

Boone County Zoning Ordinance

Adopted July 1, 2008,
Last Amendment
Dated May 5, 2009

Boone County Zoning Ordinance - Amendment Table

Date	Ordinance No.	Description	Applicable Section No.
06-04-08	88	Amendment of Boone County Zoning Ordinance No. 27	11.06
07-25-08	90	Amend Official Zoning Map of Boone County – Farmers Cooperative Company from A-1 to A-2 to accommodate an anhydrous ammonia storage facility.	4.05
09-26-08	91	Amend Official Zoning Map of Boone County – From A-1 to C-1 to accommodate signage for the Farm Progress Show and the Central Iowa Expo Center.	4.10
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02-17-09	94	Text amendment allowing landfill and or solid waste disposal facilities in an I-2 Heavy Industrial District as a Conditional Use Permit or CUP	4.12 and 4.16
02-17-09	95	Text amendment providing for the regulation of the construction and operation of commercial wind energy facilities in Boone County, Iowa, subject to reasonable conditions that will protect the environment, public health, safety, and welfare.	8.04 and Sub-Sections 8.04.02, 8.04.03, 8.04.04, and 8.04.05
04-07-09	96	Amend Official Zoning Map of Boone County – West Central Cooperative from A-1 to A-2 to accommodate expansion of current operations (+/-) five (5) acres improving public safety and truck traffic patterns in and out of the property from ‘T’ Avenue.	4.05
Disapproved 04-28-09 Approved 06-16-09	97	Amend Official Zoning Map of Boone County – Hemmen Moving Services from A-1 to I-1 to accommodate a trucking facility for hauling household and business goods and materials.	4.11
05-05-09	98	Amend Official Zoning Map of Boone County – Todd and Shantel Smith from A-1 to C-1 to accommodate the construction of a physical therapy clinic.	4.10
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8-31-10	102	Amend Official Zoning Map of Boone County – E.P. Frazier, Inc. and Valerie Elaine Williams (+/-) 17.98 acres from A-1 to TA-1 with Conservation Overlay District on top of TA-1 base zoning to accommodate a three lot minor residential subdivision	4.06
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8-24-10	105	Amend Official Zoning Map of Boone County – Richard Burdess (+/-) 7.43 acres to include Conservation Overlay District on top of the existing A-1 base zoning	4.13
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12-7-10	107	Amend Official Zoning Map of Boone County – Shirley Stevens, Richard Wilson, and Linda Anderson (siblings) (+/-) 8.03 acres from A-1 to R-1 to accommodate a three lot residential minor subdivision called Stevens Subdivision	4.07
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3-30-11	109	Text amendment to Rescind Section 4.13 CO Conservation Overlay District	11.06

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Article I. Title, Application, Purpose, Exemption, Interpretation, Zoning Commission

Section 1.01 Title

This ordinance shall be known as the Zoning Ordinance for Boone County, Iowa.

Section 1.02 Application

This ordinance shall apply to the unincorporated territory of Boone County, Iowa

Section 1.03 Purpose

The zoning ordinance and districts as herein established have been made in accordance with a comprehensive plan and policies to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Boone County, Iowa. The ordinance has been made with reasonable consideration, among other things, for the existing use and character of property, to the character of the particular district involved, and its peculiar suitability for particular uses, to trends of growth or change, and with a view to conserving natural resources and the value of land and buildings and encouraging the most appropriate use of land throughout the unincorporated territory of Boone County, Iowa.

Section 1.04 Farms Exempt

In accordance with the provisions of Chapter 335, Code of Iowa, except to the extent required to implement Section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used.

In order for the land to be designated as a farm, it shall be an operation of the usual nature of local farms, raising crops and/or livestock (such as corn, grain, beans, cattle, sheep, hogs). Animals on such farms shall be raised, housed, and fed on the same farm.

Section 1.05 Interpretation

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, sustainability or general welfare. It is not intended by this ordinance to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premise or upon height of buildings, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, ordinances, or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

Section 1.06 Disclaimer Regarding “Approval” of County Representatives

Whenever the words “approve”, “approved”, “approval” or similar words are used in describing actions taken by the Zoning Administrator, Zoning Commission, Board of Adjustment, County Engineer, or the County Board of Supervisors, such words shall be construed as ministerial acts which only entail review for

compliance with the Ordinance. Boone County makes no warranties, either expressed or implied, that any plans, plats, subdivision, re-zoning, variance, or any other actions that constitute “approval” by Boone County are merchantable, fit for any particular purpose, or free from design or construction defects.

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Article II. Definitions

Section 2.01 Construction and General Terminology

For the purpose of carrying out the intent of this Ordinance, words, phrases, and terms shall be deemed to have the meaning ascribed to them. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; those in the plural number include the singular; and the masculine gender shall include the feminine.

- 2.01.01 The word "Assessor" shall mean the Boone County Assessor.
- 2.01.02 The words "Board" or "Board of Supervisors or County Board" shall mean the Boone County Board of Supervisors.
- 2.01.03 The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
- 2.01.04 The word "Commission" shall mean the Boone County Zoning Commission.
- 2.01.05 The word "County" shall mean Boone County, Iowa.
- 2.01.06 The words "County Recorder" shall mean the Boone County Recorder.
- 2.01.07 The word "County Engineer" or "Engineer" shall mean the Boone County Engineer or the County Engineer's Office or Secondary Roads Department.
- 2.01.08 The word "District" shall refer to any zoning district created for the purpose of regulating specific uses within a defined area.
- 2.01.09 The word "Federal" shall mean the Government of the United States of America.
- 2.01.10 The word "shall" is mandatory; and the word "may" is permissive.
- 2.01.11 The word "State" shall mean the State of Iowa.
- 2.01.12 The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied for."
- 2.01.13 The words "Zoning Map" shall mean the Official Zoning Map of Boone County.
- 2.01.14 The word "Administrator" shall mean the Boone County Zoning Administrator.
- 2.01.15 The word "Ordinance" shall mean the Boone County Zoning Ordinance.
- 2.01.16 The words "Comprehensive Plan" shall mean the Boone County Comprehensive Development Plan.
- 2.01.17 Abbreviations and Acronyms

For purposes of this Ordinance this section contains a listing of abbreviations and acronyms used throughout this document.

IAC	Iowa Administrative Code
I.C.	Iowa Code or Code of Iowa
IDNR	Iowa Depart. of Natural Resources or successor department
FAA	Federal Aviation Administration
FCC	Federal Communication Commission

FSA	Farm Service Agency
FEMA	Federal Emergency Management Agency
KV	Kilovolt
KW	Kilowatt
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
LFO	Livestock Feeding Operation
USDA	United States Department of Agriculture

Section 2.02 Definition of Terms

- 2.02.01 **ABANDONMENT** shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2.02.02 **ABUTTING** shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.
- 2.02.03 **ACCESS OR ACCESS WAY** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.
- 2.02.04 **ACCESSORY BUILDING** (see Building, Accessory).
- 2.02.05 **ACCESSORY LIVING QUARTERS** shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
- 2.02.06 **ACCESSORY STRUCTURE** shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.
- 2.02.07 **ACCESSORY USE** shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.
- 2.02.08 **ACRE** shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.
- 2.02.09 **ACREAGE** shall mean any tract or parcel of land that does not qualify as a farm or development.
- 2.02.10 **ADJACENT** shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".
- 2.02.11 **ADULT COMPANIONSHIP ESTABLISHMENT** shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and

a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

- 2.02.12 **ADULT ESTABLISHMENT** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
- 2.02.13 **ADULT HOTEL OR MOTEL** shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- 2.02.14 **ADULT MASSAGE PARLOR, HEALTH CLUB** shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.15 **ADULT MINI-MOTION PICTURE THEATER** shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 2.02.16 **ADULT MOTION PICTURE ARCADE** shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- 2.02.17 **ADULT MOTION PICTURE THEATERS** shall mean a business premises within an enclosed building with a capacity of fifty (50) or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- 2.02.18 **ADULT NOVELTY BUSINESS** shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.
- 2.02.19 **ADULT SAUNA** shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- 2.02.20 **ADVERTISING STRUCTURE** shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.
- 2.02.21 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES** shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.
- 2.02.22 **AGRICULTURE** shall mean the art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock.
- 2.02.23 **AGRICULTURE - CROP PRODUCTION** shall mean the raising and harvesting of the following, including, but not limited to crops, vegetables, and melons; orchards; deciduous and evergreen tree farms; sod farms and other horticultural specialties such as bedding plants, bulbs and flowers grown under cover or outdoors.
- 2.02.24 **AGRICULTURE- LIVESTOCK PRODUCTION** shall mean livestock production uses, including, but not limited to pasture land or production facilities, either isolated or in conjunction with a farmstead, to the keeping, grazing or feeding of livestock for the sale of livestock or livestock products; animal specialties such as bees, fur-bearing animals and fish.
- 2.02.25 **AGRICULTURAL PROCESSING, VALUE-ADDED** shall mean a facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. The facility also includes the warehousing and packaging as a secondary use. This definition does not include commercial kitchens, bakeries, wineries or breweries.
- 2.02.26 **AIRPORT** shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

- 2.02.27 **AIRPORT HAZARD ZONE** consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. See Federal Aviation Administration, Administrative Code Part 77, and Boone County Airport Zoning Ordinance #24A.
- 2.02.28 **ALLEY** shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.
- 2.02.29 **ALTERATION** shall mean any change, addition or modification in construction or occupancy of an existing structure.
- 2.02.30 **ALTERATION, STRUCTURAL** (see Structural Alteration)
- 2.02.31 **AMENDMENT** shall mean a change in the wording, context, or substance of this Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.
- 2.02.32 **AMUSEMENT ARCADE** shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.
- 2.02.33 **ANIMAL HOSPITAL** (see Hospital, Animal)
- 2.02.34 **ANIMALS, DOMESTIC** (see Household Pet)
- 2.02.35 **ANIMALS, FARM** shall mean livestock associated with agricultural operation, commonly kept or raised as a part of a agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.
- 2.02.36 **ANTENNA** shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)
- 2.02.37 **APARTMENT** shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)
- 2.02.38 **APARTMENT HOTEL** shall mean a multiple family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.
- 2.02.39 **APARTMENT HOUSE** (see Dwelling, Multiple Family)

- 2.02.40 **APPROVED LOT** (see Lot, Approved)
- 2.02.41 **ARCHITECTURAL CANOPY SIGN** (see Sign, Architectural Canopy)
- 2.02.42 **ATTACHED PERMANENTLY** shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 2.02.43 **AUTOMOBILE WRECKING YARD** shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- 2.02.44 **AUTOMOTIVE** shall mean any motorized means of transporting one or more individuals including but not limited to cars, trucks and motorcycles.
- 2.02.45 **BAR** shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
- 2.02.46 **BASE FLOOD** shall mean a flood having a one percent chance of being equaled or exceeded in any given year.
- 2.02.47 **BASEMENT** shall mean a building space partly underground, and having at least one-half of its height, measuring from its floor to its ceiling, below the average adjoining finished ground grade line.
- 2.02.48 **BED AND BREAKFAST INN** shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
- 2.02.49 **BEDROOM** shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
- 2.02.50 **BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not necessarily the interest of an individual or group of specific people.
- 2.02.51 **BILLBOARD** shall mean the same as "Advertising Structure".
- 2.02.52 **BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.
- 2.02.53 **BLOCK FRONTAGE** shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
- 2.02.54 **BOARD OF ADJUSTMENT** shall mean that board which has been created by the county and which has the authority to hear and determine appeals, interpretations of, and variances, as well as hear requests for Conditional Uses of the Zoning Ordinance.
- 2.02.55 **BOARDING OR ROOMING HOUSE** shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
- 2.02.56 **BORROW PIT** shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any

- purpose other than that necessary and incidental to site grading or building construction; except, for County/State/Federal road construction.
- 2.02.57 **BROADCASTING TOWER** shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.
- 2.02.58 **BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)
- 2.02.59 **BUILDING** means any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The building should be constructed from wood, concrete, steel or other materials to withstand wind, snow and uplift. The building does not include any vehicle, trailer (with or without wheels) nor any movable device such as furniture, machinery or equipment.
- 2.02.60 **BUILDING, ACCESSORY** shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes garages, carports, and small storage sheds.
- 2.02.61 **BUILDING, AREA OF** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
- 2.02.62 **BUILDING, HEIGHT** shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within five feet along a horizontal distance at the exterior wall of the building. (Also, see Height.)
- 2.02.63 **BUILDING, PRINCIPAL** shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal.)
- 2.02.64 **BUILDING SETBACK LINE** shall mean the minimum of distance as prescribed by this Ordinance between any property line and the closed point of the building line or face of any building or structure related thereto.
- 2.02.65 **CAMPGROUND** shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.
- 2.02.66 **CARETAKER** shall mean a person residing in the home where a human care facility operates, whose duties include, but are not limited to, direct care, supervision and guidance.
- 2.02.67 **CARETAKER, PROPERTY** shall mean one who is employed to maintain, repair, and protect a facility or property.

- 2.02.68 CARPORT shall mean a permanent roofed structure with not more than two enclosed sides intended to be used for automobile shelter and storage.
- 2.02.69 CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.
- 2.02.70 CELLAR shall mean a building space having more than one-half of its height below the average adjoining grade lines.
- 2.02.71 CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.
- 2.02.72 CENTERLINE shall have the same meaning as "Street Center Line".
- 2.02.73 CENTRAL SANITARY see "On-site wastewater treatment and disposal system" within IAC 567 Chapter 69, and other applicable definitions in Chapter 69, Iowa Administrative Code.
- 2.02.74 CHANNEL shall mean the geographical area within either the natural or artificial banks of a watercourse or drain way.
- 2.02.75 CHARITABLE shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
- 2.02.76 CHURCH shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.
- 2.02.77 CLEAR VIEW ZONE shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Sight Triangle.)
- 2.02.78 CLEARING shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.
- 2.02.79 CLINIC shall mean a building designed and used for the examination, diagnosis and treatment of human patients and not including overnight care facilities.
- 2.02.80 CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
- 2.02.81 CLUSTER DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to

be used for recreation, common open space, and the preservation of environmentally sensitive areas.

- 2.02.82 COMMISSION shall mean the Boone County Zoning Commission.
- 2.02.83 COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.
- 2.02.84 COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
- 2.02.85 COMMUNITY SANITARY SEWER SYSTEM shall mean an approved central sewer collecting system, meeting IAC 567 Chapter 69 and all county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual sewage treatment systems.
- 2.02.86 COMMUNITY WATER SUPPLY SYSTEM shall mean a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year; as per IAC 567 Chapter 49.
- 2.02.87 COMPATIBLE USES shall mean a land use that is congruous with, tolerant of, and has minimal or no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
- 2.02.88 COMPREHENSIVE PLAN shall mean the Comprehensive Development Plan of Boone County, Iowa as adopted by the County Board of Supervisors, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of Boone County.
- 2.02.89 CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.
- 2.02.90 CONDITIONAL USE PERMIT shall mean a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 5 and any additional conditions or provisions placed upon, or required by said permit.
- 2.02.91 CONDOMINIUM shall be a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on

- which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
- 2.02.92 **CONFINEMENT** shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.
- 2.02.93 **CONFLICTING LAND USE** shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
- 2.02.94 **CONGREGATE HOUSING** shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also see Housing for the Elderly.
- 2.02.95 **CONSERVATION AREAS** shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
- 2.02.96 **CONSERVATION EASEMENT** shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
- 2.02.97 **CONVENIENCE STORE** shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. Also see Self-Service Station.
- 2.02.98 **CONTIGUOUS** shall mean the same as "Abutting" and "Adjacent".
- 2.02.99 **CORN SUITABILITY RATING (CSR)** shall mean an indexing system for rating the ability of soil to produce a certain quantity of corn. Also includes identifying prime farmland.

- 2.02.100 **COUNTRY CLUB** shall mean buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. The affairs and management of such club are conducted by a board of directors, executive committee, or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to: swimming, tennis, and golf course country clubs.
- 2.02.101 **COURT** shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.
- 2.02.102 **COURT, INNER** shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
- 2.02.103 **COURT, OUTER** shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
- 2.02.104 **CREMATORIUM** shall mean a location containing properly installed, certified apparatus intended for use in the act of cremation of human or animal.
- 2.02.105 **CRITICAL ROOT ZONE** shall mean a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every one inch of tree, with a minimum of eight feet. For specimen trees, the formula changes to one and one-half feet for every inch of tree DBH (diameter of tree at breast height).
- 2.02.106 **CROWN** shall mean the above ground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. May also be referred to as "canopy".
- 2.02.107 **CUL-DE-SAC** shall mean a short public way which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.
- 2.02.108 **CURB LEVEL** shall mean the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.
- 2.02.109 **CURVE LOT** see "Lot, Curve".
- 2.02.110 **DAIRY FARM** shall mean any place or premises upon which milk is produced for sale or other distribution.
- 2.02.111 **DBH** shall mean the diameter-at-breast-height and is tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.
- 2.02.112 **DENSITY** shall mean the number of dwelling units per gross acre of land.

- 2.02.113 **DENSITY BONUS** shall mean the ability to develop an area to the same density level, on smaller lots; while, providing for some level of Conservation Easement in the development.
- 2.02.114 **DEVELOPER** shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
- 2.02.115 **DEVELOPMENT** shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
- 2.02.116 **DEVELOPMENT AREA** shall mean an area of land that may or may not have been subdivided.
- 2.02.117 **DEVELOPMENT CONCEPT PLAN** see “Site Plan”.
- 2.02.118 **DEVELOPMENT IMPACT FEE** shall mean a fee imposed on developers to pay for the costs associated with necessary improvements to infrastructure and/or services.
- 2.02.119 **DEVELOPMENT REVIEW** shall mean the review, by the county’s different departments of subdivision plats, site plans, rezoning requests, or permit review.
- 2.02.120 **DOG KENNEL** see “Kennel, Commercial”; and “Kennel, Private”.
- 2.02.121 **DOMESTIC ANIMALS** see “Household Pet”.
- 2.02.122 **DORMITORY** shall mean a building used as group living quarters for a student body, religious order, or other group as accessory use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use where group kitchen facilities may be provided to serve all residents.
- 2.02.123 **DOWNZONING** shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
- 2.02.124 **DRAINAGEWAY** shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.
- 2.02.125 **DRIPLINE** shall be a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- 2.02.126 **DRIVE-IN FACILITY** shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
- 2.02.127 **DRIVEWAY** shall mean any vehicular access to an off-street parking or loading facility.
- 2.02.128 **DUPLEX** shall mean the same as "Dwelling, Two-Family".

- 2.02.129 **DWELLING** shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30 Code of Iowa, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. All single-family dwellings shall be a minimum of 23 feet in width with a minimum of 700 square feet and placed upon a permanent foundation.
- 2.02.130 **DWELLING, CONDOMINIUM** see “Condominium”.
- 2.02.131 **DWELLING, MULTIPLE** shall mean a residence designed for or occupied by three or more families, with separate housekeeping, bathroom, and cooking facilities for each.
- 2.02.132 **DWELLING, ROW** shall mean any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
- 2.02.133 **DWELLING, SEASONAL** shall mean a residence used occasionally, typically on weekends and summers, as a place to reside while recreating.
- 2.02.134 **DWELLING, SINGLE FAMILY** shall mean a detached residence designed for or occupied by one family only. This definition also includes Manufactured Homes.
- 2.02.135 **DWELLING, SINGLE-FAMILY (ATTACHED)** shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
- 2.02.136 **DWELLING, TWO-FAMILY** shall mean a residence designed for or occupied by two families only, with separate housekeeping, bathroom, and cooking facilities for each.
- 2.02.137 **DWELLING UNIT** shall mean a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.
- 2.02.138 **EARTH SHELTERED DWELLING** shall mean a house built partially underground. An earth sheltered home is typically built in the side of a hill or an artificial hill that surrounds the dwelling on three sides and over the roof. The remaining side is typically covered with windows in order to provide passive solar heating and a maximum of natural light from the sun.
- 2.02.139 **EASEMENT** shall mean a space or a lot or parcel of land reserved for or used for public utilities or access or public or private uses.
- 2.02.140 **EDUCATIONAL INSTITUTION** shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer

general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes, incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

- 2.02.141 **EFFECTIVE DATE** shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.
- 2.02.142 **ELDER FAMILY HOME** shall mean a private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self-care, which is registered as an elder family home with the state department of elder affairs in accordance with I.C. § 231A.2 as amended.
- 2.02.143 **ELECTRIC DISTRIBUTION SUBSTATION** shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served there from.
- 2.02.144 **ELECTRIC TRANSMISSION SUBSTATION** shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served there from.
- 2.02.145 **ELEEMOSYNARY INSTITUTIONS** shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.
- 2.02.146 **ENCROACHMENT** shall mean advancement or intrusion beyond the lines or limits as designated and established by the Ordinance, and to infringe or trespass into or upon the possession or right of others without permission.
- 2.02.147 **ENGAGED IN AGRICULTURE** For purposes of applying this ordinance, “engaged in agriculture” shall include but not be limited to any of the following: 1. Inspect agricultural operations periodically and furnish at least half the direct cost of the operations 2. Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation. 3. Perform physical work which significantly contributes to the agricultural operation.
- 2.02.148 **ENLARGEMENT** shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 2.02.149 **ERECTED** shall mean constructed upon or moved onto a site.
- 2.02.150 **ETHANOL PLANT** shall mean a facility where the conversion of corn, or other cellulosic material, into an alcohol fuel product is undertaken. The

- facility also includes the processing of certain by-products resulting from the fermentation and distillation process.
- 2.02.151 **EXPRESSWAY** shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.
- 2.02.152 **EXTRACTIVE INDUSTRY** see “Mining, Commercial”
- 2.02.153 **FACADE** shall mean the exterior wall of a building exposed to public view from the building's exterior.
- 2.02.154 **FACTORY** shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
- 2.02.155 **FAMILY** shall mean one or more persons occupying a dwelling unit as an individual housekeeping organization.
- 2.02.156 **FAMILY HOME** shall mean a community-based residential home which is licenses as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237 to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed under Chapter 237.
- 2.02.157 **FARM** shall mean a farming enterprise which is recognized in the community as a farm rather than a rural residence.
- 2.02.158 **FARM EXEMPT** No regulation or requirement contained in this Ordinance shall be construed to apply to land, farm houses, 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, but only while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.1. Agricultural areas. Subject to the above, all agricultural areas created pursuant to Section 352.6, Code of Iowa, and the activities conducted thereon, are and shall remain exempt from county zoning and building regulations.
- 2.02.159 **FARM DWELLING** For purposes of applying this ordinance, “farm dwelling” shall include but not be limited to a house located on land operated as a farm which is or will be occupied by a person engaged in agriculture on that same unit, or by a person retired from agriculture that was performed on that unit of which the house is a part. The house and the land comprising the agricultural unit do not necessarily need to be contiguous.
- 2.02.160 **FARM OUTBUILDING** See” **Agricultural building.**”
- 2.02.161 **FARMLAND** A parcel of land used for agricultural activities. Also defined in the State Code of Iowa, Chapter 352 (County land Preservation and Use

- Commissions) as those parcels of land suitable for the production of farm products.
- 2.02.162 **FARM STAND** A structure used seasonally from which agricultural products grown by the owner of the site on which the farm stand is located are sold. A limited quantity of products produced off-site is allowed; see Article 6, Section 6.2.
- 2.02.163 **FARMSTEAD** The principal center of farming operations and consists of the farmhouse, associated farm buildings and adjacent service areas of a farm.
- 2.02.164 **FARM WINERY** A facility in which production of wine is less than 50,000 gallons per year and: a) the farm winery must have on-site or contiguous propagated (growth stage) vineyard or orchards of at least two acres, and; (b) the farm winery must produce a majority of wine from ingredients grown or produced within the state of Iowa in accordance with Iowa Native Winery laws.
- 2.02.165 **FEED LOT (CONFINEMENT AREA)** shall mean any tract of land, portion of a tract of land or building on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, poultry or other livestock. A commercial feed lot is a feed lot, as defined, in which the livestock on feed are owned by someone other than the owner or lease operator of the feed lot.
- 2.02.166 **FEED LOT (OPEN LOT)** shall mean any tract, portion of a tract of land or structure on which the principal use is the concentrated feeding within an open air confined area of cattle, hogs, sheep, poultry or other livestock. Open lot feed lots shall include small shed-type areas or open front buildings, with dirt, or concrete (or other hard surfaced material) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment by windbreaks or small shed-type areas.
- 2.02.167 **FLEA MARKET** shall mean a building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.
- 2.02.168 **FLOOD** shall mean the water of any watercourse or drainage way that is above the banks or outside the channel and banks of such watercourse or drainage-way.
- 2.02.169 **FLOOD PLAIN** shall mean the area adjoining a watercourse which has been or may be covered by flood waters.
- 2.02.170 **FLOODWAY** shall mean the channel of a watercourse or drainage-way and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water of any watercourse or drainage-way.

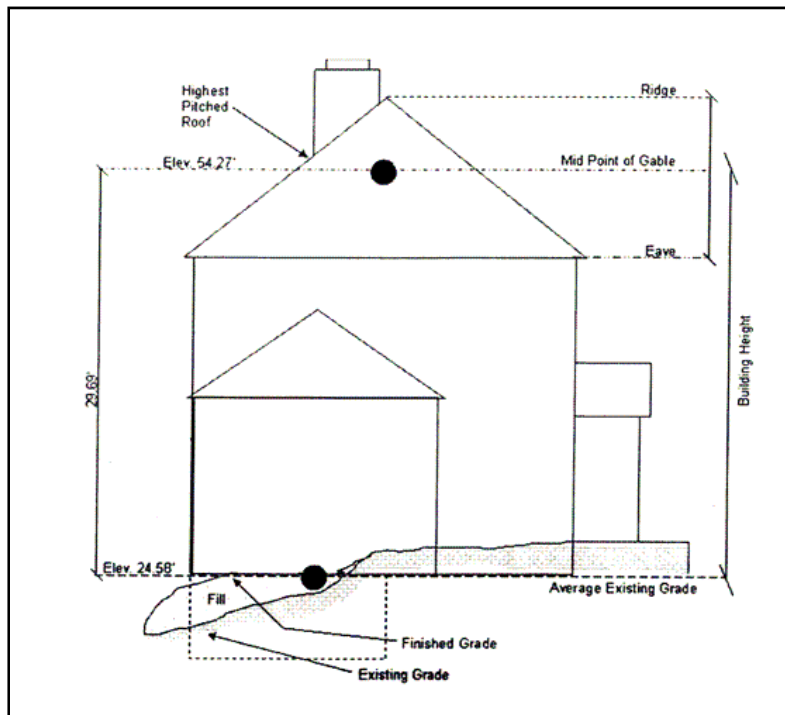
- 2.02.171 **FLOOR AREA** whenever the term "floor area" is used in this Ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.
- 2.02.172 **FOREST** shall be a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forests include areas that have at least 100 trees per acre with at least 50 percent of those trees having a 12 inch or greater diameter at four and one-half feet above the ground, and forest areas that have been cut but not cleared. An orchard is not a forest.
- 2.02.173 **FOREST STAND** shall be a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a distinguishable, homogeneous unit.
- 2.02.174 **FORESTED SLOPES** shall mean an area meeting the definition of forest, growing on an area with a slope of 25 percent or more, and covering an area of at least 10,000 square feet.
- 2.02.175 **FOUNDATION, PERMANENT** shall mean a permanent foundation consisting of an eight-inch thick concrete foundation wall or concrete blocks extending from not less than eight inches above finished grade to not less than 42 inches below finished grade, together with tie-down anchors imbedded in concrete at the top of the foundation to permanently affix the structure to the foundation and resist wind and overturning forces. If a slab on grade is utilized in conjunction with the foundations, it shall be placed over six inches of crushed stone and ties to the foundation with reinforcing bars, extending 18 inches into both slab and the foundation. Tie-down anchors shall then be provided with the slab.
- 2.02.176 **FRONTAGE** shall mean that portion of a parcel of property that abuts a dedicated public street, private drive or highway.
- 2.02.177 **FUNERAL HOME** shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.
- 2.02.178 **GARAGE, PRIVATE** shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
- 2.02.179 **GARAGE, PUBLIC** shall mean any garage other than a private garage.
- 2.02.180 **GARAGE, REPAIR** shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see "Service Station".

