billboard or sign, at any point, obstruct proper and necessary sight distance from any street, road or highway.

- a. Structures shall be limited to 2 faces per sign, with 1 face in each direction, shall not exceed 30 feet in height, and shall have a total sign face area visible in any one direction of traffic not exceeding 300 square feet;
- b. Advertising signs shall be subject to the setback requirements established for principal permitted uses for the zoning district in which they are located.

**ARTICLE XVII. SEXUALLY ORIENTED BUSINESSES****Section 1. CONDITIONAL USE.**

1. Sexually oriented business(s) are only permitted by special permission from the Board of Supervisors within the "M" Manufacturing zone. To receive approval the sexually oriented business shall meet the following minimum standards:
  - a. The business shall be a minimum of 1500 feet from the following uses: 1). church, synagogue, chapel, or similar place of religious worship or instruction; 2). A public or private elementary or secondary school; 3). A boundary of a residential zoning district; 4). A library, or a public park, playground or other recreational facility; 5). A licensed day care center or nursery or preschool; or 6). Another sexually oriented business. The measurement shall be made in a straight line from the nearest point of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or library, or public or private elementary or secondary school, or to the nearest boundary of an affected park, residential district, or residential lot, or licensed day care center.
  - b. The business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
  - c. The Board of Supervisors may grant a permit for the sexually oriented business. The following standards shall apply to all permits for a sexually oriented business:
    - i. The permit may be suspended by the Board of Supervisors for a period not to exceed 30 days if he determines that the permittee: 1). Has violated or is not in compliance with any section of these regulations; or 2). Refused to allow an inspection of the sexually oriented business; or 3). Refused to comply with any standards contained on the permit.
    - ii. The permit applicant's taxes for the zoning lot shall be paid in full by the time the application is submitted;
    - iii. The permit shall be revoked if the permittee and/or licensee gave false or misleading information in the materials submitted during the application process; The use adversely impacts nearby commercial or residential uses; The use jeopardizes or endangers the public health or safety of persons residing or working in the surrounding area, constitutes a public nuisance, or has resulted in repeated nuisance activities including but not limited to disturbances of peace, illegal drinking activity, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, battery, acts of vandalism, loitering...lewd conduct or sheriff detentions and arrests; The permittee and/or licensee or an employee has allowed possession, use, or sale of controlled substances on the premises; a permittee and/or licensee or an employee has allowed prostitution on the premises; The permittee and/or licensee or an employee operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended; A permittee and/or licensee or an employee has allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises; The permittee and/or licensee is delinquent in payment to the County or State for any taxes or fees; The owner or operator of the permitted establishment allowed a person under 18 years of age to enter an establishment; and That there was a change of owner or operator for which a transfer conditional use application was not timely filed.

- d. The Board of Supervisors shall have the authority to require applicants to provide any details about the business prior to the issuance of a permit.
- e. It shall be unlawful for a person to operate a sexually oriented business without a valid permit and/or license issued by the Board of Supervisors.
- f. A permittee and/or licensee shall not transfer the permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application. The transfer of ownership shall include any of the following: 1). Sale, lease, or sublease of the business; 2). The transfer of securities that from a controlling interest in the business, whether by sale, exchange, or similar means; or 3). The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- g. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application. Application of renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected. When the Board of Supervisors denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If, subsequent to denial, the Board of Supervisors finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.
- h. The annual fee for a sexually oriented business permit and/or license is \$1,000. This fee is to pay for the cost of the administration and enforcement of this ordinance.
- i. Signs for the sexually oriented business shall contain no photographs, silhouettes, drawings, or pictorial representations in any manner, and may contain only the name of the enterprise.
- j. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 18 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished: 1). A valid operator's commercial operator's, or non-commercial driver's license; or 2). A valid personal identification certificate issued by the State of Iowa reflecting that such person is 18 years of age or older.
- k. The Board of Supervisors has the right to deny a sexually oriented business for any of the following reasons:
  - i. The use does not comply with the County Comprehensive Plan;
  - ii. To prevent the concentration of sexually oriented businesses and to establish reasonable and uniform regulations;
  - iii. The use will adversely impact nearby residential and/or commercial uses; and
  - iv. Promote the public health, safety, and welfare of the County Citizens.

**ARTICLE XVIII. AIRPORT ZONES AND HEIGHT LIMITATIONS**

This ordinance is adopted pursuant to the authority conferred by Chapter 329.3 of the Code of Iowa. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Grinnell Regional Airport, and property of occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Grinnell Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Grinnell Regional Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Grinnell Regional Airport;
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

No structure shall be erected in Poweshiek County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Poweshiek County.

No use may be made of land or water within Poweshiek County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from the Grinnell Municipal Airport.
2. No operations from any use shall produce smoke, glare or other visual hazards within 3 statute miles of any usable runway at the airport.
3. No operations from any use in Poweshiek County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

The City Council of Grinnell, Iowa, Poweshiek County Board of Supervisors and the Jasper County Board of Supervisors HEREBY ORDAIN IT as follows:

Section 1. **DEFINITIONS.** As used in this ordinance, unless the context otherwise requires:

- (1) Airport. Grinnell Regional Airport.
- (2) Airport *elevation*. The highest point of an airport's usable landing area measured in feet from sea level.

- (3) Approach *surface*. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section IV of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (4) Approach, *transitional, horizontal, and conical zones*. These zones are set forth in section III of this ordinance.
- (5) Board of *adjustment*. A board consisting of five (5) members appointed by the city council/board of supervisors as provided in Chapter 329.12 of the Code [of Iowa].
- (6) Conical *surface*. A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.
- (7) Hazard to *air navigation*. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (8) *Height*. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (9) Horizontal *surface*. A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (10) Nonconforming *use*. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provision of the ordinance or an amendment thereto.
- (11) Non-precision *instrument runway*. A runway having an existing instrument approach, procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- (12) Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section IV of the ordinance. Stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (14) Primary *surface*. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section III of this ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (15) Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (16) Structure. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- (17) Transitional *surfaces*. These surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those



portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface at (90) degree angles to the extended runway centerline.

- (18) Tree. Any object of natural growth.
- (19) Utility *runway*. A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.
- (20) Visual *runway*. A runway intended solely for the operation of aircraft using visual approach procedures.
- (21) Larger *than utility runway*. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

(Ord. No. 1201, § II, 5-6-02)

## Section 2. AIRPORT ZONES.

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of that land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Grinnell Regional Airport. Such zones are shown on the Grinnell Regional Airport zoning map that is attached to this ordinance and made a part hereof and on file in the offices of the City of Grinnell. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. A structure located in more than 1 zone of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are as follows:

- (1) **Utility runway non-precision instrument approach zone (20:1 zone).** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) **Runway larger than utility with a visibility minimum greater than three-quarter-mile non-precision instrument approach zone (34:1 zone).** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (3) **Horizontal zone.** The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (4) **CONICAL ZONE.** The land lying under a surface extending outward and upward from the periphery of the horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone for the Grinnell Municipal Airport.
- (5) **APPROACH ZONE.** The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. Note that an approach surface is applied to each end of each runway based upon the type of

approach available or planned for that runway end. No structure shall exceed the approach surface to any runway, as depicted on the Poweshiek County Airport Height Zoning Map.

