



CLINTON COUNTY, IOWA

Zoning Ordinance

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February 17, 1999
As Amended Through October 3, 2016

BE IT ENACTED BY THE CLINTON COUNTY BOARD OF SUPERVISORS
THAT THE REGULATIONS OF THE CLINTON COUNTY ZONING ORDINANCE
ARE AMENDED AS FOLLOWS.

**ZONING ORDINANCE OF
CLINTON COUNTY, IOWA**

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CHAPTER I: PURPOSE AND JURISDICTION

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

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

1.3 JURISDICTION/APPLICABILITY.

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

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

C. Farms Include. For purposes of this Ordinance,

1. A parcel in excess of thirty-five (35) acres shall be presumed to be a farm if used for agricultural production;
2. A parcel that is 10 to 35 acres in size may be determined to be a farm by the Administrator if the applicant demonstrates that there is significant agricultural production from property;
3. A parcel that is less than 10 acres is presumed not to be a farm unless the applicant provides overwhelming evidence to the Board of Adjustment that the property is being used as a farm.

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

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

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

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

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

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

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



1.4.3 Development under Prior Regulations.

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

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

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

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

1.7 APPLICATION OF REGULATIONS DURING LOCAL EMERGENCY. The County shall have the authority to waive certain standards of this ordinance during local emergencies declared by federal, state or local officials such as natural disasters, geological disasters, or similar widespread destruction and distress.

1.8 RELATIONSHIP TO PRIVATE RESTRICTIONS. The provisions of this ordinance are not intended to affect any deed restriction, covenant, easement or any other private agreement or restriction on the use of land; provided, that where the provisions of this ordinance are more restrictive or impose higher standards than any such private restriction, the requirements of this ordinance shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this ordinance, such private restrictions shall control if properly enforced by a person having the legal right to enforce such restrictions; private restrictions shall not be enforced by the County.

1.9 FEES. The County may adopt reasonable fees by resolution of the Board of Supervisors to cover costs associated with the application of these regulations. Failure to approve an application shall not be deemed cause to refund the fee to the applicant.

1.10 COMPUTATION OF TIME. Time shall be measured in calendar days unless otherwise noted. Business days shall include all non-holiday days from Monday through Friday.

CHAPTER II: DEFINITIONS

2.1 RULES OF INTERPRETATION. For the purpose of interpretation of this ordinance, the following rules of language shall apply:

- A. the particular controls the general;
- B. in case of difference of meaning or implication between the text of the Code and the captions for each section, the text shall control;
- C. the word "shall" is always mandatory. The word "may" is permissive and is at the discretion of the Board of Supervisors, Planning & Zoning Commission, Board of Adjustment or the Administrator, as the context may require;
- D. words used in the present tense include the future; words in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary; and
- E. all words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended.

2.2 DEFINITIONS.

Accessory Use or Structure. A use or structure subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of the land. (See exhibit 2.2.1)

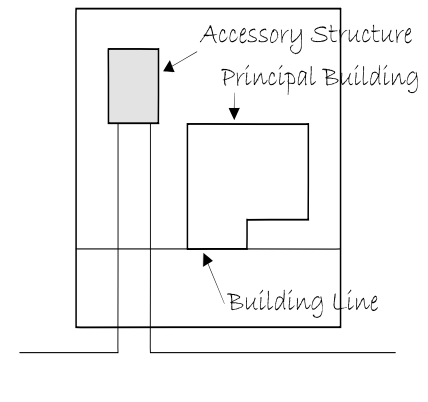
Active Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. (Amended 10/3/16-Ord 2016-03)

Area, Gross. The total area within a parcel or within contiguous acres under common ownership.

Area, Net. The area of a lot or parcel remaining after deducting the following land: street right-of-way, access easements, floodways, wetlands, ponds, areas with slopes of 30% or greater, and 50% of the 100 year floodplain. Net acres must be contiguous.

Adjacent. Abutting to or within 500 feet of property boundaries, exclusive of public rights-of-way.

Exhibit 2.2.1: Accessory Use



Aggregated Project. Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project. (Amended 9/8/08-Ord 2008-02)

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alley. A public thoroughfare which affords only a secondary means of access to abutting property.

Alteration, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

Antenna. Any structure or device used to collect or radiate telecommunications signals.

Apartment Unit. One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

Base Flood - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

Basement - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

Bed and Breakfast Home. As established in Chapter 137B and 137C, Code of Iowa, a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may be advertised and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, and serves food only to overnight guests.

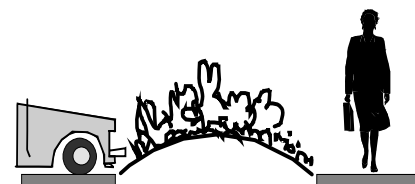
Bed and Breakfast Inn. As established in Chapter 137B and 137C, Code of Iowa, a hotel which has nine or fewer guest rooms.

Berm. A strip of mounded topsoil, with a minimum height of 3 feet, which provides a visual screen. (See Exhibit 2.2.2)

Billboard. An advertising sign for a business, commodity or service located or offered elsewhere than upon the premises where such sign or billboard is located.

Board. The Zoning Board of Adjustment of Clinton County, Iowa.

Exhibit 2.2.2: Berm





Boarding (Rooming) House. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than one boarder.

Building (Structure). Anything constructed, erected, or built, the use of which requires a location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.

Bulk Stations. Distributing stations, commonly known as bulk or tank stations, used for storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

Campground. An area which is designed, maintained, or intended for the purpose of supplying a location for accommodation of two or more travel trailers, camping trailers, cabins, group accommodations or tent sites with necessary incidental services, sanitation, and recreation facilities, which is used primarily for recreational purposes and retains an open air or natural character.

Cellar. A story having more than one-half (½) its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

Cellular Tower. See Telecommunications Tower.

Commercial WECS (C-WECS)A WECS of equal to or greater than [100/40] kW in total name plate generating capacity.(Amended 9/8/08-Ord 2008-02)

Commission. The Planning & Zoning Commission of Clinton County, Iowa.

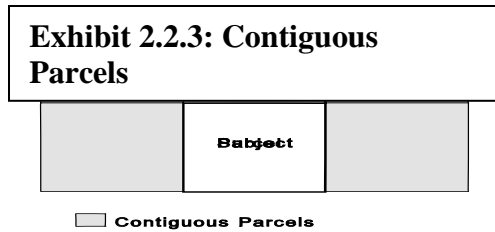
~~**Conditional Use.**~~ (Amended 1/16/02-Ord 2002.02)

Concentrating solar power system (CSP). Systems that use lenses/mirrors and tracking systems to focus or reflect a large area of sunlight onto a small area. The concentrated energy is absorbed by a thermal medium, such as water, salt, or a permanently gaseous fluid, and used as a heat source for a conventional power plant, such as a steam power plant, or for a power conversion unit, such as a sterling engine. Although several concentrating solar technologies exist, the most common types are the solar trough, parabolic dish and solar power tower. Energy storage technologies used by concentrating solar thermal devices (e.g. molten salt storage) are also included within this definition. (Amended 10/3/16-Ord 2016-03)

Condominium, Office. As established in Chapter 499B, Code of Iowa, an office building (or group of buildings) organized, owned and maintained as a condominium.

Condominium, Residential. As established in Chapter 499B, Code of Iowa, a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium may be for other than residential use.

Contiguous Parcels. Abutting or touching at one or more points as shown in Exhibit 2.2.3.



Corn Suitability Rating. The corn suitability rating provides an index for ranking the corn suitability of soil for row-crop production in Iowa. Corn Suitability ratings range from five (5) to one hundred (100), with one hundred (100) reserved for those soils: a) located in areas of most favorable weather conditions for Iowa, b) that have high yield potential, and c) that can be continuously row-cropped. The corn suitability rating is based on the Soil Survey of Clinton County, Iowa and the Clinton County Soil Survey Report Supplement which lists the corn suitability rating for each soil type listed in the Soil Survey.

Cottage Industry. A home-based business that does not meet the definition of a home occupation but is compatible with adjacent uses.

County. Clinton County, Iowa.

Day Care (Child). The care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of less than twenty-four hours per day per child on a regular basis in a place other than the child's home, but does not include care, supervision, or guidance of a child by any of the following;

- An instrumental program administered by a public or nonpublic school system accredited by the department of education or the state board of regents or a program under section 279.49 or 280.3A of the Iowa Code.
- A church-related instructional program of not more than one day per week.
- Short-term classes held between school terms.
- A nonprofit program operated by volunteers for no charge for not more than two hours during any twenty-four hour period.
- A program provided by the state or a political subdivision, which provides recreational classes for a period of less than two hours per day.
- A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.



- An instructional program administered by a nonpublic school system which is not accredited by the department of education or the state board of regents.

Density. A measure of the number of dwelling units per gross acre of land. Density is measured by dividing the number of dwelling units on a lot or parcel by the parcel's gross area (in acres). When calculating density, gross area includes the land between the property line and the centerline of any perimeter county road.

Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Drive-In-Restaurant. Any place or premises used for the sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat and drink the food, refreshments, or beverages on the premises.

Dwelling. Any building or portion thereof which is designed for or used exclusively for residential purposes.

Dwelling, Multi-Family. A dwelling containing more than two dwelling units.

Dwelling, Single-Family. A building designed for or occupied by one (1) family.

Dwelling, Seasonal. A single-family dwelling or manufactured home, including house boats, intended for seasonal or temporary occupancy only, and not permanently occupied as a family residence for more than 180 days during any calendar year.

Dwelling, Two-Family (Duplex). A dwelling containing two dwelling units.

Dwelling Unit. Any building or portion thereof having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation.

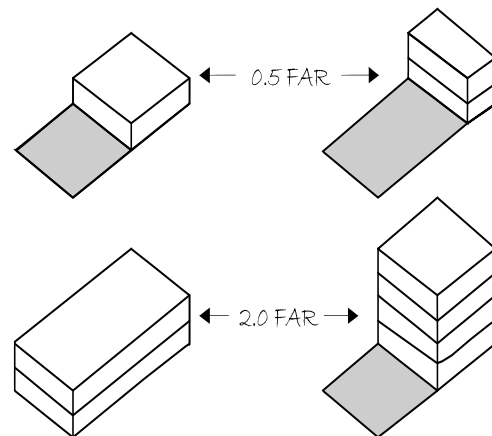
Easement. A legal interested in land, as defined in a document recorded in the office of the Clinton County Recorder, granted by the owner to another person or entity, which allows that person(s) or entity(ies) the use of all or a portion of the owner's land, generally for a stated purpose, including, but not limited to, access or placement of utilities. (Amended 9/8/08-Ord 2008-02)

Educational Facility. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

Factory-built Home - Any structure, designed for residential use:, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this ordinance factory-built homes include manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 14 consecutive days and not fully licensed for and ready for highway use.

Factory-built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

Fall Zone. The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure. (Amended 9/8/08-Ord 2008-02)



Family. One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel. A family, as defined herein, shall include not more than four (4) unrelated persons.

FAR. FAR (Floor Area Ratio) is measured as the gross floor area of all buildings on a lot or parcel, divided by the lot area. (See Exhibit 2.2.4)

Farm. An area which is used for the production of the usual farm products such as vegetables, fruits and grains and their storage in the area, as well as for the production of the usual farm poultry and farm animals pursuant to Section 1.3.C. of this ordinance. The term "farming" includes the operation of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

Farm Dwelling, Principal. A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.

Farm Dwelling, Secondary. A dwelling located on a farm that is under the same ownership as the principal farm dwelling and other buildings and land used in conjunction with the farming operation and occupied by the owner or spouse, a full-time employee of the farm operation, or the mother, father, or children of the owner or spouse.

Feeder Line Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS. (Amended 9/8/08-Ord 2008-02)

Feed Lot or Livestock Confinement Operation. An agricultural operation as defined by Iowa Department of Natural Resource regulations, as may be amended from time to time.



Floor Area. The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar which is used for storage or mechanical space.

Flood Elevation. The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

Flood Insurance Rate Map (FIRM). The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

Flood Plain. Any land area susceptible to being inundated by water as a result of a flood.

Frontage. The side of a property abutting a right-of-way, access easement or public or private street, regardless of whether the abutting side is a front, rear or side yard.

Garage, Private. An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles with not more than two (2) ton capacity owned and used by the occupants of the building to which it is accessory.

Garage, Public. Any building or premises used for equipping, repairing, hiring, selling or storing motor-driven vehicles.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

Ground-mount. A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses. (Amended 10/3/16-Ord 2016-03)

Group Home. A facility licensed by the State for developmentally disabled residents requiring custodial care.

Group Quarters. A building or structure used as a place of residence by five (5) or more persons who are not related by blood or marriage and share the living accommodations and do not occupy separate dwelling units. Group quarters are found in institutions, dormitories, rooming and boarding houses, lodges, sorority and fraternity houses, and similar establishments. For the purpose of determining lot area requirements for group quarters, sleeping capacity for six (6) individuals shall be treated as one dwelling unit.

Guest Home. An accessory structure on a property that allows for additional lodging of a parent, child, or sibling that is in need of additional care, which is not connected to the primary dwelling. (Subject to subsection 4.2.20 of the Clinton County Zoning Ordinance)

Health Care Facility. A facility or institute, whether public or private, principally engaged in providing services for health maintenance, diagnoses or treatment of human

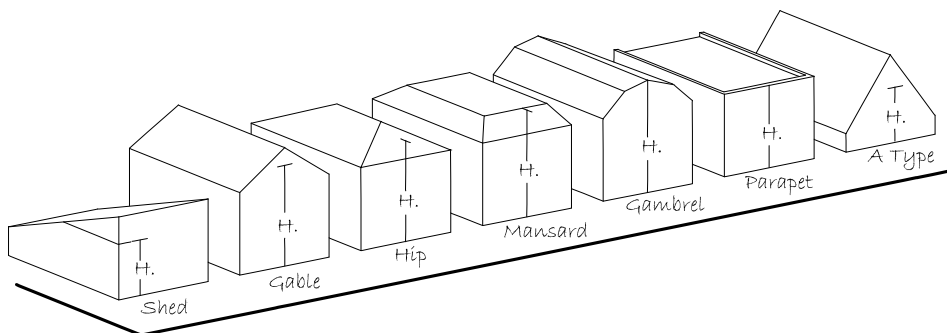
disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, outpatient clinic, dispensary, home health care agency, and bioanalytical laboratory or central services facility serving one or more institutions but excluding institutions that provide healing solely by prayer.

Height. The vertical distance measured from the base of the structure to the highest point of the structure.

Height of a Building. The vertical distance between the average natural grade (measured as the mean of the lowest and highest grades along the foundation and:

- a) the average height level between the eaves and ridge line of a gable or hip roof;
- b) the highest point of a mansard, flat or gambrel roof; or
- c) 2/3 the distance from grade to ridge for A-frame or any roof with a pitch of 12:12 or steeper. (See Exhibit 2.2.5 and Section 3.8.4.)

Exhibit 2.2.5: Building Height



Historic Structure - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,



- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

Home Occupation. An occupation or a profession which is accessory to the residential use of the property. (See Section 4.2.2 for limitations.)

Junk. Dismantled and inoperable vehicles, machinery, and appliances or parts of such vehicles, machinery or appliances. An inoperable vehicle shall mean any motor vehicle which lacks a current registration or a registered vehicle which lacks two or more wheels or any other component parts, the absence of which renders the vehicle illegal for use on the highway. (Amended 11/22/2000-Ord 2000-05)

Junk or Salvage Yard. Any place not fully enclosed in a building and which encompasses an area of 1,000 square feet or more and/or exceeds 5,000 cubic feet, where waste, discarded or salvaged material or equipment are bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building.

Firewood for home heating shall be exempted from the area/space limitation imposed for salvage material.

The presence on any lot, parcel, or tract of land, of three or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, or from which parts have been removed, shall constitute prima facie evidence of a junk yard.

Kennel. An establishment where 4 or more dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.

Loading Space. A space within the main building or on the same lot provided for the standing, loading, or unloading of trucks.

Lot. A legally platted parcel of land occupied or intended for occupancy by one or more main buildings together with accessory buildings. The boundaries of the lot shall be determined by its lot lines.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection. (See Exhibit 2.2.6).

Lots, Depth, of. The mean horizontal distance between the front and rear lot lines.

Lot, Flag. A lot having no frontage or access to a street or place except by a narrow strip of land. (See Exhibit 2.2.7.).

Lot, Interior. A lot other than a corner lot (See Exhibit 2.2.6.).

Lot Line. Property line bounding a lot or the boundaries of access easements or rights-of-way where the property line extends into an easement or right-of-way.

Lot, Through or Double Frontage. A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (See Exhibit 2.2.6).

Lot Width. The width of a lot measured at the required front building setback and at right angles to its depth.

Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IV.D.1 of this Ordinance and
- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a, b, c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

Manufactured Home. A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403 and is to be used as a place for human

Exhibit 2.2.6: Lots

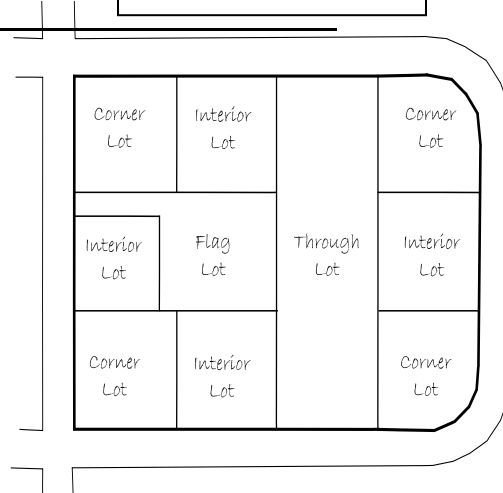
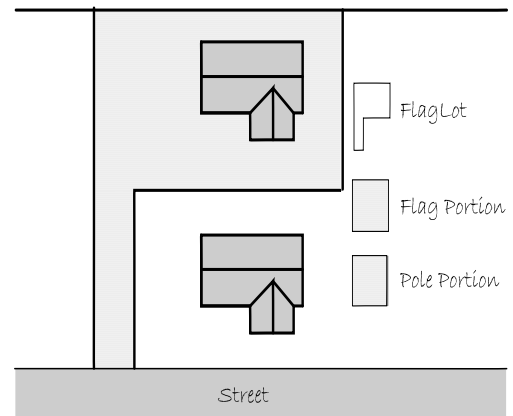


Exhibit 2.2.7: Flag Lot





habitation as a dwelling unit, 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.

Manufactured Home Park. Any site, lot, or tract of land upon which two (2) or more occupied manufactured homes are harbored, either free of charge, or for revenue purpose and as regulated by Chapter 435, Code of Iowa.

Meteorological Tower. For the purposes of this Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS. (Amended 9/8/08-Ord 2008-02)

Modular Home. A manufactured home or other factory built dwelling that is intended for on-site assembly as a permanent residence.

Mobile Home. Any factory-built dwelling that is not constructed in accordance with 42 U.S.C. Sec. 5403 and is not a recreational vehicle or travel trailer.

Non-Conforming Use. Any use lawfully established prior to the time of passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.

Non-Commercial WECS (NonC-WECS)A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power. (Amended 9/8/08-Ord 2008-02)

Non-Utility Scale Solar Installation (accessory use). A solar panel or array mounted on a building, pole or rack that is accessory to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use. (Amended 10/3/16-Ord 2016-03)

Normal Farm Operations. A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock, the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of product at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Off-grid Solar Energy System. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company. (Amended 10/3/16-Ord 2016-03)

One Hundred (100) Year Flood. A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

Parcel. A tract of land under single ownership which has not been divided by deed or subdivision.

Parking Space. A surfaced area, enclosed in the main building or in any accessory building, or un-enclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway.

Paved Road. A road constructed with six (6) inches of Portland cement concrete or a three (3) inch minimum asphaltic concrete surface over a six (6) inch rolled stone base.

Permanent Foundation. A site-built or site-assembled system of stabilizing devices. It shall be capable of transferring design dead loads and live loads required by Federal regulations, and other design loads unique to local home sites, wind, seismic, soil, and water site conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two (42) inches below grade and constructed of materials approved by Sections 25, 26 or 29 of the Uniform Building Code, as adopted by the County.

Photovoltaic. The technology that uses a semiconductor to convert light directly into electricity. (Amended 10/3/16-Ord 2016-03)

Power purchase agreement. A power purchase agreement refers to a contract entered into by an independent power producer and an electric utility. The power purchase agreement specifies the terms and conditions under which electric power will be generated and purchased. Power purchase agreements require the independent power producer to supply power at a specified price for the life of the agreement. (Amended 10/3/16-Ord 2016-03)

Premises. The land together with any buildings or structures located thereon.

Recreational Vehicle - A vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Park. A lot or parcel upon which two or more spaces are established for the occupancy of a recreational vehicle as a temporary residence.



Roof-mount. A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use. (Amended 10/3/16-Ord 2016-03)

Rotor diameter. The diameter of the circle described by the moving rotor blades. (Amended 9/8/08-Ord 2008-02)

Sanitary Landfill. A site authorized by the County and State for the disposal of solid waste.

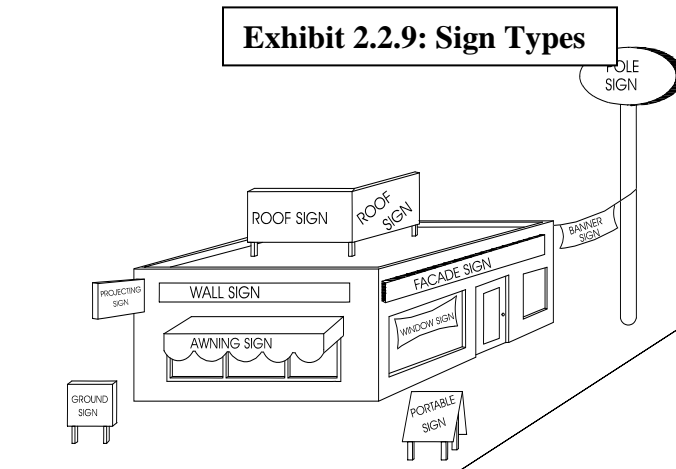
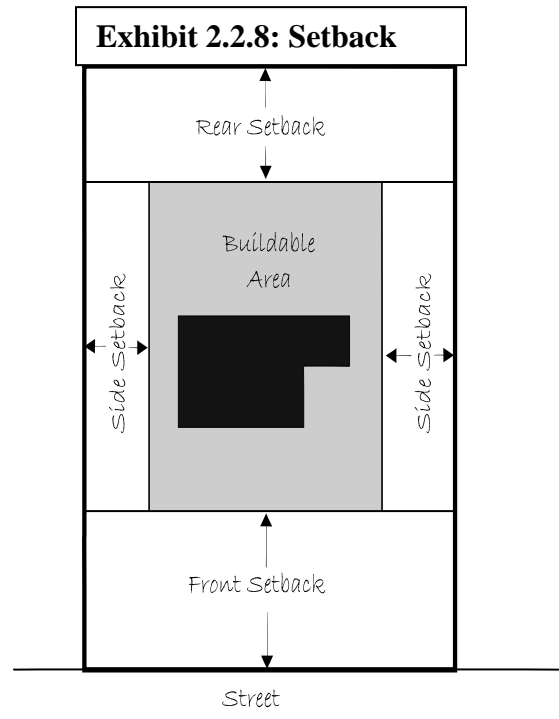
Setback. The minimum horizontal distance between a lot line or Right-of-Way line (where applicable) and a building or structure located upon such lot, as required by the provisions of this Ordinance. (See Exhibit 2.2.8 and Chapter III). (Amended 10/3/16-Ord 2016-03)

Sewer System, Community. A public or private sewerage collection system with treatment and disposal facilities providing secondary treatment meeting applicable County and State effluent standards. A community sewer system as herein defined shall not include on-site wastewater treatment and disposal systems serving two (2) or fewer residences or parcels.

Signs. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. (See Exhibit 2.2.9 and Chapter VIII).

Sign, Awning. A sign that is mounted or painted on, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.

Sign, Facade. See Sign, Wall.



Sign, Ground. Any sign other than a pole sign, placed upon or supported by the ground independent of any other structure. Also called a berm sign.

Sign, Pole. A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign is six feet or more above ground.

Sign, Portable. A sign that is not permanent, affixed to a building, structure or the ground.

Sign, Projecting. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Sign, Wall. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Sign, Window. A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.

Solar array. A group of solar panels connected together. (Amended 10/3/16-Ord 2016-03)

Solar collector. A device or structural feature of a building that collects solar energy and that is part of a system for the collection, storage and distribution of solar energy. (Amended 10/3/16-Ord 2016-03)

Solar Farm. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. (Amended 10/3/16-Ord 2016-03)

Solar glare. The effect produced by light reflecting from a solar panel with intensity sufficient to cause annoyance, discomfort or loss in visual performance and visibility. (Amended 10/3/16-Ord 2016-03)

Solar Mounting Devices. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground. (Amended 10/3/16-Ord 2016-03)

Solar panel. A device composed of groups of individual solar cells used to convert solar energy into electrical current. (Amended 9/8/08-Ord 2008-02)

Special Flood Hazard Area. The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

Special Exception Use. A use or structure that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health,



safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. (See Section 9.3.4).

Start of Construction. Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Storage Units. An enclosed structure containing separate storage spaces of varying sizes leased or rented on an individual basis with no exterior storage.

Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, the area between floor and ceiling.

Story, Half. A partial story under a gable, hip or gambrel roof, the exterior building walls (excluding gables) of which do not extend more than three feet above the top of the walls of the lower floor.

Street (Road). A public or private thoroughfare which affords the principal means of access to abutting property.

Street (Arterial). A thoroughfare that links communities and urban centers and that carries high volumes of traffic at relatively high speeds. See adopted Master Plan.

Street (Local). A minor road or thoroughfare that provides access to individual lots and that carries low volumes of traffic at low speed. See adopted Master Plan.

Street (Major Collector). A thoroughfare that links important uses within the County to each other, carries moderate volumes of traffic at low speeds and collects the traffic from local streets. See adopted Master Plan.

Street (Minor Collector). A thoroughfare that links local roads, carries low volumes of traffic at low speeds and collects traffic from local streets. See adopted Master Plan.

Street Line. The right-of-way line of a street.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantive change in the roof or in the exterior walls beyond ordinary repairs and maintenance.

Structure. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.(Amended 11/22/2000-Ord 2000-05)

Subdivision. The division of a lot, parcel or tract into two or more lots parcels or tracts for sale, lease or development.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement. Any improvement to a structure which satisfies either of the following criteria:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after September 1, 1990 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

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.

Telecommunications Tower. Any guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more telecommunications antennas, any part of which exceeds 100 feet in height.

Travel Trailer or Camping Trailer. A vehicle with or without motive power used or so constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to 8 feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping



or the actual weight of the vehicle fully equipped, or any weight provided its overall length does not exceed 28 feet.

Utility scale solar installation (primary use). A group of interconnected solar panels/arrays that convert sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity. This definition does not apply to consumer scale solar installations that are constructed primarily to provide power for use onsite. (Amended 10/3/16-Ord 2016-03)

Variance. A variance is a relaxing of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by the variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

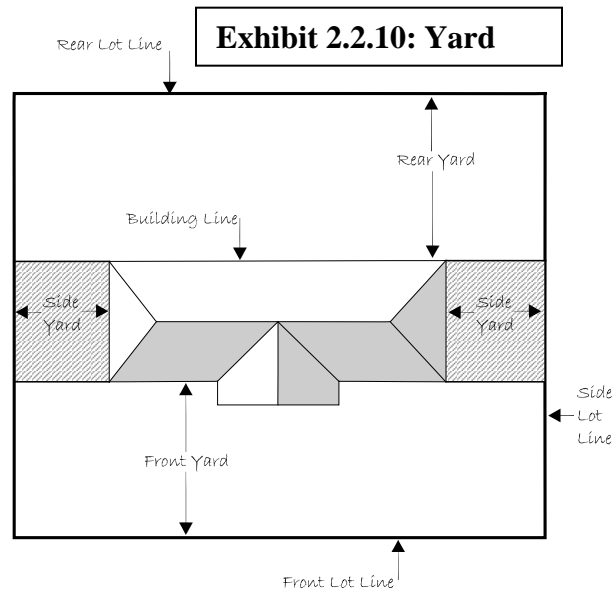
Violation. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

Water System, Community. A public or private water distribution system having a common source of supply and necessary treatment facilities.