- 2.02.181 **GARBAGE** shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from residences.
- 2.02.182 **GRADE** shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
- 2.02.183 **GRADING, MINOR** shall mean any non-agricultural project involving the movement of 50 cubic yards or more of earth that involves a change in natural or preexisting grades of less than 10 vertical feet, except for excavation of a basement for which a building permit has been issued.
- 2.02.184 **GRADING PLAT** shall mean an official drawing developed by an applicant to show the existing grading contours as well as any new grading contours that will result due to the movement of earth on a project site.
- 2.02.185 **GRANNY FLAT** shall mean a secondary dwelling, or mobile home, unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. This unit shall not be rented unless the renter is an immediate family member.
- 2.02.186 **GREENHOUSE** shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
- 2.02.187 **GREENWAY** shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.
- 2.02.188 **GROUND COVER** shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. Also see "Landscaping".
- 2.02.189 **GROUND WATER** shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
- 2.02.190 **GROUP CARE HOME** shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.
- 2.02.191 **GROUP HOME, ELDER** shall mean a single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the state department of elder affairs as an elder group home in accordance with Iowa Code §231B.2.

- 2.02.192 **GROUP HOUSING** shall mean two or more separate buildings on a lot, each containing one or more dwelling units.
- 2.02.193 **GUEST ROOM** shall mean a room which is designed to be occupied by one or more guest(s) for sleeping purposes, having no kitchen facilities, not including dormitories.
- 2.02.194 **HALF-STORY** shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.
- 2.02.195 **HALFWAY HOUSE** shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
- 2.02.196 **HARD SURFACED ROAD** shall mean a graded roadway within an established right-of-way, either public or private, that has been paved with either asphaltic concrete or concrete.
- 2.02.197 **HAZARDOUS SUBSTANCE** shall mean any substance or mixture of a substance that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, or corrosive, or flammable, that is an irritant or that generates pressure through decomposition, heat or other means. "Hazardous Substance" may include any hazardous waste identified or listed by the Administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the Federal Water Pollution Act, as amended January 1, 1977, or any hazardous substance material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act (455B code of Iowa as amended).
- 2.02.198 **HEALTH CARE FACILITIES** shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) Convalescent or nursing home; (3) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) Public health clinics and facilities; and (5) Ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors or dentists professional offices and private clinics.
- 2.02.199 **HEALTH CLUB** shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

- 2.02.200 **HEALTH RECREATION FACILITY** shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.
- 2.02.201 **HEDGE** shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
- 2.02.202 **HEIGHT OF BUILDING** shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
- 2.02.203 **HELIPORT** shall mean a designated landing area used for the landing and taking off of helicopters and may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.
- 2.02.204 **HELISTOP** shall mean any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.
- 2.02.205 **HIGHWAY SETBACK LINE** shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.
- 2.02.206 **HILLSIDE** shall mean land having an average of 14 percent or greater grade for 200 feet or more.

Figure II-1 Height of Building



- 2.02.207 **HIRED HAND** shall mean any person(s) employed, typically for an agricultural operation, for pay to assist with all types of tasks.
- 2.02.208 **HOLDING POND** shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.
- 2.02.209 **HOLDING ZONE** shall mean a zoning district, usually a very low density district, placed on property for the purpose of temporarily holding back the development of land for a more intensive desired use as indicated by the comprehensive development plan until such time as community facilities are economically available and thereby avoiding the “leap frogging” of land uses.
- 2.02.210 **HOME BASE BUSINESS** shall mean any occupation or activity that is clearly incidental and secondary to use of the premises for dwelling and is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.
- 2.02.211 **HOME OCCUPATION** shall mean any occupation or activity that is clearly incidental and secondary to use of the premises for dwelling and is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one (1) person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.
- 2.02.212 **HOMEOWNERS ASSOCIATION** shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.
- 2.02.213 **HOSPITAL** shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.
- 2.02.214 **HOSPITAL, ANIMAL** shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

- 2.02.215 **HOTEL** shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.
- 2.02.216 **HOUSEHOLD PET** shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.
- 2.02.217 **HOUSING FOR THE ELDERLY** shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities. Also see "Congregate Housing".
- 2.02.218 **HOUSING FOR THE PHYSICALLY HANDICAPPED** shall mean a building containing a dwelling or a group of dwellings in which each occupied dwelling unit is occupied by at least one physically handicapped person with a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises.
- 2.02.219 **IMPACT FEE** see "Development Impact Fee".
- 2.02.220 **IMMEDIATE FAMILY** shall mean the smallest unit of family that an individual lives with, typically including, a father, a mother, siblings, and any other relatives who are financially supported.
- 2.02.221 **IMPERVIOUS SURFACE** shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roads, sidewalks, parking lots, and driveways.
- 2.02.222 **INCIDENTAL USE** shall mean a use that is subordinate to the main use of a premise.
- 2.02.223 **INDIVIDUAL SEPTIC SYSTEM** shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.
- 2.02.224 **INDUSTRIAL PARK** shall mean a planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, storm water runoff and orientation and open space.
- 2.02.225 **INDUSTRY** shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

- 2.02.226 **INOPERABLE MOTOR VEHICLE** shall mean any motor vehicle which:
- A. Does not have a current registered state license plate; or,
 - B. Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Iowa Code for operation upon streets or highways.
- A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
- 2.02.227 **INSTITUTION** shall mean a building occupied by a non-profit corporation or a not for-profit corporation or a non-profit establishment for public use.
- 2.02.228 **INTENSITY** shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
- 2.02.229 **INTENT AND PURPOSE** shall mean that the Zoning Commission and Board of Supervisors by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the County will be served by the creation of the Districts and by the regulations prescribed therein.
- 2.02.230 **JUICE BAR** see “Adult Establishment”.
- 2.02.231 **JUNK VEHICLE** shall mean a motorized vehicle including automobiles, motorcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which do not have a current Iowa Department of Transportation registration or its equivalent and has either had parts removed for reuse, salvage or sale or the vehicle has been incapable of operating under its own power for more than 30 days.
- 2.02.232 **KENNEL, BOARDING** shall mean a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a fee.
- 2.02.233 **KENNEL, COMMERCIAL** shall mean a kennel which performs grooming, boarding, or training services for dogs or cats in return for a fee.
- 2.02.234 **LAGOON** shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Iowa Department of Natural Resources. All lagoons shall have the proper permits approved prior to starting construction.
- 2.02.235 **LAND ALTERATION, SUBSTANTIAL** shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:

- a. Grading activities designed to occur for more than twenty-four (24) months and less than forty-eight (48) months; or
 - b. The removal from a site of more than 10,000 cubic yards of earth material per acre (gross) and less than 20,000 cubic yards of earth material per acre (gross); or
 - c. Resulting at any time during or following excavation, in an exposed bedrock slope steeper than 3:1 that is over ten (10) feet and less than twenty-five (25) feet in height; or
 - d. A movement of five-hundred (500) cubic yards or more of earth that involves a change in natural or pre-existing grades of ten (10) or more vertical feet for any portion of a parcel; or
 - e. Any movement of earth on the entire parcel in excess of 100,000 cubic yards.
- 2.02.236 **LANDFILL** shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.
- 2.02.237 **LANDSCAPING** shall include the original planting of suitable vegetation in conformity with the requirements of this Ordinance and the continued maintenance thereof.
- 2.02.238 **LAUNDRY, SELF SERVICE** shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.
- 2.02.239 **LEAPFROG DEVELOPMENT** shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to an existing development resulting in inadequate or lack of support services such as access to a street system designed to carry high volume traffic, utilities, and other commercial facilities or public services such as police, fire, schools, and parks, thus adding to the tax burden of the general public and being an uneconomical growth pattern to the community or county.
- 2.02.240 **LIFE CARE FACILITY** shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. Also see “Congregate Housing” and “Housing for the Elderly”.
- 2.02.241 **LIMITS OF CLEARING** shall be the boundaries of that area of land to be trees and other vegetation in conjunction with a proposed development or land use, except that the area within these limits for such proposed development or use shall not include the removal of any outstanding or monarch trees unless approved by the Zoning Administrator.
- 2.02.242 **LIMITS OF GRADING** shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.
- 2.02.243 **LIQUID MANURE** shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or

injected beneath the surface; provided, however, only liquid manure collected in lagoons may be applied through the use of a center pivot or tow-line irrigation systems. Also see "Lagoon".

- 2.02.244 **LIQUID MANURE STORAGE PITS** shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production. In no event shall liquid manure that is stored or collected in a Liquid Manure Storage Pit be applied through the use of a center pivot or tow-line irrigation system. (See definition of Liquid Manure and Lagoon.)
- 2.02.245 **LIVESTOCK** see "Animals, Farm".
- 2.02.246 **LIVESTOCK WASTES** shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.
- 2.02.247 **LOADING SPACE** shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.
- 2.02.248 **LODGING HOUSE** shall mean a building or place where lodging is provided (or which is equipped regularly to provide lodging by pre-arrangement for definite periods), for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.
- 2.02.249 **LOT** shall mean a parcel or tract of land which is or may be occupied by any use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.
- 2.02.250 **LOT AREA** shall mean the total area, on a horizontal plane, within the lot lines of a lot.
- 2.02.251 **LOT, CORNER** shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.
- 2.02.252 **LOT COVERAGE** shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

- 2.02.253 **LOT, CURVE** shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of three-hundred (300) or less.
- 2.02.254 **LOT DEPTH** shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
- 2.02.255 **LOT, DOUBLE FRONTAGE** shall mean a lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
- 2.02.256 **LOT, FLAG** shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
- 2.02.257 **LOT, FRONTAGE** shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
- 2.02.258 **LOT, INTERIOR** shall mean a lot other than a corner lot.
- 2.02.259 **LOT LINE** shall mean the property line bounding a lot.
- 2.02.260 **LOT LINE, FRONT** shall mean the property line abutting a street.
- 2.02.261 **LOT LINE, REAR** shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.
- 2.02.262 **LOT LINE, SIDE** shall mean any lot line not a front lot line or rear lot line.
- 2.02.263 **LOT, NONCONFORMING** shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Ordinance.
- 2.02.264 **LOT, THROUGH** shall mean a lot having frontage on two dedicated streets, not including a corner lot.
- 2.02.265 **LOT OF RECORD** shall mean a lot held in separate ownership as shown on the records of the County Recorder of Boone County at the time of the passage of an Ordinance or Ordinance establishing the zoning district in which the lot is located. Said Lot of Record shall be part of a subdivision, a plat of survey, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 2.02.266 **LOT WIDTH** shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- 2.02.267 **MANUFACTURED HOME** shall mean a factory built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403. Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, *but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site*, and which does not have

permanently attached to its body or frame any wheels or axles. *A mobile home is not a manufactured home. For purposes of this Ordinance, manufactured home shall be considered the same as any site built single-family detached dwelling.*

- 2.02.268 **MANUFACTURING** shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
- 2.02.269 **MAP, OFFICIAL ZONING DISTRICT** shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Boone County Board of Supervisors' Zoning Ordinance for Boone County, Iowa.
- 2.02.270 **MASSAGE** shall mean any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.
- 2.02.271 **MASSAGE ESTABLISHMENT** shall mean any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing 1) persons licensed by the State of Iowa under the provisions of Chapters 148,148A, 148B, 150,150A,151,152,157, or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; 2) persons performing massage therapy or massage services under the direction of a person licensed as described in 1) above; 3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; 4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in 1) above; 5) an athletic coach or Trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

- 2.02.272 **MESSAGE PARLOR** see “Adult Establishment”.
- 2.02.273 **MEDICAL OR DENTAL CLINIC** shall mean any building or portion thereof, other than a hospital, used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry, or optometry.
- 2.02.274 **MINING, COMMERCIAL** shall mean the extraction of sand, gravel, mineral, stone, rock and soils for resale on the commercial market; commercial mining shall also include the removal of said materials from the extraction site. This shall not include the cut and fill process to level or terrace an agricultural property, pits owned and/or operated by the County and State and a construction site.
- 2.02.275 **MINI-STORAGE OR MINI-WAREHOUSE** see “Self-Service Storage Facility”.
- 2.02.276 **MOBILE HOME** shall mean any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. In addition, mobile homes shall be defined as follows:
1. A mobile home is factory-built housing built on a chassis.
 2. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
 3. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or appurtenances of mobility are removed and regardless of the nature of the foundation provided
- 2.02.277 **MOBILE HOME PARK** shall mean any lot or portion of a lot upon which one or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.
- 2.02.278 **MODEL** shall mean any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- 2.02.279 **MODEL STUDIO** shall mean any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or

gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

- 2.02.280 **MODULAR HOME** means a movable or portable dwelling designed and constructed without a carriage or hitch as a stationary house. Modular homes are constructed for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable, but designed to be jointed into one integral unit. For purposes of this Ordinance Modular homes shall be considered as Single-family dwellings.
- 2.02.281 **MOTEL** see “Hotel”.
- 2.02.282 **MOTOR VEHICLE** shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.
- 2.02.283 **NIGHTCLUB** shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also see “Bar”.
- 2.02.284 **NONCOMMUNITY WATER SUPPLY SYSTEM** shall mean any public water supply system that is not a community water supply system.
- 2.02.285 **NONCONFORMING BUILDING** shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.
- 2.02.286 **NONCONFORMING USE** shall mean a use lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.
- 2.02.287 **NUDE ENCOUNTER PARLOR** shall mean an establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or actual encounter of any person or persons depicting, describing or relating to “specified sexual activities” as defined herein.
- 2.02.288 **NUDE PHOTOGRAPHIC PARLOR** shall mean an establishment having a fixed place of business, where any person, association, firm or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.
- 2.02.289 **NUISANCE** shall mean that which is defined in Boone County Health and Sanitation Ordinance # 62, Section 6.

- 2.02.290 **NURSERY** shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
- 2.02.291 **NURSING HOME** shall mean a facility used or occupied by persons recovering from illness or suffering from infirmities of old age requiring skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.
- 2.02.292 **OFFICE** shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
- 2.02.293 **OFFICE PARK** shall mean a tract of land that has been planned, developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.
- 2.02.294 **OFFICIAL MAP** see "Map, Official Zoning District".
- 2.02.295 **OFF-STREET PARKING AREA or VEHICULAR USE** shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
- 2.02.296 **OPEN LOTS** shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.
- 2.02.297 **OPEN SPACE** shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
- 2.02.298 **OPEN SPACE, COMMON** shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.
- 2.02.299 **OUTDOOR ADVERTISING** shall include the definitions of "Advertising Structure" and "Sign".
- 2.02.300 **OUTSTANDING OR MONARCH TREE** shall mean a tree that has been determined by the County Conservation Director and/or County Extension

Agents to be of high value because of its species, size, age, form, historical significance, or some professional criteria.

- 2.02.301 **OVERLAY DISTRICT** shall mean a district in which additional requirements may act in conjunction with the underlying zoning district. The original zoning district designation does not change.
- 2.02.302 **OWNER** shall mean one or more persons, including corporations, who have title to the property, building or structure in question.
- 2.02.303 **PARCEL** shall mean a lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.
- 2.02.304 **PARK** shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
- 2.02.305 **PARKING AREA, PRIVATE** shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.
- 2.02.306 **PARKING AREA, PUBLIC** shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
- 2.02.307 **PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile.
- 2.02.308 **PARKWAY** shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
- 2.02.309 **PERFORMANCE GUARANTEE** shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development. Also, see “Maintenance Guarantee”.
- 2.02.310 **PERMANENT TREE PROTECTION DEVICES** shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.
- 2.02.312 **PERMANENTLY ATTACHED** shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
- 2.02.313 **PERMITTED USE** shall mean any land use allowed without condition within a zoning district.
- 2.02.314 **PERSON** shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Boone County, Iowa.
- 2.02.315 **PLANNED UNIT DEVELOPMENT** shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

- 2.02.316 **PLAT OF SURVEY** shall mean the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
- 2.02.317 **POLICY** shall mean a statement or document of the county, such as the comprehensive development plan, that forms the basis for enacting legislation or making decisions.
- 2.02.318 **POULTRY, COMMERCIAL FEEDING** shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.
- 2.02.319 **PREMISES** shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or parcel of land located within a prescribed area.
- 2.02.320 **PRIME AGRICULTURAL LAND** shall mean a parcel of land having a corn suitability rating (CSR) of 61 or above.
- 2.02.321 **PRIVATE WELL** shall mean a well that does not supply a public water supply system as per Chapter 49, Iowa Administrative Code.
- 2.02.322 **PROHIBITED USE** shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
- 2.02.323 **PROMOTIONAL DEVICE** shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.
- 2.02.324 **PROTECTED ZONE** shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Ordinance.
- 2.02.325 **PUBLIC USE AREA** shall mean any area owned and/or operated by any governmental entity for purposes of recreation, hunting, and/or conservation. This includes functions on land and water.
- 2.02.326 **PUBLIC UTILITY** shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
- 2.02.327 **PUBLIC WATER AND SEWER SYSTEMS** shall mean a water or sewer system owned and operated by a private individual or a corporation or government approved by the governing body and properly chartered and certified by the appropriate state agency, and subject to special ordinances as herein set forth.

- 2.02.328 **QUARRY** shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:
1. Activities principally designed to mine, extract, or remove bedrock materials for commercial purposes; or
 2. Resulting at any time during or following excavation, in an exposed bedrock slope steeper than 3:1 that is over twenty-five (25) feet in height; or
 3. The temporary or permanent exposure of rock face, made as part of or following excavation, in excess of twenty-five (25) feet in height. The measurement of height of the exposed rock face shall be the vertical measurement from the lowest elevation of the excavation to the top of the exposed face. Multiple faces shall be added together to determine height; or
 4. Removal from a site of more than 20,000 cubic yards of earth material per acre of land being excavated or 100,000 cubic yards of earth for the entire site; except landfill operations or
 5. An excavation activity utilizing a crusher; or
 6. A substantial land alteration (see above) meeting any of the above characteristics.
- 2.02.329 **RAILROAD** shall mean the land use including the right-of-way (R. O. W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.
- 2.02.330 **RECREATIONAL FACILITY** shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.
- 2.02.331 **RECREATIONAL VEHICLE (RV)** shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, excluding sliding rooms, or twelve (12) feet in overall height, primarily designed as a temporary living quarter for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.
- 2.02.332 **RECREATIONAL VEHICLE (RV) PARK** shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

- 2.02.333 **RECYCLING CENTER** shall mean a facility other than a salvage yard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others for reuse.
- 2.02.334 **RECYCLING COLLECTION POINT** shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans, and plastics, and where no processing of such items takes place.
- 2.02.335 **RECYCLING PLANT** shall mean a facility other than a salvage yard where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.
- 2.02.336 **RESEARCH LABORATORY OR CENTER** shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 2.02.337 **RESIDENCE** shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.
- 2.02.338 **RESTAURANT** shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building. The use shall also include the selling of beverages, including alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the income.
- 2.02.339 **RESTAURANT, DRIVE-IN** shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.
- 2.02.340 **RESTAURANT, FAST FOOD** shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry-out, or drive-in; and where foods are/or beverages are usually served in paper, plastic, or other disposable containers.
- 2.02.341 **RETAIL TRADE** shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.
- 2.02.342 **REVEGETATION** shall mean the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the Zoning Ordinance.
- 2.02.343 **REVERSE SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is *not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit.*

Reverse spot zoning usually results from down zoning a tract of land to a less intensive use classification than that imposed on nearby properties.

- 2.02.344 **REZONING** shall mean an amendment to or change in the Zoning Ordinance either to the text or map or both.
- 2.02.345 **RIDGELINE** shall mean the long, narrow crest or horizontal line of hills usually at the highest elevation.
- 2.02.346 **RIGHT-OF-WAY** shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.
- 2.02.347 **ROAD** shall mean the same as "Private-Street".
- 2.02.348 **ROAD, PUBLIC** shall mean all public right-of-way reserved or dedicated for street or road traffic. Also, see "Right-of-Way" and "Street".
- 2.02.349 **ROADSIDE STAND** shall mean a temporary structure or vehicle used solely for the sale of products.
- 2.02.350 **ROOM** shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.
- 2.02.351 **SALVAGABLE MATERIAL** shall mean old or scrap copper, brass, household appliances, wood, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled, wrecked or junk vehicles or machinery, iron, steel, or other old or scrap ferrous or nonferrous material. Any item that no longer functions or is not usable for the original purpose it was made or its intended use.
- 2.02.352 **SALVAGE YARD** shall mean any site which is used for storing, keeping, sorting, buying or selling junk whether or not for profit. The visible presence of three or more junk vehicles on a parcel of land or the stockpiling of scrap metals, wood, plastic or other materials not attached to a farming operation shall constitute prima facie evidence of a salvage yard and shall be regulated as a salvage yard.
- 2.02.353 **SAND OR GRAVEL EXCAVATION** shall mean an excavation of unconsolidated sediments that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:
1. Activities principally designed to mine, extract, or remove unconsolidated sediments for commercial purposes; or
 2. A substantial land alteration designed to occur for more than 48 months.
- 2.02.354 **SATELLITE DISH ANTENNA** shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.
- 2.02.355 **SCENIC EASEMENT** shall mean an easement for the purpose of limiting land development in order to preserve a view or scenic area.
- 2.02.356 **SCHOOL, DAY** shall mean a preschool or nursery school for children.

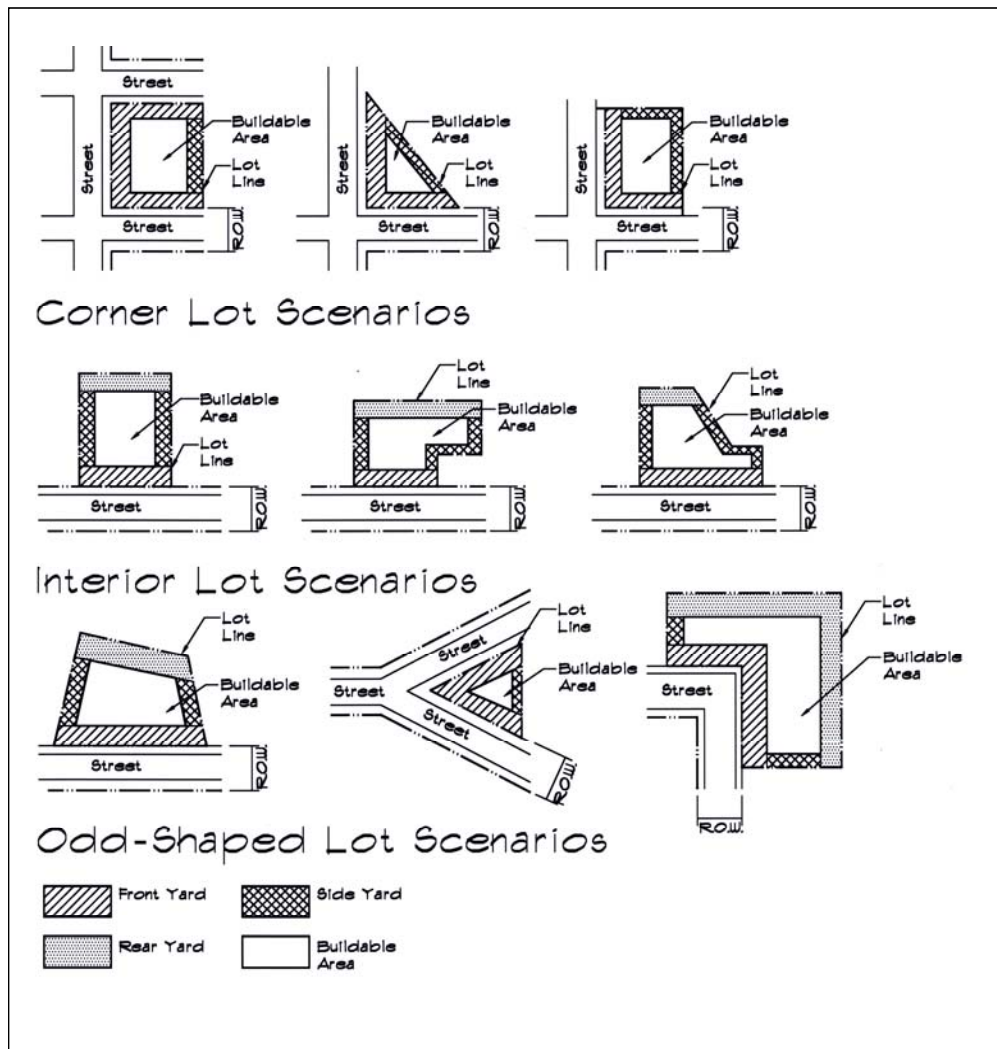
- 2.02.357 **SCHOOL, DAY, PRE-, OR NURSERY** shall mean a school or center for children under school age,
- 2.02.358 **SCHOOL, ELEMENTARY, JUNIOR HIGH, or HIGH** shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the Code of Iowa, Title VII.
- 2.02.359 **SCHOOL, PRIVATE** shall mean an institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Code of Iowa, Title VII.
- 2.02.360 **SCHOOL, TRADE** shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.
- 2.02.361 **SCREENING** shall mean a method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, or other features. Also see Buffer.
- 2.02.362 **SELECTIVE CLEARING** shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.
- 2.02.363 **SELF-SERVICE STATION** shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.
- 2.02.364 **SELF-SERVICE STORAGE FACILITY** shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
- 2.02.365 **SEPARATE OWNERSHIP** shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.
- 2.02.366 **SEPTIC, ON-SITE WASTEWATER**, see Chapter 69, IAC 567, also known and used as septic systems.
- 2.02.367 **SERVICE STATIONS** shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
- 2.02.368 **SETBACK LINE, FRONT YARD** shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.
- 2.02.369 **SETBACK LINE, HIGHWAY** shall mean the same as "Highway Setback Line".
- 2.02.370 **SETBACK LINE, REAR YARD OR SIDE YARD** shall mean the line which defines the width or depth of the required rear or side yard. Said setback

line shall be parallel with the property line by the perpendicular distance prescribed for the yard in the district.

