

# Zoning Ordinance

Revised June 2020

## Appanoose County, Iowa

### ARTICLE I — PURPOSE

This Ordinance is adopted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure and provide the social and economic advantages resulting from an orderly, planned use of land resources, and to facilitate adequate but economical provisions for public improvements all in accordance with a comprehensive plan and as permitted by the provisions of Chapter 335 of the Code of Iowa, as amended.

### ARTICLE II — NAME

This ordinance shall be known and may be referred to as the Rathbun Reservoir Zoning District Ordinance, Appanoose County, Iowa.

### ARTICLE III — DISTRICT DESCRIPTION

The land which is covered by this ordinance and is within the above referred to zoned district is all the land which surrounds the Rathbun Reservoir in Appanoose County, Iowa, not owned by the United States Government, except that which is out granted to a non-federal jurisdiction or agency, and not including any incorporated towns within the following described boundaries: Beginning at the northwest corner, section 6, T-70N, R-19W, said point being the northwest corner of Appanoose County, Iowa, thence south along the west boundary of Appanoose County seven and one half miles ( $7\frac{1}{2}$ ) more or less, to the west one quarter corner of section 7, T-69N, R-19W, thence east two miles (2) more or less to the east one quarter corner, section 8, T-69N, R-19W, thence north one half mile (h), more or less, to the northwest corner, section 9, T-69N, R-19W, thence east four and one quarter miles ( $4\frac{1}{4}$ ) more or less to the northeast corner of the northwest one quarter of the north west one quarter, section 7, T-69N, R-18W, thence south one

quarter miles ( $\frac{1}{4}$ ) more or less to the center of the northwest one quarter of said section 7, T-69N, R-18W, thence east one half mile (h) more or less to the center of the northeast one quarter of said section 7, T-69N, R-18W, thence south one quarter mile (h) more or less to the southeast corner of the southwest one quarter of the northeast one quarter of said section 7, T-69N, R-18W, thence east two and one quarter miles ( $2\frac{1}{4}$ ) more or less to the east one quarter corner, section 9, T-69N, R-18W, thence south one half mile (h) more or less to the southeast corner of said section 9, T-69N, R-18W, thence east three and one half miles ( $3\frac{1}{2}$ ) more or less to the south one quarter corner of section 7, T-69N, R-17W, thence east three hundred feet to a point which lies on the south section line of said section 7, T-69N, R-17W, thence northerly along a line parallel to, concentric with, and 300 feet normally and radially distant from the centerline of Iowa Highway No. 5, the location as it exists at the date of this ordinance, to a point lying on the north line of section 9, T-70N, R-17W, said point being 300 feet east of the north one quarter corner, section 9, T-70N, R-17W and lying on the south corporation line of Moravia, Iowa, thence west approximately six tenths of one mile (0.6) to the southwest corner, section 4, T-70N, R-17W, said point being the southwest corner of the incorporated limits of Moravia, Iowa, thence north one mile (1) more or less to the northwest corner of said section 4, T-70N, R-17W, said point being the northwest corner of the incorporated limits of Moravia, Iowa, and lying on the north county line of Appanoose County, Iowa, thence west along the north boundary line of Appanoose County, Iowa, fourteen miles (14) more or less to the point of beginning. Any land outgranted by the United States Government to public or private organizations shall be governed by this ordinance.

#### ARTICLE IV — ZONING COMMISSION

- A. Appointment and Terms: An Appanoose County Zoning Commission is hereby created. Such a Zoning Commission shall consist of seven (7) members appointed by the County Board of Supervisors. The seven members of the first Zoning Commission shall serve terms as follows: Two members for one year, three members for two years, and two members for three years. Thereafter, terms shall be for three years and vacancies shall be filled by a resident who lives in the zoned district for a period of not less than nine months each year. The County Board of Supervisors shall have power to remove any member of the Zoning Commission for cause upon written charges and after public hearing.
- B. Meetings: The Zoning Commission shall organize and adopt rules in accordance with provisions of this Ordinance and the Iowa Statute. The Board of Supervisors shall name one of the members of the Zoning Commission as Chairman upon their appointment, and in case of a vacancy, shall name another chairman. All meetings of the Zoning Commission shall be held at the call of the chairman and/or the Zoning Administrator and at such time and place within the county as the Zoning Commission may determine. All meetings of the Zoning Commission shall be open to the public. The Zoning Commission shall keep complete records of its meetings and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement or decision of the Zoning Commission, shall immediately be filed in the office of the Board of Adjustment, and shall be a public record. The presence of four (4) shall be necessary to constitute a quorum.

## ARTICLE V — INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements.

## ARTICLE VI - EXEMPTION OF FARM STRUCTURES AND/OR AGRICULTURAL LAND

In accordance with the provisions of Chapter 335, Code of Iowa, no regulation, restriction or requirement adopted under the provisions of the Zoning 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 purpose, while so used provided, however, that such regulations, restrictions or requirements which relate to any structure, building, dam, obstructions, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.

## ARTICLE — DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include plural; and the plural, the singular. The word SHALL is mandatory and not directory.

**Accessory Use or Structure.** A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.

**Agriculture.** The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, forestry, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**Alley.** A public or private way affording secondary means of access to abutting property.

**Apartment.** A room or suite of rooms in a multiple dwelling intended for or designed for use as a residence by a single family.

**Automobile Salvage Yard.** See "junk yard".

**Basement.** A story having part but more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations.

**Billboard.** A sign over 80 square feet in size as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon

which said signs or billboards are located. Signs on trailers, trucks or other vehicles or moveable objects parked for the primary purpose of advertising shall be considered as billboards. Billboards with signs back to back or double faced signs shall be placed on a common, connected structure.

Block. That property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

Board. Board of Adjustment.

Boarding House. A building other than a hotel where for compensation, meals or lodging are provided for four (4) or more persons.

Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, but not including signs or billboards. When a structure is divided in separate parts by un-pierced walls extending from the ground up, each part is deemed a separate building.

Building, Height of. The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Bulk Stations. Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable, corrosive or highly volatile liquids, liquefied petroleum products, or other liquefied gases where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

Camping Ground. Any land or portion thereof which is planned for and used exclusively, not exceeding four (4) weeks duration by occupants of tents, trailers, mobile homes or other mobile living facilities.

Commission. Appanoose County Zoning Commission.

Construction, Actual. Actual construction is hereby defined to include the placing of construction materials in permanent manner; except that where demolition or removal shall be deemed to be actual construction provided that work shall be diligently carried on until completion of the building involved.

Court. An open, unobstructed, and unoccupied space other than a yard, which is bounded on two or more sides by a building on the same lot.

District. A section or sections of Appanoose County within which the regulations governing the use of building and premises or the height and area of buildings and premises are uniform.

Dwelling. A "dwelling" is any building or structure, permanent or temporary, or any land, water or air vehicle, adapted for overnight accommodation of persons, and actually in use by some person or persons as permanent or temporary sleeping quarters, whether such person is present or not.

Dwelling, Condominium. Means 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 owner having an undivided interest in the common real estate.

Dwelling, Single-family. A building designed for or occupied exclusively for residence purposes by one family. (One-dwelling unit).

Dwelling, Two-family. (Duplex) a building designed for or occupied exclusively for residence purposes by two families.

Dwelling, Multi-family. Building or portion thereof designed for or occupied exclusively for residence purposes by three or more families or housekeeping units living independently of each other.

Family. A group of one or more persons occupying a single dwelling unit.

Farmhouse. Means the dwelling on a farm commonly occupied by the farmer's family, or is exempt pursuant to Article VI.

Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Front Building Line or Front Construction Line. Means a line which extends from one side lot line to the other side lot line dependent upon the district set back requirement. The closest point of the primary or accessory building and all other structures including steps, decks, porches or balconies, enclosed or not, shall in no case be less than the setback distance established in this ordinance.

Garage, Private. A structure intended for and used by the private motor vehicles of the families resident upon the premises, provided that not more than one-half ( $\frac{1}{2}$ ) of the space may be rented for the private vehicles of persons not resident on the premises except that all of the space in a garage of one or two car capacity may be so rented; such garage shall not be used for more than one small commercial vehicle per family resident upon the premises.

Garage, Public. Any building or premises except those used as private or storage garages used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

**Garage, Storage.** Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

**Grade.**

- A. For buildings having walls adjoining one street only, the elevation of the regularly established sidewalk grades at the center of all walls adjoining the street.
- B. For buildings having walls adjoining more than one street, the overage of the elevation of the regularly established sidewalk grades at the center of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) from a street line is to be considered as adjoining the street.

**Home occupation** means a secondary use carried on entirely within the residence, or accessory building, where there is no evidence of such occupation being conducted on the premises by virtue of displays, excessive noise, odors, or electrical disturbances.

**Home industry** means a secondary use of a light industrial nature carried on entirely within the residence or accessory building as a secondary occupation which complies with restrictions of "home occupation."

**Hotel.** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house.

**Junk Yard.** Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house-wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building. The presence on any property of three or more motor vehicles (as defined by Chapter 321.1 of the Code of Iowa) without current registration and which for a period exceeding thirty days have not been capable of operating under their own power, and/or from which parts have been removed for reuse, salvage, or sale, shall constitute prima facie evidence of a junk yard.