Yard. An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from two and one half (2½) feet above the ground upward except as otherwise provided herein. (See Exhibit 2.2.10).

Yard, Front. The area extending across the front of a lot and being the area between the street line and the main building or any projection hereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where the owner shall elect to front his building on the street parallel to the lot line having the greater dimension. On double frontage lots, the front yard shall be the street from which the lot is accessed.

Exhibit 2.2.10: Yard



Yard, Rear. The area between the rear lot line and the rear of the main building or any projection thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches.

Yard, Side. The area between the main building and the side line of the lot and extending from the front yard to the rear yard, except on the street side of a corner lot, the side yard shall extend from the front yard to the rear lot line.

CHAPTER III: ZONING DISTRICTS / MAPS / USES

3.1 ESTABLISHMENT OF DISTRICTS. The following districts are hereby established for the unincorporated area of the County:

A-1	Prime Agricultural District
AR-1	Agricultural-Recreational District
R-1	Residential Suburban District
R-2	Residential Urban District
C-1	Highway Commercial District
C-2	General Commercial District
M-1	Limited Industrial District
M-2	General Industrial District
PUD	Planned Unit Development District
RE	Renewable Energy Overlay District

The location and boundaries of these districts are shown on the Official Zoning Map.

3.2 ZONING MAP.

3.2.1 Adoption of Official Zoning Map. The Official Zoning Map and the explanatory material thereon is hereby adopted by reference and declared to be a part of this ordinance.

3.2.2 Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the County Auditor under the following statement:

“This is to certify that this is the Official Zoning Map referred to in Chapter III, Section 3.2.2, of the Zoning Ordinance of Clinton County, Iowa, as adopted the day of _____ ”

The Official Zoning Map shall be on file in the office of the County Auditor and shall be the final authority as to the current zoning status of land, buildings and other structures in the County.

3.2.3 Changes in Official Zoning Map. No change in the Official Zoning Map shall be made except by amendment to this ordinance pursuant to Section 9.3.2. Such changes shall be promptly made by the Administrator and the ordinance number, nature of change and date of change shall be noted on the map, with the signature of the Chairperson of the Board of Supervisors approving such change. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this ordinance and be punishable as provided in Chapter X of this ordinance.

3.3 DISTRICT BOUNDARIES.

3.3.1 Zoning District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following township or section lines shall be construed to follow such lines.
- D. Where a district boundary line divides a lot of record, the Board of Adjustment may permit, as a special exception, the extension of the district regulations for either portion of the lot to the remaining portion of the lot, provided that the district regulations may not be applied for a distance greater than fifty (50) feet beyond the district boundary line.

3.4 USES NOT PROVIDED FOR IN ZONING DISTRICTS.

3.4.1 Administrator Makes Interpretation. For any use not explicitly listed as authorized in a zoning district, the Administrator shall make a determination if a use not mentioned can reasonably be interpreted to be substantially similar to a listed use. If a substantially similar use is found in any zoning district then the zoning regulations applicable to that use shall apply. Interpretations shall be ratified by the Planning & Zoning Commission at the next regularly scheduled meeting and attached to this ordinance.

3.4.2 Appeals and Non-Interpretations. Where the Administrator determines that a use not mentioned is of a type, scope, or impact that is not substantially similar to any listed use, the Administrator may initiate a text amendment procedure to modify the zoning district use lists.

3.5 PROHIBITED CONVERSIONS. Unless expressly provided for in these zoning regulations, no land shall be used and no building shall be erected for, or converted to, any use other than those authorized for the district in which the use is located. No building or portion thereof designed and constructed as a residential building shall be changed to an office, retail or business use of any type, except as provided herein.



3.6 ZONING DISTRICT REGULATIONS

3.6.1 A-1 Prime Agricultural District

- A. Purpose.** The A-1 Prime Agricultural District is intended to preserve areas appropriate for agricultural uses and to protect those areas of the County having the best soils for agricultural purposes from encroachment by non-farm uses. The A-1 District implements the Agricultural Future Land Use category of the Master Plan.

Agricultural uses are the primary intended use in this district. Farmers shall have the continuing right to conduct normal farm operations. Any person who requests a zoning permit to place a non-farm dwelling on property which lies within the district is deemed to be aware of the normal agricultural uses and farming practices within the district, including night farming, noise, odors and other impacts from normal farm operations.

B. A-1 Permitted Principal Uses & Structures.

1. Agricultural, farms, farming and the usual farm buildings including farm dwellings.
2. Truck gardens, nurseries and horticulture.
3. Single family dwelling. Newly constructed non-farm dwellings shall not be located closer than 1,320 feet to an established feed lot or livestock confinement operation, unless an existing confinement feeding operation, or a proposed confinement feeding operation which has made an application for a permit to the Iowa Department of Natural Resources, is of sufficient size that State of Iowa regulations would require that a greater separation distance than 1320 feet would be necessary between the confinement feeding operation structure and a dwelling for siting of the confinement feeding operation structure, the greater separation distance will be required for locating the newly constructed non-farm dwelling. (Amended 5/21/03-Ord 2003-03) (Amended 8/8/2016-Ord 2016-02)
4. Public parks, fairgrounds, playgrounds, campgrounds and recreation areas.
5. Wildlife preserves, hunting areas, lakes and ponds.

6. Kennels, riding stables and the boarding of horses, provided that a Type E bufferyard surrounds all animal enclosure areas except pastures.
7. Railroad, street, sewer, water, trail easements and rights-of-way, and other utilities, but not including storage or maintenance yards and buildings, or administrative and sales offices. (Amended 11/22/2000-Ord 2000-05)
8. Group Home. Subject to Section 4.2.6.
9. Family Day Care Home. Subject to Section 4.2.5.

C. A-1 Permitted Accessory Uses and Structures. Uses and structures clearly incidental and necessary to the permitted principal uses and structures of this district, not involving the conduct of business on the site (except home occupations) and located on the same lot or a contiguous lot under the same ownership.

1. Secondary farm dwellings pursuant to Section 4.2.1.
2. Private swimming pools, garages, tennis courts, gardens and greenhouses.
3. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of work.
4. Roadside stands for the sale of produce provided that access to such stands shall be so located as to afford a minimum sight distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.
5. Home occupation as provided in Section 4.2.2.
6. Non-Commercial WECS, subject to Section 4.2.17 (Amended 9/8/08-Ord 2008-02)
7. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. A-1 Special Exception Uses and Structures. (Amended 1/16/02-Ord 2002-02)
Subject to Section 9.3.4 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Agricultural service businesses involving processing, storage, and sale of grain for seed or feed; alfalfa dehydrating; sale of feed supplements; storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; trenching, terracing or well drilling; but not including the



sale or display of farm machinery, petroleum products, building materials or appliances; provided that the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling. (Amended 11/22/2000-Ord 2000-05)

2. Mining and extraction of minerals or raw materials, as provided in Section 4.2.9, including necessary processing equipment, provided that access shall not cause a real or potential traffic hazard; that 1 off-street parking space for each employee plus 1 off-street space for each company vehicle be provided. Any person or firm seeking a conditional use for the extraction of minerals or other raw materials shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation.
3. Sanitary landfill, provided that refuse be covered with dirt daily if it contains raw garbage; that a nuisance due to smoke, odor or blowing of trash and debris shall not be created; that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the landfill operation. A dust free access road shall be provided.
4. Concrete, asphalt mixing or batching plants for temporary use during the construction, repair or maintenance of public roads, highways, or other public facilities, provided that the area be restored to a suitable condition free of refuse and debris.
5. Privately operated campgrounds, exposition grounds, youth or summer camps, gun clubs, marinas, boat docks, and recreation vehicle riding areas, race courses and similar outdoor recreation activities.
6. Golf courses and clubhouses but not including miniature golf courses.
7. Airports and landing fields approved by the Federal Aviation Administration.
8. Animal exhibits and zoos, subject to the conditions established in Section 4.2.3.
9. Bed and breakfast inn as established in Chapters 137B and 137C, Code of Iowa, and as provided in Section 4.2.4 of this ordinance.
10. Cemeteries.
11. Storage units. Subject to Section 4.2.11 and other conditions to ensure compatibility.
12. Child Day Care Center. Subject to Section 4.2.5.

13. Cottage Industry on parcels of five or more acres unless the Board of Adjustment finds that:
 - a. Allowing the Cottage Industry on a smaller area is appropriate for the specific site, and (Amended 9/8/08-Ord 2008-02)
 - b. allowing the Cottage Industry on a smaller area will not cause adverse impacts on neighboring properties greater than the impact caused if the Cottage Industry were on five acres or more. (Amended 9/8/08-Ord 2008-02)
 14. Bed and breakfast home as established in Chapters 137B and 137C, Code of Iowa, and as provided in Section 4.2.4 of this ordinance.
 15. More than one secondary farm dwelling on a farm.
 16. Elementary & secondary schools and other educational facilities.
 17. Churches.
 18. Communications Towers stations and towers and Meteorological Towers, provided that they will not interfere with the operation or any airport or landing strip. (Amended 8/15/22-Ord 2022-08)
 19. Except as provided in Section 4.1.4, single family residences sold separately from farm structures located within 1,320 feet of the dwelling and under common ownership. (Amended 5/18/09-Ord 2009-08)
 20. Guest Home, subject to Section 4.2.20 (Amended 8/7/2017-Ord 2017-02)
- E. A-1 Lot Development Standards.** All development shall comply with the standards in Exhibit 3.6.1.

Exhibit 3.6.1: A-1 Lot Development Standards.

Maximum Density	One Dwelling unit per 40 acres or one-sixteenth of a section (one quarter-quarter section), including rights-of-way
Minimum Lot Area and Width.	<p>Non-farm Dwellings and Institutional Uses</p> <p>Minimum Area- 2 net acres, provided that sufficient acreage is reserved for farm use to ensure that non-farm density does not exceed one unit per forty (40) acres.</p> <p>Minimum Width - 150 Feet</p>
	Utility and telecommunication facilities - no minimum area or width
	<p>Other uses (unless specifically authorized by the Board of Supervisors)</p> <p>Minimum Area 40 acres</p> <p>Minimum Width 500 feet</p>



Minimum Setbacks	Front	50 feet
	Side	15 feet
	Side for corner lot	30 feet
	Rear	40 feet
Maximum Height	35 feet or 2 ½ stories	

F. A-1 Special Requirements.

1. Non-farm uses and structures shall not be located on areas containing more than twenty-five percent (25%) of soils having a corn suitability rating in excess of 60.
2. Only one non-farm dwelling may be allowed per forty acres of land. The Zoning Commission may recommend and the Board of Supervisors may approve the transfer of density pursuant to Section 3.3.9 of the Subdivision Regulations.

3.6.2 AR-1 Agricultural - Recreation District

A. Purpose. The AR-1 Agricultural-Recreational District is intended to accommodate various recreational, residential and agricultural uses in areas appropriately suited for such uses and located on adequately constructed roads. The AR-1 District implements the Rural Future Land use category of the Master Plan.

Agricultural uses are the primary intended use in this district. Farmers shall have the continuing right to conduct normal farm operations. Any person who requests a zoning permit to place a non-farm dwelling on property which lies within the district is deemed to be aware of the normal agricultural uses and farming practices within the district, including night farming, noise, odors and other impacts from normal farm operations.

B. AR-1 Permitted Principal Uses & Structures.

1. Agriculture, farms, farming and the usual farm buildings including farm dwellings.
2. Truck gardens, nurseries, greenhouses, horticulture.
3. Single family dwelling. Newly constructed non-farm dwellings shall not be located closer than 1,320 feet to an established feed lot or livestock confinement operation, unless an existing confinement feeding operation, or a proposed confinement feeding operation which has made an application for a permit to the Iowa Department of Natural Resources, is of sufficient size that State of Iowa regulations would require that a greater separation distance than 1320 feet would be necessary between the confinement feeding operation structure and a dwelling for siting of

the confinement feeding operation structure, the greater separation distance will be required for locating the newly constructed non-farm dwelling. (Amended 5/21/03-Ord 2003-03) (Amended 8/8/2016-Ord 2016-02)

4. Public parks, fairgrounds, playgrounds, campgrounds and recreation areas.
5. Wildlife preserves, hunting areas, lakes and ponds.
6. Railroad, street, sewer, water, trail easements and rights-of-way, and other utilities, but not including storage or maintenance yards and buildings, or administrative and sales offices.(Amended 11/22/2000-Ord 2000-05)
7. Group Home. Subject to Section 4.2.6.
8. Family Day Care Home. Subject to Section A.2.5 (same as A-1.)

C. AR-1 Permitted Accessory Uses And Structures. Uses and structures clearly incidental and necessary to the permitted principal uses and structures of this district, not involving the conduct of business on the site, except home occupations and located on the same lot or a contiguous lot under the same ownership.

1. Secondary farm dwellings pursuant to Section 4.2.1
2. Private swimming pools, garages, tennis courts, gardens and greenhouses.
3. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.
4. Roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum sight distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that no less than 4 parking spaces be provided.
5. Home occupation as provided in Section 4.2.2.
6. Non-Commercial WECS, subject to Section 4.2.17. (Amended 9/8/08-Ord 2008-02)
7. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. AR-1 Special Exception Uses and Structures. (Amended 1/16/02-Ord 2002-02) Subject to Section 9.3.4 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Agricultural service businesses involving the processing, storage and sale of grain for seed or feed, alfalfa dehydrating; the sale of feed



supplements; the storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; trenching, terracing, or well drilling; but not including the sale or display of farm machinery, petroleum products, building materials, or appliances; provided that the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.

2. Mining and extraction of materials or raw materials, as provided in Section 4.2.9, including necessary processing equipment, provided access shall not cause a real or potential traffic hazard. Any person or firm seeking a special exception for the extraction of minerals or other raw materials shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation as provided in Section 4.2.9.
3. Concrete, asphalt mixing or batching plants for temporary use during the construction, repair or maintenance of public roads, highways or other public facilities, provided that the area be restored to a suitable condition free of refuse and debris.
4. Privately operated campgrounds, youth or summer camps, ski slopes, gun clubs, marinas, boat docks, and recreation vehicle riding areas, race courses and similar outdoor recreational activities.
5. Bed and breakfast inn as established in Chapters 137B and 137C Code of Iowa and as provided in Section 4.2.4 of this ordinance.
6. Recreational vehicle or trailer park, subject to the conditions established in 4.2.10 and other conditions the Board determines are appropriate for the site.
7. Cemeteries.
8. Child Day Care Center. Subject to Section 4.2.5.
9. Golf courses and clubhouses but not including miniature courses.
10. Cottage Industry on parcels of five or more acres unless the Board of Adjustment finds that:
 - a. allowing the Cottage Industry on a smaller area is appropriate for the specific site, and (Amended 9/8/08-Ord 2008-02)
 - b. allowing the Cottage Industry on a smaller area will not cause adverse impacts on neighboring properties greater than the impact caused if the Cottage Industry were on five acres or more. (Amended 9/8/08-Ord 2008-02)

11. Bed and breakfast home as established in Chapters 137B and 137C Code of Iowa and as provided in Section 4.2.4 of this ordinance.
12. More than one secondary farm dwelling on a farm.
13. Churches.
14. Elementary & Secondary Schools and other Educational Facilities.
15. Kennels, riding stables and horse boarding.
16. Communications Towers stations and towers and Meteorological Towers, provided that they will not interfere with the operation or any airport or landing strip.(Amended 8/15/22-Ord 2022-08)
17. Except as provided in Section 4.1.4, single family residences sold separately from farm structures located within 1,320 feet of the dwelling and under common ownership. (Amended 5/18/09-Ord 2009-08)
18. Guest Home, subject to section 4.2.20. (Amended 8/7/2017-Ord 2017-02)

E. AR-1 Lot Development Standards. All development shall comply with the standards in Exhibit 3.6.2:

Exhibit 3.6.2: AR-1 Lot Development Standards.

Maximum Density	One Dwelling unit per 5 acres
Minimum Lot Area and Width.	Non-farm Dwellings Minimum Area 2 net acres, provided that for any subdivision after the date of adoption of this ordinance, sufficient acreage is reserved for open space to ensure that the gross density does not exceed one unit per 5 acres. Minimum Width 150 Feet
	Section deleted (Amended 11/22/2000-Ord 2000-05)
	Utility and telecommunication facilities - no minimum area or width
	Other uses Minimum Area 5 acres Minimum Width 150 feet
Minimum Setbacks	Front 50 feet Side 15 feet Side for corner lot 30 feet Rear 40 feet
Maximum Height	35 feet or 2 ½ stories

F. AR-1 Special Requirements.



1. Principal uses and structures which are permitted subject to the special requirements contained herein, shall not be located on areas containing more than twenty-five percent (25%) of soils having a corn suitability rating in excess of 60.

3.6.3 R-1 Suburban Residential District

A. Purpose. The R-1 Suburban Residential District is intended to accommodate various residential and agricultural uses in areas appropriately suited for such uses and located on adequately constructed roads. The R-1 District implements the Suburban Residential future land use category of the Master Plan.

B. R-1 Permitted Principal Uses & Structures.

1. Agriculture, farms, farming and the usual farm building including farm dwellings.
2. Single family dwellings.
3. Public parks, fairgrounds, playgrounds, campgrounds and recreation areas.
4. Wildlife preserves, hunting areas, lakes and ponds.
5. Group homes.

C. R-1 Permitted Accessory Uses And Structures. Uses and structures clearly incidental and necessary to the permitted principal uses and structures of this district, not involving the conduct of business on the site, except home occupations.

1. Secondary farm dwellings pursuant to Section 4.2.1.
2. Private swimming pools, garages, tennis courts, gardens and greenhouses.
3. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.
4. Roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum sight distance of 750 feet to motor vehicles on adjacent roads.
5. Home occupation as provided in Section 4.2.2.
6. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. R-1 Special Exception Uses and Structures. (Amended 1/16/02-Ord 2002-02)
Subject to Section 9.3.4 and other requirements herein, the Board of Adjustment may permit the following:

1. Railroads, sewer treatment facilities, water treatment plants, but not including storage or maintenance yards and buildings or administrative and sales offices.
2. Privately operated campgrounds, youth or summer camps, gun clubs, marinas, boat docks, and recreation vehicle riding areas, race courses and similar outdoor recreational activities.
3. Group Quarters. Subject to Section 4.2.6.
4. Bed and breakfast inns as established in Chapters 137B and 137C Code of Iowa and as provided in Chapter IV, Section 4.2.4 of this ordinance.
5. Cemeteries.
6. Child Day Care Center. Subject to Section 4.2.5.
7. Golf courses and clubhouses but not including miniature courses.
8. Bed and breakfast home as established in Chapters 137B and 137C Code of Iowa and as provided in Chapter IV, Section 4.2.4 of this ordinance.
9. More than one secondary farm dwelling on a farm.
10. Elementary & secondary schools and other educational facilities.
11. Churches.
12. Communications Towers stations and towers and Meteorological Towers, provided that they will not interfere with the operation or any airport or landing strip.(Amended 8/15/22-Ord 2022-08)
13. Family Day Care Home. Subject to Section A.2.5 (same as A-1.)

E. R-1 Lot Development Standards. All development shall comply with the standards in Exhibit 3.6.3:

Exhibit 3.6.3: R-1 Lot Development Standards.

Maximum Density	One Dwelling unit per 2 acres
Minimum Lot Area and Width.	Non-farm Dwellings
	Minimum Area 2 net acres
	Minimum Width 100 Feet
	Section deleted (Amended 11/22/2000-Ord 2000-05)
	Utility and telecommunication facilities - no minimum area or width
	Other uses
	Minimum Area 2 acres
	Minimum Width 100 feet



Minimum Setbacks	Front	30 feet
	Side	15 feet
	Side for corner lot	30 feet
	Rear	35 feet
Maximum Height	35 feet or 2 ½ stories	

3.6.4 R-2 Urban Residential District

- A. Purpose.** The R-2 Urban Residential District is intended to accommodate residential development in areas where municipal utilities and services are readily available, or where development is on a sufficiently large scale to justify the installation of community sewer and water systems. Land rezoned to R-2 will only be permitted on major roads presently adequate to provide for the traffic generated and where fire protection is readily available or where plans for improvements are proposed by the developer or Board of Supervisors. Areas not immediately developed may remain in their current use. The R-2 District implements the Urban Residential future land use category of the Master Plan.
- B. Permitted Principal Uses & Structures.**
 - 1. Single family dwellings.
 - 2. Public parks, playgrounds and recreational areas.
 - 3. Group home.
- C. Permitted Accessory Uses and Structures.** Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership.
 - 1. Private swimming pools, garages, tennis courts, gardens and greenhouses.
 - 2. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
 - 3. Home occupation as provided in Section 4.2.2.
 - 4. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. Special Exception Uses and Structures. (Amended 1/16/2002 Ord 2002-02) Subject to Section 9.3.4 and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Group quarters. Subject to Section 4.2.6.
2. Cemeteries.
3. Child Day Care Center. Subject to Section 4.2.5.
4. Golf courses and clubhouses but not included miniature courses.
5. Family Day Care Home. Subject to Section A.2.5 (same as A-1.)
6. Railroads, sewer treatment facilities, water treatment plants, but not including equipment storage or maintenance yards and buildings or administrative and sales offices.
7. Bed and Breakfast home as established in Chapters 137B and 137C, Code of Iowa and as provided in Section 4.2.4 of this Ordinance.
8. Elementary & Secondary Schools and other Educational Facilities.
9. Churches.
10. Family Day Care Home.

E. R-2 Lot Development Standards. All development shall comply with the standards in Exhibit 3.6.4:

Exhibit 3.6.4: R-2 Lot Development Standards.

Maximum Density	Four dwelling units per acre, provided, however that the County shall require lower densities in areas where centralized water and/or wastewater service is not available. Where neither service is available the minimum lot size shall be 2 net acres.
Minimum Lot Area and Width.	Dwellings served by centralized water and wastewater service Minimum Area 9,600 square feet Minimum Width 80 feet
	Utility and telecommunication facilities and other uses - minimum area or width to be based on use and compatibility with adjacent properties
Minimum Setbacks	Front 30 feet Side 10 feet Side for corner lot 25 feet Rear 35 feet
Maximum Height	35 feet or 2 ½ stories



- F. R-2 Special Requirements.** Railroad, sewer, water and other utility buildings shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet.

3.6.5 C-1 Highway Commercial District

- A.** Purpose. The C-1 Highway Commercial District is intended to accommodate commercial development which primarily serves the traveling public. This district is also intended to accommodate certain other commercial uses which ordinarily require access to a major street or highway. The C-1 District implements the Highway Commercial future land use category of the Master Plan.

Land rezoned to C-1 shall be located within ½ mile of the intersection of a State Highway and another paved roadway which is capable of handling the increased traffic load unless the Board of Supervisors finds that the site is capable of providing safe and adequate access and is compatible with planned uses of adjacent property.

B. C-1 Permitted Principal Uses & Structures.

1. Automotive, truck, farm implement or manufactured home display sales, service or repair.
2. Motorcycle, boat and recreation vehicle display sales service or repair.
3. Animal hospitals, kennels and veterinarians' office.
4. Drive-in banks.
5. Motels.
6. Bait shops.
7. Plant nurseries and garden centers.
8. Antique shop.
9. Restaurant, nightclubs and taverns.
10. Drive-in restaurants and refreshment stands.
11. Recreation & amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls.
12. Drive-in theaters.
13. Lumber yards and building material sales and distribution.
14. Office condominium.
15. Gas stations and convenience stores.

16. Bed and breakfast inn or home as established in Chapter 137B and 137C, Code of Iowa and as provided in Section 4.2.4 of this Ordinance.
17. Storage units as provided in Section 4.2.11.
18. Child Day Care Center.

C. C-1 Permitted Accessory Uses and Structures. Use and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

1. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
3. Residential apartments, condominiums, and dwelling units in a commercial structure provided that an open yard of at least 2,400 square feet is reserved and maintained for each dwelling unit and that 2 off-street parking spaces per unit be provided.
4. Outdoor display of goods and for sale or lease is authorized in any yard, provided the goods are not displayed in required parking or landscaped areas.
5. Non-Commercial WECS, subject to Section 4.2.17.(Amended 9/8/08-Ord 2008-02)
6. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. C-1 Special Exception Uses and Structures. (Amended 1/16/020Ord 2002-02)
Subject to Section 9.3.4 herein, the Board of Adjustment may permit the following:

1. Commercially operated campgrounds or tourist camps on sites of not less than 5 acres provided that no campsite shall be located within 50 feet of a Residential District and that water and sewer disposal facilities shall be approved by County and/or State Health Departments.
2. Flea market or swap meet, subject to section 4.2.15.
3. Recreational vehicles and trailer parks. Subject to Section 4.2.10.
4. Railroads, water and wastewater treatment facilities, but not including equipment storage or maintenance yards.



- 5. Communications Towers stations and towers and Meteorological Towers, provided that they will not interfere with the operation or any airport or landing strip.(Amended 8/15/22-Ord 2022-08)

E. C-1 Lot Development Standards. All development shall comply with the standards in Exhibit 3.6.5:

Exhibit 3.6.5: C-1 Lot Development Standards.

Maximum Intensity (FAR)	0.40, provided that a lesser intensity may be required where centralized water and/or wastewater service is not available or site conditions limit development potential
Minimum Lot Area and Width.	Minimum Area - 1 net acre, provided that minimum may be increased if site conditions limit development potential. Minimum Width - the greater of 150 feet or 1/3 the lot depth, but in no case shall a lot width of greater than 500 feet be required.
Minimum Setbacks	Front - 30 feet Side - 20 feet Side for corner lot - 30 feet Rear - 25 feet
Maximum Height	35 feet or 2 ½ stories

F. C-1 Special Requirements. C-1 district shall not exceed 10 acres except that the County may approve a larger district if located along US Hwy 30 or US Hwy 61 or if the Board finds that the proposed use is consistent with adopted County goals and policies.

3.6.6 C-2 Rural Support Commercial District

A. Purpose. The C-2 General Commercial District is intended to accommodate various retail commercial uses and services not necessarily dependent upon a highway location or serving the traveling public. It is further the intent of this district to accommodate clusters or groups of commercial uses, or individual uses which are extensions of existing commercial districts as contrasted with individual uses located separately. The C-2 district implements the Rural Support Services future land use category of the Master Plan.

Land rezoned to C-2 shall be located within 1/4 mile of the intersection of two paved roads that are capable of handling the increased traffic load unless the

Board of Supervisors finds that the site is capable of providing safe and adequate access, there is a local need for the uses allowed in the district and allowable uses are compatible with planned uses of adjacent property.

B. C-2 Permitted Principal Uses & Structures.

1. Sale of goods at retail, including hardware, food, apparel, home furnishings, books, and other merchandise of a similar nature.
2. Animal hospital or veterinary clinic but not including open runways or pens.
3. Banks and financial institutions.
4. Business / professional offices and schools.
5. Bakeries.
6. Beauty and barber shops.
7. Laundry, dry cleaners, tailoring, shoe repair.
8. Medical, dental and chiropractor clinics.
9. Religious and charitable institutions other than churches.
10. Studios and photo galleries.
11. Automotive, truck, or farm implement sales service or repair. (Amended 1/16/02-Ord 2002-02)
12. Clubs, lodges and similar uses.
13. Motorcycle, boat and recreation vehicle sales, service or repair.(Amended 1/16/02-Ord 2002-02)
14. Theaters and auditorium.
15. Funeral Homes.
16. Recreational and amusement activities such as skating rinks and dance halls.
17. Restaurants, taverns, and night clubs.
18. Bowling alleys.
19. Miniature golf.
20. Plant nurseries, greenhouses, florist shop.
21. Office condominium.
22. Bed and breakfast inn as established in Chapter 137B and 137C, Code of Iowa and as provided in Section 4.2.4 of this Ordinance.



