

CHAPTER 70

ZONING REGULATIONS

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70.01 PURPOSE. This chapter is adopted for the purpose of promoting public health, safety, comfort, order, and general welfare; to conserve and protect natural and man-made environment; 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 and as permitted by the provisions of Chapter 335 of the *Code of Iowa*.

70.02 TITLE. This chapter shall be known as the "Zoning Code of Franklin County, Iowa."

70.03 DEFINITIONS. For use in this chapter, certain terms or words are herein defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular.

1. Words beginning with "A."
 - A. "Accessory building" means a subordinate building which is incidental to and customary in connection with the principal building or use of the premises.
 - B. "Accessory use" means a subordinate use which is incidental to and customary in connection with the principal building or use of the premises.
 - C. "Administrative officer" means the individual designated by this chapter to administer the Zoning Code and who is responsible for the enforcement of the regulations imposed by said Zoning Code. The person may also be referred to as the "Zoning Administrator."
 - D. "Adult use" see Section 70.06:
2. Words beginning with "B."
 - A. "Billboard" means an advertising sign for a business, commodity, or service located or offered elsewhere than upon the premises where such sign is located.
 - B. "Board of Adjustment" means as created under this chapter, acts on variance, special uses, and conditional uses consistent with provisions found elsewhere in this chapter, all as provided for in Chapter 414 of the *Code of Iowa*.

- C. “Building” means any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind but not including any vehicle, trailer (with or without wheels), nor any movable device such as furniture, machinery, or equipment.
- D. “Building, height of” means the vertical distance from grade to the highest point of the building or any structure attached thereto.
3. Words beginning with “C.”
- A. “Commercial feedlot” means a commercial venture involving the assemblage of livestock for the express purpose of preparation for market, purchasing over 75 percent of its feed.
- B. “Commission” means the Zoning Commission of Franklin County.
- C. “Conditional use” means a use of property that will be permitted by the Board of Adjustment subject to the applicant meeting certain conditions and safeguards which will assure that the use will be in harmony with the general intent and purpose of the Zoning Code.
4. Words beginning with “D.”
- A. “ Dwelling” means any building or portion thereof which is designed and used exclusively for residential purposes.
5. Words beginning with “E.”
- A. “Earth sheltered home” means a building designed to be used as a dwelling utilizing earth to shelter the building. The roof can be of conventional construction or covered with earth as a completed residential dwelling, as opposed to a basement with a temporary roof.
6. Words beginning with “F.”
- A. “Family” means a group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as defined herein.
- A. “Family home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa*, or as a child foster care facility under Chapter 237 of the *Code of Iowa*, to provide room and board, personal care, habilitation services and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the *Code of Iowa*.
- B. “Farm” means an area comprised of 10 or more acres which is used and primarily adapted, by reason of nature and area, for the growing of the usual farm products such as vegetables, fruits and grains, and their storage on the area, as well as the raising thereon of the swine, while so used. The term “farming” includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of collected garbage or offal to swine or other animals.

- C. “Farmstead” means the service area of a farm which typically includes the farmhouse, outbuildings, and some trees.
- D. “Front yard” means a yard across the full width of the lot extending in depth from the front line of the main building to the edge of the street or road right-of-way if the street or road right-of-way is by easement, or to the front line of the lot if the street or road is dedicated public property.
7. Words beginning with “G.”
8. Words beginning with “H.”
- A. “Home occupation” means any occupation or profession carried on by a member of a household organization residing on the premises, in connection with which there is used no sign other than a nameplate not exceeding two square feet in area; provided that the occupation or profession does not occupy more than the equivalent of 50 percent of the floor areas of one story of the dwelling; there is no display that would indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling.
9. Words beginning with “I.”
10. Words beginning with “J.”
- A. “Junkyard” means an area of any lot which is used for the storage, abandonment, or keeping of junk, including scrap metals or scrap material; or for the abandonment or dismantling of machinery, automobiles or other vehicles or parts thereof with a business of buying, selling, or trading such items or materials.
11. Words beginning with “K.”
12. Words beginning with “L.”
- A. “Lot” means a piece, plot, or parcel of land or contiguous parcels of land as established by survey, plot, or deed, occupied or to be occupied by a use, a building, or a unit group of buildings and accessory buildings thereto, together with such open spaces as are required under this chapter.
- (1) “Lot, depth of” means horizontal distance between the front and rear lot lines.
- (2) “Lot, double frontage” means a lot having a frontage on two non-intersecting streets.
- (3) “Lot lines” means the property lines bounding a lot.
- (4) “Lot of record” means a lot which is part of a subdivision recorded in the office of the Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- (5) “Lot width” means the width of a lot measured at the building line and at right angles to its depth.
13. Words beginning with “M.”
- A. “Mineral extraction” means the extraction of coal, gypsum, clay, stone, sand, gravel, or other ores or mineral liquids or solids for sale, borrow, or for processing or consumption in the regular operation of a business or

governmental agency by removing any earth overburden lying above natural deposits thereof and mining directly from deposits lying exposed in their natural state, or by subsurface extraction. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, so long as no ores or minerals removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business or agency.