**Kennel.** Any premises on which three or more dogs are kept for board, breeding, or sales.

**Living Quarters.** Any structure or part of structure meeting the square footage requirements of this ordinance and the requirements of Public Health Department [641] Chapter 25 of the Iowa Administrative Code.

**Lodging House.** A building where lodging only is provided for compensation for four or more persons.

**Lot.** A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings including all open spaces required by this Ordinance, and having its principal frontage upon a private/public street, road or dedicated public access.

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

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

**Lot, Double Frontage.** A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

**Lot, Interior.** A lot other than a corner lot.

**Lot Lines.** The property lines bounding a lot.

**Lot of Record.** A lot, the deed of which has been recorded in the Office of the County Recorder.

**Lot Width.** The width of a lot measured at the building line and at right angles to its depth.

**Lumber Yard.** A premises on which primarily new lumber and related building materials are sold.

**Mobile Home.** Any structure built prior to June 15, 1976 used for living, sleeping, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses or skirting, or which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

**Mobile Home Park.** Any lot or portion of a lot upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

**Motel, Auto Court, Motor Lodge.** A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.

**Non-conforming Use.** The lawful use of any building or land that was established prior to or at the time of passage of this Ordinance or amendments thereto which does not conform after the passage of this Ordinance or amendments thereto with the use regulations of the district in which it is situated.

**Parking, Long Term.** Parking of any licensed or unlicensed vehicle in one location on any public street, road or public access for longer than one uninterrupted twenty four (24) hour period during one week.

**Parking Space.** An area of not less than two hundred fifty (250) feet either within a structure or in the open, exclusive of driveway or access drives for the parking of a motor vehicle.

**Permanent Foundation.** A foundation of at least forty two (42) inches deep, said foundation being constructed out of concrete block with mortar, or a poured concrete foundation. Permanent foundation may be a pier foundation system extending from the ground level to below normal frost level designed and constructed to be compatible with the structure and the conditions of the site. **Recreational Vehicle.** Means a travel trailer, fifth-wheel trailer or motor home as defined in section 321.1 , sub-section 36C paragraphs b, c and d Code of Iowa.

**Sign.** Any device not more than 80 square feet in size designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
- B. Flags and insignias of any government except when displayed in connection with commercial promotion.
- C. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- D. Integral, decorative or architectural features of buildings.
- E. Signs directing and guiding traffic and parking but bearing no advertising matter.

**Sign, On-Site.** A sign not more than 80 square feet in size relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises.

**Sign, Off-Site.** A sign not more than 80 square feet in size other than an on-site sign. (See also "Billboard").

**Sign, Post.** Any sign not more than 80 square feet in size erected or affixed in a rigid manner to any pole or post and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located including signs or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof. **Sign, Roof.** A sign erected upon or above a roof or parapet of a building or structure.

**Stable, Private.** A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

**Stable, Public and Riding Academy.** A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a Public Stable or Riding Academy.

**Stable, Riding Club.** A building or structure used or intended to be used for the housing only of horses by a group of persons for noncommercial purposes.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

**Story, Half.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

**Street or Road Line.** A dividing line between a lot, tract, or parcel of land and a contiguous street or road.

**Street or Road, Public.** Any thoroughfare or public way which has been dedicated to the public or deeded to and accepted by the County for street or road purposes.

**Structural Alterations.** Any replacement or changes in the type of construction or in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

**Structure.** Anything constructed or erected, the sum of which requires permanent location on the ground or attached to something having a permanent location on the ground.

**Tourist Home.** A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

**Trailer, House.** See "Mobile Home".

**Trailer Park.** See "Mobile Home Park".

**Wind energy conversion system (WECS):** A system consisting of a wind turbine, a tower, and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility power; or to reduce the use of carbon or other fuels to produce electricity be placed in any District after recommendation by the Zoning Commission and approval by the Board of Supervisors.

**Yard.** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward excepting as otherwise provided herein.

**Yard, Front.** A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof. Narrow frontage on a corner lot.

**Yard, Rear.** A yard extending across the full width of the lot and measured between the rear lot line and building or any projections. On corner lots the rear yard shall be considered as parallel

to the street upon which the lot has its least dimension. On both corner lots and interior lots the opposite end of the lot from the front yard.

Yard, Side. A yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

Zoning Administrator. The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

Zoning Certificate. Written statement issued by the Zoning administrator authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

Zoning permit. The document issued by the Zoning Administrator which allows a recreational vehicle to remain on industrial or residential property for a period longer than two weeks unless it is stored as required by the ordinance.

## ARTICLE — DISTRICTS

A. District Designation. For the purpose of this Ordinance the land covered by this Ordinance is hereby divided into the following designated districts as shown on the Official Rathbun Reservoir Zoning District Map which, with all its notations, designations, references and other matters shown thereon, is hereby adopted by reference and declared to be part of this ordinance, to-wit:

- A Agricultural District
- R Residential District
- C Commercial District
- Industrial District

B. Official Zoning Map.

- 1 . The official zoning map shall be identified by the signature of the Chairman of the Board of Supervisors, attested to by the County Auditor, under the following language: "This is to certify that this is the original official Rathbun Reservoir Zoning District Map referred to in Article VIII, Paragraph A of the Zoning Ordinance for Rathbun Reservoir Zoning District, Appanoose County, Iowa," together with the date of adoption of this Ordinance.
- 2 If, in accordance with the provisions of this ordinance and the laws of the State of Iowa, changes are made in district boundaries or other matter portrayed in the said original official zoning map, such changes shall be portrayed on a map showing identical district boundaries as shown on the original official zoning map and certified as hereinabove provided for the original official zoning map, such changes shall be made on an electronic map utilizing GIS software, said changed map shall be identified as being an amended

official zoning map for Rathbun Reservoir Zoning District and show the date of adoption of said amending ordinance.

- 3 The original official Rathbun Reservoir Zoning District Map and all amendments thereto shall be kept at the office of the Zoning Administrator.

C. District Boundaries. The boundaries of the various districts established by this Ordinance are road lines, alley lines, property lines, lot lines, section lines, quarter lines, quarter-quarter lines, center of rivers, or other lines shown on the official zone maps. Where boundaries are approximately indicated as property or lot lines, the true location of such lines shall be taken as the boundary lines. Where the distance to any boundary line, from a road line, property line or lot line, is indicated by the original official Rathbun Reservoir Zoning District Map or amendments thereto, such measurements shall control.

## ARTICLE IX — APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, re-constructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered
  1. to exceed the height;
  2. to accommodate or house a greater number of families;
  3. to occupy a greater percentage of lot area;
  4. to have narrower or smaller rear yards, front yards, side yards, or other open spaces; other than herein required; or in any other manner contrary to the provisions of this Ordinance.
- C. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

## ARTICLE X — NON-CONFORMING USES

Section I. Intent. The districts established by this Ordinance or future amendments will contain certain lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited or regulated under the terms of this Ordinance or future amendment. It is, therefore, the intent of the Ordinance to permit these non-conformities to continue until they are removed or discontinued, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities 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. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently pursued.

Section II. The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Section III. Whenever the use of a building becomes non-conforming through a change in the Zoning Ordinance or district boundaries, such use may be continued, and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

Section IV. In the event that a non-conforming use of any building is discontinued for a period of two (2) years, or the nonconforming use of a temporary building or of the premises is discontinued for a period of three (3) months, the use of the same shall thereafter conform to the use permitted in the district in which it is located.

Section V. No existing building or premises devoted to a use not permitted by this Ordinance in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or premises is located.

Section VI. When a building, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than sixty-five (65) of its value, it can be restored if used for the same purpose as it was used before.

## ARTICLE XI — ADDITIONAL USE REGULATIONS

### Section 1. General Regulations

- A. Agricultural Uses Exempt. Land used for agricultural purposes and associated structures are exempt from provisions of this ordinance as provided in Article VI.
- B. Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allow to grow in such manner as materially to impede vision between a height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines twenty-five (25) from the point of intersection.
- C. Street Frontage Required. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) on at least one street, or unless it has a dedicated public or private easement of access or right-of-way at least twenty (20) feet wide to a street; the access shall remain unobstructed; and there shall be not more than one (1) single-family dwelling for such frontage.
- D. Accessory Buildings. Accessory buildings shall be distant at least ten feet from alley or lot lines and five feet from side lot lines of adjoining lots which are in any "R" district. On a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except stables, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure provided all yard requirements for a principal building are complied with.
- E. Corner Lots. For corner lots platted after the effective date of this Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street.
- On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reversed frontage where the corner lot faces an intersection street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.
- F. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved and on record in the Office of the County shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.
- G. Manufactured and Modular Homes. A manufactured or modular home may be used as a dwelling provided it meets the requirements set forth in Article XI, Section 3-A.