23. Storage units as provided in Section 4.2.11.
24. Child Day Care Center.
25. Gas station/convenience store.

C. Permitted Accessory Uses and Structures. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

1. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
3. Residential apartments, condominiums, and dwelling units in a commercial structure provided that 2 off-street parking spaces per unit be provided.
4. Non-Commercial WECS, subject to Section 4.2.17. (Amended 9/8/08-Ord 2008-02)
5. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. C-2 Special Exception Uses and Structures. (Amended 1/16/02-Ord 2002-02)
Subject to Section 9.3.4 and the requirements contained herein, the Board of Adjustment may permit the following:

1. Other commercial uses that the Board of Supervisors determines are compatible with the site, available infrastructure and adjacent development.
2. Railroads, water treatment plants, and wastewater treatment plants, but not including equipment storage or maintenance yards.
3. Communications Towers stations and towers and Meteorological Towers, provided that they will not interfere with the operation or any airport or landing strip.(Amended 8/15/22-Ord 2022-08)
4. Flea market or swap meet, subject to section 4.2.15.

E. C-2 Lot Development Standards. All development shall comply with the standards in Exhibit 3.6.6:



Exhibit 3.6.6: C-2 Lot Development Standards.

Maximum Intensity (FAR)	0.40, provided that a lesser intensity may be required where centralized water and/or wastewater service is not available or site conditions limit development potential	
Minimum Lot Area and Width.	Minimum Area	1 net acre, provided that minimum may be increased if site conditions limit development potential.
	Minimum Width	the greater of 150 feet or 1/3 the lot depth, but in no case shall a lot width of greater than 500 feet be required.
Minimum Setbacks	Front	30 feet
	Side	20 feet
	Side for corner lot	30 feet
	Rear	25 feet
Maximum Height	35 feet or 2 ½ stories	

F. C-2 Special Requirements. A C-2 district shall not exceed five acres except that the County may approve a larger district if the Board finds that the proposed use is consistent with County goals and policies.

3.6.7 M-1 Limited Industrial District

A. Purpose. The M-1 Limited Industrial District is intended principally for manufacturing, processing, storage, wholesaling, distribution and related uses that are generally contained within a building. The M-1 District implements the Employment future land use category of the Master Plan.

It is further the intent of this district to accommodate such uses in appropriate locations which will not adversely affect existing and future land uses in other districts, and be located on adequately constructed roads capable of handling the increased traffic load.

B. M-1 Permitted Principal Uses & Structures.

1. Manufacturing & processing within an enclosed building.
2. Contract construction office, maintenance shop or storage yard.
3. Farm, implement or truck sales, service and repair.



4. Lumber yards and building material sales and storage.
5. Distribution and warehousing, but not including the bulk storage of liquid fertilizer under pressure or petroleum products under pressure.
6. Truck and freight terminals.
7. Grain elevators and feed mills.
8. Welding, machine and repair shops.
9. Automobile paint and body shops.
10. Plumbing, heating, air conditioning and sheet metal shops.
11. Railroads, sewer treatment plants, water treatment facilities, and other utilities, including storage and maintenance yards.
12. Storage units including outdoor storage of operating recreational vehicles such as RV'S, boats and cars, pursuant to Section 4.2.11.

C. M-1 Permitted Accessory Uses and Structures. Uses and structures clearly incidental and necessary to the permitted principal uses or structure of this district.

1. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
2. A dwelling unit for watchmen, caretakers, or owner/operators employed on the premises provided that an open yard of at least 2,400 sq. ft. is reserved and maintained for use by the occupant.
3. Sales of goods produced on the site.
4. Non-Commercial WECS, subject to Section 4.2.17. (Amended 9/8/08-Ord 2008-02)
5. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. M-1 Special Exception Uses and Structures. (Amended 1/16/02Ord 2002-02)
Subject to Section 9.3.4 and the requirements contained herein, the Board of Adjustment may permit the following:

1. Bulk storage of anhydrous fertilizers and petroleum products under pressure.
2. Other production uses that the Board of Adjustment determines are compatible with the site, available infrastructure and adjacent development.

3. Communications Towers stations and towers and Meteorological Towers, provided that they will not interfere with the operation or any airport or landing strip.(Amended 8/15/22-Ord 2022-08)
4. Exterior storage, provided it creates no offensive noise, dust, odor, vibration or electrical interference.

E. M-1 Lot Development Standards All development shall comply with the standards in Exhibit 6.3.7:

Exhibit 6.3.7: M-1 Lot Development Standards.

Maximum Intensity (FAR)	0.25, provided that a lesser intensity may be required where centralized water and/or wastewater service is not available or site conditions limit development potential
Minimum Lot Area and Width.	Minimum Area- 5 net acres, provided that minimum may be increased if site conditions limit development potential. Minimum Width - the greater of 150 feet or 1/3 the lot depth, but in no case shall a lot width of greater than 500 feet be required.
Minimum Setbacks	Front - 30 feet Side - 20 feet Side for corner lot - 30 feet Rear - 25 feet
Maximum Height	35 feet or 2 ½ stories-

F. M-1 Special Requirements.

1. The minimum district size shall not be less than ten (10) acres.
2. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other debris or waste product be permitted to accumulate on the site. Open storage yards, shipping and receiving yards shall be located at least thirty (30) feet from any street right-of-way and at least twenty (20) feet from any lot line, with the exception that any livestock feed, grain, coal and similar materials shall be stored at least three hundred (300) feet from any Residential District. Storage yards containing combustibles shall be so located as to permit easy access for the fighting of a fire in such an area.



3.6.8 M-2 General Industrial District

A. Purpose. The M-2 General Industrial District is intended to accommodate general manufacturing and closely related uses while providing protection from harmful effects to existing and future uses in other districts and be located on adequately constructed roads capable of handling the increased traffic load. The M-2 District implements the Employment future land use category of the Master Plan.

B. M-2 Permitted Principal Uses & Structures.

1. Manufacturing and processing, within an enclosed building.
2. Contract construction office, maintenance shop or storage yard.
3. Automotive, farm implement or truck sales, service and repair.(Amended 5/21/03-Ord 2003-03)
4. Lumber yards and building materials sales and storage, concrete products ready mix plants.
5. Distribution and warehousing, but not including bulk storage of liquid fertilizer, petroleum products under pressure, explosives or highly volatile chemicals or materials.
6. Truck and freight terminals.
7. Grain elevators and feed mills.
8. Welding, machine and repair shops.
9. Automobile paint and body shops.
10. Plumbing, heating, air conditioning and sheet metal shops.
11. Railroads, sewer treatment plants, water treatment plants and other utilities, including storage and maintenance yards.

C. Permitted Accessory Uses and Structures.

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Dwelling units for watchmen, caretakers or owners/operators employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.
4. Non-Commercial WECS, subject to Section 4.2.17. (Amended 9/8/08-Ord 2008-02)
5. Non-Utility Scale Solar Installations, as provided in Section 4.2.19 of this ordinance. (Amended 10/3/2016-Ord 2016-03)

D. M-2 Special Exception Uses and Structures. (Amended 1/16/02-Ord 2002-02)
Subject to Section 9.3.3 and the requirements contained herein, the Board of Adjustment may approve the following provided that they are not closer than 1000 feet to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly:

1. Chemical plants.
2. Explosive manufacture or storage.
3. Fertilizer manufacture.
4. Bulk storage of anhydrous fertilizers and petroleum products under pressure.
5. Garbage, offal, or dead animal reduction.
6. Refining of petroleum and natural gas and their products.
7. Stockyards or slaughter of animals and handling or processing of by-products.
8. Sanitary landfill or waste disposal area, provided that refuse is covered with dirt daily if it contains raw garbage; that a nuisance due to smoke, odor or blowing of trash and debris shall not be created; that the site shall be restored to a condition compatible with the adjacent area upon conclusion of the landfill operation. A dust free access road shall be provided.
9. Auto wrecking and junkyards provided that the front yard be maintained as an open space free of weeds and debris; that the site be enclosed with a 6 foot high opaque fence or a suitable landscape planting that shall screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas, and residential properties.



E. M-2 Special Exception Uses and Structures. Subject to Section 9.3.4 and the requirements contained herein, the Board of Adjustments may permit the following:

1. Outdoor production activities for permitted uses.
2. Communications Towers stations and towers and Meteorological Towers, provided that they will not interfere with the operation or any airport or landing strip. (Amended 8/15/22-Ord 2022-08)

F. M-2 Lot Development Standards. All development shall comply with the standards in Exhibit 3.6.8:

Exhibit 3.6.8: M-2 Lot Development Standards.

Maximum Intensity (FAR)	0.25, provided that a lesser intensity may be required where centralized water and/or wastewater service is not available or site conditions limit development potential
Minimum Lot Area and Width.	Minimum Area - 5 net acres, provided that minimum may be increased if site conditions limit development potential. Minimum Width - the greater of 150 feet or 1/3 the lot depth, but in no case shall a lot width of greater than 500 feet be required.
Minimum Setbacks	Front - 50 feet Side - 20 feet Side for corner lot - 30 feet Rear - 50 feet
Maximum Height	50 feet or 4 stories

G. M-2 Special Requirements

1. The minimum district size shall not be less than ten (10) acres.
2. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other debris or waste product be permitted to accumulate on the site. Open storage yards, shipping and receiving yards shall be located at least thirty (30) feet from any street right-of-way and at least twenty (20) feet from any lot line, with the exception that any livestock feed, grain, coal and similar materials shall be stored at least three hundred (300) feet from any Residential District. Storage yards containing combustibles shall be so located as to permit easy access for the fighting of a fire in such an area.

3.6.9 PUD Planned Unit Development District

- A. Purpose.** To provide flexibility in exchange for long term community benefits where streets and utilities are adequate, where the proposed use is compatible with adjacent development and where proposed development does not impinge on existing agricultural operations on adjacent properties. This district generally will require simultaneous subdivision and rezoning, as well as the execution of a development agreement to provide for the installation and continued maintenance of private facilities. This district should be located in areas where corn suitability ratings are below 60 for at least 80 percent of the property, the development of the property will not interfere with nearby agricultural operations and flexible development patterns will allow the creation of more efficient development patterns with less disruption of natural resources.

A Planned Unit Development district requires review pursuant to Section 9.3.10 to ensure that increased densities and development flexibility are limited to high quality developments providing amenities for district residents and long-term benefits for the community as a whole.

B. Permitted Uses/Structures.

1. Any use that the Board of Supervisors finds compatible with the existing and planned uses in the development and on adjacent properties.
2. The Board of Supervisors, at the time of adoption of an ordinance establishing a PUD district shall list uses that are authorized by right and by special use permit. All authorized uses shall be subject to applicable permit and approval processes established in Chapter IX of this Code. Modification of the authorized use lists for any planned development shall be processed pursuant to the rezoning process established in Section 9.3.2. (Amended 1/16/02-Ord 2002-02)

C. Density/Intensity

1. **Residential Density.** Gross residential densities for the development shall be established at the time of planned development approval. In determining the gross density, the Board of Supervisors shall consider:
 - a. The amenities and services provided for the development's residents;
 - b. Potential conflicts with nearby agricultural operations;
 - c. Natural features, such as wetlands, flood plains, sink holes or steep slopes; and
 - d. The adequacy of on-site and off-site streets to carry traffic likely to be generated by the development.



2. **Non-residential Intensity.** Non-residential development shall be established as a maximum floor area ratio (FAR) at the time of planned development approval. In determining the maximum FAR, the Planning & Zoning Commission and Board of Supervisors shall consider:
 - a. The intensity of adjacent development;
 - b. Demands for the non-residential development proposed in the PUD;
 - c. The mix of residential and non-residential development in the vicinity;
 - d. The adequacy of transportation facilities, including streets, parking, transit facilities and bicycle/pedestrian facilities; and
 - e. The adequacy of utilities and public services.

D. Minimum District Size. A minimum of 5 acres shall be required for the establishment of a planned development district, unless the Planning & Zoning Commission recommends and the Board of Supervisors finds that a smaller district is appropriate for the development or redevelopment of a smaller infill site.

E. Bulk Standards.

1. **Minimum Lot Dimensions and Area** shall be established at the time of Planned Unit Development approval.
2. **Setback Standards.** Residential building setbacks shall not be less than the minimum setback standards established in the R-2 district and non-residential standards shall not be less than the minimum setback standards established in the C-2 district unless the applicant can demonstrate that:
 - a. buildings can be designed safely and compatibly with lesser setbacks;
 - b. reduced setbacks are offset by the provision of readily accessible private or common open space;
 - c. modified setbacks provide for the protection of steep hillsides, wetlands or other environmentally sensitive natural features; and
 - d. all buildings are provided with adequate emergency access for fire protection.
3. **Maximum Building Height** shall be established at the time of Planned Unit Development approval.

F. Special Requirements.

1. **Development Standards.** Planned Unit Developments shall comply with the standards of this Code, except when the County finds that public

or private amenities provided by the proposed development exceed those that would be achieved through development that strictly complies with the minimum standards of this code.

2. **Community Amenities.** Deviation from the standards of this ordinance may be recommended by the Planning & Zoning Commission and approved by the Board of Supervisors subject to the provision of the following community amenities.
 - a. Transportation amenities, including additional trails, bike or pedestrian amenities, transit oriented improvements (including school bus shelters);
 - b. Park land dedication and facilities for active or passive recreation;
 - c. Open space or agricultural land reservation;
 - d. Community facilities for provision of public services beyond those required for development within the PUD;
 - e. Housing that is reserved as affordable to moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; or
 - f. Other provisions in excess of minimum standards that the Board finds provide sufficient community benefit to offset the proposed deviation from strict development standards.
3. **Contractual Agreement.** Approval of a PUD allows the development and use of a parcel of land under certain specific conditions. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PUD project shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. A seller of a property that is zoned PUD shall apprise the buyer of the terms and conditions of the PUD approval. The County bears no liability for misrepresentation of terms and conditions of an existing approval. The developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.
4. **Conformance with Subdivision Review.** Subdivision review, in accordance with the Subdivision Regulations, shall be carried out simultaneously with the review of a PUD rezoning.
5. **Conformance with Subdivision Requirements.** The site plans submitted under Section 9.3.10 shall satisfy the requirements of the subdivision regulation for preliminary plans and final plats.



6. **Final Plat Not Required.** The requirements of this chapter and those of the Subdivision Regulations shall apply to all PUDs except when a PUD is proposed in an existing subdivision and no changes are proposed in existing lot boundaries, rights-of-way, or public or private easements.
7. **Transfer of Ownership.** No person shall sell, convey, or transfer ownership of any property or any portion thereof within a planned unit development zone until such person has informed the buyer of the property's exact status with respect to the planned development process and conditions of approval.
8. **Planned Development Zone Designation.** The Administrator shall designate each approved PUD on the Official Zoning Map by specifying the ordinance amendment number.

3.6.10 RE Renewable Energy Overlay District

- A. **Purpose.** The RE Renewable Energy Overlay District is intended to allow for the orderly development of utility scale solar and wind farm energy projects. This section establishes an overlay district that serves the following purposes:
 1. To encourage and support the development and use of alternative and renewable energy resources.
 2. To encourage development that conforms to the goals, objectives and Master Plan that pertains to the area in which the development is proposed.
 3. To encourage sustainable and energy efficient development which aims to strengthen the global response to the threat of climate change.
- B. **Geographic Location.** The renewable energy overlay district shall be geographically located in the areas currently zoned A-1 (Prime Agriculture), AR-1 (Agricultural Recreation), C-1 (Highway Commercial), C-2 (Rural Support Commercial), M-1 (Limited Industrial), or M-2 (General Industrial).
- C. **Permitted Uses.** Uses allowed in the renewable energy overlay district shall include commercial wind energy conversion systems and utility scale solar installations.
- D. **Rezoning Application.** A commercial wind energy conversion system and utility scale solar installation requires an application to rezone the area to be used to renewable energy overlay district pursuant to Section 9.3.2 of the ordinance. Such application shall include the requirements listed under Section 4.2.16 or 4.2.18, for commercial wind energy conversion system or utility scale solar installation, respectively.

E. Additional Requirements. Additional requirements within this chapter and other county ordinances shall apply to the development in the renewable energy overlay district, including but not limited to, the supplementary conditions listed in chapter IV of this ordinance.

F. Moratorium.

1. The county shall not approve any request to rezone property to the Renewable Energy Overlay District for a period or periods as described in Sections 3.6.10 while the Board of Supervisors reviews and possibly revises language in this chapter related to utility-scale wind installations.
2. Subsection 3.6.10.F shall be repealed automatically on:
 - a. September 30, 2024, unless extended before that date by Resolution of the Board of Supervisors until no later than December 31, 2024.
 - b. December 31, 2024, unless extended before that date by Resolution of the Board of Supervisors until no later than March 31, 2025.
 - c. March 31, 2025, unless extended before that date by Resolution of the Board of Supervisors until no later than June 30, 2025.

3.7 SUMMARY OF DISTRICT BULK STANDARDS. A summary of the each zoning district’s bulk standards is provided in Exhibit 3.7.1.

Exhibit 3.7.1: Summary of District Bulk Standards.

Residential Zoning Districts	Maximum Gross Density	Minimum Lot Size	Minimum Setbacks				Maximum Height
			Front	Side	Corner	Rear	
A-1	1 unit / 40 acres	2 acres	50	15	30	40	35' or 2 ½ stories
AR-1	1 unit / 5 acres	2 acres	50	15	30	40	*



R-1	1 unit / 2 acres	2 acres	30	15	30	35	*
R-2	4 units / 1 acre	9,600 sq.ft.	30	10	25	35	*
Nonresidential Zoning Districts	Maximum Intensity (FAR)	Minimum Lot Size	Minimum Setbacks				Maximum Height
			Front	Side	Corner	Rear	
C-1	0.40	1 acre	30	20	30	25	*
C-2	0.40	1 acre	30	20	30	25	*
M-1	0.25	5 acres	30	20	30	25	*
M-2	0.25	5 acres	50	20	30	30	50' or 4 stories

* 35 feet or 2 ½ stories.

3.8 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this ordinance shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.

3.8.1 All Uses and Structures to Conform. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located, except as allowed in Section 4.2.1.A.1.

3.8.2 Minimum Setback and Lot Areas May Not Be Reduced. No setback or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth except pursuant to Section 9.3.5. Lots or development created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

3.8.3 Area and Bulk Regulations.

A. Lot Area.

1. **Measurement.** Lot area is measured as the net area contained within the property lines as defined in Section 2.2 of this ordinance.
2. **Exceptions.** No zoning permit or development approval shall be issued for a lot that fails to meet the minimum lot area requirements of this Code except in the following cases.
 - a. **Utilities.** Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards.

- b. **Single-Family Dwelling Unit Exemption.** The minimum lot area standards of this Code shall not prohibit the construction of a detached, single-family dwelling unit on a lot that was legally platted or recorded before the adoption of this Code, provided that the dwelling unit is constructed in compliance with all applicable dimensional standards.
- B. **Lot Width.** Lot width is measured as the shortest distance between side lot lines behind the front building setback.
- C. **Street Frontage.** Street frontage is measured between side lot lines along the front lot line.
- D. **Setbacks.** Setbacks are measured as the shortest distance between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this section.
- E. **Exceptions and Permitted Encroachments.** The following features may encroach into required setbacks:
 - 1. Landscaping and berms;
 - 2. Bay windows, belt courses, cornices, ornamental features and sills, not to exceed 3 feet;
 - 3. Open-lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than three and one-half (3-1/2) feet and where the same are so placed as not to obstruct light and ventilation;
 - 4. Clothesline post;
 - 5. Driveways, curbs and sidewalks;
 - 6. Flagpoles;
 - 7. Heating and cooling units, not to exceed 3 feet from structure;
 - 8. Mailboxes;
 - 9. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed 2 feet, however, the Administrator may permit eaves and overhang features to project into a required yard a distance not to exceed forty-eight (48) inches;
 - 10. Septic systems, wells and underground utilities;
 - 11. Signs;



12. Steps, stairs or fire escapes (non-enclosed), not to exceed 6 feet from structure;
13. Uncovered, unenclosed terraces or porches, platforms and ornamental features which do extend more than three feet above the floor level of the ground story, provided these uses maintain a minimum distance of five feet from the adjacent side and rear lot lines;
14. Accessory buildings, to within 5 feet of the rear property line unless otherwise limited;
15. Fences or walls; and
16. Yard and service lighting fixtures, poles.

F. Lot Coverage. Lot coverage is measured as the percentage of the total lot are covered by buildings and other impervious surfaces. It is calculated by dividing the square footage of impervious cover by the square footage of the lot. All parking areas, whether paved or graveled shall be counted towards lot coverage.

G. Height.

1. Measurement. Building height is measured as defined in Section 2.2.
2. Exceptions. Zoning district height limits do not apply to grain storage bins, grain elevators, feed mills, or to spires, belfries, cupolas, chimneys, antennas that are less than 100 feet in height, water tanks, utility poles or towers, ventilators, elevator housings or other structures placed above the roof level and not intended for occupation.
3. FAA Limitations. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, Exhibit 3.8.4: Flag Lots structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited. Regulations adopted by the Federal Aviation Agency (FAA) shall be minimum standards. No request shall be approved if it violates FAA standards.

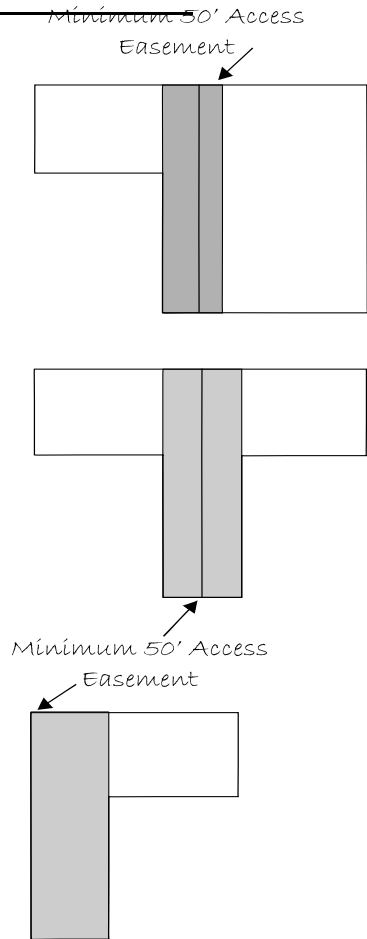
3.8.4 Flag Lots. Flag lots shall be allowed in all Agricultural and Residential zoning districts in accordance with the standards of this subsection, provided they comply with the minimum driveway spacing standards.

A. Frontage. Each flag lot shall have at least 25 feet of street frontage, provided that the County may require a minimum access easement of 50 feet at each location where a flag lot reaches public right-of-way. Said easement shall run the full depth of the lot or lots as shown in Exhibit 3.8.4.



- B. Lot Area Calculation.** The area of the access easement shall not be counted as part of lot area.
- C. Driveways.** Driveways shall be designed to allow vehicles to drive-out forward. Common driveways shall be allowed to serve up to 6 lots.
- D. Number.** A maximum of 2 flag lots are allowed in subdivisions of 4 lots or less. No more than 20 percent of the lots within a subdivision containing 5 or more lots shall be flag lots. No more than 2 flagpole lots may be contiguous.
- E. Front Yard Setback.** The front yard setback shall be measured from the easement along the pole of a flag lot.

3.8.5 Lot Standards. Lots shall comply with the standards established in Section 3.3 of the Subdivision Regulations.



CHAPTER IV: SUPPLEMENTARY CONDITIONS

4.1 GENERAL CONDITIONS. The following provisions shall apply to all districts except as otherwise stated:

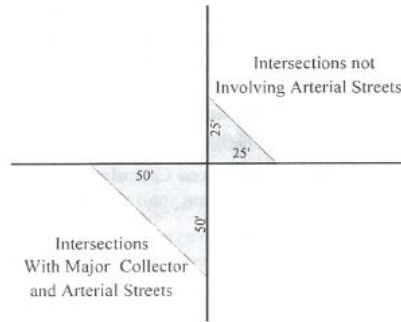
4.1.1 Visibility at Intersection. On a corner lot in any district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within:

- A. for intersections of two local streets, the triangular area formed by connecting the right-of-way lines, at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines, and measured along the right-of-way lines; or
- B. for intersections involving one or more collector or arterial streets, the triangular area formed by connecting the right-of-way lines of the intersecting streets at points which are fifty (50) feet from their point of intersection.
- C. The County Engineer may allow modifications to the distance required at intersections if the safety of pedestrians, bicyclists and motorist is ensured.

4.1.2 Use of Public Right-of-Way. No portion of the public road assessment, street or alley right-of-way shall be used, or occupied for storage, display, parking or loading space required by this ordinance, or any other purpose that would obstruct the use or maintenance of the public right-of-way.

4.1.3 Building to Have Access. Every building hereafter erected shall be on a lot or parcel having frontage on a graveled or paved public street or road, or on a graveled or paved private road or recorded access easement, such public or private access being reasonably accessible to emergency response vehicles including but not limited to fire pumper and tank trucks and ambulances. This access restriction does not include access which may be temporarily blocked by flooding. (Amended 11/22/2000-Ord 2000-05).(Amended 2/2/2009-Ord 2009-01)

Visual Sight Triangles
(distances from right-of-way)



Zoning Compliance Permits shall not be issued for structures abutting a half street and located on that side from which the required dedication has not been secured.(Amended 11/22/2000-Ord 2000-05)

4.1.4 Existing Farm Dwellings. Nothing in this ordinance shall require any person or persons occupying a farm dwelling, principal or secondary, at the date of passage of this ordinance to vacate the dwelling or involuntarily sever it from the remainder of the farm. If the dwelling is voluntarily severed from the farm to be used and maintained as a non-farm residence by the occupant or for sale or lease to others, it shall be divided pursuant to Iowa law. The surveyed lot shall be no larger than necessary, with a minimum area of two (2) acres, to include the typical farm buildings and accessory work area. However, the Administrator may grant approval for certain of these typical farm buildings to remain as part of the farm and not be included with the severed dwelling if all the following conditions are met:

- a. An Agricultural Warning Notice, approved as to form by the County Attorney and prepared by Planning & Zoning Staff, is recorded with the plat and included as part of the deed of the home to be separated from the farm.
- b. Notification of the request shall be sent to all property owners within 500 feet of the subject property as well as all sitting members of the Board of Adjustment. If the Planning & Zoning Office receives written opposition to the request within 14 days of the date of mailing, the decision to not include the typical farm buildings with the home must be made by the Board of Adjustment as an application for Special Exception as provided in Section 3.6.1 or 3.6.2 of this Ordinance.

At the Administrator's discretion, a decision to not include the typical farm buildings with the home may be made by the Board of Adjustment as an application for Special Exception as provided in Sections 3.6.1 and 3.6.2 of this Ordinance.

Once the dwelling is split off, neither the new lot nor the remaining farmland of the farmer may be subsequently platted into small lots for any use other than farming, unless the land is rezoned and/or subdivided pursuant to County regulations. (Amended 5/18/09-Ord 2009-08) (Amended 8/8/2016-Ord 2016-02)

4.1.5 Floodplain Regulations. Clinton County has adopted flood plain regulations as a supplement to this ordinance. All development within floodway and floodplain areas shall comply with this ordinance and in addition to the adopted floodplain regulations.