2.02.371 **SHOPPING CENTER** shall mean a grouping of retail business and service uses on a single site with common parking facilities.

2.02.372 **SIDEWALK CAFE** shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

Figure II-2: Setback Table



2.02.373 **SIGHT TRIANGLE** shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted, or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within this Ordinance. This definition does not include traffic

control signs, permanent or temporary that may be placed by the County or State that provide for public safety as well as the safety of secondary roads maintenance employees.

2.02.374 **SIGN** shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, *except* the following:

1. A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed ten (10) square feet.
2. Sign less than twenty-five (25) square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
3. Signs less than fifty (50) square feet in area and less than twenty-five (25) feet in height of a public or quasi-public nature or other official notices that are authorized by the State of Iowa, Boone County, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.

2.02.375 **SIGN, ADVERTISING** shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

2.02.376 **SIGN, ARCHITECTURAL CANOPY** shall mean an enclosed, illuminated (back-lit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

2.02.377 **SIGN AREA** shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

2.02.378 **SIGN, AWNING, CANOPY OR MARQUEE** shall mean a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Ordinance.

2.02.379 **SIGN, BILLBOARD** shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

- 2.02.380 **SIGN, BUILDING** shall mean any sign supported by, painted on or otherwise attached to any building or structure.
- 2.02.381 **SIGN, DESTINATION OR DIRECTIONAL** shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.
- 2.02.382 **SIGN, ELECTRONIC MESSAGE BOARD** shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
- 2.02.383 **SIGN, FLASHING** shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.
- 2.02.384 **SIGN, FREESTANDING** shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.
- 2.02.385 **SIGN, GROUND (LOW PROFILE)** shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.
- 2.02.386 **SIGN, ILLUMINATED** shall mean a sign illuminated in any manner by an artificial light source.
- 2.02.387 **SIGN, OBSOLETE** shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.
- 2.02.388 **SIGN, ON-PREMISE** shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located.
- 2.02.389 **SIGN, OPEN** shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
- 2.02.390 **SIGN, PORTABLE** shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.
- 2.02.391 **SIGN, PROJECTING** shall mean a projecting sign attached to a building.
- 2.02.392 **SIGN, ROOF** shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.
- 2.02.393 **SIGN, SUBDIVISION** shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.
- 2.02.394 **SIGN, SURFACE** shall mean the entire area of a sign.
- 2.02.395 **SIGN, TEMPORARY** shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of

display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

- 2.02.396 **SIGN, WALL** shall mean a sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than 18 inches from the face of the building wall.
- 2.02.397 **SIGN, WINDOW** shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.
- 2.02.398 **SIMILAR USE** shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
- 2.02.399 **SITE PLAN** shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, erosion control and other principal site development improvements for a specific parcel of land.
- 2.02.400 **SITE PLAN, SEPTIC** shall mean the area bounded by the dimensions required for the proper location of the septic tank system.
- 2.02.401 **SKETCH PLAN** shall mean a concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
- 2.02.402 **SLOPE, STEEP** shall mean any slanting surface in the landscape that has a grade of 14 percent to 30 percent.
- 2.02.403 **SLOPE, VERY STEEP** shall mean any slanting surface in the landscape that has a grade of 30 percent or more.
- 2.02.404 **SLUDGE** shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
- 2.02.405 **SOLID WASTE** shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
- 2.02.406 **SPECIFIED ANATOMICAL AREAS** shall mean anatomical areas consisting of:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 2.02.407 **SPECIFIED SEXUAL ACTIVITIES** shall mean activities consisting of the following:
1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or

the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or

2. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
 3. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
 4. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
 5. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
 6. Human excretion, urination, menstruation, vaginal, or anal irrigation.
- 2.02.408 **SPOT ZONING** shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.
- 2.02.409 **STABLE, PRIVATE** shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
- 2.02.410 **STABLE, RIDING** shall mean a structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.
- 2.02.411 **STANDARD SYSTEM** shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
- 2.02.412 **STATE** shall mean the State of Iowa.
- 2.02.413 **STORAGE** shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.
- 2.02.414 **STORY** shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.
- 2.02.415 **STORY, ONE-HALF** shall mean the same as "Half-Story".
- 2.02.416 **STREAM BUFFER** shall mean all lands lying within 50 feet, measured from the top of each normal bank of any perennial or intermittent stream, creek, or river.
- 2.02.417 **STREET** shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane,

- boulevard, highway, road and any other thoroughfare except as excluded in this Ordinance.
- 2.02.418 **STREET, CURVILINEAR** shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.
- 2.02.419 **STREET, FRONTAGE ACCESS** shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.
- 2.02.420 **STREET, LOOPED** shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.
- 2.02.421 **STREET, PRIVATE** shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties, and is maintained by the home owners association.
- 2.02.422 **STREET, SIDE** shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
- 2.02.423 **STREET CENTERLINE** shall mean the centerline of a street right-of-way as established by official surveys.
- 2.02.424 **STREET LINE** shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.
- 2.02.425 **STRUCTURE** shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, fences, tennis courts, and similar recreation areas.
- 2.02.426 **STRUCTURE, ADVERTISING** shall mean the same as "advertising structure".
- 2.02.427 **STRUCTURAL ALTERATION** shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
- 2.02.428 **SUBDIVISION** see Boone County Subdivision Ordinance.
- 2.02.429 **SUBDIVISION PLAT** see Boone County Subdivision Ordinance.
- 2.02.430 **SURFACE WATER -- PRIMARY CONTACT RECREATION** shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g. eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless

- acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.
- 2.02.431 **SURFACE WATERS** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
- 2.02.432 **TAVERN** see “Bar”.
- 2.02.433 **TEMPORARY TREE PROTECTION DEVICES** shall mean structural measures, such as fencing or berms, installed prior to construction for the purpose of preventing damage to trees during construction.
- 2.02.434 **TEMPORARY USE** shall mean a use intended for limited duration to be located in a zoning district not permitting such use.
- 2.02.435 **TOWER** shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)
- 2.02.436 **TOWNHOUSE** see “Dwelling, Single-Family (Attached)”
- 2.02.437 **TRADING AREA** shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.
- 2.02.438 **TRAILER, AUTOMOBILE** shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.
- 2.02.439 **TRANSIENT** shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.
- 2.02.440 **TRANSITIONAL USE** shall mean a permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.
- 2.02.441 **TRANSPORTABLE HOUSE** shall mean a trailer house, mobile home, double wide trailer house, transportable factory built house constructed to travel on wheels and to be used for temporary human habitation. (e.g. construction area housing)
- 2.02.442 **TREE** shall mean:
1. Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.
 2. Any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of four inches or more.
- 2.02.443 **TREE COVER** shall mean an area directly beneath the crown and within the dripline of the tree.

- 2.02.444 **TRUCK REPAIR** shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.
- 2.02.445 **TRUCK TERMINAL** shall mean a building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.
- 2.02.446 **UPZONING** shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.
- 2.02.447 **URBAN SERVICES AREA** shall mean a defined region, not always coincidental with a municipalities corporate boundary, that defines the geographical limit of governmental-supplied public facilities and services.
- 2.02.448 **USE, BEST** shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such uses represent the best use of public facilities, and promotes health, safety and general welfare.
- 2.02.449 **USE, HIGHEST** shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.
- 2.02.450 **USE, PRINCIPAL** shall mean the main use of land or structure, as distinguished from an accessory use. Also see "Building, Principal".
- 2.02.451 **USED MATERIALS YARD** shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Salvage Yards" or "Automobile Wrecking Yards".
- 2.02.452 **UTILITY EASEMENT** shall mean the same as "Easement".
- 2.02.453 **UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF** shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.
- 2.02.454 **UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE,**

- MAIN FEEDER LINE**", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.
- 2.02.455 **VARIANCE** shall mean a relief from or variation of the provisions of this ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.
- 2.02.456 **VEGETATION** shall mean all plant life; however, for purposes of this Zoning Ordinance it shall be restricted to mean trees, shrubs, and vines.
- 2.02.457 **VEHICLE** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.
- 2.02.458 **VEHICLE, MOTOR** see "Motor Vehicle".
- 2.02.459 **VINE** shall mean a woody plant whose stem climbs by tendrils or twining or creeps along the ground.
- 2.02.460 **VISUAL OBSTRUCTION** shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.
- 2.02.461 **WAREHOUSE** shall mean a building used primarily for the storage of goods and materials.
- 2.02.462 **WAREHOUSE AND DISTRIBUTION** shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.
- 2.02.463 **WASTEWATER LAGOON** see "Lagoon".
- 2.02.464 **WATERS OF THE STATE** shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.
- 2.02.465 **WETLAND** shall mean an area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.
- 2.02.466 **WHOLESALE ESTABLISHMENT** shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

- 2.02.467 **WHOLESALE TRADE** shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.
- 2.02.468 **WIND ENERGY CONVERSION SYSTEM (WECS)** shall mean any device such as wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy.
- 2.02.469 **YARD** shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Ordinance.
- 2.02.470 **YARD, FRONT** shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
- 2.02.471 **YARD, REAR** shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
- 2.02.472 **YARD, SIDE** shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.
- 2.02.473 **ZONING ADMINISTRATIVE OFFICER** shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.
- 2.02.474 **ZONING COMMISSION** shall mean the Zoning Commission of Boone County, Iowa.
- 2.02.475 **ZONING DISTRICT** shall mean the same as "District".
- 2.02.476 **ZONING DISTRICT, CHANGE OF** shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the County.

2.02.477 **ZONING PERMIT** a lawful permit issued by the Zoning Administrator of Boone County, Iowa, for the erection, reconstruction or alteration of a building or structure or use of land.

Article III. General Regulations

Section 3.01 Comprehensive Development Plan Relationship

These regulations are designed to implement various elements of the comprehensive development plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive development plan adopted by Boone County

Section 3.02 General

The regulations set forth by this Ordinance within each district shall be minimum standards applicable uniformly to each class or kind of building, structure, or land, except as provided hereinafter.

Section 3.03 Scope of Ordinance

No building, structure, or land in the unincorporated areas shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Ordinance herein specified for the district in which it is located and except after receiving a zoning permit from the Boone County Zoning Administrator and:

- ★ Only one (1) principal building will be permitted on one (1) lot of record, except in a Planned Unit Development.

Section 3.04 Zoning Variance Standards

A Variance is required if any of the following items are requested:

1. To reduce any required yard setbacks.
2. To exceed the height or bulk.
3. To occupy a greater percentage of lot area.
4. To accommodate or house a greater number of families.

Section 3.05 Zoning Commission Recommendations

Pursuant to Iowa Code Ann. §335.8, it shall be the purpose of the Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Zoning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report.

Section 3.06 District Regulations, Restrictions, Boundary Creation

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings, as well as, the location of the affected district(s) by naming township(s) and section(s) and, if possible, by describing the roads and streets that form the boundaries of the affected area shall be given by publication thereof in a paper of general circulation in the County at least one (1) time, not less than four (4) days or more than twenty (20) days prior to such hearing.

Section 3.07 Courtesy Notice

1. As per State law 331.305, notification shall be published between four (4) and twenty (20) days in advance of a public meeting.
2. As a courtesy, notification will be sent to surrounding property owners up to five-hundred (500) feet from the petitioning parcel according to the most current addresses within the county database.
3. As a courtesy, a sign may be posted on the petitioning parcel announcing the time and place of the meeting to consider the proposed petition.
4. As per state law 331.302, all changes in an ordinance shall not go into effect until the information has been published.

Section 3.08 Fines and Penalties

1. In the case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land used in violation of this ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.
2. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$500.00 dollars per offense or be imprisoned not more than thirty (30) days, or both, and each and every day such violation shall continue shall be deemed a separate offense.
3. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance, shall be placed, or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as herein provided.
4. The violation of any of the provisions of this ordinance shall also constitute a *civil infraction*. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance, upon judgment shall be subject to the following fine schedule:
 - First Violation – \$500.00
 - Second violation – \$750.00

★ Each day that a violation occurs or is permitted to exist constitutes a separate violation.
5. In addition to the above fines, the County may seek alternative relief to halt or abate the violation. The imposition of civil penalties in this section does not prevent the County from seeking criminal penalties in the same action.

Section 3.09 Fees

All fees for any zoning action shall be adopted by the County Board of Supervisors by Resolution.

Section 3.10 Nonconformity, General Intent

It is the intent of this Ordinance *to permit lawful nonconforming uses to continue until* they are removed, but not encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that any nonconformity shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 3.11 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.

Section 3.12 Nonconforming Structures

- 3.12.01 **Authority to continue:** Any structure that is devoted to a use, permitted in the zoning district, in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 3.12.02 **Enlargement, Repair, Alterations:** Any such structure described in Section 3.12.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by conditional use permit, unless otherwise approved or as specified in the District.
- 3.12.03 **Damage or Destruction:** In the event that any structure described in Section 3.12.01 is damaged or destroyed, by any means, to the extent of more than 60 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 3.11, shall not have a side yard of less than five feet. When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- 3.12.04 **Moving:** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 3.13 Nonconforming Uses

- 3.13.01 **Nonconforming Uses of Land:** Where at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no

longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

3.13.02 *Nonconforming Uses of Structures:* If a lawful use of a structure, 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:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
2. 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;
3. If no structural alterations are made, any nonconforming use of a structure or structures and premises may be changed to another nonconforming use provided that the Board of Adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguard in accord with the provisions of this Ordinance;
4. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
5. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months, the structure or structure and premises in combination shall not

thereafter be used except in conformance with the regulations of the district in which it is located;

6. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 3.14 Lot

Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.

Section 3.15 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 3.16 Yard Requirements

- 3.16.01 Yard requirements shall be set forth in the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
- 3.16.02 All accessory buildings that are attached to principal buildings (i.e., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 3.16.03 Any yard for a commercial or industrial use which is adjacent to any residential use or district shall be increased to forty (40) feet and shall contain *landscaping and planting suitable to provide effective screening.*

Section 3.17 Permitted Obstructions in Required Yards

The following shall *not be considered* to be obstructions when located in the required yards:

- 3.17.01 ***All Yards:***
 1. Steps and accessibility ramps used for wheelchair and other assisting devices which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys; recreational and laundry-drying equipment;
 2. Approved freestanding signs;
 3. Arbors and trellises;
 4. Flag poles;
 5. Window unit air conditioners projecting into the required yard
 6. Fences or walls subject to applicable height restrictions are permitted in all yards.
- 3.17.02 ***Front Yards:***
 1. Bay windows projecting into the yard are permitted.
 2. Open or screened porches, platforms, decks, or terraces

- 3.17.03 3. Awnings and canopies
Rear and Side Yards:
 - 1. Open off-street parking spaces,
 - 2. Balconies or outside elements of central air conditioning systems.
 - 3. Open or screened porches, platforms, decks, or terraces including a permanently roofed-over terrace or porch.
 - 4. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, so long as the same are so placed as not to obstruct lights and ventilation.
- 3.17.04 *Double Frontage Lots:* The required front yard shall be provided on each street.
- 3.17.05 *Building Grouping:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

Section 3.18 Accessory Building and Uses

- 3.18.01 No accessory building shall be constructed upon a lot until the construction of the principal building has commenced unless the property is four acres or more in size. In no event shall such building be used as a dwelling unless it is a facility designed for human habitation.
- 3.18.02 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 3.18.03 Regulation of accessory uses shall be as follows:
 - 1. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from street lines.

Section 3.19 Permitted Modifications of Height Regulations

- 3.19.01 The height limitations of this Ordinance shall NOT apply to:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Flag Poles	Radio and Television Towers less than 125 ft in height
Conveyors	Air Pollution Prevention Devices
Cooling Towers	Grain Elevators
Elevator Bulkheads	Smoke Stacks
Fire Towers	State Towers or Scenery Lots
Storage Tanks	Water Towers & Standpipes
- 3.19.02 When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 3.20 Repairs and Maintenance

- 3.20.01 On any building, work may be done on *ordinary* repairs or replacement provided that the cubic content of the building as it existed at the time of passage of amendment of this Ordinance shall not be increased.
- 3.20.02 Nothing in this Ordinance shall be deemed to prevent the strengthening 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.

Section 3.21 Side Yards

No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 3.22 Corner Lots

On a corner lot in any district, nothing shall be erected or placed for storage in such a manner as to materially impede vision between a height of two and one-half feet and eight feet above the grades of the centerline of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the streets or roads. *Agricultural crops are specifically exempted from this section.*

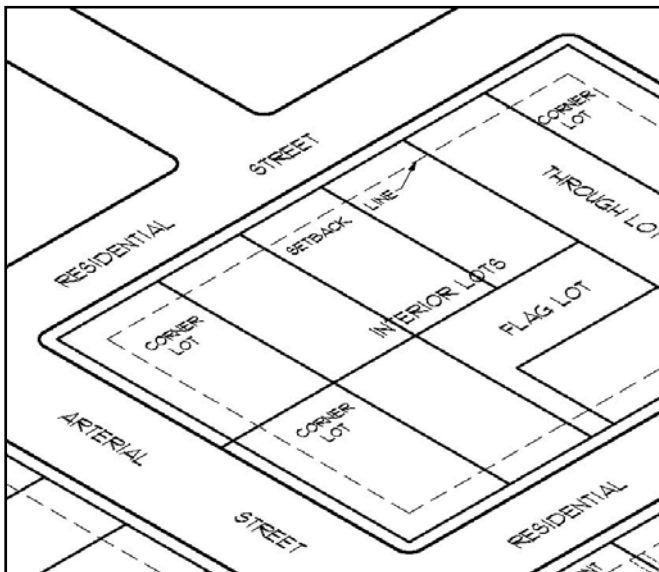
Section 3.23 Recreation Equipment Storage

No such recreational equipment shall be utilized as a dwelling when parked on a residential lot or in any location not approved for such use.

Section 3.24 Building Setback

The building setback lines shall be determined by measuring the horizontal distance from the property line to the vertical face of the nearest wall of the existing or proposed structure to the right-of-way and/or property line.

Figure III-1: Building Setback



Section 3.25 Temporary Structures

Temporary structures incidental to construction work may be erected in all districts, *but only for the period of eighteen (18) months* and shall be removed upon completion or abandonment of the construction work. *Mobile homes may be utilized as a temporary residence while construction of a residence is ongoing. A zoning permit is required and shall be valid for a period of eighteen (18) months. A one (1) year extension of the permit may be granted by the Board of Supervisors upon finding conditions are such that the original eighteen (18) months is unreasonable.*

Section 3.26 Caretaker's Quarters and Granny Flats

Caretaker's quarters are permitted in all districts, providing the use is incidental to the principal use.

Section 3.27 Exception Nonconforming Setbacks

Variances *allowed by staff* are as follows. *The setback of a structure can be reduced based on the average setbacks of the current structures within the area.* Generally, this includes structures within two-hundred (200) feet. If this is not feasible, a variance of up to ten (10) percent of the bulk regulation setback *can be issued by staff.*

Section 3.28 Screening

All *extractive industries* shall be screened by means of plant materials, earth mounding, or solid fencing *at least six (6) feet in height* to provide visual and aural separation between such use and adjacent areas.

Section 3.29 Cooperatives, Condominiums

Cooperatives, condominiums and all other forms of property ownership do not affect the provisions of these ordinances and all requirements shall be observed as though the properties were under single ownership.

Section 3.30 Special Requirements

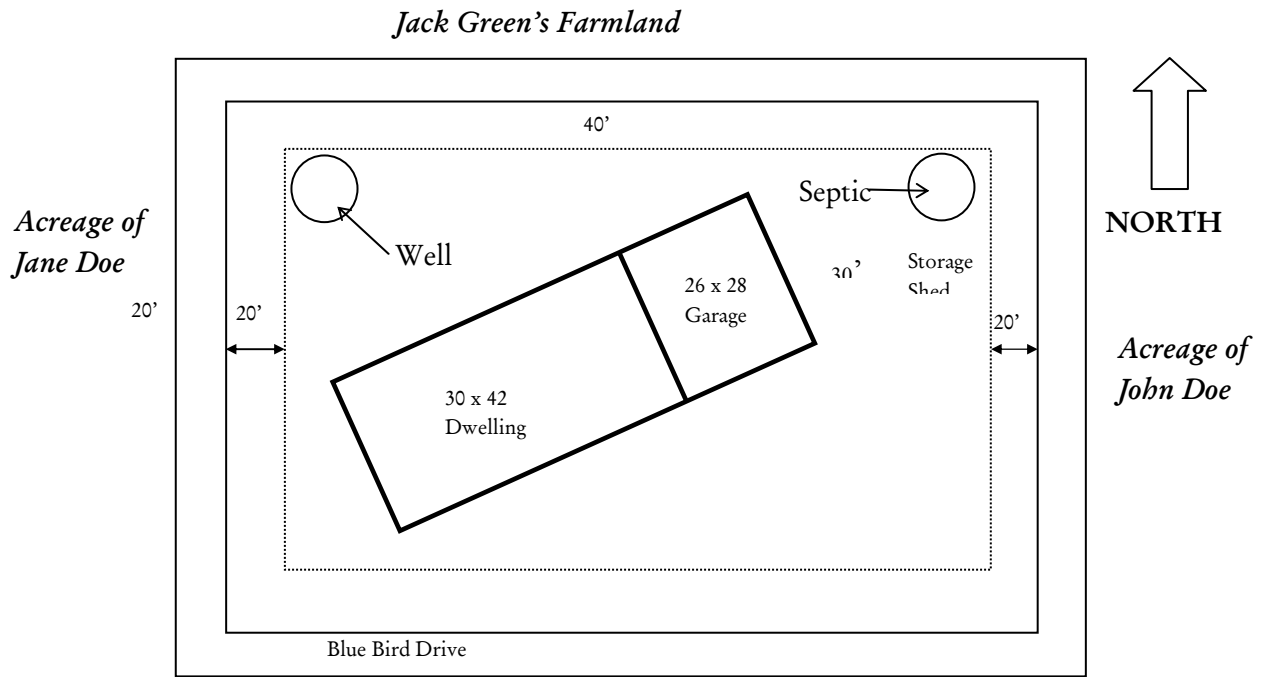
3.30.01 Petitioners requesting a parcel to be rezoned *shall submit a site plan, with dimensions of the proposed development as an exhibit accompanying the petition for the change in zoning or applying for a zoning permit. The site plan shall show the following and shall be binding upon the petitioner, his heirs, successors, and assigns for construction of said use.*

1. All land and its use and ownership within five-hundred (500) feet of the district to be rezoned.
2. A site plan with dimensions of the proposed building and land.
3. A description and a drawing of the outside of the building(s) to be constructed and or existing building(s), to include the following:
 - A. Identification of lot lines and lot size.
 - B. Designation of structure(s).
 - C. Designation of roads, ingress, and egress.
 - D. Designation of distance between structures, lot lines, and right-of-way.
 - E. Description of the use.
4. A description of the manner in which solid and liquid waste will be disposed.

5. A showing of compliance of state, federal laws, and regulations relating to the business shall be made prior to the request.
6. Whenever a parcel of land is split from adjoining land, said parcel must be surveyed and a survey thereof filed with the County Recorder, as per the Boone County Subdivision Regulations.
7. Landowners applying for a zoning permit shall also submit a site plan with dimensions of the proposed building and land. Designate the use. See example below.
8. The Board of Supervisors reserve the right to require a survey before the final approval.

3.30.02 Whenever a zoning permit is issued on a property requiring or using a septic system, *the zoning permit shall not become valid until the septic system design and location has been approved by the Boone County Sanitarian.*

Figure III-2: Septic Design and Location



Section 3.31 Storage of Junk Vehicles

This Section shall apply to any vehicle meeting the definition of junk vehicles, junk, and inoperable vehicle in this Ordinance. Such vehicles include:

1. Automobiles,
2. Vans,
3. Trucks,
4. Semi-trailers,
5. Busses,
6. Hauling trailers (including homemade),
7. Motorcycles,

8. Motor and pull campers,
9. Flatbeds,
10. Equipment,
11. Machinery not a part of or on a farming operation,
12. Truck boxes,
13. Wagons,
14. Race cars,
15. Other types of recreational vehicles or modes of transportation,
16. Items which do not operate under their own power but were manufactured to do so,
17. Parts of vehicles that is stored outside of a completely enclosed building with four walls, roof and doors. Vehicles in storage, placed on any property, are limited to the name of the property owner or occupant of the dwelling and the immediate family; and there are no more than three such vehicles. Junk vehicles shall not be placed for accessory uses of any kind including sheds, farrowing houses, animal shelter, storage or work space.

Article IV. Districts, District Map, Uses

Section 4.01 Districts

For the purpose of this Chapter, the County is hereby divided into 12 districts, designated as follows:

(A-1)	Agricultural Conservation District:	Section 4.04
(A-2)	Agricultural Business District:	Section 4.05
(TA-1)	Transitional Agricultural:	Section 4.06
(R-1)	Rural Estates Residential District	Section 4.07
(R-2)	Urban Residential District	Section 4.08
(R-3)	Residential Mobile Home	Section 4.09
(C-1)	General Commercial	Section 4.10
(I-1)	Industrial District	Section 4.11
(I-2)	Heavy Industrial District	Section 4.12
(CO)	Conservation Overlay District	Section 4.13
(PUD-1)	Planned Unit Development	Section 4.14

Section 4.02 District Map

- 4.02.01 Such land and the district classification thereof shall be as shown on the “Official Zoning District Map of Boone County, Iowa.” This Zoning District Map and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this ordinance as if fully described herein and shall be filed as part of this ordinance by the County Auditor of Boone County. Said map shall be available for public inspection in the office of the Zoning Administrator of Boone County, Iowa.
- 4.02.02 Any additions to the unincorporated area of the County resulting from disconnection by municipalities or otherwise shall be automatically classified by amendment.
- 4.02.03 Whenever any road, street or other public way is vacated by official action of the Board of Supervisors of Boone County, the zoning district adjoining each side of such road, street or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
- 4.02.04 The Official Zoning Map for Boone County is on file at the Planning and Zoning Office. The Zoning Map is also available as an electronic map in the Boone County Planning and Zoning Office as specified by a resolution of the Board of Supervisors. A layer on the “**Real Estate Mapping**” website can be used for reference but is not official. Click on the link to enter the website and follow the directions below to view the Zoning layer (check with the Planning and Development Office for any updates or changes).