- (6) **TRANSITIONAL ZONE.** The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces for both. No structure shall exceed the transitional surface, as depicted on the Poweshiek County Airport Height Zoning Map.
- (7) **RUNWAY PROTECTION ZONE (RPZ).** The runway protection zone is established as an area off the end of the runway intended to enhance the protection of people and property on the ground.

### Section 3. AIRPORT ZONE HEIGHT REGULATIONS.

Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (1) Utility *runway non-precision instrument approach zone (20:1 zone)*. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline. This approach zone shall apply to runway ends three (3) and twenty-one (21).
- (2) Runway *larger than utility with a visibility minimum greater than three-quarter-mile non-precision instrument approach zone (34:1 zone)*. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline. This approach zone shall apply to runway ends thirteen (13) and thirty-one (31).
- (3) *Transitional zone*. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is one thousand nine (1,009) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- (4) *Horizontal zone*. Established at one hundred fifty (150) feet above the airport elevation or at a height of one thousand one hundred fifty-nine (1,159) feet above mean sea level.
- (5) *Conical zone*. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- (6) *Certain structures prohibited*. No structure shall be erected in the City of Grinnell, Poweshiek County or Jasper County that raises the published Minimum Descent Altitude of Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in the City of Grinnell, Poweshiek County or Jasper County.

### Section 4. USE RESTRICTIONS.

- (1) Generally. Notwithstanding any other provision of this ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (2) Landfill *restrictions*. Landfills and waste disposal sites shall not be located within five and three-quarter (5.75) miles of the Grinnell Regional Airport.
- (3) Permitted *uses in the runway protection zones (RPZ)*. The following uses are permitted in the RPZ's provided they do not attract wildlife, are outside the runway OFA as shown on the Grinnell Regional airport layout plan, and do not interfere with navigational aids: golf courses (but not club houses) and agricultural operations (other than forestry or livestock farms) are expressly permitted under this proviso. Automobile parking facilities, although discouraged, may be permitted, provided the parking facilities and any associated appurtenances, in addition to meeting all of the preceding conditions, are located outside of the OFA extension.
- (4) Prohibited *uses in the runway protection zones (RPZ)*. Land uses prohibited from the RPZ are: residences and places of public assembly such as churches, schools, hospitals, office buildings, shopping centers, and other uses with similar concentrations of persons typifying places of public assembly, and fuel storage facilities.
- (5) Nonconforming uses.
  - a. Regulations *not retroactive*. The regulations prescribed by this ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance and which is completed within one (1) year thereafter.
  - b. *Marking and lighting*. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport zoning administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Grinnell Regional Airport.

#### Section 5. **LIGHTING.**

1. The owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.

#### Section 6. **PERMITS.**

The airport-zoning administrator shall review the development or planting of any structure or growth within the airport zones to assure compliance with the height limitations as established in section IV of this ordinance.

- (1) No *county permit required*. No county permit shall be required for the construction or alteration of any structure or growth of any tree if the height of said structure or tree falls into the following categories:
  - (a) No permit shall be required for any structure or growth of any tree up to a height of fifty (50) feet above the surface of the land.
  - (b) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure or growth of any trees less than seventy five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - (c) In the area lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure or growth of any tree less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.
  - (d) In addition, in any of the individual areas described in paragraphs (b) and (c) above, no permit shall be required for any tree or structure which, regardless of its proposed vertical height above the ground, does not extend to as great a height above sea-level as any of the natural terrain located directly between the location of the proposed tree or structure and any portion of the existing or proposed airport runways. The foregoing exceptions shall not be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this ordinance except as set forth in paragraph (a).
- (2) *County permit required*. A county permit shall be required when the construction or alteration of any structure or growth of any tree exceeds the height limitations of the foregoing exceptions as set forth in paragraphs (a), (b) or (c) above. An application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to allow it to be determined whether the resulting use, structure, or tree would conform to the regulations hereby prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with section VI(4).
- (3) Existing *uses*. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (4) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in the ordinance, may apply to the board of adjustment for a variance from such regulations. However, no such variance shall be granted unless the board finds, based upon written advice from the Federal Aviation Administration that:
  - (a) In an application to permit any structure, tree or use of land to exceed the height or use limitations of this ordinance, that such structure, tree or use of land, would not obstruct landing and takeoff of aircraft at the airport.

- (b) In an application to permit a use of land otherwise prohibited herein, that such use would not be incompatible with airport operations. An applicant for a variance hereunder shall, as part of the application submitted to the board, file the required written advice of the Federal Aviation Administration. No application for a variance hereunder shall be set for hearing by the board until such advice has been filed. Such advice shall not be binding upon the board of adjustment, but shall be one of the factors considered by the board when reaching its decision.
- (5) Obstruction *marking and lighting*. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the Grinnell Regional Airport at its own expense, to install, operate, and maintain the necessary markings and lights.
- (6) FAA *permit required*. The following construction or alterations shall require the filing of FAA form 7460-1, notice of proposed construction or alteration: (1) Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site; (2) Any construction or alteration of greater height than an imaginary surface which extends outward and upward and slopes one hundred feet (100) outward distance for each foot upward for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway of the airport.
- (a) FAA Form 7460-1 time of notice. The notice required under FAA Part 77, Objects Affecting Navigable Airspace, Sec. 77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates: (1) The date the proposed construction or alteration is to begin; (2) The date an application for a construction permit is to be filed. However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

#### Section 7. **VARIANCES.**

1. Any person desiring to erect or increase the height of any structure covered under this article, or to permit the growth of any tree covered under this article, or otherwise use his/her property in violation of any section of this ordinance, may apply to the Board of Adjustment for variance from such regulations. The Board of Adjustment may consider no application for variance to the requirements of this ordinance unless a copy of the application has been submitted to the Planning & Zoning Commission for its opinion as to the aeronautical effects of such variance. If the Planning & Zoning Commission does not respond to the Board of Adjustment within 15 days from receipt of the copy of the application, the Board may take its decision to grant or deny the variance.

#### Section 8. **ENFORCEMENT.**

It shall be the duty of the airport-zoning administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the airport-zoning administrator upon a form published for that purpose. Applications required by this ordinance to be submitted to the airport-zoning administrator shall be promptly considered and granted or denied. The airport-zoning administrator shall forthwith transmit application for action by the board of adjustment.

#### Section 9. **AIRPORT ZONING ADMINISTRATOR.**

The airport-zoning administrator shall be the Poweshiek County Zoning Administrative official.