4.1.6 Driveway Standards. The minimum driveway spacing standards shall comply with Exhibit 4.1.6.

Exhibit 4.1.6: Driveway Standards

Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and Intersecting Streets
Local Street	No minimum	75 ft.
Minor Collector	200 ft.	150 ft.
Major Collector	300 ft.	150 ft.
Arterial	1,000 ft.	300 ft.

- A) Access separation between driveways shall be measured from centerline to centerline.
- B) Access separation between a driveway and intersecting street shall be measured from the centerline of the driveway and the nearest point of curvature of the intersecting street.
- C) Where channelized turns are provided for intersecting streets or driveways, the County Engineer shall determine the appropriate separations.

4.1.7 Alcohol Sales. Sales of alcoholic beverages shall not be allowed on property owned and/or leased and controlled by, or on behalf of, Clinton County or its subsidiaries. (Amended 4/4/2005-Ord 2005-02)

4.1.8 One Dwelling per Lot or Parcel. Except as otherwise specifically authorized in this Ordinance, only one Single Family Dwelling is permitted on each Lot or Parcel. (Amended 5/18/2009-Ord 2009-08)

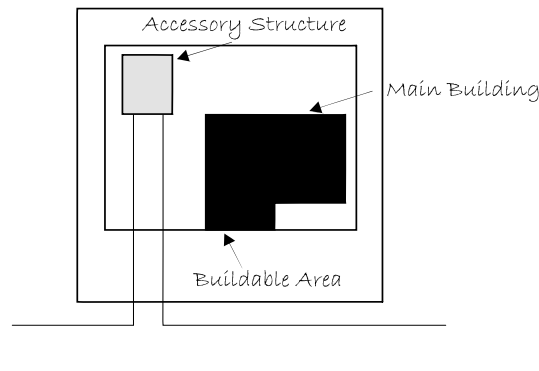
4.2 SPECIFIC USE STANDARDS.

4.2.1 Accessory Uses and Structures

- A. **Accessory Structures.** No accessory building shall be erected in any required front setback area and no separate accessory buildings shall be erected within five (5) feet of the rear yard or side yard lot line. Accessory buildings shall not occupy more than thirty (30) percent of the rear or side yard. Accessory buildings located closer than ten (10) feet to a principal structure shall be considered part of the principal structure. (Amended 8/10/2016-Ord 2016-03)
 - 1. In a residential or agricultural zoning district an accessory building or structure is a subordinate or incidental structure, attached to or detached from the principal building, which is not used for commercial purposes except as provided for home occupations or farm use. (Amended 8/10/2016-Ord 2016-03)



2. In non-residential zoning districts an accessory building or structure is a subordinate building or structure, the use of which is secondary to and supportive of the principal building. (Amended 8/10/2016-Ord 2016-03)
3. All non-agricultural structures are subject to the bufferyard requirements found in Chapter VII of this Ordinance. (Amended 8/10/2016-Ord 2016-03)



B. Standards for Accessory Structures in Residential Zoning Districts.

Accessory buildings may be allowed in residential zoning districts pursuant to the following conditions:

1. Detached accessory structures shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard, except that a detached private garage not larger than 800 square feet may be located in front of the principal residence.
2. The minimum required side setback for the principal building shall be observed for accessory buildings; and
3. Accessory buildings adjacent to a side street on a corner lot shall have a side yard not less than that of the primary structure.

C. Accessory Dwellings. A secondary farm dwelling may be allowed as an accessory use to the principal dwelling unit, provided that the unit:

1. may be constructed only in the Agricultural and Residential zoning districts;
2. must be built to serve as living quarters for the owner or spouse, a full-time employee of the farm operation, or the mother, father, or children of the owner or spouse.



3. more than one secondary farm dwelling, or any accessory dwelling that does not comply with the limitations of Section 4.2.1.C.2, shall require issuance of a special exception use permit pursuant to Section 9.3.4;
4. shall be located within 250 feet of the primary farm dwelling;
5. shall be a permanent structure anchored to a permanent foundation;
6. may not be sold separately from the sale of the entire property, including the principal dwelling unit;
7. shall comply with all required building setbacks for the principal residential use;
8. shall be provided an additional parking space.

4.2.2 Home Occupations

- A. Purposes.** The purposes of these home occupation regulations, standards and requirements are:
1. to permit and regulate the conduct of home occupations as an accessory use to a dwelling unit, whether owner or renter occupied;
 2. to ensure that such home occupations are compatible with, and do not have a deleterious effect on adjacent and nearby residential properties and uses;
 3. to adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;
 4. to allow residents of the community to utilize their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
 5. to enable the fair and consistent enforcement of these home occupation regulations; and
 6. to promote and protect the public health, safety and general welfare.
- B. Generally.** No home occupation, except as otherwise provided herein, may be initiated, established, or maintained in the County except in conformance with the regulations, administrative procedures and standards set forth in this Chapter.



- C. Home Occupation Standards.** Home occupations are authorized if they comply with the performance standards set forth herein and the performance standard established in Exhibit 4.2.2.
1. All home occupations shall be undertaken and carried out in conformance with all other applicable county statutes, codes, ordinances or regulations.
 2. Home occupations may only be operated by a full-time resident of the property in which the activity occurs.
 3. The home in which the occupation occurs shall retain a residential appearance. The outside appearance of the residence may not be modified to call attention to the home occupation.
 4. Any signage used to advertise the home occupation shall comply with the provisions of Chapter VIII.
 5. Noise levels from the home occupation that are detectable at the property line shall not exceed those generated by the primary use.
 6. Public facilities and utilities shall be adequate to safely accommodate any equipment used in conjunction with the home occupation.
 7. Off-street parking spaces shall be provided as required for the residential use, plus one space for each allowed employee and one space for each client allowed to visit at a given time.
 8. No home occupation shall be conducted within a required building setback.
 9. On lots smaller than ten (10) acres, no vehicles shall be parked and no equipment or materials shall be stored for using heavy equipment or materials or trucks exceeding a eight (8)-ton capacity.
 10. In residential districts, no mechanized equipment may be used in conjunction with the home occupation except within a completely enclosed structure. Use of power equipment in open garages or on patios is prohibited.
 11. No materials, including equipment being repaired or used in conjunction with the home occupation, shall be stored outdoors.
 12. Storage of dangerous, combustible or volatile materials to be used in conjunction with the home occupation shall not be permitted in residences.
- D. Exempt Home Occupations.** All home occupations listed below shall be subject to all applicable home occupation regulations and standards of this



Chapter, *but shall not be required to obtain a home occupation permit*, provided that all persons engaged in such activities reside on the premises and the following conditions are satisfied:

1. artists, sculptors, composers not selling their artistic product to the public on the premises;
2. craft work, such as jewelry-making and pottery with no sales permitted on the premises;
3. home offices with no client visits to the home permitted;
4. telephone answering and message services with no non-resident employees;
5. day care for 6 or fewer children, other than the occupants' own children;
6. sale of seed for farm use.

Exhibit 4.2.2: Home Occupation Performance Standards.

Performance Standard*	Zoning District			
	A-1	AR-1	R-1	R-2
Location of Operations				
must be in residence or accessory structure	✓	✓	✓**	✓**
must be in residence				✓
Customers				
limited to 1 client vehicle at a time				✓
limited to 2 client vehicles at a time	✓	✓	✓	
limited to one client visit per day				✓
limited to five client visits per day			✓	
limited to ten client visits per day	✓	✓		
limited to 7:30 a.m. to 7:00 p.m.	✓	✓	✓	✓
Shipping Deliveries (excluding US mail)				
limited to 2 per day	✓	✓	✓	✓
Vehicular Size Limits				
no equipment or delivery vehicles shall exceed a 8 ton capacity			✓	✓
Maximum Area for Home Occupation				



Performance Standard*	Zoning District			
	A-1	AR-1	R-1	R-2
10 percent of residential floor area				✓
25 percent of residential floor area			✓	
2,500 square feet	✓	✓	✓**	
Animals				
No animals as part of business			✓	✓
Small animal grooming or training, but no boarding	✓	✓		
Non-Resident Employee Limits				
non-resident employees not allowed				✓
up to one non-resident full time equivalent (FTE) allowed.			✓	
up to 2 non-resident full time FTEs allowed.	✓	✓		
* Performance standards only apply in districts where a ✓ occurs				
** For lots or parcels smaller than 5 acres the home occupation shall not be conducted in an accessory structure.				

E. Prohibited Home Occupations. The following types of activities are expressly prohibited as home occupations in all residential and agricultural zoning districts unless expressly permitted within that zoning district: (Amended 5/21/03-Ord 2003-03)

1. animal hospital, stable or kennel.
2. auto body work, painting or similar uses.
3. dispatching of any on-site commercial vehicles.
4. gymnastics facilities or studios.
5. health care facilities.
6. medical offices for doctors and dentists.
7. registered day care facilities, unless specifically permitted by the applicable zoning district regulations.
8. restaurant or other commercial food service open to the public.
9. retail sales of products or goods, unless produced on the premises.
10. shops for contractors and tradesmen, such as electricians, plumbers and carpenters on parcels smaller than five (5) acres.



11. trash hauling operations.
12. tattoo, body piercing or massage services.

F. Nonconforming Home Occupations. All existing home occupations which are either expressly prohibited or which are not in conformity with one (1) or more of the standards or requirements set forth in this Chapter shall be removed, or modified to become conforming, upon the occurrence of any of the following events:

1. the home occupation or the dwelling itself becomes unsafe or presents a safety hazard; or
2. the home occupation is abandoned or discontinued for a period of one (1) year or longer; or
3. the dwelling in which the home occupation is conducted is destroyed, or damaged by more than 50% of its area.

G. Unsafe Home Occupations. If, in the opinion of the Administrator, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to Section 10.1.

4.2.3 Animal Exhibits and Zoos. Animal exhibits and zoos may be permitted subject to issuance of a conditional use permit, and provided that the following conditions are satisfied:

- A.** The application for a conditional use permit shall contain or be accompanied by the following information:
1. Copies of all Federal and State permits that are required by law;
 2. A complete and detailed description and diagram of the confinement space proposed for each animal;
 3. A list of the animal species to be displayed at the facility;
 4. Written proof that a veterinarian licensed as such by the State of Iowa has committed to the owner to provide care to the animal and to advise the



- owner regarding its care;
5. Proof of insurance, together with an underwriting memorandum stating knowledge of the exposure that will protect the public against bodily injury or death caused by the animal, providing for limits of \$1,000,000 per person, per occurrence and for notice to the Administrator within 30 days of its cancellation or renewal; and
 6. In addition to other standards for the granting or denial of a conditional use permit, a permit may be denied for failure to satisfy any submittal requirement and for failure to provide a safe and sanitary confinement space for each animal.
- B.** The animal exhibit or zoo shall be located on a parcel of land not less than ten (10) acres in size.
- C.** The animal exhibit or zoo shall not be located within twelve hundred (1,200) feet of any residential zoning district or any existing dwelling, other than a dwelling to be used by the caretaker of the animal exhibit or zoo.
- D.** The following screening and landscape buffering shall be provided between any animal cages or other structures and any adjacent residential or agricultural district or dwelling:
1. A landscaped opaque wall or fence at least six (6) feet in height; and
 2. A natural, wooded or planted bufferyard of at least fifty (50) feet in width for each twenty-five (25) animals of greater than forty (40) pounds in body weight. For purposes of this section, the bufferyard shall include at least four (4) trees and 16 shrubs for every 1,000 square feet of required landscape area.
- E.** The behavior of the type and/or number of animals owned or maintained by the applicant shall not infringe on the enjoyment of any existing adjacent residential use in terms of noise, odor, safety or aesthetics.
- F.** The applicant shall register exotic or wild animal(s) with the County Sheriff's Department, as required by State law.
- G.** Permission for this use may be revoked by the County Board of Supervisors if the animal(s) become(s) a nuisance or a danger to any person, or if any condition of approval of the permit is violated, or if any other law or lawful rule is violated, or if the health, safety, and welfare of the public are threatened.
- H.** Access to the facility must be provided from a paved arterial or major collector street.
- I.** A copy of the bill of sale or receipt for the purchase of each animal;



4.2.4 Bed and Breakfast Establishments. In all districts in which bed and breakfast homes or bed and breakfast inns are permitted, the following standards shall apply:

- A. All applicable local, state and federal requirements shall be satisfied.
- B. Cooking facilities shall not be permitted in individual guest rooms.
- C. In addition to required residential parking, one off-street parking space shall be provided for each guest room.
- D. In A-1 and AR-1 zoning districts, common dining areas for bed and breakfast inns may be leased for social events, if authorized as part of the conditional use permit.
- E. In residential zoning districts, common dining areas shall not be leased for social events.
- F. Bed and breakfast inns shall have direct access to a paved major collector or arterial street.

4.2.5 Child Care. In all residential districts child care homes with 6 through 12 children or for less than sixteen children as authorized in accordance with Section 237A.3 of the Iowa Code are permitted, provided such homes will be operated in a manner that is compatible with and not detrimental to, adjacent properties or the neighborhood in general, as evidenced by compliance with the following requirements:

A. General.

- 1. Applicant for a permit to establish a child care facility shall provide sufficient proof that the proposed use will comply with all State and County regulations.
- 2. Identification from a public street by signage, graphics, display, or other visual means shall be limited to a total area of 4 square feet.
- 3. Compliance with all applicable building and fire safety regulations.
- 4. Outdoor play space: 100 square feet per child excluding children in cribs. The area shall be fenced, which shall be built and maintained to a minimum of four (4) feet in height. No play areas shall be permitted in the front setback. Parking areas may not be counted toward play space.
- 5. Indoor space: at least 35 heated square feet per child. The heated space shall not include hallways and bathrooms, closets, utility rooms, and offices.
- 6. A child care facility shall be located on a site that will accommodate and provide space for an off-street passenger loading zone to provide for the safe delivery and pick-up of passengers and does not impede the flow of traffic on adjacent streets, in addition to applicable parking requirements.



- B. Family Day Care Home.** A family day care home, providing child day care to more than 6 and fewer than 12 children as authorized by State law, shall be registered and licensed, by the State and County, as applicable and required by law. Any family day care home providing care to more than five (5) non-resident children in a residential area shall be required to obtain a Special Exception permit. (Amended 1/16/02-Ord 2002-02)
- C. Child Day Care Center.** A child day care center serving 12 or more children as defined by State law, shall be registered and licensed, by the State and County, as applicable and required by law, and comply with the following conditions:
 - 1. shall provide space for an off-street passenger loading zone and circular drive to provide for the safe delivery and pick-up of passengers, in addition to applicable parking requirements.
 - 2. shall provide a Type B bufferyard along all property lines abutting any residential use, pursuant to Section 7.2.

4.2.6 Group Living. Access and off-street parking for group dwellings shall be provided subject to the requirements of Chapter VI.

A. Group Home.

- 1. A group home is a residential care facility, providing 24-hour care, in a protected living arrangement, for not more than six (6) residents with physical or mental disabilities.
- 2. The group home shall be approved or licensed by the State and County, as applicable and required.

B. Group Quarters.

- 1. Group quarters are a building or structure used as a place of residence by more than six (6) unrelated persons who share the living accommodations and do not occupy independent dwelling units. The provisions of this section do not apply to group homes as described above.
- 2. Group quarters shall:
 - 1. Be designed for and limited to residents with minimal needs for supervision or medical care, if located in a residential district;
 - 2. Be located so that emergency vehicles do not need to drive on minor residential streets to access such facilities;

C. Nursing Homes and Convalescent Hospitals.

- 1. These uses shall be located on roadways designated as a collector or arterial.
- 2. Building coverage shall not exceed forty percent (40%) of the lot or parcel.



3. Seventy (70) square feet of open space, which may be utilized for recreational use or landscape areas, shall be provided for each bed.
4. For the purposes of determining bufferyard requirements pursuant to Section 7.2.3 these uses shall be considered commercial uses.

4.2.7 Gun Clubs, Firing Ranges, Skeet Shooting and Related Uses.

A. All indoor firing ranges shall be located at least two hundred (200) feet from any residential district or dwelling, and within a completely enclosed structure, designed to significantly prevent the escape of sound from the property.

B. All outdoor firing ranges

1. Shall be located at least twelve hundred 1,200 feet from a residence or any residential district, and on a site of at least ten (10) acres.
2. A solid fence, wall, berm or shield shall be provided behind all shooting areas, and be reviewed by the County Sheriff's Department.
3. Facilities shall be designed to prevent projectiles from escaping the property.
4. The location and type of facility shall be reviewed by the County Sheriff's Department.
5. Access and off-street parking shall be provided subject to the requirements of Chapter VI.
6. A Type E Bufferyard shall be provided along all abutting property lines of outdoor facilities, pursuant to Section 7.2.
7. Hours of operation for outdoor facilities shall be limited to 9:00 am to 9:00 pm.

4.2.8 Manufactured Home Parks. Manufactured home parks shall only be allowed within a Planned Unit Development District and shall have a maximum density of eight (8) manufactured homes per acre. The following standards shall also apply:

A. All manufactured home spaces shall abut on a hard-surfaced roadway of not less than twenty-four (24) feet in width which shall be adequately lighted and drained and which shall have fully paved access to a paved public street or highway.

B. No manufactured home or structure shall be closer than twenty-five (25) feet to any property line of the manufactured home park nor closer than twenty (20) feet to another manufactured home or any building in the park except where manufactured homes are parked end to end, the end clearance shall be at least fifteen (15) feet.

C. No additions shall be built onto any manufactured home other than a porch or entry-way. Additions shall not extend closer than fifteen (15) feet to the nearest



manufactured home and its additions.

- D. All buildings and manufactured homes within the park shall be served with community or municipal water supply and sewage disposal systems approved by the County and State Health Departments.
- E. Two (2) off-street parking spaces shall be provided for each manufactured home site and one (1) space for every 200 square feet of floor area in administration and service buildings.
- F. All manufactured homes shall be skirted and anchored in a manner approved by the Administrative Officer.
- G. In evaluating the proposed development, the Planning & Zoning Commission and the Board of Supervisors shall evaluate, in addition to other considerations, the following:
 - 1. The effect of the proposed manufactured home park on adjacent property values.
 - 2. The consistency and compliance of the proposed manufactured home park with the provisions of applicable County and State regulations.
 - 3. The suitability of the site for the proposed use with special attention to topography, subsurface conditions and the availability of necessary utility service.
 - 4. The relation of the population density resulting from the proposed manufactured home park to the public interest.
 - 5. The use of sound planning and engineering practices.
 - 6. The availability of access from existing highways and the nature of the altered traffic pattern resulting from the manufactured home park.
 - 7. The availability of schools, police protection, fire protection and other public services.

4.2.9 Quarries, Mines & Landfills. When allowed quarries shall be subject to the following additional requirements:

A. Location.

- 1. **Landfills.** No landfill shall be located closer than 1,000 feet to any dwelling, park or school. Landfill areas shall be located at least 100 feet from the right-of-way line of any public road. The establishment of sanitary landfills or other uses potentially hazardous to the environment shall, where applicable, comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Chapter 455 B of



the Code of Iowa.

2. **Mineral Extraction.** Mining and extraction of minerals or raw materials shall be located at least 100 feet from the right-of-way line of any public road; and such operation shall not be closer than 500 feet to any dwelling, park or school.
- B. Reclamation Plan.** The application for the use shall include a plan for restoration procedures and methods to insure financing of the restoration of each cell once the use ceases. The reclamation plan shall include the following:
1. phasing and schedule of work to be conducted;
 2. phasing and schedule of reclamation to be conducted;
 3. materials to be used in the reclamation;
 4. the effect of the operations and reclamation on surface and subsurface hydrology and drainage patterns;
 5. plans for future use of the land; and
 6. a discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Master Plan designation.
- C. Operations.** The applicant for a quarry, mine or landfill shall provide the following information
1. a transportation study demonstrating truck routing and proposing mitigation measures for off site street damage and traffic impacts; and
 2. a fugitive dust mitigation plan.
- D. Performance Guarantee.** The Board of Adjustment as part of the Special Exception review may require the applicant to post a bond or other security with the County to ensure the completion of the reclamation plan. (Amended 1/16/02-Ord 2002-02)
- E. Landscaping and Screening Requirements.** A type E bufferyard shall be established in conformance with Section 7.2. A fence at least 6 feet high must be provided on the interior side of the bufferyard. The fence shall be screened by a high hedge. In addition, gates with fencing at least 6 feet high shall be provided across all entrances. The property owner shall maintain the fencing and gates in good repair.
- F. Prohibited Activities.** Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited. The tops and toes of cut and fill slopes must remain outside



the required setback. Structures, exterior storage, and parking areas for trucks or equipment are not allowed within the required setbacks. Required setbacks includes all setbacks approved by the State for Mining uses.

4.2.10 Recreational Vehicle and Trailer Parks. Any person, firm or corporation can maintain, conduct or operate a private trailer camp within an AR-1 or C-1 district subject to issuance of a conditional use permit and the following conditions;

- A. Required Plans.** Each application for a conditional permit from the Administrator shall be accompanied by a plat plan, road layout and plan of proposed sanitary facilities.
- B. Parking.** A trailer at any camp shall not be parked within 100 feet of the traveled portion of any public highway.
 - 1. Minimum lot for each individual trailer shall be at least 40 feet wide by at least 60 feet deep.
 - 2. Minimum lot area for a trailer camp shall be five acres.
 - 3. Minimum 10 foot side yards shall be maintained on each individual trailer lot.
 - 4. The minimum distance between a trailer in a camp and any residence, church, school or public library shall be 500 feet.
- C. Roads within Trailer Camp.** All trailer lots shall be grouped in blocks abutting roads of not less than 26 feet in width, giving easy access to and from such lots. Such roads shall be properly surfaced and maintained by permittees with adequate grading and drainage to prevent ruts, depressions and flying dust.

Road lighting to the satisfaction of the administrator shall be provided and maintained by the permittee. Construction of all roads shall be approved by the County Engineer.
- D. Water Supply.** An adequate supply of potable water from a source approved by the Health Officer shall be provided to each space.
- E. Sanitary and Sewage Facilities.**
 - 1. A central sewage system or individual septic tanks shall be installed for water closets and showers. Such system or individual tanks shall conform to local and state health codes and shall be approved by local and/or state inspectors.
 - 2. Adequately lighted and ventilated toilet rooms for each sex shall be provided within a distance of 200 feet of any space.
 - 3. There shall be provided in every toilet room, or within 10 feet of the



entrance thereof, proper facilities for washing hands.

4. One shower shall be provided for every 6 trailer lots up to 50, and one shower for each 12 trailers over 50.
5. The floors of all water closets or compartments shall be constructed and maintained in waterproof condition by using cement, concrete, tile or other type of waterproof material.

F. Garbage and Rubbish. A central collection point or disposal system shall be maintained subject to the approval of the Health Officer.

1. Where a central system is not provided, metal or plastic containers with tight fitting covers, appropriately labeled, shall be provided by the permittee for garbage and rubbish.
2. All containers for garbage and rubbish shall be emptied each week and refuse removed from the premises and disposed of in a sanitary manner approved by the Health Officer.

G. Grading and Drainage. All trailer lots and abutting roads or driveways shall be kept free from heavy or dense growth of brush or weeds and from any poisonous or obnoxious weeds, and so graded as to insure rapid drainage.

H. Registration of Guests. There shall be kept in the office of the permittee a register upon which, at arrival, the owner or person in control of the automobile and trailer, or house car, shall register his or her name and address and all persons using same, the date of arrival, the state license plate number of the car, together with the name of the state issuing such license.

The permittee at each trailer camp shall each day be responsible for entering the departure of trailers and guests in the register and for keeping such register in a legible form to indicate at all times the trailer count, and population of the camp. The register shall be available at all times for inspection by representatives of the police and health officers.

I. Limitation of Trailers. No person, firm or corporation permitted to operate a trailer camp shall allow the parking of trailers to an excess of the number specified in the application and permit under which the trailer camp is operated. Except for a single residence for the camp supervisor or caretaker, no trailer or camp may be permitted for longer than 14 days.

4.2.11 Storage Units. In all districts in which storage units are permitted or are subject to issuance of a Special Exception permit, the following conditions shall apply (Amended 1/16/02-Ord 2000-02)

~~**A. Fencing and Screening.**~~

- ~~1. A barrier must be provided around the perimeter of any storage unit development located outside of a Commercial or Manufacturing District. If~~

~~required, the barrier shall be located at the setback line and shall be in conformance with applicable provisions of Sections 7.2 of this Code.~~(Amended 11/22/2000-Ord 2000-05)

~~2. The barrier shall be a minimum of six (6) feet in height.~~

~~3. Signs shall not be placed upon, attached to, or painted on said barrier, except on site advertising pursuant to Chapter VIII.~~ (Amended 6/24/06-Ord 2006-06)

B. Bufferyards. All setbacks shall be landscaped in conformance with Section 7.2 of this Code and shall provide appropriate visual screening and/or buffering for adjacent properties. All plantings shall be maintained in good condition by the property owner.

C. Commercial Activity Prohibited. The sale of any item from or at a storage unit is prohibited.

D. Repair of Autos, Boats, Motors, and Furniture Prohibited.

1. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure designated as a storage unit.

2. All storage unit contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.

E. Storage Only.

1. In A-1 zoning district, no business activity other than rental of storage units shall be conducted on the premises.

2. No outside storage will be permitted except the storage of vehicles within approved areas designated for such storage.

F. Accessibility. Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles.

G. Height. Building height shall not exceed eighteen (18) feet.

H. Off-street Parking and Driveways Standards.

1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet



wide when cubicles open onto both sides of the lane.

2. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage in the M-1 district, provided that it is adequately screened in conformance with Section 7.2 of this Code.

4.2.12 Single Family Residential Design Standards

- A. **Applicability.** The following regulations apply to the construction or placement of a single family home, manufactured home or modular home on a private lot outside a manufactured home park. Regulations apply to all types of homes unless otherwise noted. No mobile home may be used as permanent dwelling in the County.
- B. **Development Standards.** Any home on an individual lot shall conform to the minimum building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements established for the district.
- C. **Foundation.** All dwellings shall be attached to a permanent perimeter foundation leaving no uncovered open areas excepting vents and crawl spaces, except that the Administrator shall allow the use of stucco or similar skirting for manufactured homes designed to be supported and anchored to internal supports pursuant to state law.
- D. **Manufactured Homes.**
 1. All wheels, hitches, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the home.
 2. All manufactured homes shall be anchored to the foundation pursuant to Uniform Building Code guidelines. Anchor design shall be approved by the Administrator prior to installation and shall comply with all requirements of the State.
- E. **Pitched Roof.** Homes shall have a pitched roof, with a slope of not less than a two (2) inch vertical rise for each twelve (12) inches of horizontal run.
- F. **Siding.**
 1. The dwelling shall be covered by an exterior material of a color, material and appearance that is compatible with those of existing single-family dwellings including, but not limited to, the following:
 - a. residential horizontal aluminum lap siding;
 - b. residential horizontal vinyl lap siding;
 - c. cedar or other wood siding;



- d. wood grain, weather resistant, press board siding;
 - e. brick, stone or masonry siding; or
 - f. other siding materials which are determined by the Administrator to be aesthetically compatible with the above-referenced materials.
2. Flat or corrugated sheet metal shall not be used for exterior siding material.
 3. The exterior covering material shall extend to the top of the perimeter foundation.

G. Minimum Dimensions. Except as otherwise provided by State law, a dwelling unit shall have a floor area of at least 640 square feet and at least 75% of its narrowest dimension shall have a minimum width of 20 feet.

H. Design Modifications. Exceptions to these single family residential design standards may be authorized through a special exception use permit when the Board finds that the exception will enhance the architectural character of the home and be compatible with adjacent development.