B. “Mobile home” means a transportable, single-family dwelling unit suitable for year-round occupancy, of a size of eight feet by 32 feet or greater, having been designed with no foundation other than wheels, jacks, piers, or skirtings and containing water supply, waste disposal, heating, and electrical convenience.

C. “Mobile home park” means an approved site, lot, field or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for mobile homes and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such parks; unoccupied mobile homes which are parked for the purposes of inspection and sale may be placed in a mobile home park if they are incidental to the operation of said mobile home park.

D. “Mobile home space” or “mobile home lot” means a parcel of ground within a mobile home park designed for the accommodation of one mobile home.

E. “Multi-family dwelling” means a building or buildings designed for or occupied exclusively by more than two individual housekeeping organizations. This definition will include, but not be limited to, such buildings as are commonly referred to as apartment buildings.

14. Words beginning with “N.”

A. “Nonconforming use” means any building or land lawfully occupied by a use at the time of passage of this Zoning Code or amendment thereto which does not conform after the passage of this zoning chapter or amendment thereto with the use regulation of the district in which it is situated.

B. “Nursing home” means a home for the aged or infirm, in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care, for compensation; but not including hospitals, clinics, or similar institutions.

15. Words beginning with “O.”

16. Words beginning with “P.”

A. “Parking space” means an area of not less than 200 square feet, plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or un-parking, shall not encroach upon any public right-of-way.

B. “Planned unit development” means a tract of land which contains or will contain two or more principle buildings or uses, the development of which is unique and of a substantially different character than that of the surrounding areas.

- C. “Principal permitted use” means those uses of property allowed as a right in the district and which may be approved by the Zoning Administrator if the other requirements of this chapter are met, as differentiated from a “conditional use” that can only be approved by the Board of Adjustment after they have set conditions which must be met by the applicant to ensure that the intent and purpose of this chapter will be met.
17. Words beginning with “Q.”
18. Words beginning with “R.”
- A. “Rear yard” means a yard extending the full width of the lot between the main building and the rear lot line, or to the edge of right-of-way of any street or road easement.
- B. “Recreational vehicle” means a transportable overnight or short-term sleeping or dwelling unit of a size less than eight feet by 32 feet when in transport. The term includes, but is not limited to, travel trailer, pickup camper, fold-down camper, and mobilized camper.
- C. “Recreational vehicle park” means an approved site, lot, field, or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for recreational vehicles and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such parks; unoccupied recreational vehicles which are parked for the purposes of inspection and sale may be placed in a recreational vehicle park if they are incidental to the operation of said recreational vehicle park.
- D. “Recreational vehicle space or lot” means a parcel of ground within a recreational vehicle park designed for the accommodation of one recreational vehicle.
- E. “Restricted use” means a specific use not designated for specified zones.
19. Words beginning with “S.”
- A. “Side yard” means a yard between the main building and the side line of the lot, or to the edge of right-of-way of any street or road, and extending from the front yard line to the rear yard line.
- B. “Single-family dwelling” means a detached building arranged, designed, or intended to be occupied as the residence of an individual housekeeping organization and having no wall in common with an adjacent house or houses.
- C. “Special use” means a “conditional use” for the purposes of this chapter.
- D. “Structure” means anything constructed, erected, or built, the use of which requires location on the ground and designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or properties of any kind, including, but without limiting the generality of the foregoing installations, such as signs, billboards, radio towers and other facilities not designed for

storage of property or occupancy of persons. This definition does not include fences or walls less than six feet in height.

E. “Supervisors” means the Board of Supervisors of Franklin County, Iowa.

20. Words beginning with “T.”

A. “Two-family dwelling” means a detached building that is arranged, designed, or intended to be occupied as the residence of two individual housekeeping organizations living independently of each other.

21. Words beginning with “U.”

22. Words beginning with “V.”

A. “Variance” means an exception to the distance, area, and height requirements of this chapter, granted by the Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards.