**Section 10. BOARD OF ADJUSTMENT.**

- (1) Created; *powers*. There is hereby created a board of adjustment to have and exercise the following powers:
  - (a) To hear and decide appeals from any order, requirement, decision, or determination made by the airport-zoning administrator in the enforcement of this ordinance;
  - (b) To hear and decide special exceptions to the terms of this ordinance upon which such board of adjustment under such regulations may be required to pass; and
  - (c) To hear and decide specific variances.
- (2) Membership; *terms; removal of members*. The board of adjustment shall consist of five (5) members appointed by the city council/board of supervisors and each shall serve for a term of five (5) years until a successor is duly appointed and qualified. Of the members first appointed, one (1) shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years and one (1) for a term of one (1) year. Members shall be removable by the appointing authority for cause, upon written charges after a public hearing.
- (3) Organization; *meetings; minutes; records*. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this ordinance. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson or, in the absence of the chairperson, the acting chairperson may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the airport zoning administrator and on due cause shown.
- (4) Written *findings of fact*. The board of adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.
- (5) Voting. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the airport zoning administrator or decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect variation to this ordinance.

**Section 11. APPEALS.**

- (1) Generally. Any person aggrieved, or any taxpayer affected, by any decision of the airport zoning administrator made in the administration of the ordinance, may appeal to the board of adjustment.
- (2) Filing. All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment, by filing with the airport zoning administrator a notice of appeal specifying the grounds thereof. The airport 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) *Staying of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the airport zoning administrator certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the airport zoning administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the board of adjustment on notice to the airport zoning administrator and on due cause shown.
- (4) *Time; public notice; decision of board.* The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (5) *Affirming, reversing, etc.* The board of adjustment may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

#### Section 12. **JUDICIAL REVIEW.**

Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of record as provided in section 414.5 of the Iowa Code.

#### Section 13. **PENALTIES.**

Each violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred (100.00) dollars or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

#### Section 14. **CONFLICTING REGULATIONS.**

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### Section 15. **SEVERABILITY.**

If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**ARTICLE XIX. NON-CONFORMING USES**

Section 1. **NON-CONFORMING USES OF LAND.** The nonconforming use of land (where no principal building is involved) existing on the effective date of this Ordinance may be continued for a period of not more than five (5) years thereafter, provided that no such nonconforming use of land shall in any way be expanded or extended either in the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

Section 2. **NON-CONFORMING BUILDINGS.** The lawful use of a building existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions thereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not be changed thereafter to a less restricted use. The nonconforming use of a building may be extended throughout those parts of a building, which were manifestly arranged or designed for such use on the effective date of this Ordinance.

1. **Nonconforming Use Created by Changes in Ordinance:** Whenever the use of a building becomes a nonconforming use through a change in the Zoning Ordinance or district boundaries, such use may be continued as provided in the preceding paragraph.
2. **Discontinuance of Nonconforming Building and Uses:** Any building or portion thereof used in whole or in part for nonconforming uses, which hereafter becomes and remains vacant for a continuous period of six months shall not again be used except in conformity with the regulations of the district in which such building or land is situated.
3. **Damaged Nonconforming Buildings:** Any building or portion thereof used in whole or in part for nonconforming uses which has been damaged by fire, explosions, act of God or a public enemy to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to damage, shall not be restored except in conformity with the regulations in this Ordinance. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that a permit for such repairs or reconstruction is issued within twelve (12) months of the date of such damage.



**ARTICLE XX. CONDITIONAL USE PERMITS**

Section 1. **DECISION BY BOARD OF ADJUSTMENT.** The Board of Adjustment shall hear and decide all cases where an application has been filed with the Administrative Officer for any of the Conditional Uses, which may be subject to protective restrictions as deemed necessary.

Section 2. **NOTICE AND FEE.** The Board shall make no findings except in a specific case and after a public hearing conducted by the Board. The Board shall select a reasonable time and place for the hearing of the appeal and shall give due notice thereof to the parties. The notice of the time and place of such public hearing shall be published in the official newspapers of Poweshiek County no less than 10 days nor more than 20 days previous to the hearing. Such notice shall contain the address or location of the property for which the ruling by the Board is sought, as well as a brief description of the nature of the request.

- a. The fee schedule will be in a resolution on file with the County Auditor.

Section 3. **ACTIVITIES PERMITTED BY CONDITIONAL USE.** Only the following uses shall be permitted by special exception within all of the districts. Any conditional use specific to a certain zone shall be referred to by referencing the applicable article of the Zoning Ordinance. Any uses other than listed below or in any other section of the Zoning Ordinance may NOT be permitted without a change in the respective sections of the Zoning Ordinance to include the desired use.

1. Municipal, County, State or Federal government buildings.
2. Television towers and television studios.
3. Water towers, water treatment facilities, and wastewater treatment facilities.
4. Public utility substations, either publicly or privately owned. Communication stations, pipelines for the transmission of any substance when there are above ground structures or buildings, the type or location of any poles, towers, wires, cables, conduits, or any other similar distributing equipment of a telephone, telegraph, light, power, gas, pipeline, trucking or railroad company, except that no permit shall be issued unless any and all equipment used or located thereon shall be housed in a building comparable in appearance and size to the surrounding buildings and houses or the use for which the area is zoned.
5. C-WECS (Commercial Wind Energy Conversion Systems)

Section 4. **ANTENNA CONDITIONAL USE STANDARDS**

**DEFINITIONS:**

- a. **Antenna:** A device, dish, or array used to transmit or receive telecommunications signals.
- b. **Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades of the antenna site shall be used in calculating the antenna height.

- c. **Antenna Support Structure:** Any antenna or any other structure which supports an antenna.
- d. **Tall Structure:** Any structure the top of which is more than 50 feet above grade.
1. **Conditional Use Permit Not Required:** Any antenna that is attached to an existing antenna support structure, smoke stack, water tower, or other tall structure, is permitted in all zoning districts. The height of the antenna shall not exceed the height of the existing tall structure by more than 20 feet. If the antenna is to be mounted to any of the above fixtures, a site plan shall not be required.
2. **Conditional Use Permit Required:** Antenna support structures and antennas for entities providing licensed or unlicensed communications services, including but not limited cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that is either not mounted on existing tall structure, or is more than 20 feet higher than the tall structure on which it is to be mounted shall not be permitted except pursuant to the following conditions:
- a) An application must be completed and returned to the zoning officer accompanied by a current fee for a conditional use permit. The application at a minimum must contain the following information:
    - i) **Necessity:** The wireless communications company shall demonstrate, using technological evidence that the antenna must be located where it is proposed in order to satisfy the antenna's function in the company's system.
    - ii) **Co-Location Effort:** If the applicant proposes to build an antenna support structure (as opposed to mounting the antenna on an existing tall structure), it shall demonstrate that it contacted the owners of tall structures within a one-quarter mile radius of the site proposed, asked for a permission to install the antenna on those tall structures, and was denied for reasons other than failure to agree on compensation. The Board of Adjustment may deny the permit if it concludes that the applicant has not made a good faith effort to mount the antenna on an existing tall structure.
    - iii) **Antenna Height:** The applicant shall demonstrate, to the reasonable satisfaction of the Board of Adjustment that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than this minimum height shall be approved.
    - iv) **Setbacks from Base of Antenna Support Structure:** The minimum distance between the base of the support structure or any guy anchors and any property line shall be the largest of the following: a). 50% of the antenna height; b). The minimum setback in the underlying zoning district; c). 60 feet.
    - v) **Antenna Support Structure Safety:** The applicant shall demonstrate, to the reasonable satisfaction of the Board of Adjustment, that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, or radio frequency interference. All structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
    - vi) **Fencing:** A fence shall be installed around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure. The fence shall be a maximum of 6 feet in height and serve to screen the base of the structure and to improve security.
    - vii) **Co-Location:** In order to reduce the number of antenna support structures needed in the future; the proposed support structure shall be required to accommodate other users, including other wireless communications companies, and local police, fire, and ambulance companies.