4.2.13 Telecommunications Towers and Antennas.

A. Purpose. To establish general guidelines for the siting of towers, antennas, and meteorological towers for commercial wireless telecommunications as provided for in the federal Telecommunications Act of 1996 and any other communication towers which meet the structural criteria listed in this ordinance.

B. Special Exception. A telecommunications tower and meteorological tower may be permitted as a Special Exception use upon determination that all of the applicable conditions in this section are met. Special Exception Use applications are submitted to the Clinton County Board of Adjustment for action. No additional permits are required for placement of additional equipment on existing towers.

C. Permitted Locations. Telecommunications towers and meteorological towers are permitted as a Special Exception use in the Prime Agricultural (A-1), Agricultural-Recreational (AR-1), Suburban Residential (R-1), Highway Commercial (C-1), General Commercial (C-2), Limited Industrial (M-1) and General Industrial (M-2) Zoning Districts. Telecommunication towers or meteorological towers are not permitted in the Urban-Residential (R-2) Zoning Districts.

D. Application Requirements. The applicant for a Special Exception for construction of a telecommunications tower or meteorological towers or placement of commercial telecommunications tower or meteorological towers on an existing structure other than a tower previously permitted shall file an application with the County Zoning Administrator accompanied by a fee as approved by resolution of the Board of Supervisors. The application shall



include the following documents:

1. A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structures including accessory structures; photographs or elevation drawings depicting design of proposed structures, parking, fences and landscape plan; and existing uses on adjacent parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;
2. A current map showing locations of applicant's antennas, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the County;
3. A report from a structural engineer containing the following:
 - a. A description of the tower, including a description of the design characteristics and material.
 - b. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural standards for Steel Antenna Towers and Antenna Support Structures."
 - c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
4. If applicant is other than the site owner, written authorization from the site owner for the application.
5. Identification of the owners of all antennas and equipment to be located at the site;
6. Pursuant to Subsection E(1), evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property. (Amended 2/28/2022-Ord 2022-02)
7. Evidence that a valid FCC license for the proposed activity has been issued;
8. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts (areas);
9. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
10. Evidence that necessary FAA approval has been obtained;



11. Evidence that the applicable conditions of Section E of this ordinance have been met; (Amended 5/21/03-Ord 2003-03)
12. Additional information as required to determine that all applicable conditions of this ordinance have been met.

E. Applicable Conditions. Any applicant must show that all of the following applicable conditions are met:

1. Co-location. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations, applicant's technical design requirements, or is economically burdensome to the applicant. (Amended 2/28/2022-Ord 2022-02)
2. Applicant must show that all applicable health, nuisance, noise, fire, building, and safety code requirements are met.
3. All towers, meteorological towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers and meteorological towers 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, grey or black.
4. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height shall apply to the telecommunications tower.
5. For free-standing or guyed telecommunications towers and meteorological towers, setbacks on all sides shall be a distance equal to 1/2 the height of the tower. For monopole towers, the setback shall be equal to the height of the tower.
6. The base of any telecommunications tower or meteorological towers shall be screened from view with a solid screening fence a minimum of six feet in height, or conifer plantings around an unscreened fence.
7. Upon completion, a sign at the entrance to the tower site shall identify a name and phone number of whom to contact in case of emergency.



- F. Inspection.** At least every 24 months, every telecommunications tower or meteorological towers shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers or meteorological towers . At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association(EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of such inspection record shall be provided to the County.
- G. Abandonment.** In the event the use of any telecommunications tower or meteorological towers has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date abandonment shall be made by the County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional 180 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the County may do so and assess the cost against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.
- 4.2.14 Temporary Uses.** This section allows short-term and minor deviations from the requirements of the zoning code for uses which are temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.
- A. Manufactured home use during construction.** Manufactured homes, travel trailers or recreational vehicles may be used for a residence while a permitted permanent residence is being constructed. Manufactured homes may remain on the site until the completion of the construction, or for not more than 18 months, with an option of applying for an extension of up to 6 months. A permanent foundation is not required for temporary use of a manufactured home. The manufactured home shall be removed within 1 month of completion of permanent residence.
- B. Sales.** The following uses may be established without a permit subject to the following conditions:
- 1. Christmas Tree Sales.** Limited to a period of time not to exceed 45 days. This use may include a portable structure no larger than 120 square feet or a recreational vehicle for use as a sales office that shall be removed at the end of the 45 days.
 - 2. Seasonal Greenhouses (accessory to established business).** Limited to only commercial zone districts for a period of time not to exceed six (6) months per calendar year. A maximum of one (1) building shall be allowed and may cover a maximum of 2,000 square feet. The structure



shall be portable and completely removed at the end of the permit period.

3. Seasonal Sale of Agricultural Products. These sales are limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure shall be portable and completely removed at the end of the 4-month period.

C. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

D. Special Events and Activities. Special events and activities conducted on public property such as school sites and County parks shall be exempt from the provisions of this chapter of the Code.

E. Travel Trailer and Recreational Vehicles. Such vehicles only shall be used for vacation or recreation purposes and not used as a place of human habitation for more than 180 days in any 12 month period.

4.2.15 Swap Meets and Flea Markets. Flea markets include periodic public sales of goods offered by individual sellers. The conduct of a garage sale for more than eight (8) days in any calendar year shall be considered a flea market, even if only one individual seller is involved. All flea markets shall be subject to the following regulations:

A. Location. Flea markets and swap meets shall be located on a hard surface roadway designated as a collector or arterial street. The event shall be conducted entirely on private property, with the consent and approval of the property owner.

B. Structures. Any structure used in conjunction with the event shall meet all applicable zoning, health, safety and building code requirements. Any temporary structure used shall be promptly removed upon the cessation of the event.

C. Promotion. No more than one (1) banner shall be displayed, and which shall be displayed for a maximum of 15 days. All other signage requirements are subject to Section 8.2.

D. Other Requirements. The flea market or swap meet shall be conducted at all times in compliance with all applicable federal, state, and local laws, regulations, permits and licenses.

4.2.16 Commercial WECS (C-WECS). (Amended 9/8/08-Ord 2008-02) 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, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, 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.

A. General Requirements for C-WECS.

1. **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 nonreflective. 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.
2. **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.
3. **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.
4. **Signage.** All signage on site shall comply with Chapter 8, Signs, of this Ordinance. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the C-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.
5. **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.
6. **Waste Disposal.** Solid and hazardous wastes, including but not limited to crates, packaging 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 Clinton County Health Department and disposed of in accordance with all applicable local, state and federal regulations.



7. **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.
8. **Signal Interference.** The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
9. **Federal Aviation Administration.** All C-WECS shall comply with FAA standards and permits.
10. **Electrical Codes and Standards.** All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable Standards.
11. **Setbacks.** The following setbacks and separation requirements shall apply to all Wind Turbines and meteorological towers; provided that the Board of Supervisors may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as allowed by the base zoning district.
 - a) **Inhabited Structures.** Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand, two hundred (1,200) feet.(Amended 7/6/09-Ord 2009-10)
 - b) **Property Lines.** At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.
 - c) **Public Right-of-Way.** Setbacks from public right-of-way, railroads, powerlines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
 - d) **Communication and Electrical Lines.** Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
12. **Noise.** Audible noise due to C-WECS sites operations shall not exceed fifty (50) dBA for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any permit from the property line.(Amended 7/6/09-Ord 2009-10)



- a) 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 forth in this subsection shall be reduced by five (5) dBA.
- b) 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.
- c) 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 Supervisors provided that the following has been accomplished:
 - (i) Written consent 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
 - (ii) 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 Clinton County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

13. Safety.

- a) 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 landowners for this line, such option may be approved conditionally by the Clinton County Board of Supervisors.



- b) Wind Turbine and meteorological towers shall not be climbable up to 15 feet above ground level.
 - c) All access doors to Wind Turbine and meteorological towers and electrical equipment shall be locked when not being serviced.
 - d) Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.
 - e) 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.
 - f) 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 Board of Supervisors.
14. Exceptions to this section may be made for meteorological towers, where concerns exist relative to aerial spray applicators.

B. Discontinuation and De-commissioning.

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 Administrator outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. Each C-WECS shall have a de-commissioning plan outlining the anticipated means and cost of removing 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 easement.

C. 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 road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Clinton 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 the C-WECS.
4. **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 road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Clinton County Attorney's Office shall be submitted covering 130% the costs of all required improvements. This requirement may be waived by the Board of Supervisors by recommendation from the Clinton County Engineer.

D. Submittal Requirements. In addition to the submittal requirements defined for Ordinance Map Amendment applications, all applications for C-WECS must submit the following information (as applicable).

1. The names of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
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 interconnecting 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 of the property.



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. Location of wetlands, scenic, and natural areas [including bluffs] within 1,320 feet of the proposed C-WECS.
11. An Acoustical analysis.
12. FAA Permit Application.
13. Location of all known communications towers/facilities within 2 miles of the proposed C-WECS.
14. Decommissioning Plan.
15. Description of potential impacts on nearby 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.

4.2.17 Non-Commercial WECS (NonC-WECS). (Amended 9/8/08-Ord 2008-02)

The requirements of this Ordinance shall apply to all NonC-WECS proposed after the effective date of this Ordinance. NonC-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, that any such pre-existing NonC-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing NonC-WECS shall be allowed without full compliance with this Ordinance.

A. Non-Commercial WECS, are subject to the following standards:

1. **Tower Height:** No height limit is established for NonC-WECS, except any limit necessary to comply with other sections of this Ordinance and those imposed by FAA regulations.
2. **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. The distance of the base of the tower from any property line shall be a minimum of 110% of the total height of the tower.
3. **Noise:** NonC-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.

4. **Engineer Certification:** Applications for NonC-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.
5. **Compliance with FAA Regulations:** NonC-WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
6. **Compliance with National Electric Code:** Applications for NonC-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 Electrical Code. This information is frequently supplied by the manufacturer.
7. **Utility Notification:** No NonC-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.

4.2.18 Utility Scale Solar Installations. (Amended 10/3/16-Ord 2016-03)

The Purpose of this section is to encourage utility scale photovoltaic solar installations. Concentrating solar power (CSP) systems shall be prohibited.

- A. **Major site plan required:** A site plan shall be submitted and reviewed as part of the approval of a utility scale solar installation.
- B. **Additional information:** The following information shall be submitted on the site plan or in narrative form, supplied by the utility scale solar installation owner, operator or contractor installing the structure(s), and reviewed as part of the approval of a utility scale solar installation:
 1. Number, location and spacing of solar panels/arrays.
 2. Planned location of underground or overhead electric lines.
 3. Project development timeline.
 4. Operation and maintenance plan.
 5. Decommissioning plan.
- C. **Site and Structure Requirements**
 1. **Setback.** Setbacks for all structures (including solar arrays) must adhere to the minimum principal setback standards for the zoning district where the project is located; greater setbacks may be required by the Board of Supervisors.

2. **Screening.** A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Supervisors as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
3. **Utility Connections.** Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements.
4. **Grading plan.** A grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, tree removal, etc.).
5. **Glare minimization.** All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard.
6. **Compliance with local, state and federal regulations.** Utility scale solar installations shall comply with applicable local, state and federal regulations.
7. **Appurtenant structures.** All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.
8. **Floodplain considerations.** Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain district regulations.
9. **Signage.** No signs other than appropriate warning signs, or standard manufacturer's, operator's or installer's identification signage, shall be displayed.
10. **Fencing/security.** A security fence must be installed along all exterior sides of the utility scale solar installation and be equipped with a minimum of one gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site.

D. Operation and maintenance plan. The applicant shall submit a plan for the operation and maintenance of the solar installation, which shall include measures for maintaining safe access to the installation, stormwater and erosion controls, as well as general procedures for operation and maintenance of the installation.

1. **Soil erosion and sediment control considerations.** The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources and comply with

requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general “best management practices” for temporary erosion and sediment control both during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to prevent sediment laden runoff into waterways.

2. **Stormwater management considerations.** For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
3. **Ground cover and buffer areas.** Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
 - a. Top soils shall not be removed during development, unless part of a remediation effort.
 - b. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
 - c. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.
4. **Cleaning chemicals and solvents.** During operation of the proposed installation, all chemicals or solvents used to clean photovoltaic panels should be low in volatile organic compounds and the operator should use recyclable or biodegradable products to the extent possible. Any onsite storage of chemicals or solvents shall be referenced.
5. **Maintenance, repair or replacement of facility.** Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to emergency response officials. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.

E. **Decommissioning and site reclamation plan.**

1. The application must include a decommissioning plan that describes: the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration.
2. The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.
3. Restoration or reclamation activities shall include but not be limited to the following:
 - a. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.
 - b. Re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area, consistent with the county's weed control plan.
 - c. For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.
4. Following a continuous 1 year period in which no electricity is generated, or if substantial action on the project is discontinued for a period of 1 year, the permit holder will have 1 year to complete decommissioning of the utility scale solar installation. Decommissioning shall be completed in accordance with the approved decommissioning plan. The land owner or tenant must notify the County when the project is discontinued.

F. Avoidance and Mitigation of Damages to Public Infrastructure.

1. **Roads.** Applicants shall identify all roads to be used for the purpose of transporting Solar panels, substation parts, Construction Material, and/or equipment for construction, operation or maintenance of the Utility scale solar installation 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 road conditions. The survey shall include photographs and a written

agreement to document the condition of the public facility. The applicant is responsible for on-going road maintenance and dust control measures identified by the Clinton County Engineer during all phases of construction. Applicant shall enter into a Road Use and Repair Agreement with the Road Authority prior to construction.

3. **Drainage System.** The Applicant shall be responsible for reasonably prompt repair of damage to public drainage systems stemming from construction, operation or maintenance of the Utility Scale Solar Installation.

4. **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 road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Clinton County Attorney's Office shall be submitted covering up to 100% of estimated cost for repairs as agreed to by the applicant and such Road Authority(ies). This requirement may be waived by the Board of Supervisors by recommendation from the Clinton County Engineer.

G. Additional Conditions

General

1. The Project shall be kept and maintained in good repair and condition at all times: neat, clean, and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

Setbacks

2. The Project shall maintain a minimum distance of 300 feet between all habitable structures and the Project's solar panels. Landowners may waive all or part of this setback if they choose.
3. The Project shall maintain a minimum distance of 100 feet between the U.S. Highway 30 right-of-way and all aboveground project infrastructure.

Landscape Buffering

4. The Project shall install and maintain landscape buffering along adjacent, non-participating residential parcels, if requested by the adjacent, non-participating residential parcel owner, at a rate of at least six (6) trees per one hundred (100) feet. For the avoidance of doubt, the landscape buffering would be located along the sides of any adjacent, nonparticipating residential parcels that abut the Project. The trees shall be sufficient size at planting to reach 8 feet within 3 years, and the Project shall promptly replace any diseased or dead trees. There shall be an annual review of buffer trees and landscaping.

5. The Project will use commercially reasonable efforts to locate trees as far from adjacent, nonparticipating residential property lines as practicable.

Local Employment

6. The Project shall hold a local job fair and shall make a good faith effort to hire local employees to construct and maintain the Project. The Project shall track and report annually to the Clinton County Board of Supervisors the number of local employees hired.

Soil and Water Sampling

7. The Project shall submit a Soil and Water Sampling plan to Clinton County prior to construction as part of the Zoning Permit and Final Site Plan approval process. The number of samples, sampling timing, and testing methodology shall be mutually agreed upon by the Project and the Clinton County Engineer.

Construction Hours

8. Construction laydown areas shall be located in a manner to minimize impacts to nonparticipating residences and shall be set back at least 500 feet from nonparticipating residences.
9. Construction hours shall be daylight hours, not earlier than 7am and not later than 7pm, Monday through Saturday. For this purpose, construction does not include meetings of crews or operation of cars, light trucks, or forklifts. Exceptions to this shall be made on a case-by-case basis by the Clinton County Zoning Director.

Road Use and Repair

10. The Project shall enter into a Road Use and Repair Agreement with Clinton County prior to construction satisfactory to the Clinton County Engineer.
11. The Project shall conduct a pre-construction survey in coordination with the County Engineer to determine the condition of existing roads and drainage structures. The survey shall include photographs and a written agreement to document the condition of the public facility.
12. Clinton County shall provide on-going road maintenance and dust control measures deemed appropriate at the expense of the applicant utilizing their standard rates charged to cities within the county.
13. The Project shall be responsible for restoring or paying damages as agreed to by the County Engineer sufficient to restore the road(s) and bridges to preconstruction conditions.
14. Financial security shall be submitted before construction covering up to 100% of estimated cost for repairs as agreed to by the Project and the County Engineer.

Decommissioning

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15. Decommissioning of the Project shall include removal of all project infrastructure, including underground installations, and shall include the restoration of the grounds and roads utilized to their condition prior to the removal of the infrastructure.
 16. The Project shall submit an updated Decommissioning Plan to Clinton County prior to construction as part of the Zoning Permit and Final Site Plan approval process.
 17. The Decommissioning Plan shall include a decommissioning cost estimate prepared by a state licensed professional engineer.
 18. The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond obtained from a surety authorized by the Iowa Insurance Commissioner, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The initial bond amount shall be the amount set in the project application. The form, source and amount of bond shall be approved by the county board of supervisors.
 19. The Project shall provide the decommissioning cost guaranty before the start of construction and shall maintain the financial security thereafter for as long as each is in existence or upon discontinuance, decommissioning, or abandonment prior to completion.
 20. The Project shall revise and update the decommissioning cost estimate every five (5) years from the date of approval to account for inflation, cost and value changes, and advances in decommissioning technologies and approaches over the life of the project.
 21. If Clinton County disputes the decommissioning cost estimate provided by the Project, the estimate shall be reviewed by a mutually agreed upon third party engineer.

RE Overlay District Term

22. The Renewable Energy Overlay District shall expire after the earlier of (a) completion of decommissioning of the Project, or (b) forty-one (41) years following the commercial operation date of the Project. 41 years would account for the 40-year maximum operational period under lease agreements and the 1 year decommissioning period.

Insurance

23. The Project shall at all times during construction and operation of the project maintain a broad general liability insurance policy commensurate with industry standards. Certificates of insurance shall be provided to Clinton County upon request. The Project shall name Clinton County as an additional insured under said insurance. The Project shall indemnify and hold Clinton County and its employees, agents and representatives free and harmless from any third party claims for damages to property directly caused by the Project arising from the installation, operation, and decommissioning of the project; provided, however,

such indemnification obligation shall not apply if such damage was caused by Clinton County or any of its employees, agents or representatives.

Fire Safety

24. The Project shall coordinate with emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services.
25. The Project shall provide the Grand Mound Volunteer Fire Department and Calamus Volunteer Fire Department all pertinent information in case of a fire or other emergency on site to ensure safe operation and emergency response, including but not limited to specific training, 24-hour contact information, access to lock boxes (e.g. Knox Boxes), access point locations, the locations of shut offs and circulation patterns. The Project shall update the fire departments of any changes to such information and provide an annual tour for any new fire department volunteers. The Project shall provide, at the Project's sole cost, any equipment, keys, or codes as necessary for the fire departments to gain entry to the site in the event of an emergency.

Assignment

26. Any instrument assigning ownership or control of the Project shall include express language requiring any future owners of the Project to construct, maintain, and operate the Project in compliance with all Clinton County requirements, unless modified by a condition of this approval. For the avoidance of doubt, these requirements include the decommissioning and site restoration obligations and road use and repair obligations. If there is a change in ownership, the Project shall notify the Clinton County Planning and Zoning Director within 30 days of any such transfer, assignment, or sale.

Drainage

27. The Project shall be responsible for maintaining the integrity of the drainage system so as not to cause drainage issues within the project area or on neighboring properties.
28. The Project shall be responsible for reasonably prompt repair of damage to public drainage systems stemming from construction, operation or maintenance. In the event of impacts to public drainage systems within the project footprints, the Project shall ensure that this does not affect neighboring properties. There shall be in place at all times a defined procedure for the county to notify the applicant of any drainage issue. In the event the applicant fails to take or make a prompt effort to address the same, the county may at the applicant's expense act to correct the situation.
29. If drainage infrastructure or systems on non-participating properties are damaged by any cause connected with the project, the Project shall restore the drainage infrastructure or system to a condition at least as good as the pre-construction condition.

Soils

30. Top soils shall not be removed during development, unless as part of a remediation effort. If

removed, the full depth of topsoil shall be replaced.

31. Soils shall be planted and maintained in deep rooted perennial vegetation to prevent erosion, manage runoff and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the Project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season.
32. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.

4.2.19 Non-Utility Scale Solar Installations (Amended 10/3/16-Ord 2016-03)

- A. **Permitted Accessory Use.** Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.
 1. **Height.** Active solar energy systems must meet the following height requirements:
 - a. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building mounted mechanical devices or equipment.
 - b. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
 2. **Set Back.** Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - a. Roof-mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - b. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the side-yard or rear

setback when oriented at minimum design tilt.

3. **Approved Solar Components.** Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
4. **Approval Required.** All solar energy systems shall require a Zoning Permit from the Clinton County Planning and Zoning office. Zoning approval does not indicate compliance with Building Code or Electric Code.
5. **Compliance with Building Code.** All active solar energy systems shall be consistent with the State of Iowa Building Code and solar thermal systems shall comply with HVAC-related requirements of the Electric Code.
6. **Compliance with State Electric Code.** All photovoltaic systems shall comply with the Iowa State Electric Code.
7. **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
8. **Utility Notification.** All grid connected solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

4.2.20 Guest Home (Amended 8/7/2017-Ord 2017-02)

- A. **Purpose.** To allow for a property owner to make available additional lodging for a parent, child, or sibling that is in need of additional care. This section allows for a guest house to be considered an accessory structure to the primary structure and not to be considered a second dwelling.
- B. **Special Exception.** A guest home may be permitted as a Special Exception use upon determination that all of the applicable conditions in this section are met.
- C. **Permitted Location.** Guest homes are permitted as a special exception use in the Prime Agriculture (A-1) and Agricultural-Recreational (AR-1) zoning districts. Guest homes are not permitted in the Suburban Residential (R-1), Urban Residential (R-2), Highway Commercial (C-1), General Commercial (C-2), Limited Industrial (M-1), or General Industrial (M-2) zoning districts.
- D. **Terms and Requirements.** The following terms and requirements must be met in order for a Special Exception Use permit to be granted.
 1. The guest home is considered an accessory structure and not a second dwelling.
 2. The guest home shall not have a separate address issued by the Clinton County Engineers Office.
 3. The guest home shall not exceed 800 sq/ft of FAR (Floor Area Ratio) as defined in the section 2.2 of the Clinton County Zoning Ordinance.
 4. The applicant shall work closely with Clinton County Environmental

Health to make sure the guest home has appropriate water and waste water disposal systems.

- a. A Guest home shall not be approved without approval in writing from Clinton County Environmental Health that the site has adequate room for updates to the current septic system, and a replacement system.
 - b. Applicant must be able to show evidence that they can make any required updates that Clinton County Environmental Health would require to the well or septic system.
5. An Affidavit shall be recorded with the property deed to ensure that the house and the guest house not be sold as separate properties in the future.
6. The same setback requirements that apply to the primary structure shall apply to the guest home.
7. Guest homes are to provide additional lodging for a parent, child, or sibling that is in need of additional care, and are a not-for-profit accessory structure; a guest home shall not be rented for a profit.

CHAPTER V: NON-CONFORMING SITUATIONS

5.1 PURPOSE. This chapter provides for the continued use or discontinuance of legally established developments or uses that do not comply with the standards of this ordinance.

5.2 CONTINUATION OF NON-CONFORMITIES AND COMPLETION OF NON-CONFORMING PROJECTS. It is the intent of this ordinance to permit legally established non-conformities to continue until they are removed, but not to encourage their continuation. Such uses are declared by this ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this ordinance that non-conformities shall only be enlarged upon, expanded or extended under limited conditions.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or

amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

5.3 NONCONFORMING LOTS OF RECORD. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance; provided, however, that the sewage disposal system and water supply shall first be approved by the County Health Department. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that setback dimensions and other requirements, not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width and setback requirements shall be obtained only through action of the Board of Adjustment.

5.4 EXTENSION OR ENLARGEMENT OF NON-CONFORMITIES.

- A. Non-Conforming Residence.** A non-conforming residential use or structure shall not be expanded in scope or area by greater than 20% of its area or value.
- B. Non-Conforming Businesses.** A non-conforming business, commercial or industrial use may be expanded when:
 - 1. **Structural Expansion.** Structural expansion shall not exceed 20% of existing gross floor area or value of the structure, provided that the business must provide adequate parking for the existing and expanded business area.
 - 2. **Expansion of Non-Conforming Use in Structure.** Where a non-conforming use occupies a portion of an existing structure, expansion shall be limited to 20% of the square footage occupied by the use, provided that the business must provide adequate parking for the existing and expanded business area.
- C. Application for Expansion Required.** Application for expansion shall be submitted to the Administrator, in writing, together with a site plan showing the existing uses, detailing the type and amount of the proposed expansion

and the names and addresses of all adjacent property owners (see Definitions) within 500 feet of the property.

- D. Notification of Expansion and Protest.** Upon receipt of the application, mailed notification of the proposed expansion shall be provided to all owners of property within 500 feet of the non-conformity. If protests are received from 35% or more of the property owners within the 500-foot limit within twenty days of the mailing, the requested expansion shall require processing in accordance with special exception use procedures.

5.5 NONCONFORMING STRUCTURES AND USES OF OPEN LAND OR PREMISES. If a lawful use of a structure, premises, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions: (Amended 11/22/2000-Ord 2000-05)

- A. No Increases in Non-Conformity.** No such structure, use of premises, or of a structure and premises, may be enlarged or altered in a way which increases its non-conformity nor moved in whole or in part to any other portion of the lot or parcel occupied by such a use on the effective date of adoption or amendment of this ordinance.(Amended 11/22/2000-Ord 2000-05)
- B. Extension of Non-Conforming Use Within a Building.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Destruction of Non-Conformity.** Should such structure or use of premises be destroyed by any means to an extent of more than 40 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance. A non-conforming residence located in a commercial district may be reconstructed, provided the new structure does not expand the non-conformity.(Amended 11/22/2000-Ord 2000-05)
- D. Replacement by Conforming Use.** Any structure, or structure and land in combination, or use of premises, in or upon which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure or use is located and the nonconforming use may not thereafter be resumed.(Amended 11/22/2000-Ord 2000-05)



E. Change in Use Where Non-conformity Exists. Any nonconforming use of land or structure may be changed to another nonconforming use of the same nature or less intensive nature if no structural alterations are involved and if the Administrator finds that the relation of the structure and proposed use to surrounding property is such that adverse effects on occupants and neighboring property will not be greater than if the original nonconforming use continued.

F. Non-Conforming Parking. The maintenance, repair and alterations of a use with nonconforming parking in such a manner so as not to increase the need for off-street parking is permitted without limitation subject only to the other applicable requirements of this ordinance. Alteration, addition or expansion which results in an increased need for off-street parking shall provide additional parking according to the following guidelines:

1. Where the modifications result in an increase in the applicable unit of measurement (dwelling unit, floor area, capacity number of seats, etc.) which is 50 percent or less of the original total, additional parking shall be required only for this new or modified part of the development.
2. Where the modifications result in an increase in the applicable unit of measurement which is over 50 percent of the original total, sufficient off-street parking shall be provided to bring the entire development into conformance with the requirements of this ordinance.

G. Abandonment and Discontinuance.

1. **General.** Whenever a non-conforming use has been discontinued for a period of six months or longer, such use or any other non-conforming use shall not be re-established but shall be deemed abandoned. Evidence of intent to abandon the non-conforming use is not required. A non-conforming residential use which has been unoccupied for a period of one year or more shall not be considered discontinued unless the structure has been lawfully changed to a non-residential use.
2. **Removal of a Non-Conforming Mobile Home.** A non-conforming mobile home having been removed from its foundation or pad shall constitute abandonment of the use and must comply with the provisions of this Code. Evidence of intent to abandon the non-conforming mobile home or manufactured home use is not required.