Section 4.03 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the “Official Zoning District Map of Boone County, Iowa,” the following rules shall apply:

- 4.03.01 Boundaries that are indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
- 4.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 4.03.03 Boundaries that are indicated as following railroad lines shall be construed to be midway between the main tracks.
- 4.03.04 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- 4.03.05 Boundaries that are indicated as parallel to or extensions of features indicated above shall be so construed. The scale used on the “Official Zoning District Map of Boone County, Iowa” shall determine distances not specifically indicated on the map.
- 4.03.06 Where physical or cultural features existing on the ground are at variance with those shown on the “Official Zoning District Map of Boone County, Iowa,” or in other circumstances not covered above, the Board of Adjustment shall interpret the district boundaries.
- 4.03.07 Where a district boundary line divides a lot that was in single ownership, at passage of this Ordinance, the Board of Adjustment may permit the extension of the regulations for either portion of the lot, not to exceed 50 feet beyond the district line.

Section 4.04 A-1 Agricultural Conservation District

4.04.01 **Intent:** It is the intent of the Agricultural Conservation District to conserve and otherwise preserve the prevailing rural agricultural farming characteristics, values, and resources of Boone County. The intent is to encourage and to promote in every practicable manner, the interest of agriculture, the facilitation of farm production, and the encouragement of soil and water conservation practices.

4.04.02 **Permitted Principal Uses:**

The following list and those uses indicated in **Section 4.16** as principal uses are permitted in the A-1 District.

1. Residential acreages, provided the conditions in **Article 5** are met, as well as the following conditions:
 - a. Said acreage shall meet the density requirement of one (1) non-farm residence on not less than three (3) acres with an overall maximum density of four (4) non-farm residences per quarter-section.
 - b. Acreages shall also show that the cropland has a CSR rating of 61 or less in order to qualify.
 - c. All non-farm residences shall be located along a graveled or hard-
 - d. Access to said property shall meet all county and state requirements. surfaced County Road/Highway, State Highway or U.S. Highway.
 - e. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
 - f. All residences shall be separated from existing CAFO's as required under IAC 567-65.
2. Horticultural farm specialties such as apiaries and mushroom barns.
3. Farm irrigation facilities as permitted under 567 IAC Chapter 50
4. Public and private overhead and underground utility distribution systems.
5. Public parks, forest preserves, and conservation areas.
6. Public facilities, fire protection, police protection, fairgrounds, libraries.
7. Schools, churches, temples, and other eleemosynary, or educational facilities.
8. Publicly owned installations, military installations, airports, community centers.
9. Historical sites or monuments.
10. Agricultural farm services such as soil preparation services, veterinary, and animal services.
11. Forestry.
12. Public or private stables
13. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.

4.04.03 **Conditional Uses:**

The following uses and those found in **Section 4.16** are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement

of said use on a specific tract of ground in the A-1 District as required and approved by the Board of Adjustment.

1. Publicly owned installations, military installations, airports, community centers.
2. Commercial kennels or facilities for raising, breeding, training, or boarding of dogs or other small domestic animals, provided all facilities are located at least two-hundred (200) feet from any property line and five-hundred (500) feet from any residential district or residentially used property line with proper landscaping and screening.
3. Privately owned air landing strip or airport.
4. Public sanitary sewage treatment, water pumping and treatment facilities.
5. Communications and television towers, transmitters, or receivers pursuant to **Section 8.01**.
6. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sport facilities.
7. Cemeteries, including mausoleums, mortuaries, crematories.
8. Hospitals or health care facilities.
9. Auto wrecking, salvage, or salvage yards in accordance with the Boone County Salvage Yard Ordinance #5A.
10. Commercial recreational and camping areas
11. Hunting, gun clubs, rifle range, trap shoot provided the location of the use shall meet the minimum siting requirements of the state and/or federal government. All said uses shall be required to have a properly designed landscaping and screening around the property and 2,500 feet from any residence.
12. Commercial Wind Energy Conversion System.
13. Industrial and fuel alcohol production.
14. Mining, extraction of minerals, sand and gravel, loess soil, clay, shale, limestone, and sandstone quarries, pursuant to the provisions of **Section 8.02**.
15. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.
16. Agricultural Enterprises Planned Developments that provide agricultural services and products to farmers; such as:
 - A. Commercial grain, feed storage and elevators.
 - B. Commercial liquid or solid fertilizer storage for distribution.
 - C. Commercial packages, bulk or tank storage for distribution of fuel, pesticides and herbicides.
 - D. Livestock auction sales yard.
 - E. Farm implement dealership and service shop.

4.04.04

Accessory Uses:

The following accessory buildings are permitted in the “A-1” Agricultural Conservation District.

1. Building and uses customarily incidental to the permitted principal uses.

2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Adjustment, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Mobile Homes and Granny Flats as a second residence but limited to one per residence to be occupied by an immediate family member.
4. Private recreational facilities used in conjunction with the permitted use.
5. Parking pursuant to **Article 6**.
6. Signs pursuant to **Article 7**.
7. Home Occupations pursuant to **Section 8.07**.
8. Wind Energy
9. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.

4.04.05

Height and Lot Requirements:

The height and minimum lot requirements shall be as found in **Section 4.15**.

4.04.06

Other Applicable Provisions:

1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. All new dwellings shall be on hard-surfaced or gravel maintained Roads/Streets/Highways.
3. All access to properties shall meet County Engineer's specifications.
4. When two (2) lots are established immediately adjacent to one another, the two (2) lots may be served by a single driveway or one (1) access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a *common easement* of at least fifty (50) feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
6. Kennels shall not be constructed within 1,200 feet of any public use area.
7. For Single Family Dwellings, Mobile Homes and Farmsteads, the following exceptions apply:
 - A. Single Family dwelling or Mobile Homes:
 - i. Exception. The Zoning Administrator and/or the Board of Adjustment shall make an exception to the thirty-five (35) acre minimum lot size if the physical characteristics of the parcel (shape, topography, hydrology, soil qualities, and/or non-contiguity) indicate a smaller minimum lot size is justifiable. In no case shall the lot size be any lower than what is required in areas not designated as prime agricultural land in footnote 1“C” of this section.

- ii. Exception. The thirty (35) acre minimum lot size requirement set forth shall not apply to a parcel of land to be used for a single family dwelling or mobile home site if:
 - 1.) The owner of the severed parcel is a family member (parent, child or sibling) of the owner of the agricultural land from which the parcel is severed; and,
 - 2.) The owner of the severed parcel is actively involved in farming the agricultural land from which the parcel is severed.
 - iii. In areas *not designated as prime agricultural land*: 20,000 square feet when common water and sewer systems are present; one and one-half (1 ½) acres if no common water and sewer systems exist, and one (1) acre if only a common water system exists, unless smaller lot size minimum is justified by an approved concept plan and a soil study.
- B. Farmstead Severed From Farm:
- i. A farmstead or abandoned farmstead may be severed from the farm and used for a single-family dwelling or a mobile home. A minimum of one (1) acre, exclusive of road right-of-way/easement, may be severed and all side and rear yard setback requirements must be met.

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Section 4.05 A-2 Agriculture Business District

4.05.01 **Intent:** The A-2 District is intended and designed to provide for those business activities which are strongly interrelated with agricultural uses and must therefore be located in agricultural areas. It may be necessary to locate such uses on land designated as protected agricultural land although this will be avoided where possible.

4.05.02 **Permitted Uses:**

The following principal uses and those in **Section 4.16** are permitted in the MUC District.

1. Any use permitted in and as regulated by A-1 District regulations.
2. Residential acreages, provided the conditions in **Article 5** are met, as well as the following conditions:
 - a. Said acreage shall meet the density requirement of one (1) non-farm residence on not less than three (3) acres with an overall maximum density of four (4) non-farm residences per quarter-section.
 - b. Acreages shall also show that the cropland has a CSR rating of 61 or less in order to qualify.
 - c. All non-farm residences shall be located along a graveled or hard-surfaced County Road/Highway, State Highway or U.S. Highway.
 - d. Access to said property shall meet all county and state requirements.
 - e. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
 - f. All residences shall be separated from existing CAFO's as required under IAC 567-65.
3. Animal hospitals, and veterinary clinics, provided, however, that such uses not be permitted on parcels designated as protected agricultural land.
4. Anhydrous ammonia, propane, fuel bulk storage and/or pumping facilities.
5. Fertilizer and agricultural chemical and seed sales.
6. Grain elevators.
7. Livestock, seed and grain sales providing dust is effectively controlled.
8. Seed research facility including lab facilities, storage and refrigeration.
9. Those service and sales businesses that are by their nature agriculturally oriented including, but not limited to, farm machinery repair facilities, agriculture implement sales and service and grain bin sales and construction.
10. Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above named and **Section 4.16** uses and in conformance with the intent of this district.

4.05.03 **Conditional Uses:**

Those uses in **Section 4.16** and those designated by the Zoning Administrator.

- 4.05.04 ***Permitted Accessory Uses:***
Accessory uses permitted in and as regulated by the A-1 District regulations are also permitted in the A-2 district.
- 4.05.05 ***Height and Lot Requirements:***
The height and minimum lot requirements shall be found in **Section 4.15.**
- 4.05.07 ***Other Applicable Provisions:***
1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
 2. When the side or rear yard abuts a residential use or district, it shall be screened with approved landscape plant materials, walls, or fencing.
 3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
 4. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least *50 feet in width*. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
 5. Kennels shall not be constructed within 1,200 feet of any public use area.

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Section 4.06 TA-1 Transitional Agricultural District

4.06.01 **Intent:** The Transitional Agricultural District is intended to provide moderate density residential development. The area is intended as a transition from low density agriculture districts to higher density residential districts. The district is designed to encourage residential activities while also accommodating agricultural like activities.

4.06.02 **Permitted Principal Uses:**

The following principal uses and those found in **Section 4.16** are permitted in the TA-1 District.

1. Single family dwellings on farmsteads.
2. Residential acreages, provided the conditions in **Article 5** are met, as well as the following conditions:
 - a. Said acreage shall meet the density requirement of one (1) non-farm residence on not less than three (3) acres with an overall maximum density of twelve (12) non-farm residences per quarter-section.
 - b. Acreages shall also show that the cropland has a CSR rating of 61 or less in order to qualify.
 - c. All non-farm residences shall be located along a graveled or hard-surfaced County Road.
 - d. If additional non-farm residences are requested, then the Applicant shall be required to subdivide the property in accordance with Boone County's Subdivision Ordinance. The County Zoning Commission and County Board of Supervisors may require access to paved roads and/or platted streets to accommodate said development.
 - e. Access to said property shall meet all county and state requirements.
 - f. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.
 - g. All residences shall be separated from existing CAFO's as required under IAC 567-65.
3. General farms crops and pastureland.
4. Agricultural farm production crops such as field crops, cash grain crops, vegetables, fruits, tree, and nuts.
5. Agricultural farm production of livestock.
6. Horticultural farm specialties such as apiaries and mushroom barns.
7. Farm buildings and structures used for farm equipment, machinery, grain, animals and poultry.
8. Farm irrigation facilities as permitted under 567 IAC Chapter 50
9. Railroads and public thoroughfares.
10. Roadside stands offering for sale farm products produced on the farm.
11. Public and private overhead and underground utility distribution systems.
12. Public parks, forest preserves, and conservation areas.
13. Public facilities, fire protection, police protection, fairgrounds, libraries.
14. Historical sites or monuments.

15. Agricultural farm services such as soil preparation services and veterinary and animal services.
16. Forestry.
17. Churches, including associated halls and residences.
18. Public or Private Horse Stables.
19. Private and Public elementary, junior high school, middle school, senior high school and associated uses.
20. Child Care Center.
21. Child Care Home.
22. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.

4.06.03

Conditional Uses:

The following uses and those found in **Section 4.16** are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA-1 District as required and approved by the Board of Adjustment.

1. Community auction and sale yards for sale of farm animals, products, implements, supplies, or equipment.
2. Child Care Center.
3. Child Care Home.
4. Privately owned air landing strip or airport.
5. Public sanitary sewage treatment facilities.
6. Communications and television towers, transmitters, or receivers pursuant to **Section 8.01** of this Ordinance.
7. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports.
8. Cemeteries, including mausoleums, mortuaries, crematories, provided the mausoleums and crematories.
9. Commercial Wind Energy Conversion System as per **Section 8.04**.
10. Kennels- with 600 feet setback from occupied residential buildings excluding owner/operator occupied residences
11. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.

4.06.04

Accessory Uses:

The following accessory buildings and uses and those found in **Section 4.16** are permitted in the "TA-1" Transitional Agricultural District:

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Adjustment, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Mobile homes and Granny Flats as a second residence but limited to one per residence to be occupied by an immediate family member.
4. Private recreational facilities used in conjunction with the permitted use.

5. Parking pursuant to **Article 6**.
6. Signs pursuant to **Article 7**.
7. Home Occupations pursuant to **Section 8.06**
8. Private stable, provided that any structure shall be located at least two hundred feet from all boundary lines of the property on which located.
9. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.

4.06.05 ***Height and Lot Requirements:***

The height and minimum lot requirements shall be as found in **Section 4.15**.

4.06.06 ***Other Applicable Provisions:***

1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. Residential Subdivisions shall be on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall be allowed on minimum maintenance Roads/Streets/Highways.
3. All access to properties shall meet County Engineer's specifications.
4. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
5. The minimum densities for residential structure may be increased only when a new farm residence is constructed and the original farmhouse is sold off.
6. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
7. Kennels shall not be constructed within 1,200 feet of any public use area.

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Section 4.07 R-1 Rural Estates Residential District

4.07.01 **Intent:** R-1 Rural Residential District is intended to provide for orderly development in a subdivision format. In addition, this District allows for acreages using public or private water supply and septic systems.

4.07.02 **Permitted Principal Uses:**

The following principal uses and those found in **Section 4.16** are permitted in the R-1 District.

1. Detached single family dwelling units.
 - a. All residences shall be separated from existing CAFO's as required under IAC 567-65.
2. Churches, and associated halls and residences.
3. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
4. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district

4.07.03 **Conditional Uses:**

The following uses and those found in **Section 4.16** are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as required and approved by the Board of Adjustment.

1. Planned Unit Developments.
2. Smaller Residential development with a minimum lot size of 10,000 square feet, provided the following additional conditions are met:
 - a. The developer shall construct and install an adequate central sanitary sewer collection and disposal system that meets requirements of the Iowa Department of Natural Resources, and
 - b. The developer shall either develop an adequate well, storage, or pressurized water distribution system meeting the requirements of the State of Iowa; or each lot shall be connected to a public water supply.
 - c. All residences shall be separated from existing CAFO's as required under IAC 567-65.
3. Child Care Home.
4. Child Care Center.
5. Public sanitary sewage treatment facilities.
6. Communications and television towers, transmitters, or receivers pursuant to **Section 8.01**.
7. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sports.
8. Cemeteries, including mausoleums, mortuaries, and crematories, provided the mausoleums and crematories shall be located at least 200 feet from any street, road, or highway and at least 1,000 feet from any residential use.
9. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.

4.07.04

Accessory Uses:

The following accessory buildings and uses and those found in **Section 4.16** are permitted in this District:

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Adjustment, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities in conjunction with the permitted use.
4. Parking pursuant to **Article 6**.
5. Signs pursuant to **Article 7**.
6. Home Occupations see **Section 8.06**
7. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.

4.07.05

Height and Lot Requirements:

The height and minimum lot requirements shall be as found in **Section 4.15**.

4.07.06

Other Applicable Provisions:

1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
3. When two (2) lots are established immediately adjacent to one another, the two (2) lots may be served by a single driveway or one (1) access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a *common easement* of at least fifty (50) feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
4. Kennels shall not be constructed within 1,200 feet of any public use area.
5. Private stable, on property previously zoned R-1 in the previous Ordinance, provided that any structure shall be located at least two hundred (200) feet from all boundary lines of the property on which located.

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Section 4.08 R-2 Urban Residential District

4.08.01 **Intent:** The R-2 Urban Residential District is intended to create or preserve some land near the urban communities for rural high density residential home sites. Smaller lot residential home sites will be approved provided that the development is in the form of an approved subdivision with residential streets and utilities.

4.08.02 **Permitted Principal Uses:**

The following principal uses and those in **Section 4.16** are permitted in the R-2 District.

1. Detached single family dwelling units in a residential subdivision.
2. Duplex or two family dwelling units in a residential subdivision.
3. Churches, and associated halls and residences.
4. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
5. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.

4.08.03 **Conditional Uses:**

The following uses and those in **Section 4.16** are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as required and approved by the Board of Adjustment.

1. Multi-family dwelling units.
2. Planned Unit Developments.
3. Child Care Center.
4. Child Care Home.
5. Public sanitary sewage treatment facilities.
6. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports as associated with subdivisions.
7. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.

4.08.04 **Accessory Uses:**

The following accessory buildings and uses and those found in **Section 4.16** are permitted in this District:

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Adjustment, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities in conjunction with the permitted use.
4. Parking pursuant to **Article 6**.
5. Signs pursuant to **Article 7**.
6. Home Occupations see **Section 8.06**.
7. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.

4.08.05 **Height and Lot Requirements:**

The height and minimum lot requirements shall be as found in **Section 4.15**.

4.08.06

Other Applicable Provisions:

1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
3. When two (2) lots are established immediately adjacent to one another, the two (2) lots may be served by a single driveway or one (1) access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a *common easement* of at least fifty (50) feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
4. Kennels shall not be constructed within 1,200 feet of any public use area. Private stable, on property previously zoned R-2 in the previous Ordinance, provided that any structure shall be located at least two hundred (200) feet from all boundary lines of the property on which located.

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Section 4.09 R-3 Mobile Home Residential District

- 4.09.01 **Intent:** The intent of the R-3 Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of Boone County.
- 4.09.02 **Permitted Principal Uses:**
The following uses and those found in **Section 4.16** are permitted in the R-3 Mobile Home Residential District.
1. Single family dwelling.
 2. Public School.
 3. Private and public park, playground and recreational facilities.
 4. Church, educational facilities and parish house.
 5. Multi-unit dwellings, provided such use is part of a Planned Unit Development-Residential.
 6. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.
- 4.09.03 **Conditional Uses:**
The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as required and approved by the Board of Adjustment.
1. Mobile Home Parks provided the Park meets the criteria found in **Section 4.09.04**.
 2. Buildings and uses customarily incidental to the permitted uses.
 3. Nursery or day-care schools.
 4. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
 5. Sewage disposal and water supply and treatment facilities.
 6. Campgrounds.
 7. Public buildings.
 8. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.
- 4.09.04 **Mobile Home Park Design Requirements:**
1. That the mobile home park shall comply with all sanitary and other requirements prescribed by Boone County and applicable state statutes.
 2. That access to the mobile home park shall be from a hard-surfaced road, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties. Access drives shall be designed to provide adequate access and turnaround for emergency vehicles. No mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lit and at least fifty (50) feet in width, paved with asphaltic concrete or P.C.C. and maintained at least twenty (20) feet in

width in accord with applicable county specifications and ordinances. Maintenance of drives shall be on a private basis.

3. The topography of the site shall be such as to facilitate rapid drainage and that adequate drainage facilities be provided.
4. That the design evidences a reasonable effort to preserve the natural amenities of the site.
5. The minimum width and/or depth of the mobile home park shall be two-hundred (200) feet and a minimum total area of the park shall be eight acres, including one-half the width of bordering streets, except that minimum area may be two acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five acres or more.
6. That at least twenty (20) home sites be provided in the proposed plan. No home sites shall be offered for sale or sold.
7. The mobile home park shall be surrounded by a landscape or wooded strip of open space at least twenty-five (25) feet wide along street frontage.
8. Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems.
9. Each mobile home site shall be provided with electrical outlets installed in accordance with applicable codes or ordinances.
10. Adequate area shall be provided in the design for such things as public laundry facilities and storage of recreation equipment and vehicles.
11. No existing mobile home park shall be enlarged or extended while such park does not meet the applicable health or safety requirements or where such park is in violation of regulations and standards regarding sewage treatment or discharge, pollution or water quality.
12. Site Plan Required. Each petition for a change to the "R-3" zoning classification submitted to the Zoning Commission shall be accompanied by a mobile home park site plan. The Zoning Commission and the Board of Supervisors shall consider the Plan concurrently with the application for amendment to the zoning map. The Board of Supervisors may approve or disapprove the Plan or require such changes thereto as are deemed necessary to accomplish the intent and purpose of these regulations.
- 13.

4.09.05

Community Facilities:

1. Each lot shall have access to a hard surfaced drive not less than twenty-two (22) feet in width excluding parking.
2. Community water and community sewage disposal facilities shall be provided and shall meet all applicable State Laws. The water supply shall be sufficient for domestic use and for fire protection.
3. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.

4. Not less than eight (8) percent of the total court area shall be designated and used for park, playground and recreational purposes.
5. Storm shelters shall be required and shall meet the following criteria:
 - a. Shelter space equivalent to two (2) persons per mobile home lot,
 - b. Designed in conformance with “National Performance Criteria for Tornado Shelters” by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
6. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the minimum safe time frame as directed by FEMA.

4.09.06

Lot and Area Requirements:

1. The maximum density of units in a mobile home park shall be seven per gross acre and the minimum area for a mobile home site for parking on mobile home shall be 5,000 square feet with no dimension less than 50 feet, and with corners of each site visibly marked and numbered by a permanent marker. Adjustments between sites may be approved in order to preserve natural amenities. No more than one mobile home shall be parked on any one site.
2. In addition to the requirement of **Section 4.09.06(2)(A)** above, an open space or spaces of not less than 5,000 square feet accessible to all mobile home occupants and suitable for use as a recreational land area shall be provided within the mobile home park at a ratio of a minimum of four-hundred (400) square feet of recreational area per mobile home site in such park.
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
4. Yard Requirement:
 - a. If a lot or tract abuts a county road or state highway, the yard abutting the county road or state highway shall be sixty (60) feet from the right-of-way line, otherwise:
 - b. For uses permitted in the R-1 and R-2 Residential Districts, the yard requirements are the same as for that district.
 - c. In a mobile home park, no mobile home shall be parked closer than fifty (50) feet from a public street or road, ten (10) feet from an interior access drive, or twenty-five (25) feet from any other mobile home or service building and no part of a mobile home shall extend closer than five (5) feet to the boundaries of the individual mobile home site.
5. Height Requirements:
 - a. The maximum height for single-family dwellings and all other structures *except mobile homes* and those uses specifically exempted shall be two and one-half (2-1/2) stories, but never more than thirty-five (35) feet.
 - b. The maximum height for mobile homes shall be fifteen (15) feet.
 - c. Off-Street Parking and Loading Requirements:
 1. At least one (1) off-street parking space shall be provided on each mobile home site, and in addition off-street parking spaces for automobiles shall be provided in the ratio of one-half (1/2) space per mobile home in locations convenient to groups of homes.

2. Additional off-street parking and loading requirements are contained in Article 6 of this Ordinance.

4.09.07 ***Plan Requirements:***

A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

4.09.08 ***Permitted Accessory Uses:***

1. For uses permitted in the R-1 and R-2 Residential Districts
2. For individual mobile home sites: awnings or porches, and one storage building, all of materials and construction acceptable in accordance with sound building practices and not extending closer than five feet to the boundaries of the individual mobile home site.
3. For the mobile home park: management headquarters, recreational facilities, community building, toilets, showers, coin-operated laundry facilities and vending machines, and other uses and structures customarily incidental to operation of a mobile home park.
4. Home Occupation
5. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.
6. Signs as follows:
 - a. Any sign permitted in any other Residential District.
 - b. A sign limited in area 32 square feet, giving the name and/or address or management of a mobile home park.

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Section 4.10 C-1 General Commercial District

4.10.01 **Intent:** The C-1 District is intended and designed to provide for the normal commercial uses required to serve the traveling public so as to be easily accessible within minimum distances of homes which can economically support such uses.

4.10.02 **Permitted Principal Uses:**

The following uses and those found in **Section 4.16** are permitted in the C-1 General Commercial District.

1. Automotive dealers, gasoline service stations and truck stops, automotive repair and miscellaneous repair services.
2. Wholesale trade, auction, and animal sales yard.
3. Building materials, hardware, and garden supply.
4. Farm supplies, feed, equipment, and machinery sales.
5. Furniture, home furnishings, home appliance and equipment sales.
6. Clothing and apparel services, including dressmaking, millinery, shoe repair, furrier, and tailors.
7. Business services including banks, attorneys, insurance agents, real estate offices, postal stations, printing, credit services, security brokers, title abstracting, finance services, and investment services.
8. Self-service cleaning establishments including Laundromats and laundries.
9. Personal services including barbershops, beauty salons, reducing salons, and photographic studios.
10. Retail stores including food markets, delicatessens, bakeries, department stores, drug stores, books and stationary stores, shoes and apparel shops, hobby shops, camera and sporting goods stores, hardware stores, gift, jewelry, variety and antique shops, retail mail order shops, retail dairy stores, clothing shops, radio, electronics and music stores, retail liquor store, paint, flower, wallpaper, floor-covering, and drapery stores, convenience marts.
11. Food service including restaurants, fast food and drive-in restaurants, ice cream parlors, and sandwich shops.
12. Health care and social services.
13. Museums, art galleries, and motion picture theaters.
14. Public, governmental, justice, financial, legislative, and administrative offices.
15. Public and private utilities, thoroughfares and facilities, fire and police protection facilities, libraries, schools, churches and associated residences, temples, and hospitals.
16. Railroads and public thoroughfares.
17. Motels and hotels.
18. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.

4.10.03 **Conditional Uses:**

The following uses and those in **Section 4.16** are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as required and approved by the Board of Adjustment.

1. Planned commercial developments, shopping centers.
2. Bars, taverns, and nightclubs (not including adult establishments).
3. Communications, cable and satellite receiving stations and appurtenances pursuant to **Section 8.01** of this Ordinance.
4. Child Care Center.

5. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district

4.10.04

Accessory Uses:

The following accessory buildings and uses are permitted in this District:

1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Supervisors, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities in conjunction with the permitted use.
4. Parking pursuant to **Article 6**.
5. Signs pursuant to **Article 7**.
6. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district

4.10.05

Height and Lot Requirements:

The height and minimum lot requirements shall be as found in **Section 4.15**.

4.10.06

Other Applicable Provisions:

1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. When the side or rear yard abuts a residential use or district, it shall be screened with approved landscape plant materials, walls, or fencing.
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
4. When two (2) lots are established immediately adjacent to one another, the two (2) lots may be served by a single driveway or one (1) access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a *common easement* of at least fifty (50) feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. Kennels shall not be constructed within 1,200 feet of any public use area.

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Section 4.11 I-1 Industrial District

4.11.01 **Intent:** This zoning district is intended to provide for heavy commercial and industrial land uses that are limited in the intensity. These uses will have a tendency to be low water users and will typically emit minimal amounts of smoke, steam or odors. These uses may or may not require access to railroad sidetracks.