- viii) **FCC License:** The applicant shall provide proof that it is licensed by the Federal Communications Commission.
  - ix) **Required Parking:** If the site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of required parking spaces shall equal the number of people on the largest shift.
  - x) **Painting:** Antenna support structures should be painted in such a manner as to reduce the visual impact and create a harmonious appearance with its surroundings.
  - xi) **Site Plan:** A full site plan shall be required for all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and access.
  - xii) **Air Safety:** Support structures 200 feet in height or taller, or those near airports, shall meet all Federal Aviation Administration requirements.
3. Applicant must show that the proposed antenna support structure, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance with the minimum standards imposed by applicable communications regulations and applicant's technical design requirements.
4. Antenna support structures in residential neighborhoods are strongly discouraged. The application for a permit in a residential neighborhood must prove that the area cannot be adequately served by a facility placed in a non-residential neighborhood for valid technical reasons.
5. All antenna support structures and communications facilities at sites other than the A and M Districts at a minimum shall be a monopole. All antennas shall be designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black. Existing non-monopole antenna support structures shall be allowed to continue. Additional antenna may be added to existing non-monopole structures provided that other requirements of this special use section are followed. If an existing non-monopole structure has been damaged by more than 50% of the fair market value prior to the damage, the replacement of the antenna shall conform to all requirements of this section including the monopole requirement.
6. **Changes:** There shall be no change in the exterior appearance of the approved site, including any change in the profile of the antenna support structure, that is a departure from or addition to what was shown or represented in the application for the granted special use permit, without first obtaining a new special use permit for that site through the same process as for obtaining the initial special use permit, including the review and recommendation of the Planning & Zoning Commission.
7. **Engineered Addition:** If an additional antenna is installed on an existing antenna support structure, engineering data and certification by a licensed professional engineer assuring that the installation is structurally sound within the standards of good engineering practice shall be provided to the County Zoning Official.
8. **Removal:** If a site, or any antenna support structure, is not used for a period of one year, it shall be the duty and obligation of the party then in possession and control of the site to have the unused antenna support structure and any other unused cell site apparatus completely dismantled and removed from the site. Once the antenna support structure is removed it shall be re-constructed according to this special use section, including the monopole requirement.
9. **Placement on County Owned Property:**
- a) The placement of antennas or antenna support structures on county-owned property must comply with the following minimum requirements:

- i) Approval by the Board of Supervisors is required when placing antennas or towers on any piece of property owned by Poweshiek County.
- ii) The antenna or antenna support structure will not interfere with the purpose for which the county-owned property is intended.
- iii) The antenna or antenna support structure will have no adverse impact on surrounding private property.
- iv) The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to county property and facilities and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The Board of Supervisors shall negotiate the charge for the use of a county structure.
- v) The applicant will submit a letter of credit, performance bond, or other security acceptable to the county to cover the cost of antenna or antenna support structure removal.
- vi) The antennas or antenna support structure will not interfere with other intended uses of the property.
- vii) Upon reasonable notice, the antennas or antenna support structures may be required to be removed at the user's expense.
- viii) The applicant must reimburse the county for any costs which it incurs because of the presence of the applicant's antenna or antenna support structure.
- ix) The applicant will cooperate with the county's objective to promote collocations and thus limit the number of separate antenna sites requested.

#### Section 5. **COMMERCIAL C-WECS (C-WECS) STANDARDS**

The requirements of this ordinance shall apply to all C-WECS proposed after the effective date of this ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, however, that any such pre-existing C-WECS, which are deemed a discontinued use pursuant to Section 5, 1.n, below, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.

##### 1. **General Requirements for C-WECS:**

- a) **Color and Finish.** Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- b) **Tower Configuration.** All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.

- c) **Lighting.** C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d) **Signage.** All signage on site shall comply with Poweshiek County Sign Standards. The manufactures or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
- e) **Feeder Lines.** All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a C-WECS shall be buried.
- f) **Waste Disposal.** Solid and hazardous wastes, including but not limited to crates, packing materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Poweshiek County Health Department and disposed of in accordance with all applicable local, state and federal regulations.
- g) **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
- h) **Signal Interference.** The applicant shall minimize and mitigate any interference with electromagnetic communications existing on the date of the approval of the Conditional Use Permit, such as radio, telephone or television signals cause by any C-WECS.
- i) **Federal Aviation Administration.** All C-WECS shall comply with FAA standards and permits.
- j) **Electrical Codes and Standards.** All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- k) **Setbacks.** The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers in relation to all structures, property lines, public right-of-way, and communication and electrical lines as described herein existing on the date of approval of the Conditional Use Permit. However, to the extent that a written waiver is permitted, the Board of Adjustment may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby; and if the participating or adjoining property owner affected by the reduced setback or separation completes a written waiver recorded with the Poweshiek County Recorder. All other structures shall comply with the applicable setbacks as defined by the base zone district. All setbacks shall be measured from the center point of the base of the wind turbine tower or the meteorological tower, as applicable. For purposes of this Ordinance, "Total Tip Height" shall mean the total height of the wind turbine measured at the highest point of the blade system during its rotation, or, with respect to a meteorological tower, its total height.
1. **Structures.** Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library a distance of no less than the greater of (a) two (2) times its Total Tip Height, or (b) one thousand (1,000) feet.
  2. **Property Lines.** At no time shall any part of the wind turbine or meteorological tower overhang an adjoining property unless appropriate easements or waivers from such participating or adjoining property owners have been obtained. Towers shall be set back

a distance of 1.1 times Total Tip Height from property lines unless appropriate easements or written waivers from such adjoining property owners have been obtained and have been recorded with the Poweshiek County Recorder.

3. **Public Right-of Way.** Setbacks of wind turbines and meteorological towers from the nearest edge of a recorded public road right-of-way or a railroad right-of-way where infrastructure exists shall be a minimum of 1.1 times the Total Tip Height.
  4. **Communication and Electrical Lines.** Each wind turbine and meteorological tower shall be set back from the nearest above-ground public utility electric power line or public utility telephone line a distance of not less than 1.1 times Total Tip Height determined from the existing public utility electric power line or public utility telephone line. With respect to private electrical power lines of 15kV or less and private telephone service lines, wind turbines and meteorological towers may be located nearer than 1.1 times Total Tip Height to such lines upon receipt of a written waiver from the owner of the line recorded with the Poweshiek County Recorder.
- l) **Noise.** Audible noise caused by C-WECS sites operations, not including existing ambient noise, shall not exceed fifty (50) dBA for more than 5 minutes within an hour, when measured at the exterior of any residence, school, hospital, church, or public library existing on the date of approval of the Conditional Use Permit.
1. In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set fourth in sub paragraph a of this subsection shall be reduced by five (5) dBA.
  2. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
  3. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished:
    - a. Written waiver from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
    - b. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Poweshiek County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that the noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

**m) Safety.**

1. All wiring between wind turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of land owners for this line, such option may be approved by the Board of Adjustment.
2. Wind turbines and meteorological towers shall not be climbable up to 15 feet above ground level.
3. All access doors to wind turbines and meteorological towers and electrical equipment shall be locked when not being serviced.
4. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and C-WECS entrances.
5. For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
6. For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Commission and Board of Adjustment.