- H. Exception for Residences.** Non-conforming residences shall be allowed to provide private garages or sanitary facilities without complying with this Section as long as the garage or sanitary facility is in conformance with all other adopted codes. Such additions shall comply with all Bulk Requirements of the zoning district in which they are located.
- I. Evidence of Status.** Evidence of the status of a non-conforming use or site shall be supplied by the owner of the property upon request of the Administrator.

5.6 REPAIRS, MAINTENANCE AND RESTORATION. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement cost of the building provided that the area of the building as it existed at the time of passage or amendment of this ordinance shall not be increased.

Nothing in this ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe, by any official charged with protecting the public safety, upon order of such official.

5.7 USES UNDER EXCEPTION AND PROVISIONS NOT NONCONFORMING USES. Any use permitted as a special exception in this ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

CHAPTER VI: PARKING AND LOADING STANDARDS

- 6.1 PURPOSE.** This chapter establishes minimum parking standards to ensure that all development provides safe, convenient and adequate off-street parking and loading areas.
- 6.2 PARKING REQUIRED FOR ALL STRUCTURES.** For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off-street parking shall be provided. Such parking spaces shall be located entirely on the same property as the main use with no portion other than the necessary drives extending into any street right-of-way or other public way. The issuance of zoning compliance certificates or certificates of occupancy shall require compliance with the minimum parking standards even though a plan may have been approved previously which included fewer parking spaces.
- 6.2.1 Minimum Parking Requirements.**
- A.** Each use shall provide the number of parking spaces specified in Exhibit 6.2.1.
 - B.** The Administrator shall determine the number of parking spaces required for uses not referenced in Exhibit 6.2.1 by applying the standard for the most similar use or uses as listed in the table. If there is no similar use, the Administrator shall make a determination based on available parking studies or standards.
 - C.** Any fraction of a parking space calculated as required under this chapter shall be counted as a full parking space.
 - D.** Parking shall be provided on the same lot with the use except as permitted by this chapter.
 - E.** Handicapped spaces shall be designed and provided as required by the Americans with Disabilities Act (ADA) standards.
 - F.** Off-street parking facilities shall be provided for any new building constructed, for any new use established, for any addition or enlargement of an existing building or use, or for any change of occupancy or manner of operation that would result in additional parking spaces being required. If insufficient parking exists on a lot or parcel, then the number of spaces required to meet the needs of both the existing and proposed buildings or uses shall be provided.
 - G.** Facilities being used for off-street parking on the effective date of these regulations shall not be reduced in capacity to less than the number of spaces prescribed, or altered in design or function to less than the minimum standards prescribed herein.
 - H.** For sites with more than one use, or for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use, except as otherwise provided.

I. Head-in parking from any public right-of-way shall not be permitted.

Exhibit 6.2.1: Minimum Parking Requirements

Use Categories	Specific Uses	Vehicle Spaces
Residential		
Group Living	Nursing Homes; Assisted Living Facility; Treatment Facility; Small Group and Large Group Living Facilities	per 4 beds + 1 per each 3 employees
	Other Group Living	per 4 beds
Household Living	Business Residence	per residence + business parking
	Bed and Breakfast	per guest room + 2 spaces for owner's portion
	Single-Family and Duplex	2 accessible (non-tandem) spaces per dwelling unit
	Multi-Family	2 per unit
	Other Household Living	per unit
Institutional		
College, Vocational / Technical Schools		per 2 students
Community Services	Community Center	per 250 square feet or 1 per 4 patrons, whichever results in more spaces
Day Care		5 per employee + drop-off/pick-up area
Detention Facilities	Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Centers	per employee on maximum shift, 1 per service vehicle
Hospital/Clinic		per 2 beds + 1 per employee
Parks and Open Areas	Campground	1 sp (10'x30') campsite + 1 sp (10'x30')/6 camp sites for add'l RV's, + 4 sp/laundry & shower facility
	Golf Course	spaces per hole
	Other	10 spaces per athletic field or ball diamond or 1 per 4 seats whichever results in more spaces
Religious Assembly		per 3 seats (one seat = 18")
Safety Service	Fire or Police Station; Emergency Response Service	per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space
Schools	Elementary and Junior Highs	per classroom
	High Schools	per 4 students
	Schools of Private Instruction	1 sp/200 sf



Chapter VI: Parking and Loading Standards
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Use Categories	Specific Uses	Vehicle Spaces
Commercial		
Office	General Offices; Governmental Offices	per 300 square feet
	Medical/Dental	1 sp for each patient room
Recreation and Entertainment, Outdoor	Driving Range	per tee
	Miniature Golf	per hole
Recreation and Entertainment, Indoor	Assembly/Auditorium (bed and breakfast inn reception area)	per 4 seats or 1 per 50 sf of GFA (Gross Floor Area) if not permanent seats
	Amusement Center	per game table, video game, amusement device
	Bowling Alley	per lane
	Clubs/Lodges	per 3 persons
	Health Club/Fitness Center	per 200 sf
Drive-Thru Uses	Bank, Drive-Thru Facility	1 or more spaces/window for vehicle stacking room in addition to required bank parking (see "Retail Sales & Service")
	Drive-In Cleaners; Drive-In Liquor	1 sp/window
	Gas Station: full-service w/ repair/service facility; full-service no repair/service facility; self-service	Minimum 4 sp/service position + 2 sp + 1 sp/ employee on large shift for full-service with repair + 1 sp/50 sf usable floor area in bldg.
	Restaurant, Drive-In, no indoor Seating	per service employee + 1 per employee on maximum shift
	Restaurant, Fast-Food with Drive-In Facilities	1 sp/4 seats, 10 sp/window
Retail Sales and Service	Bars / Nightclubs	per 2 persons
	ATMs (Branch and Drive-In)	per 300 square feet + required stacking spaces for drive-through
	Convenience Store	per 200 square feet of display area
	Hotels/Motels; Bed and Breakfast Inns	per room + 75 percent of spaces required for other associated uses (e.g., restaurants, bars, office, meeting areas)
Retail Sales and Service	Restaurants	per 3 seats + 1 per each 200 square feet of GFA for patron use

Use Categories	Specific Uses	Vehicle Spaces
	Shopping Centers Less than 15,000 square feet	1 per 200 square feet
	5,000 + square feet	1 per 250 square feet
	Theaters	1 per 4 seats
	Vehicle Sales, New & Used, including Recreational Vehicles/Boats	Spaces equal to 10 percent of vehicle display area
	Other Retail Sales, High Volume, Stand-Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, book stores, big box stores and similar uses)	1 per 200 square feet (includes employee parking)
	Other Retail Sales/Services, Low Volume, Stand-Alone (e.g., appliance and sales, repair shops, nurseries, green houses and similar uses)	1 per 400 square feet (includes employee parking)
Storage	Self-Service	1 per 8 storage units + 1 per employee on maximum shift
	Bulk or Tank Stations	1 per employee + 1 per facility vehicle + 10,000 square feet of loading space
Vehicle Repair		1 per service bay + 1 per employee
Vehicle Service, Limited	Car Wash, Self-Service	1 per bay
	Car Wash, Full-Service	1 per bay
	Service Stations; Oil, Lube, Muffler Service	1 per service bay + required stacking spaces
	Other Limited Vehicle Service	1 per service bay + 1 per employee
	Tire, Batteries, Accessory Retailers	3 per 1,000 sf GFA
Industrial		
Manufacturing and Production		1 per employee
Warehouse and Freight Movement		1 per .5 employees or 1,000 square feet, whichever results in more spaces
Wholesale Sales		1 per employee



6.2.2 Parking Design Standards. Exhibit 6.2.2 establishes the minimum design standards for parking areas; the Administrator may require modifications to parking lot design to ensure the safety of pedestrians, bicyclists and motorists.

Exhibit 6.2.2: Minimum Parking Facility Design Standards

Parking Angle (degrees)	Maneuvering Lane Width (feet)		Parking Space Dimensions (feet)		Total Width of 2 Tiers of Spaces & Maneuvering Lane (feet)	
	One Way	Two Way	Width	Length	One Way	Two Way
30° - 50°	12	20	9	18	48	56
51° - 75°	13	22	9	18	49	58
76° - 90°	N/A	24	9	18	N/A	60



- A. All parking areas and drives shall be ready for use prior to occupancy of a building or site, and shall be approved by the Administrator prior to the issuance of a certificate of occupancy. The Administrator may grant special permission to delay this requirement due to weather conditions not being satisfactory for proper installation of surfacing materials.
- B. All off-street parking shall be located at least 10 feet from the front property line.
- C. Parking facilities constructed or substantially reconstructed subsequent to the effective date of these regulations, whether required or not, shall conform to these design standards.
- D. All required parking facilities shall be maintained for the duration of the use requiring such facilities. Required parking facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles or light trucks, and shall not be used for the sale, display or storage of merchandise, or for the storage or repair of vehicles or equipment.
- E. Each standard parking space shall consist of an independently accessible rectangular or trapezoidal area.
- F. Each parking and loading area shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall at all times have access to a street or alley and provide sidewalk access to buildings.

6.2.3 Parking Area Paving & Drainage.

- A. Parking surfaces shall be designed to withstand anticipated traffic loads. The County Engineer may authorize the use of pervious materials, provided that the applicant documents that the proposed design and construction will be durable under anticipated traffic demands.
- B. All parking and loading facilities shall be designed, graded and provided with permanent storm drainage facilities that prevent standing water on any parking area, and do not increase the flow of water onto adjacent properties, streets or alleys.

6.3 OFF-STREET LOADING REQUIREMENTS.

- A. Off-street loading facilities shall be provided for any new building constructed, for any new use established, and for any addition or enlargement that would result in the additional loading spaces pursuant to Exhibit 6.3.1. Loading and unloading spaces, unless adequately provided for within a building shall be an area ten feet (10') by forty feet (40'), with fifteen feet (15') vertical clearance.



Exhibit 6.3.1: Loading Requirements.

Gross Floor Area (SF)	Loading and Unloading Spaces Required
0 - 1,999	None
2,000 - 4,999	Up to 1 space at the discretion of the Administrator
5,000 - 19,000	1 space
20,000 - 99,000	1 space plus one space for each 20,000 sq. ft. or portion thereof in excess of 20,000
100,000 or more	5 spaces plus one space for each 40,000 sq. ft. or portion thereof in excess of 100,000 sq. ft.

CHAPTER VII: BUFFERYARDS

7.1 PURPOSE. This Chapter establishes bufferyard requirements to promote compatibility between adjacent uses through improvements that reduce visual, noise, dust and odor impacts on adjacent properties.

7.2 BUFFERYARD REQUIREMENTS. If a proposed development does not have the same use and density as adjacent land use, then the bufferyards shall be required as specified in Exhibits 7.2.1 and 7.2.2.

7.2.1 Applicant May Choose Bufferyard. After determining the required type of bufferyard using Exhibit 7.2.1, the applicant may select any of the appropriate bufferyard alternatives illustrated in Exhibit 7.2.2, choosing between provision of additional space or additional plantings.

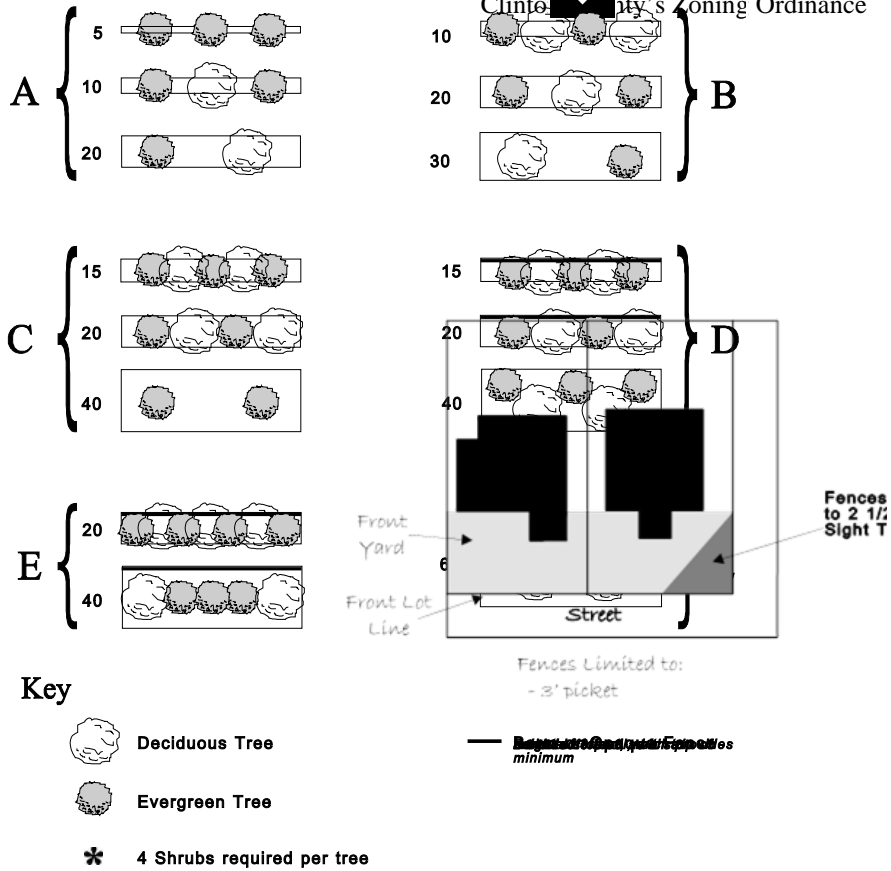
Exhibit 7.2.1: Required Bufferyards *(See Exhibit 7.2.2 for bufferyard definitions)*

Adjacent Development	Proposed Development				
	Single-family; Two family	Multi-family	Office	Commercial	Industrial
Single-family; Two-family	Not Required	B	C	D	E
Multi-Family	B	Not Required	A	B	D
Office	C	A	Not Required	A	C
Commercial	D	B	A	Not Required	B
Industrial	E	D	C	C	Not Required

7.2.2 Administrator to Approve Design. Approval of plant material and bufferyard design is required. The Administrator shall determine whether the proposed bufferyard satisfies the intent of the bufferyard requirements, and shall reasonably determine whether or not the specific planting criteria of this paragraph for vegetative bufferyards have been met. The Administrator may waive the bufferyard requirement upon finding that sufficient distance is provided between abutting uses or natural terrain provides a sufficient buffer.

Plantings per 100 sq ft

Chapter V Landscaping and Bufferyards
Clint County's Zoning Ordinance



7.2.3 Bufferyard Location. Bufferyards and open spaces shall be provided on the site of the new development, regardless of existing setbacks, bufferyards or open space otherwise provided on the existing developed site unless a written agreement to reduce or eliminate the bufferyard is made with the owners of abutting lots. Bufferyards may be included within required building setbacks and shall be shown as landscape easements on the plat and site plan.

7.3 FENCING STANDARDS

7.3.1 Fence Location. Fences shall not be located within access easements of rights-of-way or beyond the property lines of the lot or parcel upon which said improvements are located.



- 7.3.2 Privacy Fences.** Fences may be placed anywhere within the front yard up to the front lot line. Picket fences not exceeding three (3) feet in height, chain link fences not exceeding four (4) feet in height, wrought iron fences and other decorative fences may be located in the front yard, provided that they do not conflict with the required sight triangle. Privacy fences shall be located no closer to the side lot line than the platted side yard setback line of residential corner lots which adjoin interior lots that front or face on to the side street.
- 7.3.3 Fence Height.** No fence shall exceed eight (8) feet in height except as for public utilities, public or private schools, public or private recreation facilities or industrial properties.
- 7.3.4 Fence Safety.** No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals. The installation of electric fences shall be prohibited in all zoning districts except the A and AR-1 districts. Barbed wire fences or barbed wire assemblies atop fences shall be permitted in the A, AR-1, M-1 and M-2 districts but prohibited in all other districts, except for authorized utility substations.

CHAPTER VIII: SIGNS

8.1 PURPOSE. This Chapter governs the establishment of on and off-premise signs to provide for effective communication while protecting property values and public safety.

8.2 ON-PREMISE SIGN STANDARDS.

8.2.1 Generally. Other than lawful nonconforming signs, no signs shall be permitted in any district except in accordance with the provisions of this chapter.

8.2.2 Authorized Signs - Agricultural and Residential Districts. Exhibit 8.2.1 lists sign types and standards authorized in agricultural and residential districts.

Exhibit 8.2.1: Authorized Signs in Agricultural and Residential Districts.

Sign	Max. Area (Sq. Ft.)	Number	Zoning District			
			A-1	AR-1	R-1	R-2
Identification Signs (e.g., address or building name)	2	1	-	-	-	-
Arch or public bulletin boards	32	1	-	-	-	-
In home occupations signs	12	1	-	-	-	-
Agricultural service business signs	32	1	-	-	-	-
Temporary signs advertising the sale or lease of the premises	32*	2	-	-	-	-

* Sign area not to exceed 2 square feet per 10 linear feet of street frontage.

8.2.3 Authorized Signs - Commercial and Industrial Districts. Exhibit 8.2.2 lists sign types and standards authorized in commercial and industrial districts.

Exhibit 8.2.2: Authorized Signs in Commercial and Industrial Districts.

Sign	Max. Area (Sq. Ft.)	Max. Height	Zoning District			
			C-1	C-2	M-1	M-2
Temporary signs advertising the sale or lease of the premises	24		-	-	-	-
Signs for sale, lease, business or industry identification signs - <i>(must be located on site and pertain to goods and sold on premises.)</i>	100	25 ft	-	-	-	-
Billboard mounted signs - not to exceed 20% of face.	200		-	-	-	-

Sign	Max. Area (Sq. Ft.)	Max. Height	Zoning District			
			C-1	C-2	M-1	M-2
Signs painted on walls - not to exceed 20% of building face.	200		-	-	-	-
Standing signs	300*	35 ft			-	-
Total combined area of all signs.	lesser of 200 sq.ft. OR 2 sq.ft. per lineal foot of lot frontage		-	-	-	-

(*Amended 11/22/2000-Ord 2000-05)

8.2.4 Exempt Signs. Except as noted below, the following signs are excluded from regulation under this chapter. Exemption from the sign regulations does not exempt property owners from duties and responsibilities established within deed restrictions or covenants.

- A. Signs not exceeding two (2) square feet in area that are customarily associated with residential use, and are not of a commercial nature, such as signs identifying names or numbers or signs on mailboxes;
- B. Signs erected by, or on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs and traffic, directional or regulatory signs;
- C. Official signs of a non-commercial nature erected by public utility companies;
- D. Flags, pennants or insignia of any governmental body when not displayed in connection with a commercial promotion or as an advertising device.
- E. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights;
- F. Signs on or adjacent to doors at the rear of commercial buildings displaying only the names and addresses of the occupant. Such signs shall not exceed four (4) square feet.

Where multiple tenants share the same rear door, the sign may display the names and addresses of each tenant;

- G. Signs painted on or otherwise permanently attached to currently licensed and operable motor vehicles, which vehicles are not stored in open areas or primarily used as signs;
- H. Signs located within buildings, provided such signs are not visible from any street, sidewalk, trail, beach or bike path adjacent to said building; and
- I. Signs expressing constitutionally protected speech.
- J. Signs directing and guiding traffic and parking on public or private property but bearing no advertising matter.
- K. Warning signs, no trespassing, no hunting and similar signs not to exceed two (2) square feet in area located on the premises.
- L. Temporary signs relating to construction not to exceed sixteen (16) square feet in area.
- M. Campaign signs on private property shall be regulated pursuant to state law.

8.2.5 Prohibited Signs.

- A. Signs with flashing, moving or glaring parts.
- B. Non-affixed signs (*e.g.*, signs that are not permanently affixed to a building, structure or the ground);
- C. Non-exempt signs in street rights-of-way;
- D. Signs containing obscene messages;
- E. Signs which resemble traffic control signs or devices; and
- F. Portable signs, except as permitted in Section 8.2.6.

8.2.6 Design Standards for Signs.

- A. No sign may be located such that it substantially interferes with the sight triangle necessary for motorists to proceed safely through intersections or to enter onto or exit from public or private streets.
- B. No sign shall be erected within 10 feet of a side property line. No front yard setback shall be required for on-premise signs.
 - C. No sign may be erected such that by its location, color, size, shape, nature or message it would tend to obstruct the view of, or be confused with, traffic signals or other signs erected by governmental agencies.
 - D. Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is minimal risk that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.



- E. All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. Land adjacent to such signs shall be kept free from debris, weeds and trash. If a sign is not being maintained and the Administrator determines it to be a public hazard or nuisance, such sign shall be ordered repaired or removed.
- F. Temporary signs for special events may be approved provided the signs do not have moving parts, blinking or flashing lights, glaring lights, neon or extensive use of bright, offensive colors, and further provided that any temporary sign shall be permitted for a maximum of fifteen (15) days.
- G. Illumination of signs and billboards shall be indirect, non-intermittent lighting.

8.3 OFF-PREMISE SIGN STANDARDS. No off-premise sign shall be erected or structurally modified prior to issuance of a permit by the Administrator.

8.3.1 Generally.

- A. No off-premise sign shall be permitted except when permitted as a temporary off-premise sign or when otherwise authorized by these regulations or Iowa State Code along designated primary highways.
- B. These regulations establish restrictions and limitations on the use of off-premise advertising signs and billboards. An off-premise advertising sign shall not be allowed except as provided in this chapter.
- C. Off-premise signs or billboards shall be limited to the M-1 and M-2 districts.
- D. All signs and billboards are subject to the setback regulations established for the zoning district in which they are located.
- E. Signs and billboards shall be limited to a maximum height of thirty feet (30') and a maximum length of sixty feet (60'). Height shall be calculated as the vertical distance from the base of the sign, or from the adjacent roadway grade, whichever is higher, to the highest point of the sign or billboard.
- F. No sign or billboard shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

- G. Any lighting arrangements, facilities, or fixtures, which are intended to illuminate any sign or billboard, shall be hooded, shielded, or diffused in such a manner as to prevent any beams or rays of light from being directed into any portion of pavement of a highway.
- H. No sign or billboard shall be permitted with moving, flashing, or pulsating lighting arrangements, or which give the visual illusion of such arrangements; nor any revolving or rotating signs or billboards or signs or billboards with other moving mechanical parts of promotional advertising devices which rely upon wind currents to create movement or the illusion of movement.
- I. Every sign or billboard and its supporting structure shall be maintained in good repair. All structural members and all advertising copy shall be kept painted and clean so as to prevent deterioration, oxidation, paint fading, paint peeling or other unsightly conditions. Owners that are found to be improperly maintaining signs or billboards shall be given formal notice to correct the condition with thirty (30) days.
- J. In the event the Administrator revokes a permit and orders removal of a sign or billboard, any such removal shall be totally at the expense of the sign owner. Upon failure of the sign owner to remove a sign, when so ordered by the Administrator, the sign shall be removed by the County and disposed of or destroyed as deemed appropriate. The County assumes no liability for removed material. The sign owner will be billed, by the County, for reasonable cost of any sign removal.
- K. Private signs shall not be placed or otherwise erected on the street or highway right-of-way.
- L. No billboard shall be located within 500 feet of a residence, school park, cemetery or public or semi-public building.
- M. No billboard shall be located within 500 ft of another billboard or advertising sign facing the same direction.

8.3.2 Exempt Off-Premise Sign. Placement of temporary, unilluminated off-premise signs is permitted, without the granting of a permit, in any zoning district provided it meets the following conditions.

- A. The intent is to direct attention to orchards, berry farms, auctions, garage sales, community events or similar activities;
- B. Sign placement occurs no more than sixty (60) days during a calendar year;
- C. Sign placement occurs on private property with permission from the property owner;



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- D. The gross area of a sign shall be no larger than twenty (20) square feet;
and,
- E. No more than two (2) temporary signs shall be permitted for any use.

CHAPTER IX: ADMINISTRATION AND PROCEDURES

9.1 ZONING PERMITS

9.1.1 Zoning Permits Required. No building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwelling units or to accommodate a change in use of the building and/or premises until a Zoning Permit has been issued by the Administrator. The Zoning Permit shall state that the proposed construction complies with all provisions of this ordinance and no subsequent modifications shall be made to plans or to actual construction that would violate this ordinance. Building and structures less than 100 square feet in size and having no permanent attachment to the underlying land (such as posts or footings) are exempt from this Permit requirement but must meet applicable setback requirements. (Amended 5/18/09-Ord 2009-08)

9.1.2 Adequate Public Facilities Required. Land proposed for development shall be served by public facilities and services which are adequate to support the proposed development. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for the following essential public facilities: water service, wastewater treatment and disposal, stormwater management, electrical service, telecommunications service and streets.

- A. **Master Plan Consistency Required.** Proposed public improvements shall conform to and be properly related to the Master Plan and applicable capital improvements plans.
- B. **Water.** All habitable buildings and buildable lots shall be connected to an approved well or public water system which is capable of providing safe drinking water.
- C. **Wastewater.** All habitable buildings and buildable lots shall be served by an approved means of wastewater collection and treatment.
- D. **Stormwater Management.** Drainage improvements shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent increases in peaks or velocity of downstream flooding. The County may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements to mitigate the impacts of the proposed development.
- E. **Streets and Sidewalks.** Proposed streets shall provide a safe, convenient and functional system for vehicular, pedestrian and bicycle circulation, shall be properly related to the Master Plan, and shall be appropriate for the particular traffic characteristics of each proposed development.
- F. **Extension Policies.** All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines and

telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The County may require the applicant of a subdivision to extend off-site improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of approval.

9.1.3 Occupancy Compliance Certificate. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land or building shall be made, nor shall any new dwelling or principal structure be occupied until an Occupancy Compliance Certificate has been issued by the Administrator. Every Occupancy Compliance Certificate shall state that the new occupancy complies with all provisions of this ordinance and no subsequent modifications shall be made to the occupancy, use or method of operation that would violate this ordinance. Occupancy shall be considered the use of a building for its intended purpose or the act of living in a dwelling. Evidence of living in a dwelling may include receipt of mail and packages, phone or data service connection, vehicles parked overnight on the property. Failure to obtain an Occupancy Compliance Certificate prior to occupancy of the dwelling or structure is a violation of this Ordinance and subject to the penalties contained in Chapter X herein. (Amended 2/2/09-Ord 2009-01)

9.2 RESPONSIBILITIES FOR ZONING ORDINANCE ADMINISTRATION

9.2.1 Administrator. The Clinton County Zoning Administrative Officer, hereinafter referred to as "the Administrator," or his/her designee, shall have the responsibility and authority to:

- A. Serve as staff for the Board of Supervisors, Planning & Zoning Commission, and the Board of Adjustment;
- B. Review and render interpretations to all provisions of the Master Plan and Future Land Use Map;
- C. Review and render interpretations to all provisions of the Code and Official Zoning Map;
- D. Recommend any Master Plan or Future Land Use Map amendments;
- E. Recommend any necessary amendments to the Zoning Ordinance or Official Zoning Map;
- F. Accept applications for, review and prepare staff reports describing the proposed development and listing initial findings regarding compliance with this ordinance for the following: text amendments to the Master Plan, amendments to the Future Land Use Map, amendments to the text of the Zoning Ordinance, amendments to the Official Zoning Map, variances, special exceptions, planned developments, and right-of-way and easement vacations. (Amended 1/16/02-Ord 2002-02)



- G. Review and approve, approve with conditions or deny applications for all applications for certificates and permits, and ensure compliance with conditions of a development permit.
- H. Act as a liaison to other agencies and organizations in land use matters.
- I. Facilitate the creation and adoption of special area plans, corridor plan and neighborhood plans.
- J. Monitor and assist in the enforcement of the Zoning Ordinance.
- K. Review all flood plain development permit applications to assure that the provisions of this Ordinance will be satisfied.
- L. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

9.2.2 Planning & Zoning Commission. The Planning & Zoning Commission for Clinton County shall consist of five members who shall be residents of the County. The Administrator and/or appointed representative(s) shall serve as staff to the Commission.