## H. Recreational Vehicles and Storage.

1. Not more than one recreational vehicle shall be kept on any lot in any district except commercial or agricultural. In the commercial district if more than one recreational vehicle is kept on a lot it must be in a designated campground, mobile home park or storage facility approved for that purpose.
2. If a recreational vehicle is kept on a lot for more than two (2) weeks the owner of the vehicle or lot shall:
  - A. Notify the zoning administrator's office and provide the required information regarding the vehicle, date of arrival, etc. and obtain a zoning permit for that year.
  - B. Install a county-approved wastewater treatment system or approved holding tank on the lot within two (2) weeks after the end of the initial two (2) week period granted in this subparagraph. The system or tank shall be situated and used for all wastewater from the recreational vehicle.
3. If the recreational vehicle is within 1,000 feet of any lake subdivision and remains over the permitted six (6) months period without being stored as given in paragraph "4" the owner must obtain a renewable zoning permit.
  - A. The renewable zoning permit shall be limited to not more than three (3) individual six months periods over a 24-month time span. This time span shall begin at the starting of the initial permit issued under paragraph B-11. At the time the vehicle shall be removed and not replaced on the same or any other lot in the subdivision any time unless properly stored as provided in paragraph "5".
  - B. The fee for each six-month permit shall be \$80.00. Each permit may be renewed within three (3) prior to the expiration of the previous permit. The fee for six (6) month permits shall be waived at the time the lot owner has applied for the received a Residence Zoning Certificate pursuant to Appanoose County Zoning Ordinance, Article XII.
  - C. At the expiration of the Residence Zoning Certificate, the recreational vehicle shall be removed and not replaced on the same of any other lot in the subdivision anytime unless properly stored as provided in paragraph "5".
4. If the recreational vehicle is NOT within 1,000 feet of any Lake subdivision the owner will be able to keep their recreational vehicle there on a fulltime basis.
  - A. There will be a one-year permit fee of \$150.00. Each permit will be good for twelve (12) months from the time of original request of the permit.
  - B. A 911 address will be required at the place of the recreational vehicle. A driveway must be available for the above said address to be assigned.
  - C. A septic holding tank and / or a septic system must be installed on the lot / parcel with a copy given to the Zoning Administrator.
5. In a residential or industrial district within the 1,000 ft of a lake subdivision there is a twenty-four (24) month limit. At the end of the twenty-four (24) month period the vehicle must be removed and shall not be placed on the same or any other lot in the subdivision

any other time during that year unless the owner has applied for a residence zoning certificate, or unless it is properly stored without utility connections behind the front construction line of primary building.

## I. COMMUNICATION TOWERS

A. District Placement. All towers used for communication by microwave, radio, television, transmitting stations, other wireless telecommunication facilities or other electronic means may be placed in any district, except residential, after recommendation by the Zoning Commission and approval by the Board of Supervisors and issuance of a zoning certificate.

B. Definitions: (In the administration of this article, the following definitions apply, in addition to those given in Article VII.)

Accessory use or structure. A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.

Antenna(s). Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and omni-directional antennas, such as whips, but not including satellite earth stations.

Antenna height. The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Communication Tower/Facility. A tower or antenna, whether guyed, self-supported, monopole or lattice-type design, or equipment and associated facilities constructed to transmit or receive signals for the purpose of providing communication services for commercial use. This definition includes, but is not limited to radio, television, cellular, telephone and microwave towers or towers owned or operated by a public utility, government or private enterprise not otherwise regulated by the Iowa Utility Board.

Development. Any man-made change to alter the existing land use of a parcel including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Easement. A grant of one or more of the property rights by the owner to, or for use by, the public, a corporation or another person or entity.

Guyed Tower. A communications tower that is supported, in whole or in part, by guy wires and ground anchors.

Lattice Tower. A self-supporting steel frame structure tower, with three or four sides open, used to support communications equipment.

**Lot.** A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings including all open spaces required by the Ordinance, and having its principal frontage upon a private/public street, road or dedicated public access.

**Monopole Tower (Self-support Tower).** A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

**Parcel.** A part or tract of land.

**Road or Street.** All property, other than an alley, dedicated or intended for public or private road, street, highway, freeway or other roadway purposes, or a public easement for such use.

**Road or Street Line.** The dividing line between a lot or parcel of land and a continuous road, street or alley and any public easement for such use.

**Set Back.** The required minimum distance between any structure and any property boundary.

**Start of Construction.** The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. Actual start means either the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles or piers, the construction of columns or any work beyond the stage of excavation.

**Structural Alterations.** Any replacement or changes in the primary construction of the tower or accessory buildings or in supporting members or the addition of antennas or other structures to the site.

**Structure.** Anything constructed or erected with a fixed location on the ground, attached to the ground or which is attached to something having a permanent location on the ground.

**Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers and all other types of communication towers, alternative tower structures, etc.

**Tower Height.** The distance measured from the finished grade to the highest point on the tower or other structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

**C. Application.** In making application for a permit, the applicant shall file the following in addition to the standard application form:

1. A site plan, drawn to scale, identifying:

- i. The site location in relation to properties not owned by the applicant or lessee; ii. The site boundary; iii. The tower location and height; iv. Location of any additional structure(s)
  - v. Location and positioning of guy wires and anchors (if applicable); and,
  - vi. Existing or proposed facilities including accessory structures, fencing, landscaping plan, if applicable, existing uses on adjacent properties and any other proposed changes to the site.
2. A current map showing locations of the applicants antennas or facilities including those owned by other entities, existing towers and proposed towers, which serve any property within the County;
3. A report from a structure engineer containing the following:
  - a. Description of the tower, including a description of the design characteristics and material;
  - b. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, Structural Standards for Steel Antenna Towers and Antenna Support Structures; and
  - c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
4. Proof of ownership of the site; or if the applicant is not the site owner, written authorization or lease from the site owner.
5. Photographs or elevation drawings depicting design of proposed structures, parking, fences and landscape plan; and existing uses on abutting parcels;
6. The applicant shall provide evidence that available public or other private sites are unsuitable for operation of the facility under applicable telecommunications regulations and applicants technical design requirements.
7. Evidence that all permits required by any other governmental entity, including the Federal Communications Commission (FCC) and Federal Aviation Administration (FAA), have been obtained. If such permits cannot be obtained prior to the Zoning Commission meeting or public hearing, written acknowledgment by the applicant that any zoning certification granted will be contingent upon the applicant obtaining all such permits and providing conclusive evidence thereof to the Zoning Administrator.
8. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly-owned sites, and available privately-owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and the applicants technical design requirements.
9. A line-of-sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
10. A written agreement to remove the tower and antenna(s) within one hundred eighty (180) days after cessation of use.

#### D. Standards for approval.

1. Co-location. A separate tower is not allowed if a co-location can be found upon an existing or alternative tower structure which meets the engineering requirements of an applicant's cellular network or other broadcasting needs within a one-mile radius of the proposed new tower site.
2. Prior to consideration of a permit for location on private property which must be acquired, documentation must be provided that the applicant contacted owners of all existing or approved towers within one-mile radius of the proposed new tower site, showing that all such sites are unsuitable for operation of the applicant's facility under applicable telecommunications regulations and applicant's technical design requirements.
3. Applicants shall provide documentation that all of the following applicable conditions will be met for the proposed tower.
  1. The tower shall be constructed, or easily modifiable, within thirty (30) days, to support the applicant's future demand for additional antennas or the equipment of at least three (3) communications companies.
  2. Towers shall maintain a galvanized steel finish. If required to be painted by the FAA, such required colored schemes must be submitted to the Zoning Commission. All mandated FAA tower finish requirements must be submitted to the Zoning Commission. All mandated FAA tower finish requirements must be provided in writing to the Commission prior to any action on applications.
  3. iii. Towers and other facilities on-site, including antennas, shall not be artificially lighted unless required by the FAA or other applicable authority. Unless required, as the only option, by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding areas and views. All mandated FAA lighting requirements must be provided in writing to the Zoning Commission prior to any action on applications.
  4. Documentation that the proposed tower site and height have been approved, if applicable, by the appropriate Airport authority.

E. Signs. A sign shall be placed on the base station structure, at the base of the tower and on the entrance gate of the surrounding fence that identifies the name(s) and phone number(s) of persons or companies to contact in case of emergency. Advertising of any nature is not permitted anywhere on the facility. "No Trespassing" signs shall be placed at all access points to the facility.

F. Access Limitations. To limit climbing access to the tower, a fence six (6) feet, or more, in height with a locking portal and an anti-climbing device on the top is required around the tower base. The tower and other structures shall be equipped with appropriate anti-climbing devices.

- G. Insurance. The tower owner and the operator shall provide proof, in writing, of a minimum of \$1 million dollars of liability coverage, to the Zoning Commission/Administrator for Appanoose County. Such proof is required to be submitted annually on the anniversary date of the zoning certificate issuance.
- H. Placement of facilities. For free-standing or guyed towers the base of the tower shall be at least the height of the tower from any public right-of-way and any existing principal or accessory structure, other than the base station. Guy wires, guy anchors, and base station structures shall comply with all setbacks for the zoning district in which they are located. No guy anchors, towers, or base station structures shall be located on an easement on any property other than that held by the applicant.
- I. Vehicle access. Access from any public road shall be subject to the standards of the County Engineer. An access permit shall be obtained from the County Engineer prior to the beginning of construction. All equipment used for installation shall follow a route approved by the County Engineer to the site.
- J. Addition of antennas. When an applicant proposes to add an antenna to an existing tower and the addition of such antenna will increase the total height of the tower or cause any other modifications in the tower structure. The applicant shall file an Application for Zoning Certificate along with evidence that the required FAA and FCC permits have been obtained. The addition of an antenna under this paragraph shall require approval of the Zoning Commission and the Board of Supervisors.
- K. Complaints. Any signal interference complaints associated with the tower or related equipment shall be addressed and mitigated within thirty (30) days of receipt of the complaint in accordance with Federal Communications Commission (FCC) rules and procedures.
- L. Inspections. At least every 24 months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of the inspection record shall be provided to the Zoning Administrator.
- M. Ownership change. If ownership of a tower or related facility is transferred from one provider to another, the previous provider and the new provider shall be required to notify the County of the Change of ownership or transfer within thirty (30) days of the date of completion of such action. The new provider shall be required to make amendments to the application on file with the County, in order to provide current contact information.