**n) Discontinuation and Decommissioning.** A C-WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the C-WECS to service. Discontinued use does not apply to the pre-construction or construction period and shall be measured from the initial commercial energy production and operation of the C-WECS project. All C-WECS and accessory facilities shall be removed to a depth of four (4) feet below ground level within one year of discontinuation of use.

1. **Decommissioning Plan.** Each C-WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing the C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner's lease or easement.
2. **Decommissioning Fund.** Commencing on the fifteenth (15<sup>th</sup>) year after commencement of commercial operations, and annually thereafter, the operator shall continuously maintain a financial assurance mechanism(s) in the form of performance bond, letter of credit, and/or other security approved by the County Attorney, for the remaining life of the facility. The amount of the security shall be equal to the total decommissioning cost, net of reasonable residual value of the C-WECS, as determined by a professional engineer licensed in the State of Iowa. If a bond is posted to meet this requirement, or if a letter of credit is issued to meet this requirement, the issuing entity must be agreed upon by both the operator and the County. This requirement can be waived by the Board of Adjustment.

**o) Avoidance and Mitigation of Damages to Public Infrastructure.**

1. **Roads.** Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, cement, and /or equipment for construction, operation or maintenance of the C-WECS and obtain applicable weight and size permits from the impacted road authority (ies) prior to construction.
  2. **Existing Road Conditions.** Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority(ies), to determine existing conditions of roads identified pursuant to subparagraph 1, above. The survey shall include photographs or video and written documentation of the condition of the identified road facilities. The applicant is responsible for on-going road maintenance and dust control measures identified by the Poweshiek County Engineer during all phases of construction.
  3. **Drainage System.** The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of C-WECS.
  4. **Post Completion Survey.** Applicant and the Poweshiek County Engineer will meet upon completion of the project and agree as to the necessary action needed to return roads to the existing road conditions as identified in subparagraphs 1 and 2, above.
- p) **Required Financial Security.** The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the identified road(s), bridge(s), and associated infrastructure to preconstruction conditions. Financial security in a manner approved by the County Attorney shall be submitted covering 130% of the costs of all required improvements. This requirement may be waived or modified by the Board of Adjustment upon recommendation from the Poweshiek County Engineer.
- q) **Pre-Application Review.** A Conditional Use Permit applicant may submit preliminary matters to the Board of Adjustment for review prior to making application for a permit. The review must occur no more than 60 days prior to submission of the application.
- r) **Submittal Requirements.** In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for C-WECS must submit the following information (as applicable).
1. The names of project applicant, including a designated Representative(s) of the project applicant.
  2. The name of the project owner.
  3. The legal description and address of the property.
  4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnection with the electrical grid.
  5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
  6. Engineer's certification (s) as required in these supplemental standards.
  7. Documentation of land ownership or legal control or equivalent right to submit an application for a C-WECS facility on behalf of a property owner.
  8. The latitude and longitude of individual wind turbines.



9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the proposed C-WECS.
10. Existing Resources inventory.
11. An acoustical analysis.
12. FAA Permit Application.
13. Location of all known communications towers/facilities within two (2) miles of the proposed C-WECS.
14. Decommissioning Plan.
15. Description of potential impacts on nearby all C-WECS and Non C-WECS and wind resources on adjacent properties.
16. Identification of significant migratory patterns and nesting areas for birds within two (2) miles.
17. Proof of liability insurance.

s) **Submittal Requirements – Post Construction.** As soon as reasonably possible and in no event more than 120 days following completion of construction of a C-WECS project, the applicant shall submit a final certification of compliance documenting the location of all individual wind turbines and demonstrating that all facilities are located within the permitted zoning area and meet all applicable performance standards, including setbacks.

t) **Transferability.** If ownership or operation of a C-WECS project is transferred from the original project owner and recipient of the Conditional Use Permit, the transferee shall be responsible and accountable to the Conditional Use Permit and all requirements contained therein. The transferees shall also be responsible and accountable for all other rules and regulations applicable to the C-WECS as established by Poweshiek County. Any new owner or operator shall provide notice of such transfer and shall acknowledge its compliance obligations, in writing, to the Zoning Administrator.

**ARTICLE XXI. BOARD OF ADJUSTMENT****Section 1. CREATION AND MEMBERSHIP.**

A Board of Adjustment is already created. The word "Board" when used in this Article shall mean the Board of Adjustment. The Board shall consist of five members appointed by the Board of Supervisors for a term of five years. Any vacancy shall be filled by appointment by the Board of Supervisors for the portion of the term which has not expired.

**Section 2. MEETINGS AND GENERAL PROCEDURES.**

1. **Officers:** The Board of adjustment shall select from its membership a chairperson and vice chairperson who shall perform the usual duties pertaining to such offices. At the first regular meeting of each year the Board will pick its officers from its membership. All officers are eligible for re-election. The chairperson and vice chairperson shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected to assume office.
2. **Duties of the officers:** The chairperson shall preside at all meetings and hearings of the Board, and shall decide all points of order or procedure. The vice chairperson shall assume the duties of the chairperson in the absence of the chairperson.
3. **Secretary:** The secretary will be appointed by the Board of Supervisors and may be a member of the Board or a county employee. The secretary shall conduct all official correspondence subject to these rules at the direction of the Board, shall send out all notices required by these rules of procedure, keep the minutes of the Board's proceedings, and keep a file on each case that comes before the Board. For all appeals and applications, the secretary shall issue the proper forms; see that information maps and plats are compiled and ready for the Board's review; notify any property owner and other interested parties by mail of the time and place of the hearing; and any other duties as determined by the Board.
4. **Meetings:** The Board of Adjustment shall meet as needed. All meetings of the Board shall be open to the public.
5. The Board shall have power to call on any municipal department or officer for assistance in the performance of its duties, and it shall be the duty of any such department to render such assistance as may reasonably be required.
6. The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the power and authority granted it by the provisions of this Ordinance or any state law.
7. **Quorum and Voting:** A quorum of the Board shall consist of three members. The concurring vote of three (3) members of the Board shall be necessary to decide any appeal, exception, or variation upon which the Board is authorized by this Ordinance to render a decision.
8. **Order of Business:** The secretary shall prepare an agenda for each meeting and send it to each board member as a part of the notification process. The order of business shall be as follows:
  - a) Roll call;
  - b) Reading the minutes of the previous meeting;
  - c) Communications;
  - d) Unfinished business;
  - e) New business;
  - f) Adjournment.
9. The Board may table an issue, but shall render its decisions without unreasonable delay.