Adult Businesses are regulated in order to control the Secondary affects associated with such uses and is not intended to prohibit these uses from exercising their rights under the U.S. Constitution.

4.11.02 **Permitted Principal Uses:**

The following principal uses and those found in **Section 4.16** are permitted in the I-1 District.

1. Auction yards
2. Animal sales yard.
3. Wholesale trade, storage, and warehousing.
4. Building materials, hardware, and garden supply.
5. Farm supplies, feed, equipment, and machinery sales.
6. Railroads and public thoroughfares.
7. Carpenter and cabinet shops
8. Clothes dry cleaning and/or dyeing establishments, including those using flammable cleaning fluids with a flash point higher than 100° F.
9. Building construction, general contractors and builders operations.
10. Non-building construction, general contractors and special trade construction contractors.
11. Railroad, trucking, air, water transportation, freight terminals and warehousing facilities.
12. Lumber and wood products.
13. Printing, publishing, and allied products.
14. Electric, gas, water, and sanitary services.
15. Agricultural products and grain elevators.
16. Storage and sale of liquid or solid fertilizers.
17. Welding and other metal working shops.
18. Carpet and rug cleaning, provided the necessary equipment is installed and operated for the effective precipitation or recovery of dust.
19. Bakeries, other than those whose products are sold as retail on the premises.
20. Carting, express, hauling or storage yards.
21. Concrete mixing and concrete products.
22. Creamery, dairy, bottling works, ice cream manufacturing (wholesale). Ice cream manufacturing and cold storage plants.
23. Enameling or lacquering.
24. Laboratories – experimental, film, or testing.
25. Machine shops.
26. Manufacturing of personal and household goods, including but not limited to:
 - a. musical instruments,
 - b. novelties,
 - c. electrical appliances,
 - d. electronic devices,

27. Manufacturing of pottery and/or ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
28. Manufacturing and repair of electric signs and advertising structures.
29. Manufacturing of sheet metal products including heating and ventilating equipment.
30. Manufacturing of wood products, not involving chemical treatment, including sawmills and planing mills.
31. Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals.
32. Manufacturing of meat, food, and kindred products.
33. Manufacturing of textile mill products.
34. Manufacturing of apparel and other products of fabrics, leather, and similar materials.
35. Furniture and fixtures products.
36. Manufacturing of paper and allied products.
37. Manufacturing of chemicals and allied products.
38. Manufacturing of petroleum and related products.
39. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.

4.11.03

Conditional Uses:

The following uses and those in **Section 4.16** are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as required and approved by the Board of Adjustment.

1. Communications and television services and towers, See **Section 8.01**.
2. Manufacturing of rubber and miscellaneous plastic products.
3. Manufacturing of metal products.
4. Flammable liquids, underground storage only, not to exceed 50,000 gallons or 25,000 gallons if located within two-hundred (200) feet of any residential use or district.
5. Manufacturing of stone, clay, cement, and glass products.
6. Auto wrecking, salvage, or junk yards provided:
 - a. Facilities are enclosed and located at least one-hundred fifty (150) feet from county roads and five-hundred (500) feet from state or federally designated highways.
 - b. Said operation shall be located no closer than 2,500 feet from any residential use.
 - c. Facility shall be enclosed with a solid fence not less than six feet in height and no more than ten (10) feet tall.
 - d. Materials stored within the facility shall not be allowed to be stacked higher than the fencing.
 - e. Facilities shall comply with all Federal and State regulations and permits prior to commencing operations.
 - f. In no case shall hazardous substances be stored on the premises except for motor oil and gasoline, and other approved materials necessary to operate the facilities machinery.

- g. Any violation of these conditions, additional conditions placed upon a facility, and/or the violation any Federal and/or State regulations may cause this permit to be invalidated and the operation to be closed.
- h. Upon permanent closure of a facility, for any reason, commencement of clean up and mitigation of all hazardous conditions shall begin and continue until the site has been declared complete by the County, State, and/or Federal authorities.
- 7. Reconstruction and expansion of nonconforming residences;
- 8. Manufacturing of photographic and optical products.
- 9. Animal rendering and hide curing.
- 10. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district
- 11. Adult Entertainment establishments.
 - a. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.
 - b. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
 - c. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - d. No adult business shall be open for business between the hours of twelve midnight and six (6) a.m.
 - e. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property,
 - f. Such use shall not impair an adequate supply of light and air to surrounding property,
 - g. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
 - h. Such use shall not diminish or impair established property values in adjoining or surrounding property,
 - i. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Boone County,
 - j. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed

request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

- k. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- l. Prohibited Activities of Adult Businesses:
 - i. No adult business shall employ any person under eighteen (18) years of age
 - ii. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age
 - iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

4.11.04 ***Accessory Uses:***

The following accessory buildings and uses and those in **Section 4.16** are permitted in this District.

- 1. Buildings and uses customarily incidental to the permitted principal uses.
- 2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Supervisors, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
- 3. Private recreational facilities used in conjunction with the permitted use.
- 4. Parking pursuant to **Article 6**.
- 5. Signs pursuant to **Article 7**.

4.11.05 ***Height and Lot Requirements:***

The height and minimum lot requirements shall be as found in **Section 4.15**.

4.11.06 ***Other Applicable Provisions:***

- 1. When the side or rear yard abuts a residential use or district, the outside boundaries shall be screened with approved landscape plant materials, walls, or fencing.

2. Environmental performance standards: Any use under the provisions of this Section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat. These performance standards are located in **Section 4.12.07**.
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.
4. When two (2) lots are established immediately adjacent to one another, the two (2) lots may be required to be served by a single driveway or one (1) access point onto any County Road as approved by the County Engineer, or along any State and/or Federal Road as approved by the Iowa Department of Transportation. Said access road shall be through a *common easement* of at least fifty (50) feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. Kennels shall not be constructed within 1,200 feet of any public use area.

4.11.07

Performance Standards:

1. **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
2. **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of local, state, and federal authorities.
3. **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
4. **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. **Air Contaminants:**
 - a. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such opacity as to

obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

- b. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of five-hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of five-hundred (500) degrees Fahrenheit.
 - c. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
 7. **Gases:** The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.
 8. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone except during construction.
 9. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

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Section 4.12 I-2 Heavy Industrial District

4.12.01 **Intent:** This zoning district is intended to provide for heavy commercial and heavy industrial land uses. These uses will typically be *heavy* water users, produce odors, smoke, steam and other emissions. Most of these uses will require railroad or highway accessibility.

Adult Businesses are regulated in order to control the Secondary effects associated with such uses and is not intended to prohibit these uses from exercising their rights under the U.S. Constitution.

4.12.02 **Permitted Principal Uses:**

Uses within this section and those found in **Section 4.16** of the Ordinance are permitted and allowed to exist upon the approval of a zoning permit from the County.

1. Wholesale trade, storage, and warehousing.
2. Auction, and animal sales yard.
3. Building materials, hardware, and garden supply.
4. Farm supplies, feed, equipment, and machinery sales.
5. Railroads and public thoroughfares.
6. Carpenter and cabinet shops
7. Clothes dry cleaning and/or dyeing establishments, including those using flammable cleaning fluids with a flash point higher than 100° F.
8. Building construction, general contractors and builders operations.
9. Non-building construction, general contractors and special trade construction contractors.
10. Railroad, trucking, air, water transportation, freight terminals and warehousing facilities.
11. Lumber and wood products.
12. Printing, publishing, and allied products.
13. Electric, gas, water, and sanitary services.
14. Agricultural products and grain elevators.
15. Storage and sale of liquid or solid fertilizers.
16. Welding and other metal working shops.
17. Carpet and rug cleaning, provided the necessary equipment is installed and operated for the effective precipitation or recovery of dust.
18. Bakeries, other than those whose products are sold at retail on the premises.
19. Carting, express, hauling or storage yards.
20. Concrete mixing and concrete products.
21. Creamery, dairy, bottling works, ice cream manufacturing (wholesale). Ice cream manufacturing and cold storage plants.
22. Furniture and fixtures products.
23. Enameling or lacquering.
24. Flammable liquids, underground storage only, not to exceed 50,000 gallons or 25,000 gallons if located within two-hundred (200) feet of any residential use or district.
25. Laboratories – experimental, film, or testing.
26. Machine shops.
27. Manufacturing of personal and household goods, including but not limited to:
 - a. musical instruments,
 - b. novelties,

- c. electrical appliances,
 - d. electronic devices,
27. Manufacturing of pottery and/or ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
 28. Manufacturing and repair of electric signs and advertising structures.
 29. Manufacturing of sheet metal products including heating and ventilating equipment.
 30. Manufacturing of wood products, not involving chemical treatment, including sawmills and planing mills.
 31. Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals.
 32. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and **Section 4.16** uses and in conformance with the intent of this district.

4.12.03

Conditional Uses:

The following uses and those found in **Section 4.16** are allowed only when Boone County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.

1. Communications and television services and towers, See **Section 8.01**.
2. Abattoir, slaughter houses, meat packing plants and stock yards.
3. Acid manufacture or wholesale storage of acids.
4. Auto wrecking, salvage, or junk yards provided they meet with the Boone County Salvage Yard Ordinance #5A.
5. Manufacture of cement, lime, gypsum or plaster of Paris.
6. Distillation of bones.
7. Manufacture and/or storage of explosives.
8. Manufacture and/or storage of fertilizer including anhydrous ammonia.
9. Garbage, offal or dead animal reduction or dumping.
10. Gas manufacturing and cylinder recharging.
11. Junk, iron or rags, storage or baling, and waste paper yards, where the premises upon which activities are conducted wholly within an enclosed building, wall or fence not less than six feet in height, completely obscuring the activity.
12. Manufacturing and/or storage of petroleum products, including refinement and wholesale storage.
13. Temporary and/or permanent asphalt batch plants.
14. Wholesale storage of gasoline and other flammable products.
15. Manufacturing of meat, food, and kindred products.
16. Manufacturing of textile mill products.
17. Manufacturing of apparel and other products of fabrics, leather, and similar materials.
18. Manufacturing of paper and allied products.
19. Manufacturing of chemicals and allied products.
20. Manufacturing of petroleum and related products.
21. Manufacturing of rubber and miscellaneous plastic products.

22. Manufacturing of metal products.
23. Manufacturing of stone, clay, cement, and glass products.
24. Reconstruction and expansion of nonconforming residences; when possible reconstructed structures shall meet new setbacks.
25. Manufacturing of photographic and optical products.
26. Animal rendering and hide curing.
27. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and section 4.16 uses and in conformance with the intent of this district.
28. Adult Entertainment establishments.
 - a. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.
 - b. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
 - c. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
 - d. No adult business shall be open for business between the hours of twelve midnight and six a.m.
 - e. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property,
 - f. Such use shall not impair an adequate supply of light and air to surrounding property,
 - g. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
 - h. Such use shall not diminish or impair established property values in adjoining or surrounding property,
 - i. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Boone County,
 - j. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

- k. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of eighteen (18) years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
- l. Prohibited Activities of Adult Businesses:
 - i. No adult business shall employ any person under eighteen (18) years of age
 - ii. No adult business shall furnish any merchandise or services to any person who is under eighteen (18) years of age
 - iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
 - iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

29. Waste Disposal – Landfill or Solid Waste Disposal Facility (Except in flood hazard areas). [*Ordinance #94 February 200*].

4.12.04

Accessory Uses:

The following accessory buildings and uses and those in **Section 4.16** are permitted in this District.

- 1. Buildings and uses customarily incidental to the permitted principal uses.
- 2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Supervisors, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
- 3. Private recreational facilities used in conjunction with the permitted use.
- 4. Parking pursuant to **Article 6**.
- 5. Signs pursuant to Article 7.

4.12.05

Height and Lot Requirements:

The height and minimum lot requirements shall be as found in **Section 4.15**.

4.12.06

Other Applicable Provisions:

- 1. When the side or rear yard abuts a residential use or district, the outside boundaries shall be screened with approved landscape plant materials, walls, or fencing.
- 2. Environmental performance standards: Any use under the provisions of this Section shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat. These performance standards are located in **Section 4.11.07**.
- 3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam.

4. When two (2) lots are established immediately adjacent to one another, the two (2) lots may be required to be served by a single driveway or one (1) access point onto any County Road as approved by the County Engineer, or along any State and/or Federal Road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. No structure occupied by humans or animals shall be constructed within 1200 feet of any public use area.
6. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.
7. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
8. All principal or accessory structures housing a use permitted only in the I-2 District shall be located at least 200 feet from any residential district and one-hundred (100) feet from any other district except the I-1 District.

4.12.07

Performance Standards:

1. **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
2. **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of local, state, and federal authorities.
3. **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
4. **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. **Air Contaminants:**
 - a. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half (1/2) hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

- b. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of five-hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half (1/2) hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of five-hundred (500) degrees Fahrenheit.
 - c. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
7. **Gases:** The gases sulphur dioxide and hydrogen sulphide shall not exceed five (5) parts per million, carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.
8. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone except for building construction.
9. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

Section 4.13 *[Ordinance 109 March 2011]*

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Section 4.14 PUD-1 Planned Unit Development District

4.14.02 **Intent:** The intent of the PUD-1 District is to encourage the creative design of new living, retail, industrial, and recreational areas, as distinguished from subdivisions of standard lot sizes, in order to permit such creative design in buildings, open space, and their inter-relationship while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods. A PUD-1 district shall be used whenever “Conservation Easements” and “Density Bonuses” are implemented.

The PUD-1 District is a floating zone. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed by staff to assure that these conditions can be met.

4.14.02 **Procedure**

The Zoning Commission shall make a report to the Board of Supervisors setting forth its reasons for recommendation of approval or denial of the application for a PUD-1 District, along with specific evidence and facts showing that the proposal meets or does not meet the following conditions.

Said Planned Unit Development shall be in general conformity with the provisions of the Boone County Comprehensive Development Plan.

1. Said Planned Unit Development shall not have a substantially adverse effect on the development of the neighboring area.
2. The *minimum size* allowed for a PUD-1 District shall be as follows:
 - Residential, three (3) acres;
 - Mobile Home Parks, five (5) acres;
 - Commercial, three acres;
 - Residential-commercial, four (4) acres;
 - Recreational, five (5) acres;
 - Industrial, five (5) acres;
 - Industrial - commercial, ten (10) acres;
 - Agricultural, five (5) acres;
 - Transitional Agriculture, five (5) acres.
3. Height, bulk, and setback requirements may be varied so as to promote an efficient and creative PUD-1 District.

4.14.03 **Use Regulations:**

In District PUD-1 no building, structure, land, or premises shall be used, and no building shall be erected, constructed, or altered, except for any use permitted in the primary underlying Zoning District. All uses must be approved as shown on the development plan as specified in this division.

4.15.04 **Standards and conditions for development:**

A Planned Unit Development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, and location of buildings, the density or intensity of use, open space, public facilities, and the development by geographic division of the state:

1. The applicant shall satisfy the Zoning Commission that he/she has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of twelve (12) months following the approval of the final application

by the County Board of Supervisors. A minimum of fifty (50) percent of the total planned construction shown on the final plan shall be completed within a period of five (5) years following such approval or the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Zoning Commission upon the showing of good cause by the developer.

2. The developer shall provide and record easements and covenants, shall make such other arrangements and shall furnish such performance bonds, escrow deposit, or other financial guarantees for public improvements as may be determined by the County Board of Supervisors to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
3. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development.
4. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
5. The entire tract or parcel of land to be occupied by the Planned Unit Development shall be held in single ownership or control, or if there are two (2) or more owners, the application for such Planned Unit Development shall be *filed jointly by all owners*.
6. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a planned unit development not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
7. Off-street parking and loading shall be provided in accordance with the parking and loading regulations, see Article 6 of this Ordinance.
8. When a commercial use within a PUD-1 District abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to any adjoining residential district; except in the event the adjacent residential district and the commercial developer are separated by a street right-of-way.
9. All residential and commercial buildings shall be set back not less than twenty-five (25) feet from the right-of-way of any street and ten (10) feet from any district boundary lines that do not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the Zoning Commission for protection of health, safety, and general welfare. Street setbacks shall be increased to one-hundred (100) feet when the lot is adjacent to a County, State, or Federal roadway.
10. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel of the total development for each type of planned unit development:
 - Residential, forty (40) percent maximum;
 - Commercial, thirty-five (35) percent maximum.
11. A minimum of thirty (30) percent of the net area of that part of a planned unit development reserved for residential use shall be provided for open space as defined by these regulations under Subsection 16 below. Common

open space for the leisure and recreation of PUD-1 residents only shall be owned and maintained in common by them, through a homeowner's association.

12. The PUD-1 District shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation, and maintenance, and to insure that remedial measures will be available to the County Board of Supervisors if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the Planned Unit Development or of the entire community.
13. No residential use shall have direct access onto an arterial street.
14. All commercial areas must have access to a collector or arterial street; however, no individual commercial use may have direct access onto collector or arterial streets.
15. Sidewalks, when required, shall be built to minimum specifications along all public streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the Planned Unit Development.
16. Open space as defined under this zoning district shall mean land area of the site not covered by buildings, parking, structures, or accessory structures, except recreational structures. Common open space as defined under this zoning district shall mean open space that is accessible and available to all occupants in common by a homeowner's, condominiums, or resident's association. Open space shall include all areas noted as being under a "Conservation Easement"
17. The PUD-1 District may allow for Cluster Developments provided they meet the definition of this Ordinance and/or the developer creates an open space area which also contains a centralized sanitary sewer system which meets all requirements of the State of Iowa for design and proper design capacity, including all other required permits. Cluster Developments, including those requesting "Density Bonuses" are encouraged when using "Conservation Easements"
18. The developer shall submit plans for the development to the Zoning Office, the Health Department and the Iowa Department for Natural Resources for review. The PUD-1 District shall not be approved until all criteria have been met for the District, including approval of the sanitary septic system by the Boone County Sanitarian and the State of Iowa. The developer or a Homeowners Association shall be responsible for properly maintaining the system.

4.14.05

Application for approval of Preliminary PUD-1:

1. An application for a PUD-1 shall be handled in the same manner prescribed for amending this chapter. The same requirements for notice, advertisement of public hearing, protests, and adoption shall be required as zoning changes.
2. The applicant shall prepare and submit thirteen (13) copies of the preliminary development plan for review by the Zoning Commission. Said preliminary shall include:
 - a. A site plan showing:
 - i. Contours at intervals of five (5) feet or less or spot elevations on a one hundred (100) foot grid shall be required on flat land;
 - ii. Location, size, height, and use of all proposed structures in conformance with the yard requirements;

- iii. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas;
 - iv. All streets adjoining subject property and the width of the existing right-of-way;
 - v. Areas set aside for public and private open space, and “Conservation Easements” with the type of recreational facilities planned for each and indicated;
 - vi. Designation of individual parcels if the proposed development is to be set up in separate construction phases;
 - vii. Designation of individual lots if such lots are proposed to be sold to individual owners;
 - viii. Location of required screening;
 - ix. Location of natural features such as ponds, tree clusters, and rock outcroppings;
 - x. Existing development on adjacent properties within two-hundred (200) feet of the PUD.
- b. The above-described site plan shall also include a section designated as "general provisions," and said section shall include the following when said items are applicable:
- i. Net area in square feet or acres. (*Note:* Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one (1) parcel is proposed, designate net area by parcel as well as total net area.)
 - ii. Density of dwelling units per acre of the total dwelling units for the entire plan.
 - iii. Building coverage of the net area of the Planned Unit Development by individual parcel or total development.
 - iv. The percentage of the development plan provided for common open space and/or “Conservation Easement” as defined by this Ordinance. (*Note:* Normally, this figure should be approximately 50 percent.)
 - v. If more than one (1) parcel is proposed, a statement relating to the sequence of development shall be included.
 - vi. Required number of off-street parking spaces.
 - vii. Gross floor area proposed for commercial buildings.
 - viii. All proposed land uses shall be listed by parcel.
 - ix. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 - x. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.
 - xi. A vicinity map that indicates the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed planned unit development.
 - xii. A description, rendering or drawing of the general characteristics of the proposed buildings may be submitted if the applicant desires.
 - xiii. When a Planned Unit Development includes provisions for common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed

articles of incorporation and bylaws of such entity shall be submitted.

- xiv. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development district.
3. The Zoning Commission shall, within thirty (30) days after a preliminary PUD-1 is filed, hold a public hearing on said development after giving notice as required by Iowa Code for hearings and amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Zoning Commission shall prepare and transmit to the County Board of Supervisors and the applicant specific findings of fact with respect to the extent which the Preliminary Plan complies with those regulations, together with its recommendations in respect to the action to be taken on the preliminary PUD-1. The Zoning Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions.
4. The County Board of Supervisors shall or shall not approve the preliminary development plan and authorize the submitting of the final development plan.
5. Substantial or significant changes in the preliminary PUD-1 shall only be made after re-hearing and re-approval.

4.14.06

Final Approval:

1. After approval of a preliminary plan and prior to the issuance of any building permit or zoning certificate, the applicant shall submit an application for final approval with the Planned Unit Development compliance review committee. The Compliance Review Committee shall consist of two (2) County Supervisors, two (2) Zoning Commission members, and the Zoning Administrator. Said final application may include the entire PUD-1 District or may be for a unit or section thereof as set forth in the approval of the Preliminary Plan. The application shall include fifteen (15) copies of such drawings, specifications, covenants, easements, conditions, and form of performance bond as set forth in the approval of the Preliminary Plan and in accordance with the conditions established in this chapter for a PUD-1 District. The final plan shall include the same information as the Preliminary Plan except the following shall also be provided:
 - a. A surveyor's certificate certifying to the accuracy of the boundary surveys shown.
 - b. Location, names, tangent lengths, centerline radius of each curve and its interior width and angle of all proposed public right-of-way;
 - c. All easements and appropriate building setback lines;
 - d. All lot lines, and lot dimensions including chord distances for curvilinear lot lines;
 - e. Lot and/or parcel numbers;
 - f. Location, size, height, and use of all proposed or present buildings;
 - g. Dedication of all streets, public highways, or other land intended for public use, signed by the owner and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or covenants which apply to the property.

- h. A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of streets and alleys to conform to grades established.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification of the plan by the landowner as tentatively approved does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area; nor
 - b. Increase by more than ten (10) percent the floor area proposed for non-residential use; nor
 - c. Increase by more than five percent either the total ground area covered by buildings or involve a substantial change in the height of buildings, nor
 - d. Substantially change the design of the plan so as to significantly alter pedestrian or vehicular traffic flow, nor
 - e. Juxtapose different land uses, nor
 - f. Alter the relation of open space to residential development, nor
 - g. Vary the proposed phasing of construction, nor
 - h. Change the proposed use of one or more buildings to a more intensive use category as delineated in this chapter.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan. The Zoning Commission shall, within thirty (30) business days of the time of filing, review the final plan for compliance with the approved preliminary plan. Upon review approval, said final plan shall be filed with the County Board of Supervisors for final approval and acceptance.
4. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this section as for original approval.

4.14.07

Density Bonuses:

1. The use of the PUD-1 District, in conjunction with the Conservation Overlay District and Conservation Easements, will allow a developer of a Subdivision to institute Density Bonuses.
2. Density Bonuses shall be awarded in direct proportion to the amount of the proposed subdivision that is placed within a Conservation Easement.
3. For example:
If a developer places thirty (30) percent of the proposed subdivision into a Conservation Easement, then the required Lot Area may be reduced by thirty (30) percent in order to maintain the same number of lots that would have been allowed by the subdivision lot area and the minimum lot size of the Zoning District.

Normal Development

- A developer has ten (10) acres of land to develop = 435,600 square feet
- Minimum lot area of the Zoning District = 10,000 square feet
- Total lots (minus streets) = 43.56

Development with Conservation Easements

- Same site of ten (10) acres = 435,600 square feet
- Thirty (30) percent of site is placed in a Conservation Easement = 130,680 square feet
- Density Bonus allows total lots of 43.56
- New minimum lot area for Subdivision = 7,000 square feet

4. Density Bonuses shall not be a means for a developer to lower the Minimum Lot Area within a Subdivision to below three acres, when said lots are on private wells and septic systems. All lots shall be required to meet the criteria established for wells and septic as regulated by the Boone County Sanitarian and the Iowa Department of Natural Resources.

4.14.08

Enforcement and Modification of Plans.

To further the mutual interest of the residents and owners of the Planned Unit Development and of the public in the preservation of the integrity of the PUD-1 plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:

1. The provisions of the plan relating to:
 - a. The use of land and the use, bulk, and location of buildings and structures; and
 - b. The quality and location of common space; and
 - c. The intensity of use or the density of residential units shall run in favor of the county and shall be enforceable in law or in equity, by the county, without limitation on any powers or regulation otherwise granted by law.
2. All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the planned unit development except as to those portions of the plan which have been finally approved and have been recorded.

4.14.09

Amendments.

The PUD-1 District regulation or an approved preliminary or final development plan may be amended in the same manner prescribed in this division for approval of a preliminary or final plan. Application for amendment may be made by the homeowner's association or 51 percent of the owners of the property within the PUD-1 District.

4.14.10

Platting.

Unplatted tracts or tracts being replatted, the approval of the preliminary PUD-1 shall be considered as the approval of a preliminary plan. To complete the platting process, the applicant needs only submit a final plat. Said final plat shall be in accordance with the Subdivision Ordinance, except the scale shall be either two-hundred (200) feet, one-hundred (100) feet, fifty (50) feet, or twenty (20) feet to the inch.

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Section 4.15 Bulk Regulations Tables

4.15.01 *Bulk Regulations for Districts Allowing Residential Use*

The height and minimum lot requirements shall be as follows:

	Use	Minimum Lot area (acres)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max Height (feet)	Max Lot Coverage
A-1 Agricultural Conservation District	Residential Acreages	3 ¹	50	20	50	40	30%
	Residential Subdivision	n/a	n/a	n/a	n/a	n/a	n/a
	Other Permitted Uses	-	50	20	50	65	30%
	Permitted Conditional Uses	-	50	20	50	65	30%
	Accessory Buildings	Footnote 6	50	20	15	40	30%
TA-1 Transitional Agricultural District	Residential Acreages ²	3	40	15	40	35	30%
	Residential Subdivision	3	40	15	40	35	30%
	Other Permitted Uses	-	40	15	40	65	30%
	Permitted Conditional Uses	-	50	20	40	65	30%
	Accessory Buildings	Footnote 6	50	20	15	35	30%
R-1 Rural Residential District	Residential Dwelling	1	35	12	35	35	30%
	Residential Subdivision ³	10,000 sq.ft. per unit	35	12	35	35	30%
	Townhomes ³	6,000 sq.ft.per unit	25	10 ⁴	25	35	40%
	Other Permitted Uses	-	35	12	35	35	30%
	Permitted Conditional Uses	Footnote 5	35	12	35	35	30%
	Accessory Buildings	Footnote 6	50	10	10	35	30%
R-2 Urban Residential District	Residential Subdivision ³	8,500 sq.ft.	25	10	25	35	30%
	Multi-Family Dwellings ³	4,000 sq.ft. per unit	25	10 ⁴	25	35	40%
	Other Permitted Uses	-	45	15	15	25	30%
	Permitted Conditional Uses	Footnote 5	45	15	15	25	30%
	Accessory Buildings	Footnote 6	50	10	10	25	30%

4.15.02 *Bulk Regulations for 'Other' Districts:*

- 1 At an overall density of four non-farm residences per quarter section.
- 2 At an overall density of twelve non-farm residences per quarter section.
- 3 For residential developments having centralized water and a centralized sanitary sewer system but not on a municipal system.
- 4 The side yard along the common wall of a town home shall be 0 feet. The common wall shall be along the adjoining lot line.
- 5 Lot width and lot area may vary from use for use, however, the BOA reserves the right to require stricter criteria.
- 6 Minimum four (4) acres required for an "Accessory Building" to be built without a primary structure.