**N. Abandonment.** No less than thirty (30) days prior to the date a communication tower provider or occupant entity plans to abandon, partially abandon or discontinue operation of the facility, notification must be given to the Zoning Administrator by certified U.S. mail of the proposed date of abandonment, partial abandonment or discontinuation of operation.

1. The owner of the tower shall file annually a declaration with the Appanoose County Zoning Department as to the continuing operation of every tower/facility installed subject to these regulations. Failure to do so may be construed to mean that the facility is no longer in use and may be considered abandoned subject to the provisions for removal.
2. The owner of the tower/facility and property owner will be notified that the property is considered to be in a state of abandonment, and such person(s) shall remove the tower/facility, foundational supports, and associated appurtenances within ninety (90) days of receipt of notice from Appanoose County at the owner's expense.
3. Adequate removal shall include the restoration of the site to a state in keeping with the character of the surrounding landscape and the elimination of all ground-level paving.

Failure to remove such an abandoned tower/facility within said ninety (90) days shall be grounds to issue a Notice of Violation in accordance with the requirements of this Ordinance and undertake enforcement action upon the tower/facility owner and property owner.

**O. Parking or Storage.** When a lot or lots are developed for occupancy the owner shall provide space on the lot for parking or storage of vehicles, boats, trailers and other like items that may be kept by the occupants of the lot. Streets, roads and dedicated accesses which are adjacent to lots shall not be used for long term parking of licensed or unlicensed recreation vehicles, trailers, boats, ATV's or storage of any object or material.

**P. Signs permitted in all zoning districts.** The following signs shall be permitted in all zoning districts.

1. Temporary Signs. No permit is required for these signs:
  - a. Real Estate Signs. Signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed eight square feet, shall be permitted on each premise. Such signs shall not extend higher than four feet above grade level or be closer than ten feet to any property line unless located on the wall of a building. Such signs shall be removed within seven days after the disposition of the premises.
  - b. Construction Signs. Signs identifying the architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One non-illuminated sign, not to exceed fifty (50) square feet, shall be permitted per street frontage. Such sign shall not extend higher than ten feet above grade level or be closer than ten feet to any property line unless located on the wall of a building on the premises or on a protective barricade

surrounding the construction. Such signs shall be removed within one week following completion of construction.

C. Political Campaign Signs. Sign announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property and shall be confined to private property and shall be removed within one week following the election to which they pertain.

d. Street Banners. A sign advertising a public event providing that specific approval is granted under regulations established by the Board of Supervisors.

2. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved in to stone, concrete or other building material or made of bronze, aluminum or other permanent type of construction and made an integral part of the structure to which they are attached.

3. Window Signs. Signs which are displayed inside of a window or within a building.

4. One name plate not to exceed 40 square feet in size.

5. Church, school and municipal recognition signs.

6. Signs relating to safety and property management which are not more than three (3) square feet in size and with no commercial connotations; e.g.: No Entrance: Low Power Lines: "Electric Fence"; "No Trespass", etc. A sign indicating acknowledgement for patronage shall not be considered commercial in nature.

Q. Maintenance. All signs shall be of sound structural quality, be maintained in good repair and have a clean and neat appearance. All structural members and all advertising copy shall be kept painted and clean so as to prevent deterioration, oxidation, paint fading, paint peeling or other unsightly conditions. Land adjacent to such signs shall be kept free from debris, weeds and trash.

R. Signs prohibited in all zoning districts. The following signs shall be prohibited in all zoning districts:

1. Off-Premises Signs on Public Property. Off-premise signs located on public property which is being used for public purposes.

2. Trucks, truck boxes, trailers, semi-trailers, and other vehicles used primarily for advertising. Such items when used primarily for storage, if visible from public roads, shall have all identifying or advertising marks permanently removed.

S. Home Occupation and Industry Standards. The following standards and criteria shall apply to home occupations and home industries:

1. Clearly incidental and secondary to the use of the dwelling unit as a residence;

2. Conducted entirely within a dwelling unit or accessory building;

3. Not more than one-half the total floor area of the residence shall be devoted to such use.

4. Conducted by a member(s) of the family residing within the dwelling unit and no more than one (1) non-resident employee;
5. Such occupation being conducted within the dwelling unit shall not be noticeable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
6. Water, sewer, and waste disposal systems shall be subject to approval of the ADLM Counties Environmental Health Department or successor agencies.
7. Customer parking shall be provided on the premises and be as inconspicuous as possible.
8. Only one sign is permitted and must meet the following requirements:
  - a. Not larger than twelve (12) square feet; and
  - b. Placed flat against any one side of residence; or
  - c. If residence is located behind the building line (set-back line), the sign must be located no closer than twenty (20) feet to the road right-of-way and must be parallel with the residence or placed flat against any one side of residence or accessory building and is not illuminated.

#### T. Accessory Buildings

1. In all areas, except county-approved subdivisions, an accessory building may be placed or constructed on property with or without a principal building. The accessory building must comply with the setback requirement for the district in which it is located.
2. In a county-approved subdivision a zoning certificate for an accessory building shall not be issued unless and until a certificate has been issued for the principal building. An accessory building shall not be constructed, placed or used for storage more than 18 months prior to beginning construction of the principal building. All other pertinent regulations apply.

U. Back-to-back lots with double frontage. When a property owner has lots back to back with double frontage in commercial or residential districts, they may treat these lots as one in the design and construction of any structures, except that the setback from both streets shall be in accordance with the front yard requirements of the district in which the lots are located. All other appropriate district requirements, including side and rear setbacks are applicable to each lot.

V. Wind energy conversion system (WECS)

Intent: The intent of this article is to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community. The County finds these regulations are necessary to ensure that wind energy conversion systems are appropriately designed, sited and installed.

A. Definitions: (In the administration of this article, the following definitions apply, in addition to those given in article VII):

Accessory use or structure. A use or structure subordinate to the principal use of a parcel and serving a purpose customarily incidental to the use of the principal structure.

Commercial Wind Energy Conversation Systems(C-WECS): A WECS of equal to or greater than 50 kW in total name plate generating capacity.

Development. Any man-made change to alter the existing land use of a parcel including but not limited to buildings, structures or excavation.

Easement. A grant of one or more of the parcel rights by the owner to, or for use by, a corporation or another person or entity.

Fall Zone. The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line. Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.

Guyed Tower. A tower that is supported, in whole or in part, by guy wires and ground anchors.

Height, Tower. The distance measured from the finished grade to the highest point on the tower or generator, including the base pad.

Lattice Tower. A self-supporting tower with three or four sides, open, steel frame structure used to support equipment.

Noise: Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any special use permit from the property line. In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise shall be reduced by five (5) dBA. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

**Non-Commercial Wind Energy Conversion Systems(N-WECS):** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a total name plate generating capacity of not more than 50kW and which is intended to primarily reduce on-site consumption of utility power.

**Public Use Area.** Parks, playgrounds and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; stadiums, gymnasiums or comparable facilities; and other places where the public is directly or indirectly invited to visit or to congregate.

**Setback.** Base placed equal to total height from property lines and road easements

**Start of Construction.** The date the building zoning certificate was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or the improvement was within one hundred eighty (180) days of the zoning certificate date. Actual start means either the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles or piers, the construction of columns or any work beyond the stage of excavation.

**Structure.** Anything constructed or erected with a fixed location on the ground, attached to the ground or which is attached to something having a permanent location on the ground.

**Total Height (Commercial and non-commercial WECS):** The highest point above ground level reached by a rotor tip or any other part of the WECS.

**Tower:** Towers include vertical structures that support the electrical generator or rotor blades.

**Tower height (N-WECS & C-WECS):** The total height of the WECS exclusive of the rotor blades.

**Wind energy conversion system (WECS):** A system consisting of a wind turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power; or to reduce the use of carbon or other fuels to produce electricity.

## **B. General Requirements - Application for Zoning certificate:**

1. The applicant for a Zoning certificate for wind energy conversion systems, whether commercial or non-commercial, must be a person with legal authority to take action in accordance with the zoning certificate. In general, this means that applications should be made by:
  - a. The owners or lessees of the subject parcel or their agents, or
  - b. Persons who have contracted to purchase or lease parcel contingent upon their ability to acquire the necessary zoning certificates, or their agents. Any application submitted for consideration by the Zoning Commission must be signed by the current title holder or it will not be accepted.