**Section 3. JURISDICTION.**

The Board shall have the following powers and authority:

1. **Appeals:** To hear and decide an appeal where it is alleged there is error in any order, requirement, decision, or determination made by the enforcement of this Ordinance.
2. **Exceptions:** To grant an exception in the following instances:
  - a) In the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership on the effective date of this Ordinance.
  - b) In the determination that the actual street layout on the ground varies from the street layout as shown on the District Map.
  - c) In the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or a public enemy, to the extent of more than fifty (50) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and that the primary purpose in continuing the nonconforming use is not to continue a monopoly.
  - d) In the waiving or reduction of the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provisions of the parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.
3. **Variations:** To grant a variation from the terms of this ordinance when a property owner can show that their property by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional site conditions; and where the aforementioned conditions are not the result of actions of the property owner, the strict application of the terms of this ordinance actually prohibits the use of their 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; provided, however, that all variations granted under this clause shall be in harmony with the general intent of this ordinance.
  - a) The following are variance review guidelines/recommendations:
    - i. A variance is not the appropriate remedy for a general condition.
    - ii. Self-inflicted hardships are not grounds for a variance.
    - iii. Personal hardships are not grounds for a variance. The hardship must relate to the physical character of the property.
    - iv. Economic conditions are not grounds for a variance (solely).
    - v. Hardships must be severe.
    - vi. If granted, variance must not adversely affect the neighborhood.
    - vii. All applicants must be treated fairly.

- b) 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.
  - b) 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. **Special Use Permits:** To grant a Special Use Permit for uses specifically listed in Chapter 11 or other sections of this Ordinance. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the District Map, such power and authority being reserved to the Poweshiek County Board of Supervisors in the manner hereinafter provided in the chapter titled "Changes and Amendments".

#### Section 4. **APPEALS.**

1. Any officer, department, board may take by any person aggrieved or appeals to the Board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Zoning Officer a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. Any person may appear and testify at the hearing, either in person or by his agent or attorney.
2. An appeal stays all proceedings unless the Zoning Administrator deems that such proceedings would cause undo risk to life or major property damage. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

#### Section 5. **NOTIFICATION AND FEE.**

The Board shall make no findings except in a specific case and after a public hearing conducted by the Board. The Board shall select a reasonable time and place for the hearing of the appeal and shall give due notice thereof to the parties. The notice of the time and place of such public hearing shall be published in the official newspapers Poweshiek County no less than ten (10) days nor more than twenty (20) days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal.

The fees for this section will be in a resolution on file with the County Auditor.

#### Section 6. **RELIEF.**

Any person or persons, jointly or severally aggrieved by any decision of the Board or any taxpayer, or any officer, department, board or bureau of Poweshiek County shall have recourse to such relief as is provided by statute.

**ARTICLE XXII. COUNTY PLANNING AND ZONING COMMISSION****Section 1. MEMBERSHIP; QUALIFICATIONS.**

1. The Poweshiek County Planning and Zoning Commission shall consist of nine (9) members, who shall be citizens of Poweshiek County and shall be qualified by knowledge or experience to act in matters pertaining to the development of a county plan.

**Section 2. APPOINTMENT, TERMS OF OFFICE OF COMMISSIONERS.**

1. The Board of Supervisors shall appoint the members of the county planning and zoning commission.
2. The term of office of the members of the commission shall be five (5) years. Yearly classes of appointed members shall consist of four (4) two (2) member classes and one (1) three (3) member class.
3. A quorum for the zoning commission shall be a majority of the appointed members (5). To pass a motion that has been moved and seconded, there will have to be an affirmative vote by the majority of the quorum vote in the affirmative to pass the motion. The chairman will be counted as part of the quorum but shall not vote unless there is a tie vote.

**Section 3. ORGANIZATION.**

1. The county planning and zoning commission shall choose annually, at its first regular meeting, one of its members to act as chairman and another as vice chairman, who shall perform all the duties of the chairman during his absence or disability.

**Section 4. RULES AND REGULATIONS.**

1. The planning and zoning commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

**Section 5. GENERAL POWERS OF COMMISSION.**

1. The planning and zoning commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the county which in the opinion of the commission bears relation to a comprehensive plan, and subject to the approval of the board of supervisors.
2. Before adopting a comprehensive plan the commission shall hold a public hearing which shall at least meet the requirements contained in the Code of Iowa. The commission shall approve plans by resolution.
3. After adoption of said plan by the commission, an attested copy thereof shall be certified to the board of supervisors and the board of supervisors may approve the same, and when said plan or any modification or amendment thereof shall receive the approval of the board of supervisors, the said plan until subsequently modified or amended as hereinbefore authorized, shall constitute the official county plan.

4. When the comprehensive plan as hereinbefore provided has been adopted no substantial amendment or modification thereof shall be made without such proposed change first being referred to the planning and zoning commission, for its recommendation. If the commission disapproves the proposed change the board of supervisors may adopt it.
5. The planning and zoning commission may, from time to time, recommend to the board of supervisors changes in the zoning regulations or districts.
6. The planning and zoning commission shall recommend the boundaries of the various original-zoning districts, and appropriate zoning regulations and restrictions to be enforced therein. In addition the commission shall make recommendations for amendments, supplements, changes, and modifications of said regulations, restrictions and boundaries of districts and shall report to the board of supervisors as provided by state law.
7. When proposed changes in the zoning regulations or districts are referred to the planning and zoning commission by the Board of Supervisors, the commission shall have 30 days to file its recommendations approving, disapproving or modifying such proposed changes with the Board of Supervisors.

#### Section 6. **FEE**

The fee schedule will be in a resolution on file with the County Auditor.

ARTICLE XXIII. MINOR MODIFICATIONS

1. RESERVED

## ARTICLE XXIV. SUBDIVISION REGULATIONS

Section 1. **PURPOSE.** The purpose of this article is to have rules and regulations for the approval of plats, subdivision, re-subdivisions or dedications in the unincorporated areas of Poweshiek County prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system, and for the purpose of improving the health, safety and general welfare of the citizens.

Section 2. **JURISDICTION.**

1. This resolution shall apply to all subdivisions hereinafter made of land in the unincorporated area of the County.
2. In cases where a subdivision lies within two (2) miles of a City, the approval of a plat by the County Zoning Commission shall be conditioned upon receiving approval by the said city's: city engineer, city council and (in cities where one exists) City Planning Commission (see Chapter 306.21 and, Chapter 354.9, Code of Iowa).

Section 3. **SUBDIVISION**

- A. Whenever the Owner of any tract or parcel of land within the unincorporated area of the County wishes to subdivide or plat the same, he shall cause to be prepared a preliminary plan by a licensed professional land surveyor, and a licensed professional engineer if engineering design items are involved, of said subdivision, and shall submit five (5) copies of said preliminary plan and other information to the County Zoning Commission for its preliminary study and approval. The preliminary plan shall contain such information and data as is outlined in Section 6 thereof. The Zoning Commission shall study such preliminary plan to see if it conforms with the minimum requirements as outlined in this resolution and shall forward a copy of such plat to the County Engineer for review and recommendations. The Commission shall approve or reject such plan within ninety (90) days after the date of submission thereof to the Commission. The approval of the preliminary plan by the Commission shall be null and void unless the final plat is presented to the Commission within one calendar year after date of approval.
- B. Before approving a preliminary plat, the Commission shall hold a Public Hearing

Section 4. **SUBDIVISION DESIGN STANDARDS**

The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the sub-divider should use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood, and shall conform to design standards established by County Engineer as approved by the Board of Supervisors.