- A. Membership.** The members of the Clinton County Planning & Zoning Commission shall be appointed by the Board of Supervisors. All vacancies on the Commission will also be made by the Board of Supervisors.
- B. Residency.** The members of the Planning & Zoning Commission must be residents and taxpayers in the County, a majority of which shall reside outside the corporate limits of any city. See IC 335.8.
- C. Terms and Reimbursement.**
 - 1. **Term of Office.** Members of the Commission shall serve five (5) year terms. The terms shall be arranged so that no more than one will expire each year.
 - 2. **Removal from the Board.** Members of the Commission may be removed after public hearing by the Board of Supervisors for inefficiency, neglect of duty or malfeasance in office.
 - 3. **Vacancies.** Vacancies must be filled for the unexpired term of any member appointed whose term becomes vacant.
 - 4. **Reimbursement.** All members of the Commission shall serve without compensation except for such amounts determined appropriate by the Board of Supervisors to offset expenses incurred in the performance of their duties.



D. Functions.

1. **Rules of Procedure.** The Planning & Zoning Commission shall adopt rules of procedure consistent with the provisions of these regulations.
2. **Chair Administers Oath.** The chair, or in the absence of the chair, the vice-chair, may administer oaths and compel attendance of witnesses.
3. **Meetings.**
 - a. All public meetings of the Planning & Zoning Commission shall be open to the public.
 - b. The Planning & Zoning Commission shall meet as necessary for the transaction of business.
4. **Minutes.**
 - a. The Planning & Zoning Commission 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.
 - b. The minutes shall be filed immediately in the office of the Administrator and shall be public record.

E. Planning & Zoning Commission Powers and Duties. The Planning & Zoning Commission's powers and duties include, but are not limited to: (Amended 1/16/02-Ord 2002-02)

1. Review and recommend action on all requests for amendments to the Master Plan and Future Land Use Map.
2. Review and recommend action on all requests for amendments to the zoning map.
3. Review and recommend action on all requests for amendments to the text of the Zoning Ordinance.
4. Review and recommend action on requests for rezoning to planned unit developments.
5. Decide all requests for variance from the provisions of the Zoning Ordinance that are not assigned to the Board of Adjustment or the Board of Supervisors.
6. Decide on all requests for approval of planned development plans.
7. Other powers and duties assigned to a Planning & Zoning Commission by state law.



9.2.3 Board of Supervisors. The Board of Supervisors shall have the zoning powers provided by law, including but not limited to the following: (Amended 1/16/02-Ord 2002-02)

- A. Appoint an Administrative Officer.
- B. Appoint members to the Planning & Zoning Commission.
- C. Appoint members to the Board of Adjustment.
- D. Decide all requests for amendments to the Master Plan and Future Land Use Map.
- E. Decide all requests for amendments to the zoning map.
- F. Decide all requests for amendment to the text of the zoning ordinance.
- G. Decide all appeals to actions of the Planning & Zoning Commission, as provided for in the zoning ordinance.
- H. Decide all requests for rezoning to planned unit development.
- I. Adopt other development manuals.
- J. Adopt fees and consider waivers to fees.
- K. Designate local historic sites, structures and districts.

9.2.4 Board of Adjustment The Zoning Board of Adjustment shall have the supervisory and appellate powers provided by law.

- A. Membership.** The members of the Board of Adjustment shall be appointed by the Board of Supervisors.
- B. Number.** The Board of Adjustment shall consist of five (5) members.
- C. Residency.** The members of the Board of Adjustment must be residents and taxpayers in the County, a majority of whom shall reside outside the corporate limits of any city (IC 335.11)
- D. Terms and Reimbursement**
 - 1. **Term of office.** The terms of the members of the Board of Adjustment shall be five (5) years or until their successors take office. The terms shall be arranged so that no more than one will expire each year.
 - 2. **Removal from the Board.** Members may be removed after a public hearing for inefficiency, neglect of duty or malfeasance of office.
 - 3. **Vacancies.** Vacancies must be filled for the unexpired term of any member appointed whose term becomes vacant.
 - 4. **Reimbursement.** All members shall serve without compensation except for such amounts determined appropriate by the Board of Supervisors to offset expenses incurred in the performance of their duties.



E. Functions.

1. **Rules of Procedure.** The Board of Adjustment shall adopt rules of procedure consistent with the provisions of these regulations.
2. **Chair Administers Oath.** The chair, or in the absence of the chair, the vice-chair, shall administer oaths and compel attendance of witnesses.
3. **Meetings.**
 - a. All public meetings of the Board of Adjustment shall be open to the public.
 - b. The Board of Adjustment shall meet as necessary for the transaction of business.
 - c. A public hearing by the Board of Adjustment must be held within 60 days after the filing of an application.
4. **Notice of Meetings:**
 - a. Notice of the Board of Adjustment's public hearing must be sent by mail at least ten days before the hearing to:
 - (1) the applicant;
 - (2) Each owner of real property within 500 feet of the property in question; and
 - (3) Any advisory board which has been established for the affected area by the Board of Supervisors.
 - b. Notice of public hearings of the ZBA shall be given in at least one (1) newspaper of general circulation in the County not less than four (4) nor more than twenty (20) days prior to the meeting.(Amended 10/06/2014 - Ord #2014-02)
 - c. Property owner means that owner shown in the record of the County Assessor.
5. **Contents of Notice.** The notice of the meetings of the ZBA shall be in language which is easy to understand. The notice shall include the following:
 - a. the time and place of the meeting;
 - b. the purpose of the meeting;
 - c. a physical description of the property.



6. **Minutes.**

- a. The ZBA 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.
- b. The minutes shall be filed immediately in the office of the Administrator and shall be public record.

F. **Board of Adjustment Powers and Duties.** The Board of Adjustment shall have the power and duty to:

1. Interpret the zoning ordinance when the meaning of any word or phrase of a section is in doubt, when there is dispute as to such meaning between the appellant and the enforcing officer, or when the location of a zone boundary is in doubt.
2. Allow a variance from the terms of the Ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such variance the general intent and purpose of the zoning ordinance will be preserved.
3. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the County zoning regulations.
4. Allow a reduction of building site area and yard requirements where, in its judgment, the shape of the building site, topography, the location of existing buildings or other conditions make a strict compliance with said regulations impossible without practical difficulty or hardship; but in no case, except as hereinafter provided, shall these regulations be reduced in such a manner as to violate the intent and purpose of this ordinance.
5. Hear and decide on Special Exception Use Permit requests.

G. **Board of Adjustment Action.** The concurring vote of three (3) members of the ZBA is necessary to reverse any order, requirement, decision or determination of any administrative official or agency, or to decide in favor of the applicant.

9.3 PROCEDURES

9.3.1 General Procedures.

A. Published Notice.

1. Except as otherwise provided in this ordinance, in any instance in which a public hearing is required, a notice setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of



the subject property must be published once not less than four (4) nor more than twenty (20) days prior to the hearing in a newspaper of general circulation throughout the County. (Amended 10/06/2014 - Ord 2014-02)

2. In computing the time, both the day of the publication and the day of the hearing shall be included.
3. Not fewer than 20 days prior to the public hearing, the applicant shall provide the information required for the notice to the Zoning Official who shall be responsible for preparing the notice for publication.

B. Types of Notice.

1. **Personal Notice of Public Hearing.**
 - a. Whenever personal notice of a public hearing is required by these Regulations to be sent to the owners of land located within 500 feet of the property. Notice shall be sent by the Administrator at the applicant's cost by U.S. mail at least 10 business days before the hearing to each current owner of real property, as listed in the official records of the Clinton County Assessor.
 - b. Not fewer than 20 days prior to the public hearing, the applicant shall provide the information required for the personal notice, including a list of the property owners to be notified.
 - c. The responsibility for personal notice to all surrounding landowners lies solely with the applicant for development approval.
 - d. Personal notice shall be in letter form stating the date, time and place of the hearing, a general description of the proposal, the location of the property which is the subject of the hearing and other such requirements as further specified in these Regulations. The mailed notice must also include a statement explaining that members of the public may be heard at the public hearing.
 - e. The failure of a property owner to receive notice by mail, if timely sent and properly addressed to the current owner of record, shall not be grounds for invalidating any action taken by the responsible decision-making body.
2. **Posted Notice.** When required by these Regulations, the applicant shall post 24" x 24" signs, provided by the Administrator, giving notice of the date, time and place of the hearing and of the action requested. The applicant shall post at least one sign on the subject property at least 10 days prior to the hearing in conspicuous places visible from every street along the frontage of the subject property. The sign(s) shall remain posted on the property until after the close of the public hearing.



3. **Notice of Final Determination.** Within 10 days of the date of a final determination on the development application, written notification of the decision shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the final decision-maker denies the application, a written statement setting forth the basis for the decision to deny the application shall be included.
- C. **Substantial Compliance Required.** Notice shall be deemed to be complete where there is substantial compliance with the requirements of this section. Minor technical deviations in the language of published, personal or posted notice shall not be deemed to impair the notice where actual notice has been given. The requirement for the number of days of notice, for the general types of notices and for specifying the time, date and place of a hearing and the general location of the property shall be strictly construed; where there is a question raised at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirement of this ordinance.
 - D. **Notification of Appeal or Revocation.** Whenever an appeal is taken from a final decision, or whenever the County determines to revoke a development permit which was obtained following a public hearing, personal notice of the appeal or revocation shall be prepared and made in the manner prescribed by this Section. If no public hearing was held prior to obtaining the development permit, personal notice of revocation shall be given only to the holder of the permit.
 - E. **Costs of Notice.** All actual costs incurred by the County in preparing and publishing the notice required by these Regulations shall be paid by the applicant prior to providing such notice according to a schedule of fees established by the Board of Supervisors.
 - F. **Public Hearing Procedures.**
 1. **Setting of the Hearing.** When the Administrator determines that a permit application is complete and that a public hearing is required by these Regulations, the Administrator shall select a place, date and a time certain for the required hearing, and shall cause notice of such hearing to be prepared and made pursuant to Section 9.3.1-A.
 2. **Purpose of Hearing.** The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.
 3. **Conduct of Hearing.**
 - a. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative of an



organization. Each person who appears at a public hearing shall state, for the record, his or her name, address, and if appearing on behalf of an organization, the name and mailing address of the organization.

- b. The body conducting the hearing shall exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. At the chair's discretion, any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the chair of the body conducting the hearing. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public. The order of proceedings shall be as follows:
 - (1) The Administrator shall present a description of the proposed development and preliminary findings regarding compliance with this ordinance;
 - (2) The applicant shall present any information that the applicant deems appropriate;
 - (3) Public testimony shall be heard first in favor of the proposal, then in opposition to it;
 - (4) The Administrator or other staff member may respond to any statement made by the applicant or any public comment;
 - (5) The applicant may respond to any testimony or evidence presented by the staff or public; and
 - (6) The body conducting the hearing shall close the public portion of the hearing and conduct deliberations.

4. **Record of Proceedings.**

- a. The body conducting the hearing shall record the proceedings by any appropriate means and according to such procedures as the Board of Supervisors may, from time to time, prescribe by rule. Such record shall be provided at the request of any person upon application to the County Auditor and payment of a fee set by the Board of Supervisors to cover the cost of duplication of the record.
- b. The tapes of all proceedings, including testimony and statements of personal opinions, the minutes of the secretary, all applications, exhibits and papers submitted, all staff and advisory body or commission reports and recommendations, and the decision and report(s) of the body before which the hearing is heard shall constitute the record.



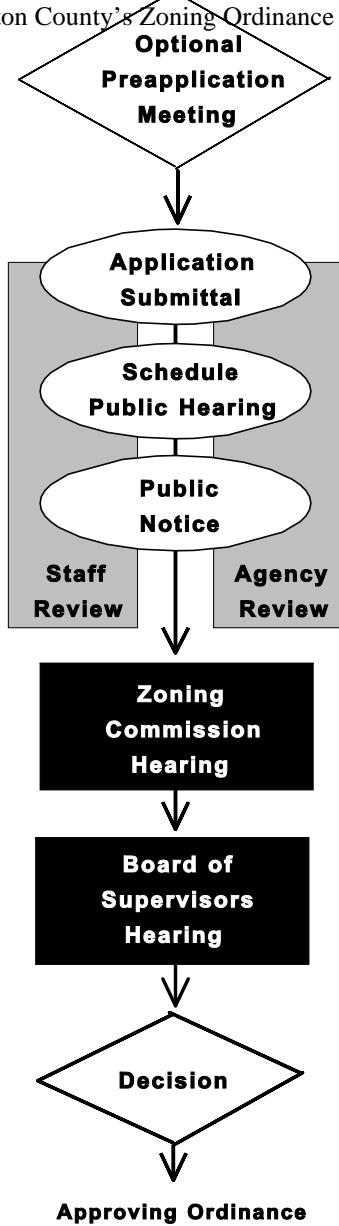
- c. All such records shall be public records, open for inspection at reasonable times and upon reasonable notice.

5. **Continuance of Proceedings.**

- a. Any applicant or authorized agent of an applicant shall have the right to one continuance before the Planning & Zoning Commission, Board of Adjustment or Board of Supervisors, provided that a written request is filed with the Administrator.
- b. An applicant requesting a continuance shall make reasonable efforts, through personal notice, to notify all persons previously advised of the application and hearing that a continuance has been requested. The applicant (at his/her cost) shall also cause written notice of the rescheduled public hearing date to be sent to surrounding property owners in the same manner as for the original meeting.
- c. The Planning & Zoning Commission, Board of Adjustment or Board of Supervisors may grant a continuance at any time for good cause shown. All motions to grant a continuance shall state the date on which the matter is to be heard. A majority vote of those members in attendance shall be required to grant a continuance.
 - (1) The record shall indicate the reason such continuance was made and any stipulations or conditions placed upon the continuance.
 - (2) If the Planning & Zoning Commission, Board of Adjustment or Board of Supervisors, continues a public hearing on its own motion, it may direct the Administrator to renotify property owners as required in the first instance.
 - (3) If the continuance of a public hearing is made at the request of an applicant, the Planning & Zoning Commission, Board of Adjustment or Board of Supervisors may direct the applicant to renotify property owners as required in the first instance.

G. Post Decision Procedures.

- 1. **Appeals from Final Decision-Maker.** Any appeal to a final action by the Board of Supervisors, Planning & Zoning Commission or Board of Adjustment shall be filed within 30 days of the action being appealed.
- 2. **Appeals to Administrative Decisions.** Any person, including any officer or agency of Clinton County, aggrieved by a final administrative determination on a development permit or administrative development approval by the Administrator may appeal such final determination pursuant to Section 9.3.8 of these regulations.



3. **Amendments and Revisions to Approval.**

a. The Administrator may approve, in writing, minor revisions to the terms of approval of an application for development. Minor revisions that may be authorized are limited to those that are necessary in light of technical considerations discovered after the decision on the development application.

b. If the holder of an approved application for a development permit requests a revision that the Zoning Official determines is not a minor revision, approval of the revision by the original final decision-maker is required in accordance with the procedures established for the original approval of the subject development permit.

9.3.2 **Zoning Amendments.** It may be necessary or advisable, from time to time, to amend the text of the Zoning Ordinance or the Zoning Map. Exhibit 9.3.2 illustrates the steps needed to make a zoning amendment.

A. Initiation of Application. A request for change in the zoning map by anyone other than the Planning & Zoning Commission or the Board of Supervisors requires a signed petition by the owner, or by the owners of at least fifty (50) percent of the area if the property to be rezoned is owned by more than one person. Any person may request a change in the zoning ordinance text.

B. Application. An application for zoning map or text change, including payment of fee shall be filed with the Administrator. The fee shall be waived for any request initiated by the County. Before any application is made, the applicant is encouraged to confer with the Administrator to discuss the procedures and requirements for a zoning amendment request pursuant to these Regulations.

1. **Information Required for Text Amendment.** When the applicant seeks to amend the text of these Regulations, the applicant shall complete the form provided by the Administrator which includes



- a. a copy of the proposed changes to the Regulations;
 - b. the reasons supporting each proposed change; and
 - c. any specific circumstances requiring the change.
2. **Information Required for Zoning Map Amendment.** When the applicant seeks a change in the zoning map, the applicant shall submit the following information:
- a. A statement of reasons why the applicant feels the present zoning classification is no longer desirable for the property and why the change is needed;
 - b. A legal description of the subject property for which the rezoning is requested;
 - c. A scaled map of the property, correlating with the legal description, and clearly showing the property's location;
 - d. The name, address, and telephone phone number of the applicant and the property owner;
 - e. A description of the present use of the property and the existing zoning district classification;
 - f. Identification of the requested new zoning classification;
 - g. The area of the property in square feet and/or acres;
 - h. A plat showing the locations, dimensions, and use of the property proposed for rezoning and all property proposed for rezoning and all property within the five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features.
 - i. The proposed time schedule for development;
 - j. The source/method for providing utility/infrastructure services to the property;
 - k. A description of existing road conditions and any new roads to be included in the development and or the effect of the proposed development on existing roads and traffic conditions;
 - l. Declaration of the property's status relative to flood plain information provided by FEMA;
 - m. A list of any state, federal or other public agency approvals or permits required for the proposed development;
 - n. The effect that development of the property may have on surrounding properties;



- o. The existing zoning districts of adjacent properties;
 - p. The existing land uses on adjacent properties;
 - q. The signature(s) of the applicant(s) and owner(s) certifying the accuracy of the required information;
 - r. a copy of the recorded deed;
 - s. list of property owners within 500 feet and their addresses; and
 - t. Other information as required by the Administrator.
3. **Determination of Completeness.** Within five (5) business days of submission, the Administrator shall review the zoning amendment application and determine if the application is complete.
4. **Notice and Public Hearing.** The Planning & Zoning Commission shall hold a public hearing on each proposed zoning amendment after notice is provided in accordance with Section 9.3.1.
5. **Criteria for Review.** When the application involves a change to the Zoning Map that will only affect specific property, the Planning & Zoning Commission shall consider the following factors, as applicable to the individual application:
 - a. Whether or not the current district classification of the property to be rezoned is valid and the suitability of the subject property for the uses to which it has been restricted under the existing zoning classification.
 - b. Whether there is a need for additional land zoned for the purpose requested.
 - c. The character and zoning of nearby property.
 - d. Master Plan future land use designations.
 - e. The extent to which the proposed use will detrimentally or positively affect nearby property.
 - f. The length of time the subject property has remained vacant as zoned.
 - g. Recommendations of the County's professional staff.
 - h. The availability and adequacy of required public and community facilities, utilities and services to serve the proposed use. These may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and



recreation facilities, roads, libraries, solid waste collection and disposal and others, as applicable.

- i. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the street network influenced by the use, or present parking problems in the vicinity of the property.
 - j. The environmental impacts that the proposed use will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting, or other environmental harm.
 - k. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to these Regulations and other applicable County ordinances.
6. **Report and Recommendation by Commission.** The Planning & Zoning Commission shall submit its recommendations in writing to the Board of Supervisors. The recommendation may be for approval, disapproval, or conditional approval.
7. **Amendments to Text.** When a proposed amendment would result in a change in the text of this ordinance but would not result in a change of the zoning map, the recommendation of the Planning & Zoning Commission shall describe:
- a. Whether such change is consistent with the intent and the purpose of this ordinance and the goals and policies of the Master Plan;
 - b. Whether the change is the result of an error or omission in the original text;
 - c. The areas that are most likely to be directly affected by such change and the likely effects; and
 - d. The changes in physical, social or economic conditions or development practices that justify the proposed change.
8. **Decision by Board of Supervisors.** Within 30 days of receipt of the recommendation of the Planning & Zoning Commission and any written public input, the Board of Supervisors shall conduct a public hearing to consider the application and may approve, deny or conditionally approve the recommendation of the Planning & Zoning Commission or take such other action it deems appropriate.
9. **Approved Action.** If the Board of Supervisors approves an application, it shall adopt an ordinance amendment to effect the change. The amending ordinance shall define the change and instruct the Zoning Map or this

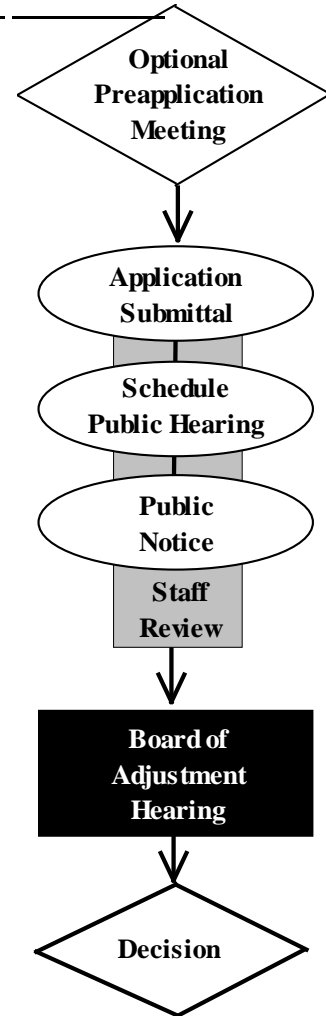


ordinance to be changed to reflect such amendment. The ordinance and resolution shall be filed with the County Auditor and the Administrator.

9.3.3 Conditional Use. (Removed by amendment 1/16/02-Ord 2002-02)

9.3.4 Special Exception Permits. Special exception uses are those uses which generally are compatible with the permitted land uses in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Exhibit 9.3.4 illustrates the process to receive a special exception permit.

- A. Applicability.** The application for a use in a zoning district as a special exception does not constitute an authorization or assurance that such use will be approved.
1. Approval of a Special Exception Permit shall be deemed to authorize only the particular use for which the permit is issued.
 2. No use authorized by a special exception permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new special exception permit in accordance with the procedures set forth in this section.
 3. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, other appropriate provisions of the County or any permits required by state or federal agencies.
- B. Application for Special Exception Permit.** A property owner or designated representative shall initiate a special exception request by filing an application and fee with the Administrator. Before any application is made, the applicant is encouraged to confer with the Administrator to





discuss, in general, the procedures and requirements for a special exception request pursuant to these Regulations.

- C. Information Required for a Special Exception Permit.** When the applicant seeks a special exception permit, the applicant shall submit the following information:
1. The site plan prepared in accordance with Section 9.3.9. Specific requirements of the site plan may be waived by the Administrator.
 2. Evidence of the applicant's ability and intention to establish the use within one (1) year after the effective date of the permit.
 3. Reasons for the special exception permit and a description of the impacts of the proposed use on surrounding properties and infrastructure.
- D. Determination of Completeness.** Within five (5) business days of submission, the Administrator shall review the special exception application and determine if the application is complete.
- E. Notice and Public Hearing.** The Board of Adjustment, shall hold a public hearing on each proposed conditional use permit after notice has been provided in accordance with Section 9.3.1.
- F. Special Use Review Criteria.** When making its decision the Board of Adjustment shall consider whether:
1. the proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
 2. the proposed use is consistent with the general purpose and intent of the applicable zoning district regulations and complies with the requirements of the zoning ordinance;
 3. the proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;
 4. the proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls or both, to ameliorate such impacts; and



5. the proposed use does not generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the neighborhood.

G. Special Exception Approval

1. After the public hearing, the Board of Adjustment shall approve, conditionally approve or deny the special exception application.
2. The Board shall record the reasons for its actions in the record.
3. In conditionally approving a special exception application, the Board may impose such conditions, safeguards and restrictions upon the premises or permittees benefitted by the special exception as may be necessary to reduce or minimize any potentially injurious effect of such special exception upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

H. Special Exception Permit Issuance

1. The Board of Adjustment shall authorize the Administrator to issue a special exception permit for any special exception it approves or conditionally approves.
2. The special exception permit shall set out regulations, restrictions, limitations and termination date so that reasonable control may be exercised over the use.
3. Additionally, upon approval by the Board, the Administrator shall forward a letter of approval to the applicant.

I. Revocation of a Special Exception Permit

1. Any special exception permit granted under the authority of this chapter is subject to revocation for any or all of the following reasons:
 - a. Non-compliance with any special conditions imposed by the Board of Adjustment or the zoning regulations at the time of approval of the special exception.
 - b. Violation of any provisions of the zoning ordinance pertaining to the use of land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
 - c. Violation of any other applicable zoning ordinance or any other county, state or federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special exception permit

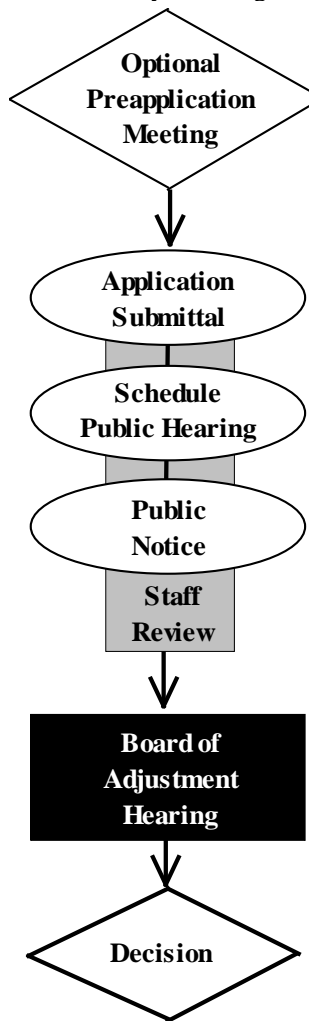


or the qualifications of the permittee or its agents to engage in such conduct or activity.

- d. If a special exception authorized or granted under the provisions of this section is not actually established or the actual construction commenced on the buildings or structures involved within one year from the date of the special use approval, the approval is then revoked.
- e. In the event some construction is involved, it must be diligently completed. A lapse of work for a period of six (6) months will be sufficient to cause the revocation of the special exception approval.
- f. If any use of land, building, structure or premises established under the provisions of this section has been discontinued for a period of one (1) year, it is unlawful to again use such land, building or premises for such discontinued use until a subsequent special exception permit is authorized or granted.

2. Revocation Procedure:

- a. When the Administrator becomes aware of a special exception permittee's failure to meet required conditions, the Administrator shall forward a report recommending revocation of the special use permit to the Board of Adjustment. The Administrator's report shall include reasons supporting the recommendation of revocation.
- b. The Board of Adjustment will review and act upon the recommended revocation at their next scheduled public meeting, following noticing provisions in 9.3.1.



9.3.5 Variance. The Board of Adjustment may authorize a variance from the strict application of zoning design standards where, owing to special conditions, a literal enforcement of these provisions will, in an individual case, result in unnecessary hardship. The granting of a variance shall not result in a substantial detriment to the public good, substantial impairment of affected natural resources or substantial impairment of the intent, purpose and spirit of these Regulations. The Board may not grant a variance to allow any use that is not permitted. Exhibit 9.3.5 illustrates the variance procedure.

A. Applicability. A variance may be granted where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of these Regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of these Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the property owner.

B. Application. A property owner or designated representative shall initiate a variance request by filing an application and fee with the Administrator. Before any application is made, the applicant is encouraged to confer with the Administrator to discuss the procedures and requirements for a variance request pursuant to these Regulations.

C. Information Required for a Variance. When the applicant seeks a variance, the applicant shall submit the following information:

1. A site plan prepared in accordance with Section 9.3.9. Specific requirements of the site plan may be waived by the Administrator.
2. Evidence that the property was acquired in good faith and that because of the exceptional narrowness, shallowness or shape of the parcel at the time of the effective date of these Regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional circumstances, the strict application of the terms of these Regulations actually prohibits the practical use of applicant's property in the manner similar to that of other property owners in the zoning district where the property is located;



3. Evidence of the ability and intention of the applicant to proceed with actual construction in accordance with the submitted site plan if the variance is approved.