- C. The application must be submitted on an approved form and must be complete. An application shall be considered complete when it contains all of the information necessary for the Zoning Commission to decide whether the development, if completed as proposed, will comply with all of the requirements of this article. Unless the commission informs the applicant at the meeting in what way the application is incomplete, the application shall be presumed to be complete. If incomplete, the Commission shall offer the applicant the opportunity to complete the application at a continuation hearing.
2. Pre-application conference: To minimize planning costs to the applicant, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this Article, a pre-application conference between the developer and the Zoning Commission may be held at the Commission's discretion. This conference shall be a public meeting.
3. Public hearing: After the pre-application conference, if applicable, and a Zoning Commission meeting for consideration of the application; notice of a public hearing by the Zoning Commission shall be given to all parcel owners within one thousand (1, 000) feet, in every direction, of the boundary of the parcel on which the development is to be located. The notice shall be given by placing it in the United States mail at least ten (10) days prior to the hearing. The notice shall contain the proposed project, time and location of said hearing.

C. Non-Commercial Wind Energy Conversion System (N-WECS) are subject to the following standards:

1. . Tower Height: Parcels smaller than one (1) acre are not recommended for the placement of N-WECS. For parcel sizes between one acre and two acres the tower height shall be limited to 80 ft. For parcel sizes of two acres or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Guyed or lattice towers may be used for N-WECS of less than 80 feet in total height.
3. Setback: No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the parcel boundaries of the installation site.
4. Noise: Noise from an N-WECS shall not exceed 60 db, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
5. Engineer Certification: Applications for an N-WECS shall be accompanied by drawings of the proposed wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the all-applicable regulations and certified by a licensed professional engineer shall also be submitted. NOTE: This analysis is frequently supplied by the manufacturer.
6. Compliance with FAA Regulations: Each N-WECS shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

7. Compliance with National Electric Code: Applications for N-WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
8. Utility Notification: No zoning certificate shall be issued for an N-WECS until evidence has been given to the Zoning Commission that the utility company providing electricity to the involved parcel has been informed of the customer's intent to install an inter-connected customer-owned generator. Off-grid systems shall be exempt from this requirement.

**D. Commercial Wind Energy Conversion Systems (C-WECS) standards:** These requirements shall apply to all C-WECS proposed after the effective date of this Article.

1. . Previous certificates: A C-WECS for which a required zoning certificate has been properly issued prior to the effective date of this Article shall not be required to meet the requirements of this Article provided that:
  - a. Any such pre-existing C-WECS, which has not, or does not, provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Article prior to recommencing production of energy.
  - b. No modification or alteration to an existing C-WECS shall be allowed without full compliance with this Article.
2. General Requirements for C-WECS:
  - a. Color and Finish: Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment.
  - b. Tower configuration: All wind turbines, which are part of a commercial WECS, shall be installed with a tubular, monopole type tower.
  - c. Lighting: C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration zoning certificates and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicator.
  - d. Signage: All signage on site shall comply with Article XI \ Additional Use Regulations, Paragraphs K, L and M of the Appanoose County Zoning Article. The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical generator of the C-WECS. Wind turbines shall not be used for displaying

- any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites
- e. Feeder Lines: All communications and feeder lines, equal to or less than 34.5kV in capacity, installed as part of a C-WECS shall be buried.
  - f. Waste Disposal: Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site and disposed of in accordance with all applicable local, state and federal regulations.
  - g. Minimum Ground Clearance: The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
  - h. Signal Interference: The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.
  - i. Federal Aviation Administration: All WECS shall comply with all applicable FAA standards and the approved zoning certificate requirements.
  - j. Electrical Codes and Standards: All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
  - k. Setbacks: The following setbacks and separation requirements shall apply to all wind turbines.
    - i. Inhabited Structures: Each wind turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand (1,000) feet.
    - ii. Parcel Lines: At no time shall any part of the turbine overhang an adjoining parcel without securing appropriate easements from adjoining parcel owners.
    - iii. Public Roads: Setbacks from public road right-of-way, railroad right-of way, power lines and structures or any easement thereto shall be a minimum of 1.1 times the height of the tower and rotor.
    - iv. Communication and Electrical Lines. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
  - l. Noise: Audible noise due to C-WECS sites operations shall not exceed sixty (60) db for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any zoning certificate from the parcel line.
    - i. In the event audible noise due to C-WECS operations contains a steady purr tone, such as a whine, screech, or hum, the standards for audible noise set forth in this sub-section shall be reduced by five (5) db.
    - ii. In the event the area ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level.

- a. The area ambient noise level shall be expressed in terms of the highest whole number sound pressure level in db, which is continued for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries.
  - b. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone.
    - 3. Ambient noise level measurements shall be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
- iii. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Zoning Commission provided that the following has been accomplished:
  - a. Written consent from the affected parcel owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
  - b. If the applicant wishes the waiver to apply to succeeding owners of the parcel, a permanent noise impact easement shall be recorded in the Office of the Appanoose County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened parcel that noise levels in excess of those allowed in the zoning certificate under this Article may exist on or at the burdened parcel.
- m. Aesthetic Impacts: The proposed C-WECS shall not unreasonably interfere with the view from any publicly-owned or managed areas or public use areas. A Tower Site Evaluation Form shall be completed for the parcel. If, at the determination of personnel from the following agencies:
  - i. U. S. Army Corps of Engineers Rathbun office; ii. Iowa Department of Natural Resources Parks and Recreation Division; and, iii. The Appanoose County Conservation Board, view sheds are impacted to an unnecessary level as a result of a C-WECS, the Zoning Commission will strongly consider those opinions in review and action on the application.
- n. Safety:
  - i. All wiring between Wind Turbines and the C-WECS substation shall be underground. If the applicant can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved as a condition of the zoning certificate by the Zoning Commission.
  - ii. Wind Turbine towers shall not be climbable up to a minimum of 15 feet above ground level.
  - iii. All access doors to Wind Turbine towers and electrical equipment shall be locked when not being serviced.

- iv. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.
- v. For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- o. Abandonment, discontinuation and decommissioning: A C-WECS shall be considered as abandoned or a discontinued use after one (1) year without being utilized for energy production, unless a plan is developed and submitted to the Zoning Commission outlining the steps and schedule for returning the WECS to service.
  - i. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use.
  - ii. Each C\*WECS shall have an abandonment or decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon abandonment or becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.
  - iii. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.
- p. Avoidance and Mitigation of Damages to Public Infrastructure:
  - i. Roads: Applicants shall identify all roads to be used for the purpose of transporting N-WECS or C-WECS, parts, cement, or equipment for construction, operation or maintenance of the device(s). The applicant or owner shall obtain applicable weight and size zoning certificates from the Appanoose County Engineer.
    - a. The applicant shall conduct a pre-construction survey, in coordination with the Appanoose County Engineer to determine existing road conditions and possible impacts of the development. The survey shall include photographs and a written agreement to document the condition of the public facility.
    - b. The applicant shall be responsible for restoring or paying damages as agreed to by the Appanoose County Engineer sufficient to restore the road(s) and bridge(s) to the WECS or C-WECS preconstruction conditions.
    - c. Financial security in a manner approved by the Appanoose County Attorney's Office shall be submitted covering 130% the costs of all required improvements. This requirement may be waived by the Zoning Commission upon recommendation from the Appanoose County Engineer.
      - ii. 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.

- E. Submittal Requirements: In addition to the submittal requirements given for other Zoning certificate applications, all applications for WECS or C-WECS must submit the following information (as applicable).
- 1 . The names of project applicant
  - 2 The name of the project owner
  - 3 The legal description and address of the project.
  - 4 A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
  - 5 Site layout including the location of site boundary lines, wind turbine base locations, total height, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances between boundary lines and pro-posed structures. The plan shall be drawn to scale.
  - 6 Engineer's certification(s) as required in these standards.
  - 7 Documentation of land ownership or legal control of the parcel
  - 8 The latitude and longitude of individual wind turbines.
  - 9 A USGS topographical map, or map with similar data, of the parcel and surrounding area, including any other WECS within 10 rotor diameters of the proposed WECS.
  - 10 Location of wetlands, scenic, and natural areas [including bluffs] within 1,320 feet of the proposed WECS.
  - 1 1 . An Acoustical analysis
  12. FAA Zoning certificate Application
  13. Location of all known communications towers/facilities within 2 miles of the proposed WECS.
  14. Decommissioning Plan
  - 1 5. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
  16. Identification of significant migratory patterns and nesting areas for birds in the vicinity.

## Section 2. A -Agriculture District Regulations

### A. Principal Permitted Uses

1. Agriculture, and the usual agricultural buildings and structures including, if no dwelling, one (1) mobile home or manufactured home used by an owner, operator or employee for human habitation.
2. Single-family dwellings and mobile homes not used for agriculture operations shall meet the requirements hereinafter set forth in Article XI, Section 3-A-2, paragraphs a, b, c, d, e, f, and g.
3. Church or other places of worship, including parish house and Sunday school building.