**A. Streets**

**1. General Requirements**



- a. **Comprehensive Plan.** All proposed plats and subdivisions shall conform to the Comprehensive Plan of the County.
- b. **Continuation of Existing Streets.** Proposed streets shall provide for continuation or completion of any existing street (constructed or recorded) in adjoining property, at equal or greater width, but no less than sixty-six (66) feet in width, and in similar alignment, unless the Commission recommends variations.
- c. **Circulation.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or un-subdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
- d. **Street Intersection.** Street intersections shall be as nearly at right angles as possible.
- e. **Cul-de-sac.** Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred twenty (120) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty (60) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than thirty (30) feet.
- f. **Street Names.** All newly platted streets shall be named in a manner consistent with the present street name system meeting E-911 requirements. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended, although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names. Street signage and house numbers shall meet MUTCD standards.
- g. **Physical and Cultural Features.** In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas and other natural features which would lend themselves to attractive treatment.
- h. **Half Street.** Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- i. **Alleys.** Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- j. **Easement.** Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the sub-divider shall, at his own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the County an easement shall be for the purpose of widening, improving or protecting the stream. The width of such easement shall be not less than thirty (30) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening.
- k. **Neighborhood Plan.** If the commission for the neighborhood in which the proposed subdivision is located has made any overall plan, the street system of the latter shall conform in general thereto.

- l. Un-subdivided Portion of Plat.** Where the plat to be submitted includes only part of the tract owned by the sub-divider, the Commission may require topography and a sketch of the latter shall conform in general thereto.
- m. Major Thoroughfares.** Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited access way, freeway or parkway, the street layout shall provide motor access to such frontage by one of the following means:
- (1) A parallel street, supplying frontage for lots backing onto the traffic way.
  - (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
  - (3) An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.
  - (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the traffic way.
  - (5) An easement to the County shall be given for all streets before same will be accepted for County maintenance.
- n. Railroads.** If a railroad is involved, the subdivision plan should:
- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
  - (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.
  - (3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.
- o. Street Width.** Primary highways shall have a minimum right-of-way width of one hundred twenty (120) feet. Secondary highways a minimum of one hundred (100) feet; parkways, such right-of-way as may be designated by the Commission. The width of minor or residential streets shall not be less than sixty-six (66) feet, unless the street is paved with curb and gutter, in which case the minimum right-of-way width shall be fifty (50) feet.
- p. Street Grades.** Streets and alleys shall be completed to grades which have been officially determined or approved by the County Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed seven (7) percent for main and secondary thoroughfares, or eight (8) percent for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times, but in no case less than two hundred (200) feet. A greater minimum length of vertical curve may be required by the County Engineer if deemed necessary. The grade alignment and resultant visibility shall be worked out in detail to meet the approval of the County Engineer.

## **B. Private Streets**

With the approval of the County Engineer Private Streets may be designed to the following standards.

**1. General Requirements**

- a. Continuation of Existing Streets.** Proposed streets shall provide for continuation or completion of any existing street (constructed or recorded) in adjoining property, at equal or greater width, but no less than fifty (50) feet in width, and in similar alignment, unless the Commission recommends variations.
- b. Circulation.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or un-subdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
- c. Street Intersection.** Street intersections shall be as nearly at right angles as possible.
- d. Cul-de-sac.** Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred twenty (120) feet in the case of residential subdivisions. The surfaced area of the cul-de-sac shall be a diameter of at least 90 feet. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than thirty (30) feet.
- e. Street Names.** All newly platted streets shall be named in a manner consistent with the present street name system meeting E-911 requirements. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended, although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names. Street signage and house numbers shall meet MUTCD standards.
- f. Physical and Cultural Features.** In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas and other natural features which would lend themselves to attractive treatment.
- g. Half Street.** Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.
- h. Alleys.** Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- i. Easement.** Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the sub-divider shall, at his own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the County an easement shall be for the purpose of widening, improving or protecting the stream. The width of such easement shall be not less than thirty (30) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightening.

- j. Neighborhood Plan.** If the commission for the neighborhood in which the proposed subdivision is located has made any overall plan, the street system of the latter shall conform in general thereto.
- k. Un-subdivided Portion of Plat.** Where the plat to be submitted includes only part of the tract owned by the sub-divider, the Commission may require topography and a sketch of the latter shall conform in general thereto.
- l. Major Thoroughfares.** Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited access way, freeway or parkway, the street layout shall provide motor access to such frontage by one of the following means:
- (1) A parallel street, supplying frontage for lots backing onto the traffic way.
  - (2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.
  - (3) An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.
  - (4) A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the traffic way.
  - (5) An easement to the County shall be given for all streets before same will be accepted for County maintenance.
- m. Private Street Width.** The width of private street right-of-way shall not be less than fifty (50) feet, in residential areas and not less than sixty (60) feet in Lake Storage Areas (LA-S).
- n. Street Grades.** Private streets and alleys shall be completed to grades which have been officially determined or approved by the County Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed eight (8) percent for private streets. A maximum grade of six (6) percent will be allowed prior to stop situations. All changes in grades on private roads or highways shall be connected by vertical curves of a minimum "K" value of twenty (20), but in no case less than two hundred (200) feet. A greater minimum length of vertical curve may be required by the County Engineer if deemed necessary. The grade alignment and resultant visibility shall be worked out in detail to meet the approval of the County Engineer.

### C. Blocks

1. No block shall be longer than one thousand three hundred twenty (1,320) feet.
2. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet; where, at any time one intersection, a curve radius has been previously established, such radius shall be used as standard.

### D. Lots

1. Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets.

2. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
  - a. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.
  - b. Lots which are not within a reasonable distance of public water supply mains but are connected to a sanitary sewer system shall have a minimum width of eighty (80) feet and an area of not less than twelve thousand (12,000) square feet.
3. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.