The height and minimum lot requirements shall be as follows:

	Use	Minimum Lot area (acres)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Max Height (feet)	Max Lot Coverage
A-2 Agricultural Business District	Permitted Uses (with private well and private septic)	1	25	25	25	45	
	Permitted Uses (with public water and/or public sewer)	7200 sq. ft.	25	5	25	45	
	Conditional Uses (with private well and private septic)	1	25	15	15	45	
	Conditional Uses (with public water and/or public sewer)	7,200 sq. ft.	25	15	15	45	
	Accessory Building		85	15	15	25	
C-1 Commercial District	Permitted Uses (with private well and private septic)	1	25	25	25	45	30%
	Permitted Uses (with public water and/or public sewer)	7,200 sq. ft.	25	5	25	45	30%
	Conditional Uses (with private well and private septic)	1	25	15	15	45	30%
	Conditional Uses (with public water and/or public sewer)	7,200 sq. ft.	25	15	15	45	30%
	Accessory Building		85	15	15	25	
I-1 Limited Industrial District	Permitted Uses (with private well and private septic)	1	25	25	25	45	30%
	Permitted Uses (with public water and/or public sewer)	7,200 sq. ft.	25	5	25	45	40%
	Conditional Uses (with private well and private septic)	1	25	15	15	45	30%
	Conditional Uses (with public water and/or public sewer)	7,200 sq. ft.	25	15	15	45	30%
	Accessory Building		85	15	15	25	

	Permitted Uses (with private well and private	1	25	25	25	45	30%

I-2 Heavy Industrial District	septic)						
	Permitted Uses (with public water and/or public sewer)	7,200 sq. ft.	25	5	25	45	40%
	Conditional Uses (with private well and private septic)	1	25	15	15	45	30%
	Conditional Uses (with public water and/or public sewer)	7,200 sq. ft.	25	15	15	45	30%
	Accessory Building		85	15	15	25	

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Section 4.16

Use Table

4.16.01

Intent. It is understood that not all uses and situations can be noted below, however, the planning administrator has the right to make a decision on those uses not found in the table below. P=Permitted uses (Requires a zoning permit), A=Accessory Uses (requires a zoning permit), C=Conditional Uses (requires an approved conditional use permit and zoning permit)

		Zoning Districts								
Use Category	Use Type	A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR
Agricultural Uses		A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR
Agriculture	General agriculture	P	P	P	P		P	P	P	P
	Agricultural buildings for general agricultural use	P	P	P	P		P	P	P	P
	Horses and other non commercial livestock on residential lots	A	P	A						A
Residential Uses		A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR
Household Living	Single-family detached dwelling	P		P	P	P				P
	Two-family dwelling				P-2					
	Single-family attached dwelling				P-2					
	Multiple-family dwelling				P-2					
	Mobile home park	C		C	C	P				
	Secondary accessory dwelling	C		C	C					
	Live-work unit		C				C			
	Seasonal dwelling or cabins	A		A	A					P
	Home occupation	P	P	P	P	P	P			P
Home business	C	C	C	C					C	
Group Living	Group home, congregate living, assisted living, or nursing home - for more than eight persons						P			
	Family group home -- for eight persons or fewer	P		P	P					C
	Chemical substance abuse treatment facility - residential				P		P			
Institutional and Civic Uses		A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR
Community Services	Community center or senior center						P			
	Library or museum	P					P			
	Religious assembly not including residential or educational uses, except for one single-family accessory use	P		P	C	P	P			
	Cemetery	C		C	C					
	Public safety facility	P	P	P	P	C	P	P	P	C
Day Care	Day care, in-home, or center, preschool or adult	P	P	P	P	P	P			P
Educational Institutions	College or university, public or private						P	P		
	Secondary school (K-12), public or private	P	C	P	C	C				
	Vocational school or trade school	P		P			P	P		
Health Care and Social Services	Hospital	C					C			
	Health clinic, health care office	C					P			
Public Parks and Open Spaces	Forest preserve, nature	P	P	P	P	P	P	P	P	P
	Park or playground, aquatic center, swimming pool, playing field(s)	P	P	P	P	P	P	P	C	C
	Boat ramp	P		P	P					P
	Other public recreational facilities, including public campgrounds	C		C	C		C			C

Retail, Service & Commercial Uses		A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR
Adult Uses	Adult entertainment							C	C	
Animal Care	Animal boarding, animal shelter or kennel	C	P				P	P		
	Pet grooming	P/A					P/A	P/A		
	Pet training	P/A					P/A	P/A		
	Veterinary clinics or hospitals	P					P	P		
	Pet cemetery	C/A								
	Pet crematorium						C	C		
Use Category	Use Type	A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR
Agricultural Sales and Services	Agriculture feed mixing and blending, seed sales and grain handling operations	P	P	C			P	P		
	Agricultural chemicals, fertilizer, or anhydrous ammonia - storage and distribution	C	P	C				C		
	Agricultural implement and vehicle sales and service	C	P				P	P		
	Agricultural research facility	P	P					P		
	Agricultural tourism	P	P							
	Farm winery	P	P	P						
	Grain elevators	C	P	C				P		
	Livestock sales	P	P	C			P	P		
Business and Household Services	Building maintenance or cleaning services						P	P		
	Contractor's yard or outdoor storage	P					P	P	P	
	Copying, printing, mailing, and packaging services						P	P		
	Lawn, garden and yard maintenance services						P	P		
	Small appliance and household equipment repair						P	P		
	Well-drilling or septic tank cleaning	C					C	P		
Recreation & Entertainment- Indoor	Conference center						C			
	Health club or fitness center						P			
	Indoor recreation (billiards, bowling, skating rink, etc.)						P			
	Studios for music, dance, crafts, performing or martial arts						P			
	Theater - movie or performance						P			
Recreation & Entertainment- Outdoor	Amusement park						C			
	Campground or travel trailer parks	C				C	C			C
	Canoe rental or marina	C					P			C
	Commercial stable or riding academy	P		P						C
	Golf course or golf driving range	C		C	C					C
	Gun clubs, rifle or archery ranges	C								
	Outdoor amphitheater or stadium	C					C			
	Race tracks, go-cart tracks or drag strips	C					C			
Financial Services	Bank, credit union, savings and loan, or brokerage						P			
Food Services	Restaurant, standard						P			
	Food service, limited - coffee shop, ice cream, snack bar, etc. [less than full kitchen]						P			
	Drive-through accessory to food service						P			
	Bar or tavern						P			
	Catering service, banquet/reception facility, social or fraternal organization	C					P			
	Entertainment accessory to food service						C			
Lodging	Bed and breakfast	C		C	C					C
	Extended stay hotel						P			
	Hotel, motel, or inn						P			
Offices	General, administrative or professional office						P	P		

Services	Barber and beauty shops						P			
	Dry cleaning establishment						P	P	P	
	Funeral home or mortuary						P			
	Crematorium (may be accessory to funeral home)	C		C	C		A	P/A	P	
	Interior decorating or upholstery	C		C	C		P			
	Laundromat						P	P	P	
	Locksmith						P	P	P	
	Mini warehouse or self service storage						C	P	P	
	Shoe repair, watch and other small goods repair						P			
	Tanning salon						P			
Tailoring						P				
General Commercial Uses	Antiques and collectables store						P			
	Art Gallery						P			
	Bicycle sales and repair						P			
	Book store, music store						P			
	Clothing and accessories						P			
	Drugstore, pharmacy						P			
	Electronics and appliance sales and repair						P			
	Florists						P			
	Food store, including bakery, butcher shop, delicatessen, etc., but not full-service Grocery						P			
	Use Category	Use Type	A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2
	Equipment sales/ storage/rental business						P			
	Hardware store						P			
	Liquor store						P			
	News stands, magazine sales						P			
	Photographic equipment and supplies						P			
	Garden Center						P			
	Secondhand store, thrift or consignment store						P			
	Sporting goods store						P			
	Tobacco store						P			
	Video rental or sales						P			
	Bait and tackle shop						P	P		
	Building supplies sales						P	P		
	Furniture and appliance sales, rental, showrooms									
	Grocery, supermarket						P			
	Liquor store						P			
	Motor vehicle sales, rental						P	P		
	Plant nursery, commercial greenhouse	C					P	P		
	Warehouse club sales						P	P	P	
	Wholesale operations						P	P	P	
	Art, crafts or photography studio or gallery						P			
Vehicle Services	Automobile service station and/or convenience store						P	P		
	Car wash, free-standing or accessory						P	P	P	
	Major automotive repair/body work						P	P	P	
	Minor automotive repair						P	P	P	
Accessory Commercial	Surface parking in connection with a permitted use	A					A	A		A
	Outdoor storage in connection with a permitted use	A					A	A		A
Industrial Uses		A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR
R &D	Research and development facility	C	C				P	P	P	
Acc. Office	Office accessory to industrial -						A	A	A	
Manufacturing and Production	Apparel and other finished products made from fabrics						C	P	P	
	Boat building and repair						C	P	P	
	Film, video and audio production						C	P	P	

	Musical instruments						C	P	P		
	Precision medical and optical goods						C	P	P		
	Signs, including electric and neon signs						C	P	P		
	Watches and clocks						C	P	P		
	Winery						C	P	P		
	Wood crafting and carving						C	P	P		
	Wood Furniture						C	P	P		
	Computers and accessories, including circuit boards and software						C	P	P		
	Electronic Components and accessories						C	P	P		
	Food and beverage products, not including live slaughter, grain or feed milling, cereal, vegetable oil or vinegar production						C	P	P		
	Furniture and fixtures, not including metal working						C	P	P		
Use Category	Household appliances and components, not including metal working						C	P	P		
	Measuring, analyzing and controlling instruments						C	P	P		
	Office and commercial equipment						C	P	P		
	Pharmaceuticals, health and beauty products						C	P	P		
	Precision machined products, including jewelry						C	P	P		
	Printing and publishing, including distribution						C	P	P		
	Sporting and athletic goods						C	P	P		
	Telecommunications products						C	P	P		
	Electrical equipment such as motors and generators, lighting, wiring and transmission and distribution equipment including solar related products								P	P	
	Fabricated metal products such as cans and shipping containers, cutlery, hand tools and general hardware								P	P	
	Fabricated plastic and rubber products, except tires and inner tubes								P	P	
	Glass and glass products, ceramics, china and earthenware such as dishes and kitchenware								P	P	
	Use Type	A-1	A-2	TA-1	RR 1&2	R-3	C-1	I1	I2	CNR	
	Grain milling, cereal production, feed milling								P	P	
	Gypsum, drywall and plaster products								P	P	
	Latex paints								P	P	
	Lumber and wood products, including plywood								P	P	
	Machinery and equipment such as engines and turbines, farm, lawn and garden equipment, heating, cooling and refrigeration equipment, and machine tools								P	P	
	Metal working such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating								P	P	
	Textiles and fabrics								P	P	
	Animals or poultry (slaughter or processing)								P	P	
	Asphalt, paving and roofing materials								P	P	
	Battery manufacture and reprocessing								P	P	
	Chemicals and chemical products, including ammonia, chlorine, household cleaners, detergent, and fertilizer								P	P	
	Food processing, including vegetable oil or vinegar production								P	P	
	Oil-based paints, varnishes, lacquers and enamels								P	P	
	Petroleum and coal products, not including mining or extraction	C							P	P	
	Plastics and synthetic resins and fibers								P	P	
	Primary metals, including steelworks, rolling and finishing mills, foundries								P	P	

	Pulp or paper products							P	P	
	Sand and gravel, not including mining or extraction							P	P	
	Tanned hides and leather							P	P	
	Tires and inner tubes							P	P	
Salvage Yards	Auto salvage yard or scrap yard	C						C	P	
Extractive Uses	Quarries, mining and other extractive uses	C								C
Waste Disposal	Landfill or solid waste disposal facility (Except in flood hazard area) <i>[Ordinance #94 February 2009]</i>									C
	Recycling facility or solid waste hauling and transfer station	C						C	C	
	Public sewage treatment plant	C		C	C	P		P	P	
	Yard waste site	C								
Distribution	Warehouse and distribution facility							P	P	
RR										
Transportation and Utility Uses		A-1	A-2	TA-1	1&2	R-3	C-1	I1	I2	CNR
	Airport, heliport or private landing strip	C		C				C	C	
	Motor freight terminal							C	C	
Utilities	Package delivery service							P	P	
	Communication facility	C	C	C			C	C		C
	Communication tower greater than 35 but less than or equal to 80 ft.	C	A	C	A	A	A	A	A	A
	Communication tower greater than 80 feet	C	C	C		C	C	C	C	C
	Utility substation	C	C	C		C	C	C	C	C
	Utility generating plants and facilities	C					C	C	C	
	Wind energy system/ solar systems	A	A	A	A	A	A	A	A	A
	Wind farm	C								

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Article V. Conditional Use Regulations

Section 5.01 Intent

Many land use activities, while not inherently inconsistent with other permitted uses in a particular zoning district, may have significant impact on the surrounding area. Conditional use permits for such uses allow special conditions to be "attached" to the development to address those impacts. The conditional use permit process provides for flexibility in identifying the special conditions without making the Ordinance unreasonably complicated. The objective of the conditional use permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area.

Section 5.02 Conditional Use Permit Required

Those uses which require a Conditional Use Permit are listed in the **Section 4.16**, and those at the discretion of the Zoning Administrator.

Section 5.03 Issuance of Conditional Use Permit

- 5.03.01 A Conditional Use Permit may be issued only after review and approval of the submitted application, including any plans, by the Board of Adjustment. An application and plan shall only be approved upon determination that the development, if completed as proposed will comply with the provisions of this chapter.
- 5.03.02 The Conditional Use Permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use and shall incorporate by reference the approved application and plan. The permit shall contain any special conditions or requirements lawfully imposed by the Board of Adjustment. The Zoning Administrator shall record the permit with the County Recorder and shall provide the applicant with a copy of the recorded permit.
- 5.03.04 All development shall occur strictly in accordance with such approved application and plan.

Section 5.04 Application for Conditional Use Permits

- 5.04.01 The applicant for a Conditional Use Permit must be a person with the legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owners or lessees of the subject property or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits, or their agents.
- 5.04.02 The application must be submitted on an approved form and must be complete. An application shall be complete when it contains all the information necessary for the Board of Adjustment to decide whether the

development, if completed as proposed, will comply with all of the requirements of this section. Unless the Board of Adjustment informs the applicant at the hearing in what way the application is incomplete, the application shall be presumed to be complete. If incomplete, the Board of Adjustment shall offer the applicant the opportunity to complete the application, either at that hearing or at a continuation hearing.

- 5.04.03 To minimize planning costs to the developer, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this section, a pre-application conference between the developer and the Zoning Administrator is encouraged.

Section 5.05 Notification

- 5.05.01 Notification will be posted as per **Section 3.07**.

Section 5.06 Standards for Approval

- 5.06.01 The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

1. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district.
2. Transition. The development shall provide for a suitable transition, if necessary, buffer between the proposed buildings or use and surrounding properties.
3. Traffic. The development shall provide for adequate ingress and egress with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
4. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
5. Signs and Lighting. Permitted Signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
6. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable hazardous or nuisance conditions, including weeds.

- 5.06.02 If the Board of Adjustment concludes that all development criteria will be met by the development, it shall approve the application and plans unless it concludes, based on the information submitted at the hearing that if completed as proposed, there is a strong probability the development will
1. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property, or
 2. Impair an adequate supply (including quality) of light and air to surrounding property, or
 3. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
 4. Diminish or impair established property values on adjoining or surrounding property, or
 5. Not be in accord with the intent, purpose and spirit of the Zoning Ordinance or Comprehensive Development Plan.

Section 5.07 Burden of Persuasion

- 5.07.01 The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this chapter is at all times on the applicant. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this section is upon the person or persons recommending such a conclusion, unless the information presented by the applicant warrants such a conclusion.

Section 5.08 Recommendations on Application

- 5.08.01 Before being presented to the Board of Adjustment, an application for a conditional use permit shall be referred to the Zoning Commission for recommendation. When presented to the Zoning Commission, the application shall be accompanied by a report from the planning staff setting forth findings concerning the application's conformance to this chapter, and any recommendations for the requirements or conditions to be imposed on the proposed development by the Board of Adjustment.
- 5.08.02 The Zoning Commission shall consider the application at a public hearing. The public hearing shall be scheduled according to standard agenda procedures.
- 5.08.03 After reviewing the application at a public hearing, the Zoning Commission shall report to the Board of Adjustment whether it concurs in whole or in part with the Zoning Administrator's proposed findings and recommendations. To the extent the Zoning Commission does not concur, the Zoning Commission shall propose its own recommendations *and provide supporting reasons*.

Section 5.09 Board of Adjustment Action on Application

In considering whether to approve an application for a Conditional Use Permit, the Board of Adjustment shall proceed according to the following format:

- 5.09.01 The Board of Adjustment shall establish a finding of facts based upon information (written evidence) contained in the application, the staff report, the Zoning Commission recommendation, and presented at the Zoning Commission or Board of Adjustment hearings.
- 5.09.02 The Board shall consider such *reasonable requirements or conditions* to the permit as will ensure the development will *satisfy the requirements of this chapter*. A vote may be taken on such conditions before consideration of whether the permit should be approved or denied for any of the reasons set forth in 5.09.03 or 5.09.04.
- 5.09.03 The Board of Adjustment shall consider whether the application complies with all of the applicable development criteria set forth in **Section 5.06**. *Separate votes may be taken with respect to each criterion*. If the Board of Adjustment concludes that the *application fails to meet one or more of the criteria*, the application shall be denied.
- 5.09.04 If the Board of Adjustment concludes that *all such criteria have been met*, the application shall be approved unless it adopts a motion that the application fails to meet any of the approval standard set forth in **Section 5.06**. *Separate votes may be taken with respect to each standard*.

Any such motion regarding compliance or noncompliance of the application to the development criteria or approval standards shall specify the supporting reasons for the motion. It shall be presumed the application complies with all criteria and standards not specifically found to be unsatisfied.

Without limiting the foregoing, the Board of Adjustment *may attach to a permit a condition limiting the duration of the permit*. All conditions or requirements shall be entered on the permit.

Section 5.10 Expiration of Conditional Use Permits

- 5.10.01 A Conditional Use Permit *shall expire automatically* if
 1. Within one (1) year after issuance, substantial action has not been taken to accomplish the purpose for which the permit was granted, or
 2. After substantial action has been taken and subsequently such work is discontinued for a period of one (1) year, the permit shall immediately expire, or
 3. If the Conditional Use has been established and subsequently is discontinued for a period of one (1) year, the permit shall immediately expire.

Section 5.11 Effect of Permit on Successors and Assigns

A conditional use permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. *As such, it is transferable*. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit *except in accordance with all terms and requirements of the permit, so long as the permit remains in effect*.

Section 5.12 Amendments and Modifications

- 5.12.01 Insignificant modifications to the approved permit are permissible upon *authorization by the Zoning Administrator*. A *modification is insignificant* if it has *no discernible impact* on neighboring properties, the general public or those intended to use or occupy the proposed development.
- 5.12.02 *Minor modifications* to the approved permit are permissible with the *approval of the Board of Adjustment*. Such permission may be obtained *without a formal application, public hearing or payment of fees*. A modification is minor if it has *no substantial impact* on neighboring properties, the general public or those intended to use or occupy the proposed development.
- 5.12.03 All other requests for modifications to the approved permit will be processed *as new applications*. New conditions may be imposed by the Board of Adjustment, but the *applicant retains the right to reject such new conditions by withdrawing the request for modifications* and proceeding under the terms and conditions of the original permit.

Article VI. Parking Regulations

Section 6.01 Off-Street Automobile Storage

6.01.01 *Design Criteria*

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the *ratio of 250 square feet per parking space shall be used.*

6.01.02 *Use of Other Parking Not On Site*

If vehicle storage space or standing space required herein cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Zoning Administrator, the Zoning Administrator may permit such space to be provided on other off-street property, *provided such space lies within 400 feet of an entrance to such principal use.* Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

1. Where off-street parking is located on a lot other than the lot occupied by the use that requires it, *site plan approval for both lots is required.*

Section 6.02 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult entertainment establishments	One (1) space per two (2) persons of licensed capacity	None required
Bowling Alleys	Four (4) spaces per alley	One (1) space per establishment
Churches, Synagogues, and Temples	One (1) space per four (4) seats in main worship area	None required
Clubs, including fraternal organizations	One (1) space per 500 s.f. of gross floor area (GFA)	None required
College/University	One (1) spaces per every two (2) students of occupancy plus one (1) per employee.	Two (2) spaces per structure
Commercial Uses		
Agricultural Sales/ Service	One (1) space per 500 s.f. of gross floor area (GFA)	One (1) space per establishment
Automotive Rental/Sales	One (1) space per 500 s.f. of gross floor area (GFA)	One (1) space per establishment
Automotive Servicing	Three (3) spaces per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30% of licensed capacity	Two (2) spaces per establishment
Body Repair	Four (4) spaces per repair stall	None required
Equipment Rental/Sales	One (1) space per 500 s.f. of gross floor area (GFA)	One (1) space per establishment
Campground	One (1) space per camping unit	None required
Commercial Recreation	One (1) space per four (4) persons of licensed capacity	One (1) space per establishment
Communication Services	One (1) space per 500 s.f. of gross floor area (GFA)	One (1) space per establishment
Construction Sales/Service	One (1) space per 500 s.f. of gross floor area (GFA)	One (1) space per establishment
Food Sales (Limited)	One (1) space per 300 s.f. of gross floor area (GFA)	One (1) space per establishment
Food Sales (General)	One (1) space per 200 s.f. of gross floor area (GFA)	Two (2) spaces per establishment
General Retail Sales Establishments	One (1) space per 200 s.f. of gross floor area (GFA)	One (1) space per establishment
Laundry Service	One (1) space per 200 s.f. of gross floor area (GFA)	None required
Restaurants w/Drive-Thru	One (1) space per 150 s.f. of gross floor area (GFA)	One (1) space per establishment
Restaurant (General)	Parking equal to 40% of licensed capacity	Two (2) spaces per establishment
Convalescent and Nursing Home Services	One (1) space per three (3) beds plus one (1) per employee on the largest shift	Two (2) spaces per structure

Uses	Parking Requirements	Loading Requirements
Day Care	One (1) space per employee plus one (1) or loading stall per each ten (10) persons of licensed capacity	None required
Educational Uses, Primary Facilities	Two (2) spaces per classroom	Two (2) spaces per structure
Educational Uses, Secondary Facilities	Eight (8) spaces per classroom plus one (1) space per employee on largest shift	Two (2) spaces per structure
Funeral Homes and Chapels	Eight (8) spaces per reposing room	Two (2) spaces per establishment
Group Care Facility	One (1) space per four (4) persons of licensed capacity	Two (2) spaces per structure
Group Home	One (1) space per four (4) persons of licensed capacity	Two (2) spaces per structure
Guidance Services	One (1) space per 300 s.f. of gross floor area (GFA)	None required
Hotels and Motels	One (1) space per rental unit	One (1) space per establishment
Housing (Congregate)		
Assisted-Living Facilities	One (1) space per dwelling unit plus one (1) space per employee on the largest shift	One (1) space per structure
Duplex	Two (2) spaces per dwelling unit	None required
Multi-Family/Apartments	One (1) space per sleeping unit – spaces to be sited in the general proximity of where the sleeping units are located, plus, one (1) additional space per apartment (for 1-sleeping unit and 2-sleeping units), and one and one-half (1 ½) spaces per apartment (for 3-sleeping units) to accommodate guest parking	None required
Industrial Uses	.74 times the maximum number of employees during the largest shift	Two (2) spaces per establishment
Libraries	One space per 500 s.f. of gross floor area (GFA)	One (1) space per establishment
Boarding Houses/Bed and Breakfasts	One (1) space per rental unit	None required
Medical Clinics	Five (5) spaces per staff doctor, dentist, chiropractor	None required
Mobile Home Park	Two (2) spaces per dwelling unit	None required
Office and Office Buildings	One (1) space per 200 s.f. of gross floor area (GFA)	None required

Uses	Parking Requirements	Loading Requirements
Residential (Single-Family, Attached and Detached)	Two (2) spaces per dwelling unit	None required
Roadside stands	Four (4) spaces per establishment	None required
Service Oriented Establishments	One space per 200 s.f. of gross floor area (GFA)	One (1) space per establishment
Theaters, Auditoriums, and Places of Assembly	One (1) space per four (4) persons of licensed capacity	One (1) space per establishment
Veterinary Establishments	Three (3) spaces per staff doctor	None required
Wholesaling/Distribution Operations	One (1) space per two (2) employees on the largest shift	Two (2) spaces per establishment

Article VII. Sign Regulations

Section 7.01 Signs - Standard of Measurement

- 7.01.01 The total area of all signs permitted on a lot shall include:
1. The total area of the faces of all permanent exterior signs visible from a public way, plus
 2. The area of permanent signs placed upon the surface of windows and doors, plus
 3. The area within the outline enclosing the lettering modeling or insignia of signs integral with the wall and not designed as a panel.

Section 7.02 Signs, Type

- 7.02.01 *Real Estate*
Not more than two (2) signs per lot may be used as temporary signs and shall not be larger than six (6) square feet (except, "A-1", or "TA-1" may be up to 32 square feet and setback a minimum of five (5) feet from the R.O.W.) and set back twenty (20) feet from the road right of way or road easement boundary. In no case shall these signs obstruct the visibility at any intersection or driveway.
- 7.02.02 *Business*
Small announcement or professional signs, not over six (6) square feet in area, except that an announcement sign or bulletin board not over eighteen (18) square feet in area, set back at least twenty (20) feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.
- 7.02.03 *Wall*
A sign or sign flat against a building wall when appertaining to a nonresidential¹ use on the premises, not exceeding in the aggregate fifty (50) square feet in area except as may be authorized by the Board of Adjustment.
- 7.02.04 *Name Plate*
One (1) nameplate that does not exceed two square feet for each dwelling.
- 7.02.05 *Billboards*
1. Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.
 - A. On or within the right-of-way of a highway or where it would encroach thereon;
 - B. Along a highway within 400 feet of the centerpoint of an intersection of such highway as grade with another highway or with a railroad;

1. Typographical error as corrected in Board of Supervisors Minutes dated July 23, 2008.

- C. Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to at least 1,000 feet;
- D. No billboard shall be constructed within 300 feet of a house, school, or church;
- E. No billboards shall be constructed less than 1,500 feet apart except back to back, or end to end, and no more than two billboards facing a direction;
- F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional, or warning sign erected or maintained by the State of Iowa, or by the County, any municipality, or other governmental subdivision, or which incorporates or makes use of lights simulating or resembling traffic controls or signals;
- G. Billboards shall be set back from the proposed right-of-way of any State of Iowa or Federal highway, and from the right-of-way of any other street or road, a minimum distance of 75 feet.
- H. No billboard, signboard, or similar advertising signs shall exceed 700 square feet in area.