4. Public and Parochial Schools and Colleges for academic instruction.
5. Private non-commercial recreational area and centers, public and private forests and wildlife preserves and similar conservation areas.
6. Cemeteries, provided that any new cemetery shall contain an area of five (5) or more.
7. Stables, private, kennels, and other structures for housing animals or fowl. Any such structures must be located at least two hundred (200) feet from all boundary lines of the property on which located.
8. Golf courses, fishing lakes, gun clubs, skeet shooting ranges and similar uses when authorized by the Board of Supervisors after recommendation by the Zoning Commission.
9. Signs for service clubs.
10. Billboards. Except that no billboard shall be posted and no advertising structure shall be erected as follows:
  - (a) On or within one hundred (100) feet of the right-of-way of a public road or where it would encroach thereon.
  - (b) Along a highway within seven hundred fifty (750) of the center point of an intersection of such public road at grade with another public road or with a railroad.
  - (c) Along a public road at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than seven hundred fifty (750) .
  - (d) No billboard within three hundred (300) feet of an existing house, church, or school.
  - (e) No billboards less than seven hundred (700) feet apart except back to back or end to end, and no more than two (2) billboards facing one direction.
11. Mineral extraction including, but not limited to, coal, rock, clay, sand, and gravel shall be allowed upon the following conditions:
  - (a) No excavation or spoil or stock pile shall be made within one hundred (100) feet of road right-of-way, property boundary line or twenty five hundred (2500) from any residential building, without the notarized and recorded consent of the owner.
  - (b) Excavation slopes and/or spoil banks adjacent to road right-of-way, boundary fence of buildings shall have minimum slopes of three (3) to one (1) , and properly vegetated so as not to cause erosion and/or siltation of adjoining property and shall have a slope no steeper than three (3) horizontal to one (1) vertical.
  - (c) Excavations and spoil piles within three hundred (300) feet of a road right-of-way shall be separated from the road by a planting strip approved by the Zoning Commission.

**B. Accessory Uses.** Accessory buildings and uses customarily incidental to any of the above uses, including:

- 1 . A private garage or parking space.
- 2 Customary incidental home occupations and office of a resident physician, dentist, architect, engineer, attorney, or similar professional persons, including a sign not to exceed ten (10) square feet in area.
- 3 The keeping of roomers or boarders by a resident family.

- 4 Temporary roadside stands, offering for sale only neighborhood agricultural products or other products produced on the premises.
  - 5 Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices.
  - 6 Principal uses permitted in this district shall be permitted one (1 ) double face on-site sign on the premises not to exceed two (2) square feet in area per face.
  - 7 Home occupation and home industry.
- C. Lot Area, Width and Yard Requirements. The following minimum requirements shall be observed when used for other than agricultural purposes:
- 1 . Lot Area: Five (5) acres
  - 2 Lot Width: hundred (200) feet
  - 3 Front Yard Depth: (50) from right-of-way line unless otherwise specified. When fronting on the right-of-way of a Federal, State or County highway, the front yard shall be measured from the right-of-way line.
  - 4 Side Yard Width: Twenty-five (25) feet unless otherwise specified. See number 6 below:
  - 5 Minimum Rear Yard Depth: (50) feet unless otherwise specified.
  - 6 Lots of Record (Undersize and Separately Owned) — Side yard for dwellings on lots on record at the time of passage of this Ordinance that are under separate ownership from adjacent lots and which do not meet the minimum width requirement of the district in which located may be reduced as follows: .
    - (a) Interior Lots -The width of each of the side yards may be reduced to fifteen (15) percent of the width of the lot on lots having a width of fifty (50) or more. On lots having a width less than fifty (50), each side yard shall be no less than five (5).
    - (b) Corner Lots The width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet. The width of the side yard opposite the side street may be reduced to fifteen (15) of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, this side yard shall be no less than five (5).

### Section 3 -R -Residence District -Regulations

In "R" Districts, the following regulations shall apply except as otherwise provided herein:

- A. Principal Permitted Uses.
  - 1 . Single-family dwellings and multiple family dwellings. This may include modular and manufactured homes as defined in this ordinance, which are placed on a permanent foundation and anchored as required by the State Building Code and this ordinance for that type of structure.

- 2 Single-family dwellings, mobile homes and manufactured homes, whether single or multiple in width, and of either standard or expandable type construction, subject to the following requirements.
  - a. All such homes shall be placed on a full, permanent foundation, either of poured concrete construction, laid up mortared masonry construction or any other pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site. The mobile or manufactured home shall be anchored in accordance with the Iowa State Building Code to prevent overturning. If earth anchors are used, they shall be hidden from view by the foundation or skirting of the home.
  - b. All mobile and manufactured homes shall have full skirting if the foundation does not hide all piping, plumbing or undercarriage.
  - c. All mobile and manufactured homes shall be converted to real property as outlined in Section 435.26 of the Code of Iowa.
  - d. Adequate outbuildings or basement storage area shall be provided for normal lawn, home and garden tools and accessories.
  - e. All dwellings shall have direct access to an all-weather street or road.
  - f. All such homes shall meet the setback and other requirements of this section and a zoning certificate is required prior to placement.
  - g. Each such home shall comply with state and local health regulations.
- 3 Church or other place of worship, including parish house and Sunday school building.
- 4 Public and Parochial Schools and Colleges for academic instruction.
- 5 Public buildings and properties of the cultural, administrative or public service type, but not including such uses as storage yards, warehouses or garages.
- 6 Public parks, recreation areas, playgrounds, community centers, forests, wildlife preserves and similar conservation areas.
- 7 Private non-commercial recreational areas and facilities, swimming pools, institutional or community recreation centers.
- 8 Cemeteries adjacent to or an extension of existing cemeteries.
- 9 Signs for service clubs not to exceed nine (9) square feet in area displaying the emblem of the club and information on the time and location of meetings. No set back or other yard requirements need be provided for such signs.

## B. Accessory Uses

1. Private garage which may include living quarters of persons employed on the premises.
2. Summer houses and other customary incidental structures.
3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices.

4. One bulletin board or sign not exceeding Twelve (12) square feet in area for any permitted church, school, or other public or semipublic institution.
  5. Private stable, provided that any structure shall be located at least five hundred (500) feet from all boundary lines of the property on which located.
  6. Principal uses permitted in this district shall be permitted one double-face on-site sign on the premises not to exceed two (2) square feet in area per face.
  7. Home occupation and home industry.
- c. Lot Area, Width and Yard Requirements: The following minimum requirements shall be observed: (the following are minimum lot size and shall be enlarged if needed to comply with County Health Ordinances:
- 1 . Lot Area: —Minimum lot area is 8,500 square feet.
  - 2 Lot Width: 75.
  - 3 Front Yard Depth: Dwellings and other permitted uses including decks, porches and other accessory buildings: twenty (20) feet from right-of-way unless otherwise specified. When fronting on the right-of-way of a Federal, State or County Highway, the front yard shall be measured from the right-of-way line. When fronting any other road or access to property, the front yard shall be measured from the platted lot line. In no case shall the front yard ever be measured from the edge of the traveled portion of the road.
  - 4 Side Yard Width: side yard - dwellings and other permitted uses including decks, porches and other accessory buildings: five (5) feet unless otherwise specified. See number six below. If a property owner has more than one lot situated side by side they may treat two or more lots as one in the design and construction of any structure.
  - 5 Rear Yard Depth: and other permitted uses including decks, porches and other accessory buildings: ten (10) feet unless otherwise specified. Subject to paragraph "P" of General Regulations of this ordinance, if a property owner has lots situated back to back they may treat these lots as one in the design and construction of any structures, except that all structures must meet the setback requirements of this section.
  - 6 Lots of Record (Undersize and Separately Owned). yard for dwellings on lots of record at the time of passage of this Ordinance that are under separate ownership from adjacent lots and which do not meet the minimum width requirement of the "R" District may be reduced as follows:
    - a. Interior Lots the width of each of the side yards may be reduced to twelve (12) percent of the width of the lot on lots having a width of fifty (50) or more. On lots having a width less than fifty (50), each side yard shall be no less than five (5). Setbacks on lots having a depth of one hundred (100) feet or less shall have no less than 80% of the setback required for the front and back yards given in C3 and C5 above.
    - b. Corner Lots the width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet. The width of the side yard opposite the side street may be reduced to twelve (12) percent of the width of the lot on lots having a width of fifty

(50) or more. On lots having a width of less than fifty (50) feet, this side yard shall be no less than five (5).

D. Dwelling Area: All dwellings and mobile homes shall have the following:

1. A minimum of 600 square feet of living area.
2. Adequate sanitary facilities meeting the requirements of Appanoose County Health Ordinance.
3. An ample supply of approved drinking water.