#### **E. Improvements**

1. For subdivisions being developed within the unincorporated area of the County, the following regulations shall apply:
  - a. All streets shall be put to grade, and standard cross-section according to plans approved by the County Engineer. Either a rural or urban type cross-section may be used. (See Paragraph A, Subparagraph "o" of this section.)
  - b. Paved streets without curb and gutter shall be a minimum of twenty-four (24) feet in width. Paved street provided with curb and gutter shall be a minimum of thirty-one (31) feet in width from curb to curb. All streets shall be paved with one of the following methods in accordance with specifications approved by the County Engineer.
    - (1) Portland cement concrete paving of minimum six (6) inch thickness with a 2% grade to center line of street to gutter resting on a sub-base of two (2) inches granular material.
    - (2) Asphaltic concrete paving of minimum three (3) inch thickness with a 2% grade to centerline of street to gutter resting on a sub-base of six (6) inches of rolled stone.
    - (3) Or seal coat generally accepted engineering standard approved by the County Engineer.
  - c. Water mains shall have a minimum diameter of four (4) inches with larger sizes for feeder mains. Water mains shall be located two (2) feet to three (3) feet outside of the curb on the high side of the street.
  - d. Gas mains shall be laid on the opposite side of the street from the water mains and just outside of the curb line.
  - e. Underground cables shall be laid either just outside of the street from the water mains and just outside of the curb line.
  - f. Underground cables shall be laid either just outside of the sidewalk line or at the back lot line within an area of perpetual easement. Overhead line shall be placed at the back lot lines within the area of perpetual easement.
  - g. Sanitary sewers shall be located in the center of the street and all house laterals shall be in before paving of the street. Sanitary sewers shall have a minimum diameter of eight (8) inches.
  - h. Storm sewers shall have a minimum diameter of eighteen (18) inches and larger as the increase in drainage area demands. Storm sewers are to be located on the low side of the street well outside of the curb line.

- i. Storm drainage facilities shall be provided, such as storm sewers and intakes and suitable permanent culverts or bridges of a size and design approved by the County Engineer.
- j. Street signs shall be required at all intersections and shall be of a type subject to the specifications adopted by the County Engineer.

#### Section 5. **PRELIMINARY PLAT**

The preliminary plat of a subdivision is not intended to serve as a record plat and will not be recorded. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint the public interest. The sub-divider, owner or his representative may call at the Office of the Commission in advance of the Preliminary Plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for the approval of the Plat.

- A. Number of Copies and Scale.** Five (5) copies of the Preliminary Plat shall be submitted to the Commission for its review. The scale of the map shall be one inch equals fifty feet (1"=50') on small subdivisions, and one inch equals one hundred feet (1"=100') on large subdivisions, unless otherwise required by the Commission.

**B. Contents of Preliminary Plat**

1. Name of subdivision, date, point of compass, scale and official description of the property being platted.
2. Name and address of recorded owner and/or developer.
3. Name and address of land surveyor and engineer.
4. Existing buildings, railroads, underground utilities and other rights-of-way.
5. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
6. Location and names of adjoining subdivisions.
7. Proposed lot lines with appropriate dimensions and the square foot area of non-rectangular lots.
8. Area dedicated for public use, such as schools, parks and playgrounds.
9. Contour lines at intervals of not more than five (5) feet.
10. Building setback lines.
11. Boundaries of the proposed subdivision shall be indicated by a heavy line.
12. Zoning classification of the area.
13. Proposed utility service.
  - a. Source of water supply.

- b. Provision for sewage disposal, drainage and flood control.
14. A vicinity sketch at a legible scale showing the relationship of the Plat to its general surroundings.
15. Lot numbers.
16. Easements for public utility purposes.

**C. Accompanying Material**

1. Any Plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the Plat or by the Poweshiek County Sanitarian. Such tests shall be made in accordance with the State Board of Health and the Poweshiek County Board of Health.

**Section 7. FINAL PLAT**

- A. Number of Copies and Scale.** When and if the Preliminary Plat is approved, and within one (1) year thereafter, the sub-divider shall submit ten (10) copies and one (1) original signature copy of the Final Plat, in general conformance to the preliminary plat and meeting the requirements of Chapters 354 & 355 of the Code of Iowa, for review by the Commission. One (1) copy of the Final Plat shall be forwarded to the County Engineer for study and recommendation. The scale of the map shall be on inch equals fifty feet (1"=50') on small subdivisions, and one inch equals one hundred feet (1"=100') on large subdivisions, unless otherwise required by the Commission.

**B. Contents of Final Plat**

1. Name of Subdivision.
2. Scale.
3. Compass point.
4. Curve data including delta angel, length of arc, degree of curve and tangent.
5. Boundary lines of subdivided are with accurate distances, bearings and boundary angles.
6. Exact name, location, width and lot designation of all streets within the subdivision.
7. Easements for the public utilities showing width and intended use.
8. Building setback lines with dimensions.
9. Official legal description of the property being subdivided.
10. Lot numbers.
11. Certification of Licensed Professional Land Surveyor.
12. Description and location of all permanent monuments set in the subdivision, including ties to original government corners.

**C. Accompanying Material**

1. Plan and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.
2. Any protective covenants or restrictions to be imposed upon the Plat shall be submitted for approval.
3. A deed or easement to the County, properly executed, for all streets intended as public streets, and for any other property intended for public use.
4. Attachments as set forth in Chapter 354.11 of the Code of Iowa.
  - a. Performance bond, if any.

**D. Improvements.** Before the Final Plat of any subdivided area shall be approved and recorded, the owner shall make and install the improvements described in Section 5, in accordance with County specifications. All improvements shall be inspected by County representatives and approved by the County Engineer. The cost of inspection shall be paid by the developer. If, at the time of the presentation of said Final Plat, it is not practicable or advisable to have the required improvements completed before the same is accepted and approved as a Plat, the owner shall enter into a contract with the County to make such improvements at such time as be therein stated and the performance of said contract shall be secured by the filing of a performance bond or certified check to be approved by the County Attorney in an amount equal to one hundred fifty (150) percent of the cost of said improvements as estimated by the County Engineer. The Board may accept completed streets for the County maintenance before improvements on all streets in the Plat have completed.

**E. Recording Plat**

1. There original signature plat and two (2) copies shall be stamped as approved by the Board of Supervisors.
  - a. One copy shall be retained for file by the Zoning Administrator.
  - b. The original signature plat shall be filed with the County Recorder.
  - c. One copy with accompanying resolution by the Board of Supervisors approving and accepting the Plat shall be filed with the County Auditor. This copy must be accompanied by a certificate by the owner and his spouse, if any, that the subdivision is with free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.
2. A resolution by the Board of Supervisors approving the Plat shall accompany the copy of the Plat submitted to the County Auditor.

**Section 8. SUBDIVISION FEES**

See resolution for fees

**Section 9. VARIATIONS AND EXCEPTIONS**

Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of these regulations would result in substantial



hardships or injustices, the Board of Supervisors upon recommendation of the Commission, may vary or modify such requirements so that the sub-divider is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations are preserved.

**Section 10. ENFORCEMENT**

- A. No plat of any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein.
- B. The Board of Supervisors shall not permit any public improvements over which it has control to be made from County Road Funds, or any County money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been dedicated after the original date of adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road System of the County. Streets of a subdivision not accepted by the Board of Supervisors as public highways shall remain private roads.

**Section 11. CHANGES AND AMENDMENTS**

Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided however, that such changes and amendments should not become effective until after study and report by the Commission and until after a Public Hearing has been held, public notice of which should have been given in a newspaper of general circulation at least fifteen (15) days prior to such Hearing.

**Section 12. VALIDITY**

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

**ARTICLE XXV. VIOLATION AND PENALTY**

Section 1. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, may institute proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent any illegal act, conduct or business or use in about such premises.

Section 2. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall, upon conviction, be fined not more than \$500 for the violation or not more than \$750 for the violation if the infraction is a repeat offense, and each day that a violation is permitted to exist shall constitute a separate offense.