7.02.06

Low Profile or Ground:

Ground signs at least five (5) feet from any lot line with a maximum height of six (6) feet.

7.02.07

Projecting or Pole

One (1) free standing or projecting sign for each enterprise on the premises of not more than 672 square feet per sign face within any Agricultural, Transitional Agricultural District and 100 square feet when located within any Residential District, at no point closer to the front line or a side line than one-half (1/2) of the required building setback distance, and not exceed the maximum height from the established grade level for said Zoning District. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

7.02.08

Subdivision

Not more than two (2) signs per entrance into the subdivision. No sign shall be greater than 32 square feet in size.

7.02.09

Signs hung from canopies and awnings shall be no closer than 80 inches from the bottom edge of the sign to grade below.

7.02.10

Election signs shall be exempt so long as they do not interfere with the safety and well being of the public.

Section 7.03 Sign Schedules

7.03.01. Signs shall be permitted in the various districts according to the following schedule:

Zoning District	A-1	A-2	TA-1	R-1	R-2	R-3	C-1	I-1	I-2	CO	PUD-1
Sign Type											
Real Estate	+	+	+	+	+	+	+	+	+	+	+
Subdivision Entrance	- ^a	- ^a	C ^a	C	C	C	+	+	+	C	+
Canopy	- ^a	- ^a	-	-	-	-	+	+	+	-	+
Window	- ^a	+	-	-	-	-	+	+	+	-	+
Projecting Sign	+ ^a	+ ^a	+ ^a	+ ^a	+ ^a	+ ^a	C	C	C	-	C
Pole Sign	+ ^a	+ ^a	+ ^a	+ ^a	+ ^a	+ ^a	-	-	-	-	-
Name Plate	+	+	+	+	+	+	+	+	+	+	+
Wall	+ ^a	+	+ ^a	-	-	-	+	+	+	+	+
Billboard	-	-	-	-	-	-	C	C	C	-	C
Ground or Low Profile	C	C	C	C	C	C	C	C	C	C	C

- Not Permitted

+ Permitted

C Conditional Use

a Typographical error as corrected in Board of Supervisors Minutes dated July 23, 2008

7.03.02

Signs shall be permitted in the various districts at the listed square footage and heights according to the following schedule, unless stricter provisions apply:

<u>Zoning District</u>	<u>A-1</u>	<u>A-2</u>	<u>TA-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-1</u>	<u>I-1</u>	<u>I-2</u>	<u>CO</u>	<u>PUD</u>
Sign Type											
<u>Real Estate</u>											
Max. Size (Square Ft.)	32	32	6	6	6	6	32	32	32	6	6
Max. Height (Ft.)	6	6	-	-	-	-	6	6	6	-	-
Number Allowed per lot	2	2	2	2	2	2	2	2	2	2	2
<u>Subdivision Entrance</u>											
Max. Size (Square Ft.)	- ^a	- ^a	32	32	32	32	32	32	32	32	32
Max. Lot Coverage (sq. Ft)	-	-	5,000 ⁴	5,000 ⁴	5,000 ⁴	5,000 ⁴	5,000 ⁴	5,000 ⁴	5,000 ⁴	5,000 ⁴	2,500 ⁴
Max. Height (Ft.)	-	-	10	10	10	10	10	10	10	10	10
Number Allowed per lot			2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵	2 ⁵
<u>Canopy</u>											
Max. Size	- ^a	- ^a	-	-	-	-	25% ²	25% ²	25% ²	-	25% ²
Max. Height (Ft.)	-	-	-	-	-	-	NA	NA	NA	-	NA
Number Allowed per building	-	-	-	-	-	-	1	1	1	-	1
<u>Window</u>											
Max. Size	25% ³	25% ³	25% ^{3a}	-	-	-	25% ³	25% ³	25% ³	-	25% ³
Max. Height (Ft.)	NA	NA	NA	-	-	-	NA	NA	NA	-	NA
Number Allowed per building/ storefront	2	2	2	-	-	-	2	2	2	-	2
<u>Projecting</u>											
Max. Size (Square Ft.)	12	12	12	12	12	12	12	12	12	-	12
Max. Height (Ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	-	NA
Number Allowed per building	1	1	1	1	1	1	1	1	1	-	1
<u>Name Plate</u>											
Max. Size (Square Ft.)	2 ^a	2 ^a	2 ^a	2 ^a	2 ^a	2 ^a	2 ^a	2 ^a	2 ^a	2 ^a	2
Max. Height (Ft.)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Number Allowed per building	1	1	1	1	1	1	1	1	1	1	1

NA Not Applicable

- Not Permitted

1 Maximum Letter Height is equal to 12 inches

2 Percentage of Total Canopy Area

3 Percentage of Total Window Area

4 When constructed as a landscaping element on an outlot or platted lot

5 Per Entrance

a Typographical error as corrected in Board of Supervisors Minutes dated July 13, 2008

7.03.03

Wall Signs

1. All wall signs shall be mounted to the primary face of the use.
2. The following criteria apply to Wall Signs:

District	Design Limitations for Wall Signs		
	Maximum Size	Maximum Height	Maximum Number
A-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area
A-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area
TA-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area
R-1			
R-2			
R-3			
C-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
I-1	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.

I-2	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
CO	1.5 square feet per lineal foot of building / storefront to a Max. of 400 sq. ft	45 feet above grade	One (1) per storefront Dual Frontage = one (1) additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

7.03.04

Ground Monument

1. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
2. All ground monument signs shall be located on the same lot as the advertised use.
3. Change panels may include advertised gasoline prices and any other service provided in the principal building / structure.
4. Setbacks for all ground monument signs are 10 feet.
5. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
A-1	50 square feet	10 feet	One per lot frontage. ¹
TA-1	32 square feet	10 feet	One per lot frontage. ¹
R-1	32 square feet	10 feet	One per lot frontage. ¹
R-2	32 square feet	10 feet	One per lot frontage. ¹
R-3	32 square feet	10 feet	One per lot frontage. ¹
C-1	32 square feet	10 feet	One per lot frontage. ¹
C-2	32 square feet	10 feet	One per lot frontage. ¹
MUC	32 square feet	10 feet	One per lot frontage. ¹
I-1	32 square feet	10 feet	One per lot frontage. ¹
I-2	32 square feet	10 feet	One per lot frontage. ¹
CO	32 square feet	10 feet	One per lot frontage. ¹
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

¹ On a corner lot that adjoins two (2) Arterials or One (1) Arterial and one (1) Collector, the total number of signs may be increased to two (2) with one (1) on each frontage.

Note: All signs shall have a Vertical Clearance of nine (9) feet above any sidewalk, private drive, or parking.

All signs shall have a Vertical Clearance of twelve (12) feet above any Public Street.

Article VIII. Supplemental Regulations

Section 8.01 Wireless Communication Towers

8.01.01

Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or intending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County shall be sited, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / co-location of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

8.01.02

Definitions

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

1. **ANTENNA** shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.
2. **ANTENNA SUPPORT STRUCTURE** shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.
3. **APPLICANT** shall mean any person that applies for a Tower Development Permit.
4. **APPLICATION** shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the County submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever formal forum made by an applicant to the County concerning such request.
5. **CONFORMING COMMERCIAL EARTH STATION** shall mean a satellite dish that is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this Ordinance.

6. **ENGINEER** shall mean any engineer qualified and licensed by any state or territory of the United States of America.
7. **OWNER** shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.
8. **PERSON** shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.
9. **SATELLITE DISH ANTENNA** shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
10. **STEALTH** shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.



11. **TELECOMMUNICATIONS FACILITIES** shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications that a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
 - A. Any conforming commercial earth station antenna two meters or less in diameter which is located on real estate zoned A-1, TA-1, R-1, R-2, R-3, C-1, I-1 or I-2.
 - B. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of zoning applicable to the location of the antenna.
12. **TOWER** shall mean a self-supporting lattice, guyed, or monopole structure that supports telecommunications facilities. The term tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
13. **TOWER DEVELOPMENT PERMIT** shall mean a permit issued by the County upon approval, by the County Board of Adjustment, of an application to develop a tower within the zoning jurisdiction of the County. Said permit

shall continue in full force and effect for so long as the tower to which it applies conforms to this section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest.

14. **TOWER OWNER** shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

8.01.03

Location of Towers and Construction Standards

1. Towers shall be permitted as a conditional use of the land in only those zoning districts where specifically listed and authorized in this Ordinance.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the County prior to approval of its application for a Tower Development Permit by the County Board of Adjustment and issuance of the permit by the County. Applicants shall submit their application for a Tower Development Permit to the Zoning Office and shall pay a filing fee in accordance the Fee Schedule established by the County Board of Supervisors.
3. All towers, telecommunications facilities and antennas where construction has commenced within the zoning jurisdiction of the County, after the effective date of this Ordinance, shall conform to the Zoning Ordinance and all other construction standards set forth by the County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the Zoning Office.
4. All tower locations shall meet all FAA regulations when near an airport.

8.01.04

Application to Develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Office for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or co-locate the applicant's telecommunications facilities on a tower or useable antenna support; or

written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or co-located on another tower or useable antenna support structure.

5. Written technical evidence from an engineer that the proposed tower will meet the established Zoning Ordinance, and all other applicable construction standards set forth by the County Board of Supervisors and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.

8.01.05 ***Tower Development Permit Procedure***

After receipt of an application for a Tower Development Permit, the following shall occur:

1. The Zoning Administrator shall schedule a public hearing before the Zoning Commission, following all requirements for publication and notice, to consider such application.
2. The Zoning Commission shall review the application and make a recommendation to the Board of Adjustment.
3. The Zoning Administrator shall schedule a public hearing before the Board of Adjustment, following all requirements for publication and notice, to consider such application.
4. Notice, for said Public Hearing, shall be made at least one time and at least four days prior to such hearing. In addition, the Zoning Administrator shall cause a notice to be issued pursuant to the code of Iowa and the Ordinances of Boone County.
5. Notification will follow **Section 3.07**.
6. The Board of Adjustment shall receive testimony on the Tower Development Permit.
7. The Board of Adjustment may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and / or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

8.01.06 ***Setbacks and Separation or Buffer Requirements***

1. *All towers up to 50 feet in height* shall be setback on all sides a distance equal to the tower height.
2. *Towers in excess of 50 feet in height* shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback

requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.

3. *Towers exceeding 100 feet in height* may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures, other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
4. *Towers of 100 feet or less in height* may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
5. Towers must meet the following minimum separation requirements from other towers:
 - a. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - b. Self-supported lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

8.01.07 ***Structural Standards for Towers Adopted***

The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition or later (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by Ordinance and set forth in this Article of the Zoning Ordinance.

8.01.08 ***Illumination and Security Fences***

1. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). All towers shall be equipped with dual mode lighting, unless red blinkers are the only light source used, with strobes used only during daylight hours.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

8.01.09 ***Exterior Finish***

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Board of Adjustment as part of the application approval process. All towers must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

8.01.10 ***Landscaping***

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the County.

8.01.11 ***Maintenance, Repair or Modification of Existing Towers***

Previously constructed permitted towers shall not be required to conform to this ordinance, unless altered. Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed after the approval of this Ordinance shall be required to comply with the requirements of this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request, subject to final review and approval of the County Board of Adjustment, an exemption from compliance as a condition of the Tower Development Permit.

8.01.12 ***Inspections***

The County reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the County's Zoning Ordinances and any other construction standards set forth by the County, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the County's Zoning Office, Building Inspector, or a duly appointed independent representative of the County.

8.01.13 ***Maintenance***

The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.

8.01.14 ***Abandonment***

If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner and property owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee and a written request shall be directed to the County Attorney to proceed to abate said public nuisance pursuant to authority of the Iowa Code and Boone

County codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

8.01.15

Satellite Dish, Antennas, Regulations

Upon adoption of this Ordinance, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Boone County only upon compliance with the following criteria:

1. In residentially zoned districts, satellite dish antennas *may not exceed a diameter of ten (10) feet.*
2. Single family residences may not have more than one (1) satellite dish antenna over three (3) feet in diameter.
3. Multiple family residences with ten (10) or less dwelling units may have no more than one (1) satellite dish antenna over three (3) feet in diameter. Multiple family residences with more than ten (10) dwelling units may have no more than two (2) satellite dish antennas over three (3) feet in diameter.
4. All satellite dish antennas installed within the zoning jurisdiction of Boone County, upon adoption of this ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

Section 8.02 Mineral Extraction and Primary Mineral Processing

8.02.01 The applicant shall submit a plan for the staged extraction and restoration of the site in accordance with the following sub-sections.

8.02.02 Specific Criteria for Submittals of Petitions for Mineral Extractions

1. Stage One

A. Evidence Concerning Feasibility:

1. Description of the character and thickness of the mineral deposit.
2. Boring logs-composition of sand and gravel.
3. Average depth of overburden to be redistributed.

B. Site and Operational Analysis:

1. Site:
 - a. Location of site-county, section and township.
 - b. Property line survey.
 - c. Easements and rights-of-way.
 - d. Aerial photo.
 - e. Zoning and land use maps.
 - f. Existing land use (adjacent and in general area of the site).
 - g. Access and transportation arteries (indicate types of surface).
 - h. Development trends (patterns of expansion) of adjacent land uses.
2. Description of Environment:
 - a. Contour maps (2 ft. or 5 ft. contour interval preferred).
 - b. Soils data.
 - c. Existing ground cover and location of any wooded area.
 - d. Relationship of site to surrounding terrain.
 - e. Special surface or subsurface geologic features such as streams, rock out cropping, etc.
 - f. Views into site.
 - g. Areas of most probable visual conflict.
3. The Deposit:
 - a. Depth of topsoil and overburden.
 - b. Deposit depth and outline.
 - c. Percentage of waste sand.
 - d. Depth, outline and type of unmineable material.
 - e. Groundwater elevation (normal).
 - f. Groundwater flow and character.
4. Equipment and Operational Procedures:
 - a. Type of excavating equipment.
 - b. Type of transporting equipment.
 - c. Processing plant layout, including stockpiles (diagrammatic).
 - d. Anticipated general excavation patterns.
 - e. Location of settling ponds (if any).
5. Review of Historical/Archaeological Features on Site.

6. Assessment of Wildlife and Possible Impacts from Proposed Operation.
 7. Extraction/Rehabilitation Plan (Conceptual).
 - a. Conceptual Sketch Plan and Narrative:
 - i. Layout major excavation and rehabilitation pattern (to include):
 - a. Establish high and low points.
 - b. Stockpiling method and locations.
 - c. Handling of topsoil (preservation and re-spreading of topsoil) and possible effect on change in soil composition.
 - d. Staged method of restoration.
 - e. Proposed land features.
 - f. Drives, access and traffic generation.
 - g. Setbacks (Minimum 50 ft. from all property lines).
 - h. Fences.
 - i. Outline measures to be taken for noise, dust, erosion control and protection of wildlife habitat.
 - j. Permanent man-made features to left on-site.
 - k. Estimated length of operation.
 - l. Determine essential screening to reduce inherent conflicts.
 - m. Future land use alternatives.
 - ii. Brief discussion considering impact of proposed operation on surrounding land areas.
2. Stage Two
 - A. Detailed Site and Operational Analysis
 1. Prepare detailed outline of sand and gravel deposits.
 2. Determine the volume of material unsuitable for processing.
 3. Outline area required for processing plant (including stockpiles and handling of topsoil).
 4. Coordinate Excavation and Development Functions:
 - a. Review equipment in respect to land forming capabilities.
 - b. Manipulate the excavation equipment within the scope of its operating patterns.
 - c. Minimize hauling distance of land forming material.
 - d. Taking both site and operational characteristics into consideration, develop the specific pattern of excavation that will implement the development of the proposed land forms.
 - B. Detailed Extraction/Rehabilitation Plan
 1. Handling and placement of overburden.
 2. Handling and placement of topsoil.
 3. Detailed planting and screening plans.
 4. Detailed grading plan including topography (1 or 2 ft. contour interval), drainage and land form grading.
 5. Master Plan - Illustrates proposed land forms, land uses and basic site features.
3. Performance Standards

- A. Progressive rehabilitation (excavation and rehabilitation occur simultaneously) will be required for any mineral extraction area.
- B. Topsoil Requirements.
 - 1. Topsoil is to be preserved and utilized for site rehabilitation.
 - 2. Topsoil is to be re-spread to the depth that originally existed.
- C. Planting and seeding of depleted areas will be implemented as soon as practicable to prevent erosion, as approved by the Zoning Administrator.
- D. Remove all equipment associated with the industry as soon as excavation is terminated.
- E. Do not permit the accumulation of debris or abandoned equipment within the pit or on the property.
- F. Cut slopes will not exceed the normal angle of repose.
- G. Slope requirements:
 - 1. 3:1 maximum slope for mowed banks.
 - 2. 2:1 maximum slope for unmowed banks with vegetation cover.
 - 3. 4:1 maximum slope for spoil banks (Coincide with Code of Iowa, Chapter 208).
 - 4. 5:1 maximum slope above water line.
 - 5. 5:1 maximum slope below water line extended a minimum horizontal of 10 ft. into water body for shoreline.
- H. Slope requirements may be changed subject to the approval of the Zoning Commission.
- I. Individual Site Bonding Required for all Mineral Extraction Areas.

8.02.03

The developer shall *post a bond* with the Boone County Auditor, which bond will ensure to the County that the restoration for reuse as provided in the approved plan shall be completed by the developer within one (1) year of discontinuance of the extraction activities specified in the approved master plan. The amount of the bond shall not be less than the estimated cost of the restoration. Bond requirements may be waived or modified if the applicant can demonstrate that bonding under compliance with Chapter 208 of the Code of Iowa will be sufficient to ensure restoration of the site as specified in the approved plan.

Section 8.03 Small Wind Energy Systems

8.03.01 *Purpose*

It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the *on-site consumption* of utility supplied electricity.

8.03.02 *Definitions*

The following are defined for the specific use of this section.

1. **Small Wind Energy System** shall mean 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.
2. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, *excluding* the wind turbine itself.

8.03.03 *Requirements*

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower Height
 - a. For property sizes between ½ acre and one (1) acre the tower height shall be limited to 80 feet.
 - b. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setbacks
 - a. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
 - b. Refer to **Section 8.04.05**
3. Noise
 - a. Small wind energy systems noise shall not exceed sixty (60) dBA, as measured at the closest neighboring inhabited dwelling unit.
 - b. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
4. Approved Wind Turbines
 - a. Small wind turbines must have been approved under the *Emerging Technologies Program of the California Energy Commission* or *any other small wind certification program recognized by the American Wind Energy Association*.
5. Compliance with Building and Zoning Codes
 - a. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - b. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Iowa and certified by a licensed professional engineer shall also be submitted.
 - c. The manufacturer frequently supplies this analysis.
 - d. Wet stamps shall not be required.
6. Compliance with FAA Regulations

- a. Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.
- 7. Compliance with National Electrical Code
 - a. Permit applications for small wind energy systems 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.
 - b. The manufacturer frequently supplies this analysis.
- 8. Utility Notification
 - a. No small wind energy system 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.
 - b. Off-grid systems shall be exempt from this requirement.

Section 8.04 Commercial/Utility Wind Energy Systems

8.04.01 Purpose

It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy systems within Boone County.

8.04.02 Definitions

The following are defined for the specific use of this section.

1. **Aggregate Project** shall mean projects that 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 part of the aggregated project.
2. **Applicant** is the person or entity filing an application under this Ordinance. *[Ordinance #95 February 2009]*
3. **Commercial WECS** a.k.a. “Wind Energy Facility (Large)” shall mean a wind energy conversion system of equal to or greater than 100 KW in total nameplate generating capacity. *[Ordinance #95 February 2009]*
4. **Facility Operator (Operator)** is the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility. *[Ordinance #95 February 2009]*
5. **Facility Owner (Owner)** is the entity or entities having controlling or majority equity interest in the Wind Energy Facility, including their respective successors and assigns. *[Ordinance #95 February 2009]*
6. **Fall Zone** shall mean 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.
7. **Feeder Line** shall mean 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 wind energy conversion system.
8. **Meteorological Tower** shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports or other applications to monitor weather conditions.
9. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
10. **Non-Participating Landowner** is any landowner not under agreement with the Facility Owner or Facility Operator. *[Ordinance #95 February 2009]*
11. **Occupied Building** is a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted. *[Ordinance #95 February 2009]*
12. **Participating Landowner** is a landowner under lease or other property agreements with the Facility Owner or Operator pertaining to the Wind Energy Facility. *[Ordinance #95 February 2009]*
13. **Public Conservation Lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of

this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

14. **Public Road** is a full passage Right-of-Way (ROW). *[Ordinance #95 February 2009]*
15. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
16. **Shadow Flicker** is the visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow. *[Ordinance #95 February 2009]*
17. **Small Wind Energy System** shall mean 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.
18. **Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.
19. **Total Tower Height or Total Wind Turbine Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System. *[Ordinance #95 February 2009]*
20. **Tower** shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.
21. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.
22. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
23. **Wind Energy Conservation System** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
24. **Wind Energy Facility** is an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures & facilities. For the purpose of this Ordinance, the term does not apply to roof-mounted or building integrated roof mounting systems. *[Ordinance #95 February 2009]*
25. **Wind Energy Facility (Small) a.k.a. Small Wind Energy System** is a single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single wind turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 KW or less and which is intended to primarily reduce on-site consumption of utility power. *[Ordinance #95 February 2009]*
26. **Wind Energy Facility (Medium) a.k.a. Medium Wind Energy System** is a wind energy conversion system consisting of one or more wind turbine(s), a

tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20KW but not greater than 100 KW and which is intended to primarily reduce on-site consumption of utility power. [Ordinance #95 February 2009]

27. **Wind Energy Facility (Large) a.k.a. Commercial WECS** is a wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 KW. [Ordinance #95 February 2009]
28. **Wind Power** is the conversion of wind energy into another form of energy. [Ordinance #95 February 2009]
29. **Wind Turbines or Windmills** is a wind energy conversion system that converts the kinetic energy of wind into electricity through the use of a wind turbine generator, and may include a nacelle, rotor tower, guy wires, and pad transformer. [Ordinance #95 February 2009]

8.04.03

Requirements

Commercial/Utility Grade wind energy systems shall be permitted as a *Conditional Use* within any district *where the use is listed and allowed*.

No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed unless a *Conditional Use Permit* has been issued to the Facility Owner or Facility Operator approving construction of the facility under this Ordinance. Permit application of the expansion shall be based on the total rated capacity, including existing facility but excluding like-kind replacements. [Ordinance #95 February 2009]

Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size and/or type of Wind Turbines or other Equipment shall require a permit modification under this Ordinance. Like-kind replacements shall not require a permit modification. [Ordinance #95 February 2009]

The following requirements and information shall be met and supplied:

1. The name(s) 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 grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification.
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 Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis

12. FAA permit
13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System.
14. Decommissioning Plan
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.

8.04.04 **Aggregated Projects**

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

8.04.05 **Setbacks**

All towers shall adhere to the setbacks established in the following table:

Setbacks provisions may be waived if the following conditions are met:

1. Property owners may waive the setback requirement for Property Lines and/or Occupied Buildings on the participating Landowner property and/or Non-Participating Landowner property by signing a waiver that sets forth the applicable setback provisions(s) and the proposed changes. *[Ordinance #95 February 2009]*
2. The written waiver shall notify applicable property owner(s) of the setback required by this Ordinance, describe how the Wind Energy Facility is not in compliance, and state that consent is granted for the Wind Energy Facility to waive the setback as required by this Ordinance. *[Ordinance #95 February 2009]*
3. Any such waiver shall be signed by the applicant, the Participating Landowner(s) and/or Non-participating Landowner(s), and recorded in the Deeds Office where the property is located. *[Ordinance #95 February 2009]*

Table 1 Wind Turbine/Meteorological Tower Setbacks

	Wind Turbine – Non Commercial WECS	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	<p>a.) 1.1 times the total height if in <i>[Ordinance #95 February 2009]</i> Agricultural or Transitional Agricultural Districts only.</p> <p>b.) In <i>other districts</i>, the setback shall be the distance of the fall zone, as certified by a professional engineer, + ten (10) feet</p>	1.25 times the total height.	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10) feet or 1.1 times the total height.
Neighboring Dwelling Units *		1250 feet <i>[Ordinance # 139 March 2019]</i>	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10) feet or 1.1 times the total

			height.
Road Rights-of-Way (ROW)**	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10) feet or one (1) times the total height.	One (1) times the total height.	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10) feet or one (1) times the total height.
Other Rights-of-Way (ROW)	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10) feet or one (1) times the total height.	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10) feet or one times the total height.	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + 10 feet or one (1) times the total height.
Public Conservation Lands	NA	600 feet	600 feet
Wetlands, USFW Types III, IV, and V	NA	600 feet	600 feet
Other Structures	NA	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10) feet or one (1) times the total height.	The <i>greater</i> of: The fall zone, as certified by a professional engineer, + ten (10)feet or one (1) times the total height.
Other Existing WECS	NA	To be considered based on: 1. Relative size of the <i>existing</i> & <i>proposed</i> WECS 2. <i>Alignment</i> of the WECS relative to the predominant winds 3. Topography 4. Extent of wake interference impacts on existing WECS 5. Property line setback of <i>existing</i> WECS 6. Other setbacks required <i>Waived for internal setbacks in multiple turbine projects including aggregated projects</i>	
River Bluffs		1,320 feet	

* The setback for dwelling units shall be reciprocal in that *no dwelling unit shall be constructed within the same distance required for a Commercial/ Utility Wind Energy Conversion System.*

****** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

8.04.08 **Special Safety and Design Standards**

All towers shall adhere to the following safety and design standards:

1. **Clearance of rotor blades or airfoils** must maintain a *minimum of twelve* (12) feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, *warning of high voltage*. Other signs shall be posted on the turbine with *emergency contact information*.
3. All wind turbines, which are a part of a Commercial/Utility WECS, shall be installed with a **tubular, monopole type tower**.
4. Consideration shall be given to painted **aviation warnings** on all towers less than 200 feet.
5. **Color and Finish:**
All wind turbines and towers that are part of a commercial/utility WECS shall be *white, grey, or another non-obtrusive color*. Blades may be *black in order to facilitate deicing*. Finishes shall be *matte or non-reflective*.
6. **Lighting:**
Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the Federal Aviation Administration (FAA) permits and regulations. *Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds*. Red pulsating incandescent lights should be *avoided*.
7. **Other signage:**
All other signage shall comply with the sign regulations found in these regulations.
8. **Feeder Lines:**
All communications and *feeder lines*, equal to or less than 34.5 KV in capacity, installed as part of a WECS *shall be buried*, where feasible. Feeder lines installed as part of a WECS shall not be considered an essential service.
9. **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 promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. **Discontinuation and Decommissioning:**
A WECS shall be considered a discontinued use after one (1) year without energy production, *unless* a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to ground level within ninety (90) days of the discontinuation of use.