#### Section 4 -C Commercial District Regulation

In "C" Districts, the following regulations shall apply, except as otherwise provided herein:

##### A. Principal Permitted Uses

- 1 Any use permitted in the R -Residence District. When a residence is placed or constructed in a commercial district all R — Residence District Regulations apply to that structure.
2. Any retail business or service establishment supplying commodities or performing service, such as those listed in subparagraphs (a) through (l) below; however any establishment serving beer or alcoholic beverages shall be at least one thousand (1000) feet from any "R" District or any existing residence, and five hundred (500) feet from any church or cemetery.
  - a. Automotive Service
    - Filling Station
    - Tires and Auto Accessory Store
    - Public Parking
    - Repair Garage
  - b. Business Service:
    - Bank Loan Office
    - Professional or Commercial Office
    - Travel Bureau
    - Real Estate Office
  - c. Clothing Service:
    - Apparel Shop Clothes
    - Cleaning Pickup Station
    - Costume Rental

- Diaper Service
- Shoe Sales or Repair
- Tailor
- Hat Cleaning or Repair Shop
  
- d. Equipment Service: Household Appliances
  - Phono-Record Shop
  - Photographic Shop
  
- e. Food Service:
  - Caterer
  - Grocery
  - Fruit and Vegetable Store
  - Meat Market
  - Drugstore
  - Tea Rooms
  - Restaurant
  
- f. General Retail Service:
  - Book Store
  - Bird or Pet Shop
  - Cigar Store
  - Furrier Hardware
  - Paint and Wallpaper Store
  - Florist Shop
  - Toy Shop
  - Variety Store
  
- g. Personal Service: Beauty Parlor
  - Barber Shop
  - Cosmetics
  - Masseur
  - Salon
  - Optician
  - Reducing Salon
  
- h. Amusement Enterprises:
  - Billiard Hall

Bowling Alleys  
Theater (Indoor)

- i. Hotel, Motel, Private Club or Lodge.
- j. Advertising sign or billboard provided that when the same is located within fifty (50) feet of an "R" District boundary line, it shall be affixed to or be part of a building and not extend over any street line nor project above the roof line or parapet wall. The sign may identify the business and any products sold, manufactured or represented by the business. Signs and billboards shall comply with requirements of Section 2-A-10.
- k. Funeral Homes

l. Clinics

- 3. Drive-in eating and drinking establishments, bars and cocktail lounges, summer gardens, and road houses including entertainment and dancing; provided the principal building is distant at least one thousand (1000) feet from any "R" District, or any existing residence, and five hundred (500) feet from any church or cemetery.
- 4. Automobile, trailer, mobile home, boat, recreational vehicle, and farm implement establishments for display, hire, sales, and repair, including sales lots; however, this paragraph shall not be construed to include automobile, tractor, machinery, or similar wrecking and used parts yards.
- 5. Theaters: provided that for drive-in theaters the screen shall be so located as to not be visible from adjacent highways. Sufficient drive area shall be provided so that cars will not be waiting in line on any public right-of-way or otherwise create a hazard to vehicular movement.
- 6. Animal hospital, veterinary clinic or kennel; but not including any exercising runway; provided any structure or area used for such purpose shall be at least two hundred (200) feet from any "R" District boundary and one hundred (100) feet from any "A" or "C" District boundary.
- 7. Commercial baseball fields, swimming pools, skating, golf driving ranges, or similar recreational uses and facilities.
- 8. Carpenter, sheet metal and sign painting shops, bakery, laundry, clothes cleaning and/or dyeing establishments, lumber yards and commercial greenhouses; provided that no heating plant or ventilating flue in connection with such operations shall be within fifty (50) of any "R" District, or any existing residence.
- 9. Mineral extraction will be allowed by permit only with Article XI Section 2-A-11 applying.

10. County clubs and golf courses. Commercial golf courses may be permitted by the Board of supervisors after a Public Hearing and recommendation by the Zoning Commission.

11. Hospitals, sanatoriums but not including those for contagious diseases or for the insane, liquor or drug addicts, and religious institutions not including correctional institutions provided that any such buildings shall be set back from all adjacent property, street and highway lines, a distance of not less than three (3) feet for each foot of building height.

12. Nurseries and green houses, provided that any heating plant shall be distant at least two hundred (200) feet from any dwelling in any district or from any adjoining lot line in an "R" district.

13. Mobile home parks subject to the following conditions:

- a. The mobile park shall be located on a parcel of ground at least five acres in size and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless separated there from by a natural or artificial barrier.
- b. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- c. Each mobile home space shall be large enough to provide a distance of 10 feet between any trailer or structure on the space and the lot line, a front yard of 15 feet (not including driveway) and a rear yard of 10 feet.
- d. All mobile home spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a private/public street or dedicated public access.
- e. Overall density shall not be greater than the lot area per family specified within the district.
- f. All driveways and walkways in the park shall be surfaced and shall be lighted at night.
- g. Each park shall provide service buildings to house toilet, bathing and other sanitary facilities, and such laundry facilities as may be necessary.
- h. An electrical outlet supplying at least 110 volts shall be provided for each mobile home space.
- i. Adequate sanitary facilities and a supply of pure water shall be provided for each mobile home space.
- j. Each park shall comply with all state and local health regulations.

14. Commercial campgrounds shall comply with all state regulations for such facilities.

## B. Accessory Uses

1. Accessory uses and structures as permitted and regulated in the "R" District except as otherwise provided herein.

2. Other accessory uses and structures customarily accessory and incidental to any permitted principal use.

3. Signs, On-Site

- a. Any exterior sign shall pertain only to a use conducted within the building. No sign may project over any street line or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line or parapet wall, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" District.
- b. One "post sign" on each street on which a business abuts; provided, however, that said "post sign" shall not have any visible surface area greater than eighty (80) square feet on any one side thereof and not more than two (2) sides of said "post sign" shall be used for advertising purposes. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise, or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed.

C. Lot Area, Width and Yard Requirements: The following minimum requirements shall be observed:

1. Lot Area Dwellings; same as specified in the "R" District. Other permitted uses listed in this Section: no minimum if public sewer and water is available, otherwise 8,500 square feet.
2. Lot Width Dwellings: same as specified in the "R" District. Other permitted uses listed this section: no minimum if public sewer and water is available, otherwise 75 feet.
3. Front Yard Depth All uses except residential uses as stated in Section 4 C-A-I of this Article: seventy-five (75) feet. When fronting on the right-of-way of a street or road, the front yard shall be measured from the right-of-way line.
4. Side Yard Width Dwellings, or any building containing dwelling units: same as "R" District. None required for other uses listed in this section except when adjacent to an "R" District in which case not less than ten (10) feet.
5. Rear Yard Depth — Except residential uses: Thirty-five (35) feet.

D. Parking, Loading. Adequate off-street parking and loading area shall be provided for each commercial establishment.

## Section 5. 1 -Industrial District — Regulations

In "I" Districts, the following regulations shall apply, except as otherwise provided herein:

### A. Principal Permitted Uses:

- 1 . Uses permitted in "C" District; provided that no Zoning Certificate shall be issued for any dwellings, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use.
- 2 Automobile assembly and major repair.
- 3 Creamery, bottling, ice manufacturing and cold storage plant.
- 4 The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
- 5 The manufacturing, compounding, assembling, or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals, stones, tobacco, wax, yarns and wood.
- 6 Manufacturing of musical instruments, novelties and molded rubber products.
- 7 Manufacture or assembly of electrical appliances, instruments and devices.
- 8 Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
- 9 Laboratories - experimental, film or testing.
- 10 Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- 11 . Blacksmith, welding, or other metal shop, excluding drop hammers and the like.
12. Foundry casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.
13. Bag, carpet and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
14. Enameling, lacquering, or japanning.
15. Crematory - if located not less than two hundred (200) feet from any "R" District, or existing residence.
16. Concrete mixing, concrete products manufacture.
17. Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.
18. Building material sales yards, retail lumber yard, contractor's equipment storage yard or plant or rental of equipment commonly used by contractors, storage and sale of livestock, feed and/or fuel, provided dust is effectively controlled, and storage yards for vehicles of a delivery or draying service.
19. Circus, carnival or similar transient enterprise; provided such structures or buildings shall be at least two hundred (200) feet from any "R" District, or existing residence.
20. Flammable liquids, underground storage only.

21. Printing and/or publishing houses.
22. Wholesale warehouse or business.
23. Truck terminal or yard including repair.
24. Storage and wholesale sales of grain not raised on the premises.
25. Any other use not otherwise prohibited by law; provided, however, that none of the following uses shall be established or reconstructed, structure altered, enlarged, or moved unless the Board of Adjustment approves the issuance of a permit therefore in accordance with the provisions.
  - a. Abattoirs and slaughter houses or stockyards.
  - b. Acid manufacture or wholesale storage of acids.
  - c. Cement, lime, gypsum, or plaster of paris manufacture.
  - d. Distillation of bones.
  - e. Explosive manufacture or storage.
  - f. Fat rendering, fertilizer, gas, or glue manufacture.
  - g. Garbage, offal or dead animal reduction or dumping.
  - h. Petroleum products refining or wholesale storage, or bulk stations as previously defined. Such facilities shall be located a minimum of 1000 feet from residential, public use, or other built-up area.
  - i. Smelting or reduction of ores or metallurgical products.
  - l. Electric power transmitting stations.
  - k. Auto wrecking and salvage, junk, used parts, metal and rag sale, storage or baling. Such activities shall be enclosed by a metal, plastic, wooden or masonry fence or wall not less than eight (8) feet in height in which any openings are less than 15 percent of the total area. Such fence or wall shall be maintained in a good condition and the property shall not present an unsightly appearance from adjoining properties. Parking of customer or employee vehicles only shall be permitted in the front yard.
26. Mineral extraction will be allowed by permit only, and shall comply with Article XI Section 2A-1 1 .

**B. Accessory Uses.** Any uses or structures customarily accessory and incidental to a permitted principal use.

**C. Required Conditions.**

1. No use specified in A.2 through 26, inclusive shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive, owing to the emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, refuse matter or water-carried waste.

2. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, smoke, dust, gas, noise, or similar nuisance, shall be employed.
3. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least one hundred (100) feet away from any "R" District boundary or existing residence except where adjoining a railroad right-of-way, and distant at least fifty (50) feet from any "C" District boundary.

### ARTICLE X". ZONING CERTIFICATE

- A. It shall be unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering or moving of any building or structure in Districts A as stated in Article XI Section 2-A2, R, C, and I until a zoning certificate shall have been issued by the Zoning Administrator. It shall also be unlawful to change the use or occupancy of any building, structure, or land from one classification to another or to change a non-conforming use without the issuance of a zoning certificate.
- B. Written applications with estimated value of building or buildings on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part, the exact location, size and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate, and when no buildings are involved, the location of the present use and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such Zoning Certificate as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- C. There shall be a fee for zoning certificates to be established as follows:

Signs, all except billboard:	Fee
40 square feet or less	None
Over 40 square feet	\$1.00 per square foot over 40
Billboards and other permitted structures:	
Value of Construction	
\$1.00 to and including \$10,000.00	\$100.00 minimum
For each additional \$1 ,000.00	\$0.50 per \$1 ,000.00

Valuation or fraction thereof

- D. Zoning Certificates issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue if the construction, alteration, or change of use has not commenced during the six (6) month period. Proposed construction or alteration must be completed within eighteen (18) months.

### ARTICLE XIII. ENFORCEMENT

- A. Zoning Administrator: Shall be the administrative officer as provided for in 335.9 the Code of Iowa.
- B. Enforcement by Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce this Ordinance in accordance with its provisions. All departments, officials and public employees of the County which are vested with the duty or authority to issue certificates shall conform to the provisions of this Ordinance and shall issue no certificate for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.
- C. After a zoning certificate is issued the recipient shall notify the Zoning Administrator when the site preparation is completed, including foundations or footings when required. The Zoning Administrator shall inspect the site for compliance with the zoning ordinance. Upon completion of the project covered by the certificate the recipient shall again notify the Zoning Administrator. Upon notification or, if the Zoning Administrator has not been notified within the 18 months given in XII-D, the Zoning Administrator shall inspect the project and either approve it or initiate procedure provided in paragraph D or E of this Article. The Zoning Administrator shall keep record of inspections indicating approval or action taken if not approved.
- D. Violations and Penalties. Shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this Ordinance or any amendment or supplement thereto adopted by the Board of Supervisors of the County. Any person, firm, or corporation violating any regulation in or any provision of this ordinance or of any amendment or supplement thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than thirty (30) days in the Appanoose County Jail. If the infraction is a repeat offense it shall incur a civil penalty not to exceed seven hundred fifty dollars (\$750) for each repeat offense. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.
- E. Violations-How Prevented. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto,

said Board of Supervisors, the County Attorney of Appanoose County, said county Zoning Administrator, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

#### ARTICLE XIV. BOARD OF ADJUSTMENT

- A. Appointments and Terms. Board of Adjustment is hereby created. Such Board of Adjustment shall consist of five (5) appointed by the County Board of Supervisors who are residents of the Rathbun Zoned District (for a minimum of nine months) each year. The five members of the first Board of Adjustment shall serve terms of one, two, three four and five years respectively. Thereafter, terms shall be for five years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The County Board of Supervisors shall have power to remove any member of the Board of Adjustment for cause upon written charges and after Public Hearing.
- B. Meetings. The Board of Adjustment shall organize and adopt rules in accordance with provisions of this Ordinance and the Iowa Statute. The Board of Supervisors shall name one of the members of the Board of Adjustment as chairman upon appointment and in case of vacancy, shall name another chairman. All meetings of the Board of Adjustment shall be held at the call of the chairman and at such time and place within the county as the Board of Adjustment may determine. Such chairman, or in 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 complete records of its Hearings and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision of the Board of Adjustment, shall immediately be 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.
- C. Jurisdiction. Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the term of this Ordinance in harmony with its general purpose and intent and in accordance with the general and specific rules herein contained, and any property owner aggrieved by the action of the Board of Supervisors in the adoption of this Ordinance may petition the said Board of Adjustment direct to modify this Ordinance as applied to such property owners.
- D. Applications, Appeals, Hearings and Stay of Proceedings.
1. Applications, when and by whom taken. application in cases in which the Board of Adjustment has original jurisdiction under the provisions of this Ordinance, or by statute, may be taken by any property owner including a tenant or by a governmental officer,

department, board, or bureau. Such application shall be filed with the Zoning Administrator who shall transmit same to the Board of Adjustment.

2. Appeals, when and by whom taken. Appeal to the Board of Adjustment may be taken by any person aggrieved or by any officer of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after 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 the papers constituting the record upon which the action appealed from was taken.
3. Hearings. Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give ten (10) days' notice by letter to all owners of the property located within one thousand (1000) feet in all directions from the property for which the variation is being sought and make a decision within a reasonable time after the appeal is submitted. Each application shall be accompanied by a check payable to the Treasurer of the County, or a cash payment of seventy-five dollars (\$75.00) cover the cost of publishing and/or posting mailing the notices of the Hearing or Hearings. At the Hearing, any party may appear in person or by attorney. Any taxpayer or any officer, department, board or bureau of the County, or any person or person jointly or severally aggrieved by any decision of the Board 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 with the Board.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto shall be made, which time shall not be less than ten (10) days, and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application upon notice to the Board and on due cause shown, grant a restraining order. The Board shall not be required to return the original papers acted upon by it, but shall return certified or sworn copies thereof or of such portions, thereof as may be called for by such writ. The return shall concisely set forth such other pertinent facts and material to show the grounds of the decision appealed from and shall be verified. If upon the Hearing which shall be tried de novo it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take such evidence or appoint a referee to take such evidence as it may direct and report the same to the court with findings of fact and conclusions of law. This shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith or with malice in making the decision that is appealed.

4. Stay or Proceedings. appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of

Adjustment after the notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate, a stay would in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which

may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

#### E. Powers of Board of Adjustment.

- 1 The Board of Adjustment shall have the following powers and it shall be the Board's duty:
  - a. To hear and decide appeals where an error is alleged in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance or of any supplement or amendment.
  - b. To hear and decide special exception to the terms of this Ordinance upon which such Board is required to pass under this Ordinance.
  - c. To authorize upon appeal in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.
- 2 The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which the Board is authorized by this Ordinance to render a decision.
- 3 It is not the intention to grant to the Board of Adjustment, the power or authority to alter or change the Zoning Ordinance or the District Maps. Such power and authority rests solely with the Board of Supervisors.

### ARTICLE XV. DISTRICT CHANGES AND AMENDMENTS

A. General Whenever the public necessity, convenience, general welfare, or good zoning practice requires the Board of Supervisors may by resolution on its own action or by petition after recommendation by the Zoning Commission after Public Hearing 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.

#### B. Procedure for Change

1. Applications for any change of district boundaries or classifications of property as shown on the Zoning Maps shall be submitted to the County 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 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 County Zoning

Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

2. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one Public Hearing thereon, at least fifteen (15) days' notice of the time and place of the hearing shall be given by one publication in a newspaper of general circulation in the County. When the Zoning Commission has

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completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

3. 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. At least fifteen (15) days' notice of the time and place of the Hearing shall be given by one publication in a newspaper of general circulation in the County.
4. Any person or persons may apply for zoning district changes or amendments by petition. The Zoning Commission or Board of Supervisors may initiate any changes or amendments by their own action.
5. In case of a protest against any changes or amendments signed by the owners of twenty percent (20%) or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within one thousand (1000) feet of the boundaries thereof, such changes shall not become effective except by favorable vote of at least sixty percent (60%) of all the members of the Board of Supervisors. Public Hearings and official notice shall apply equally to all changes or amendments.
6. 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 upon the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of the members of the Board of Supervisors as required per Iowa Code Section 331.305 paragraph 5.
7. 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 one thousand (1000) feet of any part of the property proposed to be changed.
8. The failure to notify as provided in Subsections 2 and 3 above shall not invalidate any recommendation of the Zoning Commission, provided such 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 Zoning Maps of the regulations set forth in the Ordinance.

9. Each application for an amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Treasurer of the County or a cash payment in the amount of one hundred dollars (\$100.00) cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

### C. General

All division or sub-division of any original parcel of land into two (2) or more lots or parcels, any one of which is less than five (5) acres in the zoned areas included in the Rathbun Reservoir Zoning District Ordinance, Appanoose County, Iowa unless specifically exempted by these regulations, shall apply to the Appanoose County Zoning Commission for a zoning map amendment.

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## ARTICLE XVI. VALIDITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

## ARTICLE XVII. WHEN EFFECTIVE

The Ordinance shall be in full force and effect in the Rathbun Reservoir Zoning District, Appanoose County, Iowa after its passage, approval and publication as provided by law.

Passed and adopted this day of 2018.

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Mark Waits, Chairman, Board of Supervisors

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Neal Smith, Member, Board of Supervisors

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Linda Demo', Member, Board of Supervisors

ATTESTED TO BY:

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Kelly Howard, County Auditor

First reading \_\_\_\_\_

Second reading

Third reading

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