D. Determination of Completeness. Within five (5) business days of submission, the Administrator shall review the application and determine if the application is complete.

E. Notice and Public Hearing. The Board of Adjustment shall hold a public hearing on each proposed variance after notice has been provided in accordance with Section 9.3.1.

F. Variance Review and Recommendation. The Board of Adjustment shall consider the following criteria when making its decision:

1. The variance requested arises from a condition or conditions which are unique to the property in question and which are not ordinarily found in the same zone or district; that the condition was not created by an action or actions of the property owner or applicant; and that the condition existed prior to enactment of regulations creating the need for the variance;
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
3. The strict application of the provisions of this ordinance would constitute unnecessary hardship upon the property owner;
4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
5. The granting of the variance will not conflict with the general spirit and intent of this ordinance;
6. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. Non-conforming use of neighboring lands, structures or buildings shall not be considered grounds for issuance of a variance; and
7. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

G. Variance Approval.

1. The Board of Adjustment shall approve, conditionally approve or deny the application for a variance following the public hearing and shall make findings for its decision in the record.



2. If the Board of Adjustment approves a variance application, the Board of Adjustment may impose such conditions, safeguards and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Regulations.

H. Revocation of a Variance. Any variance granted under the authority of these Regulations shall be subject to revocation for any or all of the following reasons:

1. If a variance authorized and granted under the provisions of this section is not actually established or the actual construction commenced on the principal buildings or structures involved within one (1) year from the date of the variance approval, the approval shall be revoked.
2. If a variance is conditionally approved, and any of the required conditions are not being fulfilled, the variance approval will be revoked.

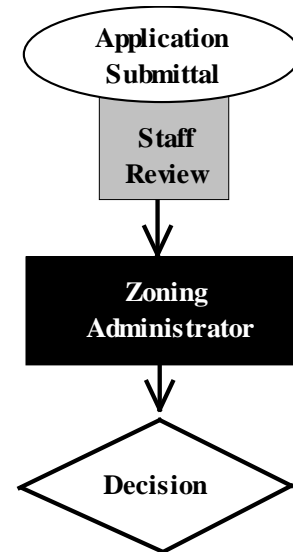
9.3.6 Temporary Use Permits. The uses listed in Section 4.2.14 are authorized temporary uses subject to the regulations, time periods and/or restricted zone districts specified. Unless otherwise specified herein, Temporary Use Permit renewals or extensions shall not be allowed. All other uses shall be considered permanent and subject to all regulations within this and other applicable Codes. The process to receive a temporary use permit is shown in exhibit 9.3.6.

- A. Application.** Applicants for a Temporary Use Permit shall submit a completed application form and a site plan, all of which contain such information as established by the Administrator who shall approve or deny the application within ten (10) working days of submittal.



B. Information Required for a Temporary Use Permit. When the applicant seeks a temporary use Permit, the applicant shall submit the following information:

1. A site plan prepared in accordance with Section 9.3.9. Specific requirements of the site plan may be waived by the Administrator.
2. A description of the impacts of the proposed temporary use on adjacent property and infrastructure, as well as a description of the applicants plans to mitigate negative impacts.



C. Review and Recommendation. The Administrator may approve an application for a Temporary Use Permit if the following criteria, specific regulations and time limitations are met.

1. **Compatibility with/Effect on Surrounding Area.** The allowance of such use will not be detrimental to the public health, safety and general welfare, and the use is consistent with the purposes of this ordinance; and the use is compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use, and the use, value and qualities of the neighborhood surrounding the temporary use will not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation will be considered.
2. **Location on Public Property.** The use shall not be on publicly owned property unless authorized in writing by an authorized agent of the public entity owning the property.
3. **Traffic.** The location of the temporary use or structure is such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area;.
4. **Parking and Access.** Adequate off-street parking, according to Section 6.2 of this Code, shall be provided to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
5. **Property Line Setbacks.** Structures and/or display of merchandise must comply with the property line setback requirements of the zone district



within which it is located. The items must be displayed so as not to interfere with the sight visibility triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed within the public right-of-way.

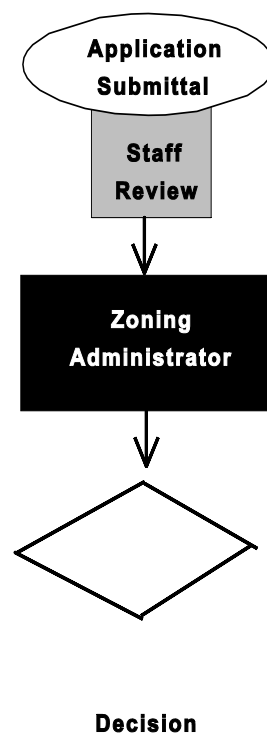
6. Sales Tax License. Before a temporary use involving the sale of merchandise may begin, a sales tax license must be obtained.
 7. Signs. Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. The total sign allowance for a temporary use shall be twenty (20) square feet, not including permanent signage that may be on a vehicle, legal for use on a public road. All signs for temporary uses shall be attached to a structure, vehicle or existing sign post. Flashing signs shall not be allowed.
 8. Number Per Parcel. Only one Temporary Use Permit shall be permitted for a single parcel of land at any given time.
- D.** Conditions of Approval. In the allowance of such a use, the Administrator or, upon appeal, the Board of Adjustment shall have authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected.
- E.** Validity. The temporary use permit shall be valid for the use for which the permit was granted for the length of time indicated in the permit as long as the use is in compliance with applicable codes.

9.3.7 Zoning Permit. Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within any district established by the provisions of these Regulations, the owner or the owner's agent must obtain a zoning permit from the Administrator for each building and/or structure. It is unlawful to commence work until and unless the zoning permit has been obtained. Exhibit 9.3.7 illustrates the zoning permit process.

- A. Application.** Before any application is made for a zoning permit, the applicant is encouraged to confer with the Administrator to discuss, in general, the procedures and requirements for a zoning permit request pursuant to these Regulations. A property owner or designated representative of the property owner shall initiate a zoning permit request by filing an application with the Administrator and paying the application fee.
- B. Information Required for a Zoning Permit.** A zoning permit application shall include:
1. A site plan prepared in accordance with Section 9.3.9.



2. If the property is not served by public water or sewer, the site plan must indicate the exact location of the proposed or existing well(s) and the exact location of the proposed or existing septic tank(s) system. These locations must be approved by the County Health Department prior to the issuance of a zoning permit;
 3. Sufficient copies of the site plan shall be provided to allow a set to be filed as a permanent record with the Health Department.
- C. Determination of Completeness.** Within five (5) business days of submission, the Administrator shall review the zoning permit application and determine if it is complete.
- D. Issuance.** Before any building or structure is erected, constructed, altered or moved on any property within the County, the zoning permit application together with plans, drawings, sketches or description of same shall be submitted to the Board of Supervisors or its designated agent for approval or disapproval. The Board of Supervisors hereby designates the Administrator as its agent to receive, inspect, consider and approve or disapprove the plans on behalf of the Board.
- E. Variance or Special Exception Permit.** In all cases where the Board of Adjustment has granted a variance or a special exception permit as authorized by these Regulations, the Administrator may approve a zoning permit sufficient to allow such building or work to be done in accordance with the decision of the Board of Adjustment; provided, that no permit shall be issued until the time for rehearing or for appeal or reapplication for rehearing has run.
- F. Conflict With Regulations.** The issuance of a zoning permit pursuant to the authority of this Section shall not be deemed or construed to permit or authorize any violation of any of the provisions of these Regulations or amendments thereto, or any other County Code, ordinance or law. Any permit issued in conflict with these Regulations shall be null and void.



9.3.8 Appeals to Administrative Decisions.

- A. Any person, including any officer or agency of Clinton County, aggrieved by a final administrative determination on a development permit or administrative development approval by the Administrator may appeal such final



determination to the Board of Adjustment, in the manner provided in this section.

- B. A written appeal must be filed with the Administrator within 30 working days after the date of the final decision. The appeal shall contain a written statement of the reasons for which the appellant claims the final decision is erroneous. The appeal shall be accompanied by the fee established by the Board of County Supervisors. (Amended 11/22/2000-Ord 2000-05)
- C. The Board of Adjustment shall hear the appeal within 30 days after the filing of the appeal.
- D. The Board of Adjustment may affirm, reverse or modify the decision from which the appeal was taken within 30 days after the date the hearing is closed.

9.3.9 Site Plan Requirements.

- A. **Purpose and Applicability.** The purpose of requiring Site Plan Review is to ensure that proposed development conforms with Zoning Ordinance requirements and includes a compatible arrangement of buildings, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, site drainage and open spaces. Site plan review shall consider the siting of proposed construction and its impact on the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area and its conformance to the policies and standards of the Master Plan. The design shall encourage the elimination of unnecessary grading and endeavor to retain the natural character of the site including the preservation of trees and other natural features.

Applicability. A site plan shall be required for all new construction, exterior additions or changes in use to any structure used for multi-family, commercial, industrial or public use, whether such use is a permitted use in the district, authorized by conditional use permit or allowed as a planned unit development. Site plans also may be required, at the County's discretion, for rezonings, plan amendments, conditional uses and special exceptions. No zoning permit shall be issued for a development subject to site plan review until such site plan has been approved in accordance with this section. (Amended 1/26/02-Ord 2002-02)

- B. **Application for Site Plan Review.**
 - 1. Before any application is made, the applicant is encouraged to confer with the Administrator to discuss, in general, the procedures and requirements for site plan approval pursuant to this ordinance.



2. A property owner or designated representative shall initiate site plan review by filing an application with the Administrator. Applicant shall prepare plans as required on the application.
3. A site plan may be prepared and submitted for the entire development at one time or for individual development phases. Where a site plan is submitted for an individual development phase only the applicant shall also prepare a conceptual site plan for the remainder of the applicant's contiguous holdings. The conceptual site plan shall indicate the approximate location and densities of development on the remainder of the property, together with a proposed street and drainage system.
4. All site plans for single family dwellings shall illustrate to scale, the location, dimensions and setbacks of all site improvements.
5. All site plans for uses other than single family and exempt structures shall include all information needed to evaluate compliance with this ordinance. At the discretion of the Administrator, any of the following information may be required:
 - a. Name and address of record of landowner, as well as the architect, engineer, surveyor and contractor, as applicable;
 - b. Date, north arrow and scale;
 - c. A scale of not less than 1" = 20' if the site is less than three (3) acres and 1" = 100' if the site is three (3) acres or more.
 - d. A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet (1" = 2,000 ft.);
 - e. Location of existing and proposed rights-of-way, easements and infrastructure (streets, sewers, water lines, etc.)
 - f. Size, use and location of existing and proposed structures and drive on the subject property, and existing structures and drives within 100 feet of the property.
 - g. A legal description and accompanying map exhibit of the property, showing the location and type of boundary evidenced. The legal description shall include the following data:
 - (1) Metes and bounds or subdivision description of all property lines;
 - (2) Total area of property;
 - h. Existing topography with maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two percent



- (2%) then either one foot contours or spot elevation shall be provided where necessary.
- i. Location of floodplain areas subject to flooding, centerlines of drainage courses, and finished floor elevations of proposed buildings;
 - j. The height, number of floors and proposed square footage of all buildings, both above and below or partially below the finished grade;
 - k. The yard dimensions from the development boundaries and adjacent streets and alleys;
 - l. The traffic and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths;
 - m. Off-street parking and loading areas, including dimensions of proposed drives and parking spaces, and structures and landscaping for parking areas;
 - n. Greenbelt and other active recreation space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas, and delineating those areas proposed for specific types of recreational facilities;
 - o. A master sign plan, detailing all proposed signage for the site;
 - p. A plan or statement showing the location and design of all screening measures and indicating the type, building materials and height of such screening;
 - q. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit;
 - r. A copy of all covenants, restrictions and conditions pertaining to the use, maintenance and operation of private open space areas;
 - s. A final statement in tabular form (chart) which sets forth the following data, when such data is applicable to a given development plan:
 - (1) Total number of dwelling units, if applicable;
 - (2) Residential density and units per acre, if applicable;
 - (3) Total floor area (in square feet) and floor area ratio for each type of use;
 - (4) Total area in open space;



- (5) Total area in developed recreational open space; and
 - (6) Total number of off-street parking spaces, required and provided and total off-street loading spaces, required and provided;
 - t. A landscape plan prepared by a registered landscape architect, which shall include an itemized plant materials schedule with botanical and commonnames of materials, sizes and quantities. This plan shall also include the location of all existing trees greater than 12 inches in diameter; and
 - u. Drainage information sufficient to meet County requirements.
- C. Determination of Completeness.** Within 30 working days of submission, the Administrator shall review the site plan application and determine if the application is complete.
- D. Criteria For Approval.** Before approving the site plan, the Administrator shall make the following determinations:
- 1. The site is capable of accommodating the building(s), parking areas and drives with appropriate open spaces and is in compliance with all requirements of these Regulations.
 - 2. The site plan provides for safe and easy ingress, egress and internal traffic circulation.
 - 3. All development features, including the principal building and any accessory buildings, open spaces, service roads and parking areas are located so as to minimize the possibility of adverse effects on adjacent properties.
 - 4. The plan is consistent with accepted land planning and site engineering design principles.
 - 5. The plan represents an overall development pattern that is consistent with the Master Plan, design guidelines and other adopted planning policies.
 - 6. The plan complies with all applicable development regulations.
- E. Appeal of Denied Application.** A denied application may be appealed to the Board of Adjustment within 30 days of the denial.
- F. Duration of Permit/Approval.**
- 1. Unless a longer time shall be specifically established as a condition of approval, or an extension granted, site plan approval shall lapse and become void 1 year from the date of site plan approval.

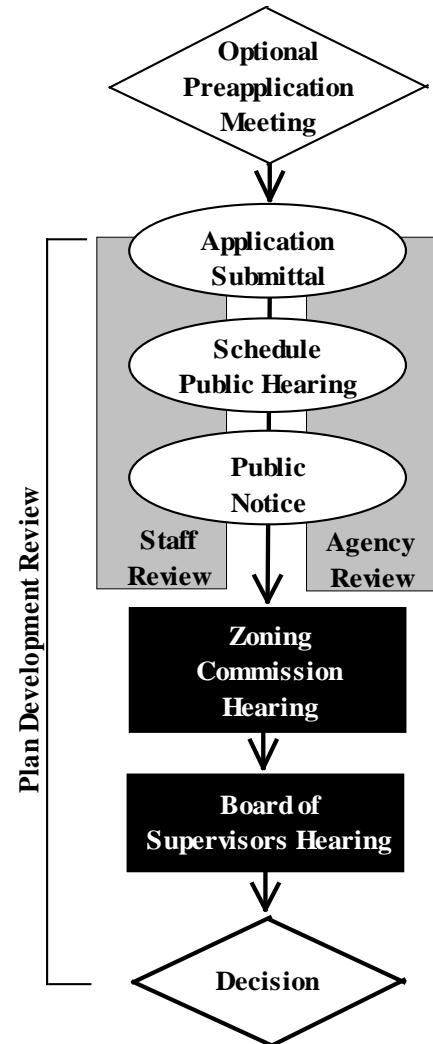


2. Site plan approval may be extended only upon the Applicant's written request for extension of the plan as approved by the Administrator prior to expiration. Such extension, if granted, shall not exceed a period of 1 year.
3. Upon violation of any applicable provision of this section or, if granted subject to conditions, upon failure to comply with conditions, the site plan approval shall be suspended and shall be subject to revocation upon notification to the owner of the subject property.
4. A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

G. Site Plan Amendments. The Administrator shall be authorized to review and approve amendments to previously approved site plans, when the amendment is for the expansion of floor space, provided, the amendment meets all requirements of these Regulations.

9.3.10 Planned Unit Development.

A. Application. The Planned Unit Development district may be applied to residential, commercial, industrial and mixed use projects to provide design flexibility not available through strict interpretation of the standards established in Chapter 3. Design flexibility is provided through the Planned Unit Development district to enhance long-term community benefits that may be achieved through high quality development that provides:





1. More efficient infrastructure.
2. Reduced traffic demands.
3. More usable public or private open space.
4. Recreational amenities.
5. Needed housing choices.

B. Preliminary Plan.

1. **Application.** A Preliminary Plan constitutes a major step in the review process. The submittal shall be detailed enough to answer the question, "Should this use, designed in this particular manner, be constructed on this site?" The project density shall be justified at the preliminary stage through site and structure design. The Board of Supervisors may limit the density on all or any portion of a PUD if it determines that the design fails to fulfill the purposes of this Section or Section 3.6.9. All required rights-of-way shall be dedicated at the time the Preliminary Plan is approved. The applicant may request, and the Planning & Zoning Commission may authorize at its discretion, concurrent review of the preliminary and final plan.
2. **Procedures.**
 - a. Within sixty (60) days following the submittal of the Preliminary Plan, the Zoning Commission shall review the plan at a public hearing. Within thirty-five (35) days of the public meeting, the Zoning Commission shall recommend approval, denial or approval with conditions.
 - b. The Board of Supervisors shall review the Preliminary Plan at a public hearing within thirty (30) days following the receipt of the Zoning Commission recommendation. The Board of Supervisors shall consider the contents of the Preliminary Plan submittal and the recommendation of the Commission. It shall then approve, conditionally approve or deny the Preliminary Plan within thirty (30) days of its hearing.
 - c. If the Preliminary Plan proposes multiple phases, specific densities shall be assigned to each phase. Density at each preliminary phase shall be justified by specific design. Density from one phase may be shifted to another phase subject to Board of Supervisors approval. The Board of Supervisors, in approving the Preliminary Plan, may conduct the first reading of the rezoning ordinance for the area described in the Preliminary Plan.
 - d. The Administrator has the right to approve minor changes to the Preliminary Plan pursuant to Section 9.3.10.D.
 - e. If a Preliminary Plan is approved, the applicant shall submit a Final Development Plan and Final Subdivision Plat application in accordance with the approved development schedule.



- f. The procedures for the public hearing and the notification standards shall comply with Section 9.3.1.
 3. **Approval Criteria.** A preliminary plan application and submittal shall be reviewed based on criteria established in Section 3.6.9 of these Regulations.
 4. **Submittal Requirements.** A preliminary plan application shall be prepared and submitted in conformance with County codes and policies.
- C. Final Development Plan and Final Subdivision Plat**
1. **Application.** The Final Development Plan and Final Subdivision Plat act as the blue print for development of a Planned Unit Development project over the length of time the project is developed. The Plan and the Plat ensure that consistency with the Master Plan and adopted codes is maintained during the period of development and construction.
 2. **Procedures.**
 - a. Within sixty (60) days following submittal of the Final Development Plan, the Planning & Zoning Commission shall review the Final Plan and Plat at its public Hearing. It shall accept, reject, or require modifications to the Final Plan and/or Plat within thirty (30) days of its hearing. An appeal of the Planning & Zoning Commission's decision may be made in accordance with the provisions of Section 9.3.8.(Amended 11/22/2000-Ord 2000-05)
 - b. Upon receipt of a recommendation, the Board of Supervisors shall review the Final Development Plan and Plat and Planning & Zoning Commission recommendation following a public hearing. The Board of Supervisors shall approve, approve with conditions or disapprove the Final Plan and/or Plat within thirty days (30) of its hearing.
 - c. The procedures for the public hearing and the notification standards shall comply with Section 9.3.1.
 - d. Upon final approval, the plan and plat shall be recorded. The final plat shall contain all of the following information which is pertinent to the PUD: the setbacks, a list of approved and/or specifically excluded uses, and any pertinent conditions or stipulations which were previously made or imposed. The ordinance creating the PUD shall become effective upon recording of the plat.
 - e. All proposed publicly- or commonly-owned site improvements such as, but not limited to, those listed below, shall be included in the improvements agreement, improvements guarantee, and development schedule:
 - (1) road grading, surfacing/signing/lighting.
 - (2) curbs/gutters;
 - (3) sidewalks/pedestrian walks/trails/associated structures;



- (4) sanitary sewers stubbed to each lot;
 - (5) water lines stubbed to each lot, including fire hydrants;
 - (6) drainage structures/improvements;
 - (7) open space improvements/facilities/landscaping; and
 - (8) structures/parking areas.
- f. Unless the time limit established by the final development schedule has expired, zoning permits for buildings which conform to the recorded Final Development Plan may be issued.
- g. The County may require that a homeowners association or corporation shall be created to maintain and administer the project's lands or facilities. Articles of Incorporation and Restrictive Covenants shall be recorded at, or prior to, the recording of the Final Development Plan and Plat. The Homeowners Association shall be required to maintain all common space in reasonable order and condition on a timely, consistent basis.
- 3. Approval Criteria.** A final plan application and submittal shall be reviewed based on criteria established in Section 3.6.9.

D. Amendments to the Final Plan

- 1. Minor Changes.** Minor changes may be authorized by the Administrator under the following conditions, providing those changes are required by engineering, technical, or other circumstances not originally foreseen at the time the final plan was approved.
- a. The applicant for a minor change to a final plan shall provide the Administrator with envelopes containing notice of the requested change which are stamped and addressed to each person who testified concerning the project at any prior public meeting. The Administrator shall mail this notice a minimum of seven (7) days prior to taking any action on the request.
 - b. The term "minor changes" as used in this Section is considered to represent changes which do not alter the overall characteristics of the total plan and which create no adverse impacts on adjacent uses or public services and facilities. Some examples of what can be considered as minor changes are:
 - (1) changes in location and type of landscaping and/or screening so long as the approved character and intent is maintained;
 - (2) changes in the orientation of portions of parking areas so long as the effectiveness of overall site circulation and parking is maintained; parking areas shall be relocated not closer than twenty feet (20') to any residential structure or ten feet (10') to any street or right-of-way lines; and the number of parking spaces shall not be reduced by the relocation.



- (3) changes in the location of sidewalks and pathways, provided that continuity of pedestrian circulation remains;
- (4) the reorientation, but not complete relocation, of major structures;
- (5) changes resulting in a decrease of building separation or setbacks so long as those changes will not impact adjacent properties or uses.
- (6) No minor change authorized by this section may cause any of the following:
 - (i) change in the permitted uses or of development character;
 - (ii) increased overall coverage of structures;
 - (iii) increased intensity of use;
 - (iv) increased demand for traffic circulation and public utilities;
 - (v) decrease in public or private open space;
 - (vi) decrease in provisions for off-street parking, loading and screening thereof;
 - (vii) decrease in pavement and sidewalk widths;
 - (viii) increased numbers of dwellings; or
 - (ix) increased deviation from the minimum design standards established in Chapter 3.

2. **Other Changes.** All other changes to the approved Final Plan shall be deemed "major" and shall be approved only by the Planning & Zoning Commission or, upon appeal, to the Board of Supervisors after review of a revised Final Plan and/or Plat.

No amendments may be made in the approved Final Plan unless the applicant establishes that such amendments are required as a result of: changes in conditions which occurred after final plan approval; changes in the development policy of the community; or by conditions that were reasonably unforeseen at the time of Final Development Plan approval.

3. **Recording of Changes and Amendments.** Any changes which are approved for the final plan and/or plat shall be recorded as amendments to the previously recorded plan and/or plat.

E. Development According to the Final Plan.

1. **Site Development Plan Review.** No zoning permit shall be issued on any site unless a site plan has been submitted and approved in accordance with the provisions in Section 9.3.9 and unless such site plan conforms with the conditions of the adopted Final Plan.



2. **Construction Improvements or Posting of Bond.** No buildings may be erected and no uses may occupy any portion of the district until the required related off-site improvements are constructed or appropriate security as determined by the County Engineer and County Attorney is provided to ensure construction. If the PUD is to be developed in phases, all improvements necessary to the proper operation and functioning of each phase, even though same may be located outside of the section, must be constructed and installed or appropriate security as determined by the Administrator must be provided to ensure their construction.

CHAPTER X - ENFORCEMENT AND PENALTIES

10.1 VIOLATION AND PENALTIES. The remedies provided in this section for violations of any provision of these Regulations, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Except as otherwise provided in this ordinance, any development or use initiated after adoption of zoning in the County, or maintained in violation of this ordinance, which is not in compliance with the provisions of this ordinance is prohibited and shall be referred to herein as an "unlawful" development or use.

- A. **Types of Violations.** Any of the following shall be a violation of this ordinance and shall be subject to the remedies and penalties provided for in this ordinance:
 1. **Use, Structure or Sign Without Permit or Approval.** To place any use, structure or sign upon land that is subject to this ordinance without all of the approvals required by this ordinance.
 2. **Activities Inconsistent with this ordinance.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this ordinance.
 3. **Activities Without Permit or Approval.** To engage in any subdividing, development, construction, remodeling or other activity of any nature upon land that is subject to this ordinance without all of the approvals required by this ordinance.
 4. **Activities Inconsistent with Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.
 5. **Activities Inconsistent with Conditions.** To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

6. **Making Lots or Setbacks Nonconforming.** To reduce or diminish any lot area so that the size, setbacks or open spaces shall be smaller than prescribed by this ordinance.
7. **Increasing Intensity of Use.** To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this ordinance.
8. **Failure to Remove Signs or Other Improvements.** To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this ordinance, or for which the sign permit has lapsed.

10.2 SEPARATE OFFENSES MAY BE CHARGED. Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this ordinance.

10.3 CIVIL REMEDIES AND ENFORCEMENT POWERS. Failure to comply with any provision of this ordinance shall be declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this ordinance.

- A. **Withhold Permit.** The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this ordinance. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

1. **Permits Approved with Conditions.** Instead of withholding or denying a permit or other authorization the County may grant such authorization subject to the condition that the violation be corrected.
2. **Revoke Permits.** Any development permit or other form of authorization required under this ordinance may be revoked when the Administrator determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this ordinance are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for



which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

3. **Stop Work.** With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its zoning codes.
4. **Revoke Plan or Other Approval.** Where a violation of this ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of Supervisors may, upon notice to the applicant and other known parties in interest (including any holders of zoning permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this ordinance, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the Board of Supervisors may reasonably impose.
5. **Civil Penalty.** Any person who fails to comply with any provision of this ordinance shall be subject to a civil penalty of up to the maximum allowed by state law. Each day that a violation exists shall constitute a separate offense. Every such action shall be brought by the County before the District Court. Only the County, its officers and employees may initiate an action under this section, but neither the County nor its officers or employees shall be liable for any claim of civil penalty. Any County Officer or employee wishing to initiate an action for civil penalties, pursuant to this section, shall cause written notice thereof to be given to the County Attorney prior to initiating such action.
6. **Injunction and Abatement.** The County, through its authorized agents, including the Administrator of this ordinance, may initiate injunction or abatement proceedings or other appropriate action in the Court of competent jurisdiction against any person who fails to comply with any provision of this ordinance, or any requirement or condition imposed pursuant to this ordinance, to prevent, enjoin, abate, or terminate violations. The County may seek a court order in the nature of mandamus, abatement, injunction or other action for proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.



10.4 CRIMINAL PENALTY.

- A. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title or violating or failing to comply with any order or regulation made hereunder shall be guilty of a misdemeanor unless otherwise provided by state law. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which such violation of this title or failure to comply with any other order or regulation is committed, continued or otherwise maintained, including the maximum daily fine for each day a violation occurs.
- B. Every person convicted of a misdemeanor shall be punished by imprisonment or by a fine up to the maximum allowed by state law.

CHAPTER XI - ADOPTION

11.1 REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, and particularly the Zoning Ordinance of Clinton County adopted the 8th day of May, 1964 and amendments thereto, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

11.2 EFFECTIVE DATE. This Clinton County Zoning Ordinance shall be in full force and effect after passage and publication of this summary as provided by law.

PASSED THIS 8TH DAY OF MARCH, 1999.

Lewis L. Todtz

Ross E. Spooner

Jill M. Davisson, Chair
Clinton County Board of Supervisors

ATTEST:

Charles A. Sheridan
Clinton County Auditor