Each Commercial/Utility WECS shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use.

The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor

capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities. The applicant shall provide a bond or other security acceptable to Boone County for an amount of at least 110 percent of the decommissioning cost as specified in the decommissioning estimate within 30 days of the issuance of the Zoning Permit(s) for the facility.

Ordinance # 139 March 2019]

11. **Noise:**

No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use.

12. **Interference:**

The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the city/county for permits.

13. **Roads:**

Applicants shall:

- a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
- b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility.
- c. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.

14. **Drainage System:**

The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

Section 8.05 Waste Disposal Sites and Landfills

8.05.01 A Conditional Use Permit may be granted for any waste material disposal, garbage disposal or land fill operations in the designated zoning district, provided the following special conditions shall be considered.

1. The effects on the adjacent property and traffic,
2. The public necessity and advantage,
3. The maintenance of access routes related to all weather conditions and droppings of rubbish and litter,
4. The effects on underground water quality,
5. The immediate and long term effects on the environment and the public,
6. The concerns for public safety,
7. The application shall include documents to indicate conformance to all applicable governmental regulations and standards,
8. The application shall include affidavits or permits from the Environmental Protection Agency and/or the Iowa Department of Natural Resources, in the event an approval is required by these agencies.
9. Copies of inspection forms.

Section 8.06 Home Occupations and Home Based Businesses in “Residential Districts”

- 8.06.01 **Intent:** A home occupation or home based business shall be permitted when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.
- 8.06.02 **Procedures**
1. **Home Occupation in “Residential Districts”**
An application for a Home Occupation, within residentially zoned areas shall be made to the Boone County Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.
 2. **Home Based Business in “Residential Districts”**
Home Based Businesses shall require the completion and approval of a *Conditional Use Permit*. An application for a Home Based Business, within residentially zoned areas shall be made to the Boone County Zoning Administrator on a form provided. Specific Performance Standards shall be considered for the application by the Zoning Administrator.
- 8.06.03 **Permitted Home Occupations in “Residential Districts”**
1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
 2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer’s representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
 3. Child Nurseries or Child Care
 4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
 5. Instructional services, including music, dance, art and craft classes and tutoring.
 6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
 7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
 8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
- 8.06.04 **Prohibited Home Occupations in “Residential Districts”**
1. Kennels, stables, veterinarian clinics/hospitals.
 2. Medical and dental clinics, hospitals.
 3. Restaurants, clubs, drinking establishments.
 4. Motor vehicle.
 5. Undertaking and funeral parlors.

6. Adult Entertainment Uses

8.06.05

Performance Standards for Home Occupations in “Residential Districts”

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted from the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Iowa Administrative Code.

8.06.06

Permitted Home Based Businesses in “Residential Districts”

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer’s representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines (limited to garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.

6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Child Care.

8.06.07

Prohibited Home Based Businesses in “Residential Districts”

1. Kennels, stables, veterinarian clinics/hospitals.
2. Medical and dental clinics, hospitals.
3. Restaurants, clubs, drinking establishments.
4. Motor vehicle.
5. Undertaking and funeral parlors.
6. Adult Entertainment Uses

8.06.08

Districts”

Performance Standards for Home Based Businesses in “Residential

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Boone County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business.
5. Such home based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located with an existing Accessory Building.
6. Home based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.
7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - A. Two additional spaces for the unrelated employees;
 - B. Two additional spaces to be used for client/visitor parking;
 - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
 - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;

- E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.
 - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
9. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
 10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
 11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
 12. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Iowa Administrative Code.

8.06.09

Revocation

1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
 - A. That any condition of the home occupation or home based business permit has been violated;
 - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - C. That the permit was obtained by misrepresentation or fraud.
 - D. That the use for which the permit was granted has ceased or has been suspended for six (6) consecutive months or more; and
 - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five (5) working days of a revocation, an appeal may be made to the Boone County Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Boone County Board of Adjustment. The Boone County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
3. Nontransferable. A Home Occupation or Home Based Business permit granted in accordance with the provisions of this article shall *not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.*

Section 8.07 Home Occupation and Home Based Businesses in “Agricultural Districts”

8.07.01 **Intent.** A Home Occupation or Home Based Businesses shall be permitted when said occupation or business is conducted on agriculturally used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence, and shall not be construed as a business.

8.07.02 **Procedure**

1. Home Occupation in “Agricultural Districts”

An application for a Home Occupation, within agriculturally zoned areas shall be made to the Boone County Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

2. Home Based Businesses in “Agricultural Districts”

Home Based Businesses shall require the completion and approval of a *Conditional Use Permit*. An application for a Home Based Business, within agriculturally zoned areas shall be made to the Boone County Zoning Administrator on a form provided. Specific Performance Standards shall be considered for the application by the Zoning Administrator.

8.07.03 **Permitted Home Occupations in “Agricultural Districts”**

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture e repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer’s representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and *motor vehicles (limited to no more than two (2) at one time)*.
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal

regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).

9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
11. Kennels and riding stables, veterinarian clinics/hospitals.

8.07.04

Prohibited Home Occupations in “Agricultural Districts”

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses

8.07.05

Performance Standards for Home Occupations in “Agricultural Districts”

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall employ only one additional persons other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation when contained within the principal structure.
5. Home occupations may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home occupation is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home occupations focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home occupations are taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home based business.
10. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
11. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the

resident and business. Said plate shall be attached flat against the wall of the residence and shall not exceed 12 sq. ft. in total surface area.

12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Iowa Administrative Code.

8.07.06

Permitted Home Based Businesses in “Agricultural Districts”

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, insurance, notary public, manufacturer’s representative, clergy, journalists, painters, photographers, dentists, doctors, draftspeople, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespeople, and travel agents.
3. Child Nurseries or Child Care.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers including engines, and motor vehicles (limited to no more than two at one time).
7. Offices and shops in association to one another, including motorized and non-motorized racing vehicles, construction services with equipment storage and maintenance, monument sales and engraving, freight hauling with equipment storage and maintenance (not including warehousing of freight), aerial spraying with equipment storage and maintenance, welding, and excavating services with equipment storage and maintenance.
8. Warehousing and storage of products associated with agri-businesses, including seed sales, fertilizer sales (as allowed by state and federal regulations), and herbicide and pesticide sales (as allowed by state and federal regulations).
9. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
10. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
11. Kennels, riding stables, veterinarian clinics/hospitals.

8.07.07

Prohibited Home Based Business in “Agricultural Districts”

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Undertaking and funeral parlors.
4. Adult Entertainment Uses.

Performance Standards for Home Based Businesses in “Agricultural

1. The primary use of the structure or dwelling unit shall remain residential and the operator of the home based business shall remain a resident in the dwelling unit.
2. The operator conducting the home based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as, an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed in order to provide space for the home based business. Any alterations and additions are limited to a one time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Boone County.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home based business when contained within the principal structure.
5. Home based businesses may be located within an accessory structure including machine sheds, barns, and garages. Said accessory structure shall be required to meet all pertinent State codes for Life Safety including electrical wiring depending upon the nature of the business.
6. When a home based business is located in an accessory structure there shall not be any additional storage allowed in the open. All storage shall be contained within appropriate facilities and out of site.
7. Home based businesses focused on repairs and maintenance of vehicles and motors shall not be allowed to storage damaged, unlicensed, salvaged, vehicles or parts on site and outside the structure where said home based business is taking place.
8. When storage of chemicals associated with agricultural businesses are stored on site, the storage shall comply with all state and Federal regulations and shall be kept in a place that is secured, dry and locked from general access.
9. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
10. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided and shall meet the following standards:
 - A. Two additional spaces for the unrelated employees;
 - B. Two additional spaces to be used for client/visitor parking;
 - C. The additional parking required in items (a) and (b) shall not be provided in any required Front, Side or Rear Yard setback;
 - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height;
 - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback in order to provide the additional parking.

- F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
- 11. The display of goods and/or external evidence of the home based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident and business. Said plate shall be attached flat against the wall of the residence and shall not exceed 12 sq. ft. in total surface area.
- 12. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 13. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
- 14. All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Iowa Administrative Code.

8.07.08

Revocation

- 1. Conditions. A home occupation and home based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
 - A. That any condition of the home occupation or home based business permit has been violated;
 - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance;
 - C. That the permit was obtained by misrepresentation or fraud;
 - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
- 2. Appeal. Within five working days of a revocation, an appeal may be made to the Boone County Board of Adjustment. The Zoning Administrator within ten working days of the receipt of an appeal of his or her revocation actions, shall report his or her findings of fact and decision to the Boone County Board of Adjustment. The Boone County Board of Adjustment shall determine the facts and may revoke, modify or allow to remain unchanged the home occupation or home based business permit in accordance with the Board's final determination.
- 3. Nontransferable. A home occupation or home based business permit granted in accordance with the provisions of this article *shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.*

Section 8.08 Keeping of Unregistered Wrecked or Junked Vehicles

8.08.01 Shall be consistent with the Boone County Health and Sanitation Ordinance.

Section 8.09 Race Tracks for Motorized Vehicles

8.09.01 Race tracks for motorized vehicles may be allowed by Conditional Use Permit in the A-1, I-1, and I-2 Districts in conformance with the following conditions:

1. The application shall be accompanied by the following information:
 - A. A plot plan drawn to an accurate scale showing the layout of the entire site including the track, seating area, restrooms, parking lot, concession stands, lighting facilities, and other pertinent information.
 - B. Proposed water and sewer systems.
 - C. Drainage and grading plan.
 - D. Description of racing program including the type, number and average speed of motorized vehicles and time and frequency of operations.
 - E. Landscaping and screening plan.
 - F. Proposed measures to mitigate potential adverse environmental impacts, such as air quality, noise and glare.
2. The proposed water, sewer and drainage facilities shall be reviewed and approved by the Iowa Department of Natural Resources.
3. The operation of the race track shall not create an A-weighted sound level (dBA) which exceeds fifty (50) dBA, measured as a two minute equivalent A-weighted sound level (Leq) at any point beyond one mile from the center of the track. Longer or shorter Leq periods may be used that are appropriate to the type of racing event involved after consultation with the track operator. To determine any noise level, a laboratory certified noise level meter meeting American National Standards Institute (ANSI) standards shall be used.
4. The site shall not be located in prime agricultural land and areas designated for residential use, rural use, parks and open space, and the major ecological and environmental protection areas in accordance with the Comprehensive Development Plan.
5. The center of the race track shall be located at least one (1) mile away from existing hospitals and churches, and residential areas, rural use areas, and parks and open space as designated by the Comprehensive Development Plan.
6. The site shall be readily accessible from a major street or paved road with adequate access for law enforcement and emergency vehicles.
7. The developer of a race track shall notify all residents within one (1) mile of the center of the track if located in the A-1 District or within one-half mile of the center of the track if located in the I-1 or I-2 District concerning the proposed race track. Receipts of such notice are mandatory as a condition precedent to the Board of Adjustments public hearing.
8. The site shall be located within reasonable reach of existing fire protection facilities. A report thereon shall be obtained from the fire protection district or authority in which the site is located.

Section 8.10 Wineries/Native Wine Establishment and Processing

1. All wineries shall comply with all regulations established under IAC 185 Chapter 5.
2. No farm winery shall manufacture wine in excess of 50,000 gallons per year;
3. Wines produced at the farm winery may be sold on site at wholesale and retail and/or at off-premise sites provided the appropriate licenses are held from the State of Iowa;
4. Wine samples and/or consumption on the licensed premises are permitted in reasonable amounts;
5. A farm winery may sell retail items as an accessory to wine sales through tasting or wine sales room. Retail space shall not exceed two thousand (2,000) square feet;
6. A farm winery may only serve *food* prepared off-site by a licensed establishment in association with sampling and/or consumption of wine. A farm winery may not act in the capacity of a retail food establishment.

Section 8.11 Commercial Campgrounds and Travel Trailer Parks

- 8.11.01 Minimum Area: Two (2) acres
- 8.11.02 Maximum Density: Twenty (20) unit spaces per gross acre of park site.
- 8.11.03 Drives: Eighteen (18) feet in width if one-way or twenty-five (25) feet in width if two-way, and provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and conditions.
- 8.11.04 Screening: Rear and/or side yards shall be screened from adjacent property by a planting screen not less than ten (10) feet in width and six (6) feet in height or by a fence, wall, berm or other comparable means.
- 8.11.05 Common Services Building: There may be common facility service buildings which provide laundry facilities, sanitary facilities, recreational facilities, non-automotive commercial uses supplying essential goods or services primarily for the use of subject park users; also, park management buildings, community buildings, one dwelling unit to be occupied by the owner or administrator, and other uses of a similar nature. All such buildings shall be located within the central park area and shall be primarily for the use of the park occupants.
- 8.11.06 Off-Drive Parking: One (1) parking space for, and within the area of, each unit space.

Section 8.12 Rural Salvage Yard in Conjunction with an 'Owner-Occupied' Single Family Dwelling

- 8.12.01 ***Abandonment***
A statement in writing shall be provided by the owner, to become part of the public record, that the area shall be cleaned up to the satisfaction of the Zoning Administrator should the salvage yard be abandoned, or moved in whole or in part. A salvage yard which remains idle or unused for a continuous period of one (1) year whether or not fixtures or equipment are removed *shall constitute abandonment. The casual, intermittent, temporary, or illegal operation of a salvage yard shall not be sufficient evidence to establish continuous use.*
- 8.12.02 ***Residential Envelope***

A residential envelope shall be provided which shall extend 50 feet from the side and rear lines of the principal residential building and which shall extend from the front line of the principal residential building to the required front yard line. Accessory buildings shall be considered a part of such principal building. The required yard may serve as the required envelope, and in such cases regulations concerning required yards shall govern.

8.12.03

Screening Requirements

The owner shall submit a screening plan, which shall integrate that screen with the natural surroundings and assure reasonable access to the screen for maintenance purposes. The screening plan shall include the following:

1. Screening shall be designed to eliminate the visual impact of the salvage yard contents by obscuring it from view from adjacent roadways and, as appropriate, adjacent property.
2. Screening materials shall generally consist of natural objects, plantings, fences or other appropriate means such as storage sheds, buildings and other similar elements.
3. Natural objects shall be earthen berms, natural topography, wooded areas or other similar elements.
4. Plantings shall be shrubs and trees of such types as to provide year round obscurement commensurate with local site conditions. All plant material used for screening shall be of a size and quantity to provide obscurement.
5. Screens shall be made of wood, metal or other such materials commonly used in the building trade and shall be of such height and type, in accordance with permissible district regulations, as necessary to provide obscurement. Screens shall be designed to withstand a minimum wind load of twenty (20) pounds per square foot, and shall be of a permanent nature. All materials used for finishing screens shall be a non-reflective material which will blend with the natural surroundings. Screening shall not be placed in any manner so that either the screen or the maintenance of the screen will create or contribute to the creations of a safety hazard or endanger public safety nor will interfere with road maintenance.
6. The owner shall maintain the screening in a condition equal to the original installation of the screening. Maintenance shall include, but not be limited to the following items:
 - A. Replacement of plant material which is dead or has been damaged so that it no longer serves the intended purpose of screening the junkyard.
 - B. Screen maintenance shall include the renewal of the surface treatment with stains, paints or other appropriate material when needed and the replacement of panels, sections, members or support structures of the screening when needed.
 - C. Confinement of Salvage Yard. A junk or salvage yard shall not be permitted within any required yard or envelope. No portion of the front yard shall be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles.

8.12.04

Area

Lot requirements shall be in accordance with all applicable district regulations for single-family dwellings. The area to be confined for the salvage yard shall *not exceed* five (5) acres.

8.12.05

Distance Standards

A Conditional Use Permit for a rural salvage yard may not be issued for a proposed location within a five (5)-mile radius of any other lawfully existing rural salvage yard in Boone County. Also, such a permit may not be issued for a proposed location within 1,000 feet of the right-of-way of a paved highway or existing commercial, residential or development district.

Article IX. Board of Adjustment

Section 9.01 Organization and Meetings

- 9.01.01 The Board of Adjustment hereafter referred to by the words “Board of Adjustment,” is hereby continued. Such Board of Adjustment shall consist of five members appointed by the Board of Supervisors. Terms shall be as provided by State statute. The Chairperson of the Board of Supervisors shall have power to remove any member of the Board of Adjustment for cause upon written charges and after public hearing.
- 9.01.02 The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

Section 9.02 Appeal

- 9.02.01 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Boone County affected by any decision of the Zoning Administrator. Such appeal shall be taken within *twenty (20) days* of the decision by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken from.
- 9.02.02 An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may not be granted by the Board of Adjustment, or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.
- 9.02.03 The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee according to the Schedule of

Fees: Boone County Zoning Ordinance, which is on file in the Office of the Zoning Administrator.

Section 9.03 Powers

The Board of Adjustment shall have the following powers:

- 9.03.01 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrator in the enforcement of this ordinance.
- 9.03.02 To grant a variation from the terms of this Ordinance; provided, however, that all variations granted under this clause shall be in harmony with the intent of this Ordinance and the applicable State Statute Iowa Code Section 335.5.
- A. In granting approval or conditional approval of a Variance, the Board of Adjustment shall prepare written findings of fact that all of the conditions below apply to the application.
1. **Special Circumstances.** Special circumstances exist relating to the physical character of the property that are peculiar to the property and that do not apply generally to other properties in the same zoning district. And these circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an amendment to this Ordinance, a general rule to cover them.
 2. **Hardship or Practical Difficulties.** Because of these special circumstances, the literal application of the provisions of this Ordinance would, without a Variance, result in unnecessary and undue hardship or practical difficulties for the applicant, as distinguished from mere inconvenience.
 3. **Not Resulting from Applicant's Actions.** The special circumstances and either practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present interest in the property.
 4. **Reasonable Use and Return.** Without the requested variance, the property cannot yield a reasonable return, or cannot be reasonably used consistent with the intent of the zoning district and the use of other properties therein, but the purpose of the variance is not otherwise to increase the return from the property or to confer special privileges not ordinarily enjoyed by other properties in the same district.
 5. **Not Alter Local Character.** The variance will not alter the essential character of the locality or substantially impair public safety or welfare or property values in the area.
 6. **Minimum Variance Needed.** The variance approved is the minimum required to allow reasonable use and enjoyment of the property.

- B. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- C. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said District.

9.03.03 To permit the following exceptions to the District regulations set forth in the Ordinance, provided all exceptions shall be their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safely, and shall not diminish or impair established property values in surrounding areas:

- A. To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board of Adjustment determines is reasonably necessary for the public convenience or welfare.
- B. To permit the extension of a zoning district where the boundary line of a District divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this Ordinance, but in no case shall such extension of the District boundary line exceed fifty (50) feet in any direction.

9.03.04 To issue special permits and decide such matters as may be required by other sections of this Ordinance.

Section 9.04 Decisions of the Board of Adjustment

9.04.01 In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator.

9.04.02 The concurring vote of three (3) of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board of Adjustment shall not become effective until after the resolution of the Board of Adjustment, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board of Adjustment's

final decision, shall be filed in the office of the Board of Adjustment, and shall be open to public inspection.

9.04.03 Every variation and exception granted or denied by the Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith.

9.04.04 Any taxpayer, or any officer, department, board or bureau of Boone County, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within *thirty (30) days after the filing of the decision in the office of the Board of Adjustment.*

Article X. Zoning Commission

Section 10.01 Organizations and Meetings

- 10.01.01 The Boone County Zoning Commission hereafter referred to by the word “Zoning Commission.”
- 10.01.02 The Zoning Commission shall adopt its own rules of procedure not in conflict with this ordinance or with the Code of Iowa, including the following information:
- A. The time and date of the regularly scheduled meeting and place.
- 10.01.03 The Zoning Commission shall elect yearly one (1) of the members of the Zoning Commission as Chairperson, and one (1) as a vice chairperson in case of vacancy shall name another Chairperson.
- 10.01.04 The Zoning Commission shall keep minutes of its proceedings, showing the vote of each member, upon every question or if absent, or abstaining to vote indicating such fact and reason and shall keep complete records of its examinations and other official actions. Every rule, regulation, recommendation every amendment or repeal thereof and every requirement, decision, or determination of the Zoning Commission shall immediately be filed in the office of the Planning and Development Department and shall be a public record.

Section 10.02 Powers and Duties

- 10.02.01 The County Zoning Commission's duty is to recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein.
- 10.02.02 The Zoning Commission shall
- A. Prepare preliminary reports and hold public hearings thereon, before submitting a final report. The Board of Supervisors shall not hold its public hearings or take action until it has *received the final report of such Zoning Commission.*
- B. After the adoption of such regulations, restrictions, and boundaries of districts, the Zoning Commission may recommend to the Board of Supervisors amendments, supplements, changes or modifications.
- C. Reviewed petitions, changed after a Zoning Commission recommendation, which has been submitted to the Board of Supervisors, shall be returned to the Zoning Commission for a recommendation.
- 10.02.03 The Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commissions, the Iowa Development Commission, or the federal government for local planning assistance.

Article XI. Changes and Amendments

Section 11.01 Initiation of Change

- 11.01.01 The Board of Supervisors may, from time to time, amend, supplement, change, or modify the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Board of Supervisors, or by motion of the Zoning Commission, or by petition of any property owner addressed to the Zoning Commission. Petitions for change or amendment shall be on forms and filed with the Zoning Administrator.

Section 11.02 Report from Zoning Commission

- 11.02.01 Before taking any action on any proposed amendment, supplement, or change, the Zoning Commission shall review the application and submit a recommendation to the Board of Supervisors. Unless the Zoning Commission shall have transmitted its report upon the proposed changes within sixty (60) days after submission thereof to it, the Board of Supervisors shall be free to proceed to act on said changes without further awaiting the report of the Zoning Commission.

Section 11.03 Notice and Hearing

- 11.03.01 Before submitting its recommendation on a proposed amendment to district boundaries to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon, notice of which will be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. Notice shall be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance including text and maps, may be examined. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.
- 11.03.02 The Zoning Commission shall hold a public hearing thereon, before submitting its report to the Board of Supervisors. Notice of public hearings before the Zoning Commission shall be given by publishing the time, place and nature of the hearing at least once, not less than four (4) or more than twenty (20) days before the date of the hearing in a newspaper of general circulation in the County. The notice shall contain reference to the place or places and times within the County where the text, maps, plans, ordinances, amendments, or changes may be examined and shall state the location of the

district affected by naming the township and section and the boundaries of the district shall be expressed in terms of streets or roads, if possible.

- 11.03.03 In case the proposed amendment, supplement, or change be disapproved by the Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more of the area included in such proposed change, or of the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendment shall not become effective *except by the favorable vote of a least sixty (60) percent of all members of the Board of Supervisors.*

Section 11.04 Revision of Board of Supervisors

- 11.04.,01 Following report from the Zoning Commission, the Board of Supervisors may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required in **Section 11.03.**

Section 11.05 Reconsideration, One-Year Limitation

- 11.05.01 Whenever a petition requesting an amendment, supplement, or change has been *denied* by the Board of Supervisors, such petition, or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

Section 11.06 Amendments

11.06.01 *General*

- A. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the *Board of Supervisors may on its own action or by petition after recommendation by the Zoning Commission*, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof.

11.06.02 *Procedure for Change*

- A. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application *shall be verified* by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this

Ordinance shall likewise be submitted to the Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

- B. Before submitting its recommendation on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given to all property owners within five hundred (500) feet of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. Notice shall also be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance including test and maps, may be examined. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall *certify* the same to the Board of Supervisors.
- C. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon, and notices thereof shall be published in accord with Iowa law. In addition, notices shall be sent by the United States mail as specified in 11.06.02 (B) above.
- D. After receiving certification of the recommendations on the proposed amendment from the Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the Board of Supervisors.
- E. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed.
- F. The failure to notify as provided in 11.06.02 (B) and 11.06.02 (C) above shall not invalidate any recommendation of the Zoning Commission, provided such a failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Zoning Commission, proposing to

make a change in the Official Zoning Map or the regulations set forth in this Ordinance.

- G. Each application for an amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Treasurer of Boone County or a cash payment in accord with the Schedule of Fees: Boone County Zoning Ordinance, which is on file in the office of the Zoning Administrator. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.
- H. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been *denied* by the Board of Supervisors, then no new petition covering the same property and/or additional property shall be filed with or considered by the Board of Supervisors until one (1) year shall have elapsed from the date of the filing of the first petition.

Article XII. Administration and Enforcement

Section 12.01 Enforcement

- 12.01.01 It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance and to refuse to issue any permit for any building, or for the use of any premises which would violate any of the provisions of said ordinance. It shall also be the duty of all officers and employees of the County to assist the Zoning Administrator by reporting to him/her any seeming violation in new construction, reconstruction, or land uses.

Section 12.02 Zoning Administrator

- 12.02.01 The Zoning Administrator shall issue all permits and certificates required by this Ordinance.
- A. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/she shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
 - B. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
 - C. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of Zoning Administrator to any other officer or employee of the County or may combine the powers and duties of this office with any other office or position.
- 12.02.02 A fee in accordance with the schedule of fees on file with the Planning and Development Department shall be charged for each application filed.

Section 12.03 Notifications of Assessor

- 12.03.01 Pursuant to Chapter 441.18-441.19 of the Code of Iowa, prior to construction, the owner of any proposed new structure shall provide notification to the Zoning Administrator of the nature and intent of the construction. If the construction or use will not require a Zoning Permit (as in the case of a farm exemption), the construction shall still comply with the Agricultural Building Ordinance of Boone County.

Article XIII. Severability, Conflict, Effective Date

Section 13.01 Severability

- 13.01.01 If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 13.02 Repeal of Conflicting Ordinances

- 13.02.01 The Zoning Ordinances for Boone County, Iowa, adopted by the Board of Supervisors on January 1, 1999, as well as all amendments enacted under that ordinance, except those that modify zoning district boundaries, shall be replaced in its entirety upon the passage and effectuation of this amendment.
- 13.02.02 All ordinances or parts of ordinances in conflict herewith are hereby replaced.

Section 13.03 Effective Date

- 13.03.01 By action taken at its regular business meeting of June 2, June 4, and June 6, 2008, the Boone County Board of Supervisors adopted this amendment established the effective date as July 1, 2008.