23. Words beginning with “W.”

24. Words beginning with “X.”

25. Words beginning with “Y.”

A. “Yard” means an open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise permitted in this chapter.

26. Words beginning with “Z.”

A. “Zoning Administrator” means the administrative officer designated or appointed to administer and enforce the regulations contained in this chapter.

B. “Zoning permit” means a permit issued by the enforcing officer authorizing the use of land in the manner and for the purpose specified in the application.

70.04 PERMITS AND ENFORCEMENT.

1. Permit Required. No building or part thereof shall be erected, constructed, reconstructed, converted, altered, enlarged, extended, razed, moved, or used, and no land shall be used except in conformity with the regulations herein prescribed for the district in which such building or land may be situated and until a Zoning Permit has been issued by the Zoning Administrator as provided herein.

2. Application for Zoning Permit. Each application for a Zoning Permit shall be in writing, on the standard forms of the County, and filed in the office of the Zoning Administrator. The application shall be accompanied with a plot plan of the lot upon which the building or structure is to be placed, reconstructed, enlarged, or converted, showing the size of the lot, foundation dimensions, proposed front, side, and rear yard depths of the proposed building or structure and any other existing accessory buildings on the lot and the floodplain delineation on the lot. The floodplain delineation shall be approved by the County Engineer and Soil Conservation Director.

3. Issuance of Zoning Permit. If, after reviewing the application, the Zoning Administrator finds the application complies with all of the provisions of these regulations, they shall, upon payment of the required fee as prescribed herein, issue a

zoning permit therefore and retain a copy thereof as a part of the permanent records of their office.

4. Refusal of Zoning Permit. If, after reviewing the application, the Zoning Administrator finds the building or structure in the proposed location does not comply with the provisions of the regulations, they shall furnish the applicant with a statement, signed by the Zoning Administrator, refusing to issue such permit, and setting forth the reason for such refusal. The refusal by the Zoning Administrator to issue a permit may be appealed by the applicant to the Board of Adjustment in the manner as provided herein.

5. Enforcement. The Zoning Administrator shall be appointed by the Board to hold office for such term as the Board shall determine. Said Zoning Administrator shall issue all zoning permits and enforce all provisions of these regulations and shall have the right to enter public and private property for purposes of investigation or enforcement. Appeals from their decision may be made to the Board of Adjustment as provided herein.

6. Records. The Zoning Administrator shall keep a record in their office of all applications filed, permits issued or refused, and if refused, the reason for such refusal and the final action thereon. They shall keep a record in their office of all zoning permit fees collected and shall remit the amount of such fees to the office of the Treasurer each day.

7. Fees. Each application for a Zoning Permit shall be accompanied by a fee according to the Fee Schedule most recently approved by the Board.

8. Violation - Penalty. Any person, firm, co-partnership, corporation, or other association of persons, whether acting directly or through employees or agents, that violates, disobeys, omits, or neglects the provisions of this chapter shall be given a Notice of Violation either by personally giving, certified mail, or served by law enforcement. This Notice of Violation shall identify the action required to correct the violation and give 20 days to correct it. If said violation is not corrected, then a County citation shall be filed either by personally giving, certified mail, or served by law enforcement with fines of \$750.00 for the first offense and \$1,000.00 for the second and subsequent offenses. A Notice of Violation may be in the form of a stop work order which shall instruct the violator to cease any activity until said violation is corrected. Situations where a stop work order may be used include, but are not limited to, incidences where construction has begun without a Building Permit or where proper documentation has not been filed. Each day the violation is permitted to exist shall constitute a separate offense. The Zoning Administrator shall keep a record of violations in their office. If any person, firm, co-partnership, corporation, or other association of persons, whether acting directly or through employees or agents violates, disobeys, omits, or neglects the provisions of this chapter three or more times in a three-year period they shall be deemed a chronic offender. Chronic offenders shall be issued a County citation when the Zoning Administrator becomes aware of a violation. A Notice of Violation with a 20-day notice shall not be required in the case of chronic offenders. In case of a violation of any provision of this chapter, the proper authorities of the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent or abate the illegal act.

70.05 GENERAL PROVISIONS. The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

1. Interpretation of Standards. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control. Where for specific land, the requirements of any other legal provisions are more stringent or restrictive than the requirements set forth herein, nothing herein shall be construed to waive compliance with such other legal provisions.
2. Farms Exempt. Except to the extent required to implement Section 335.2 of the *Code of Iowa*, no provisions adopted under this chapter applies to land, farmhouses, farm barns, farm outbuildings, or other buildings or structures which are primarily adopted, by reason of nature and area, for use for agricultural purposes, while so used. However, the provisions of this chapter may apply to any structure, building, dam, obstruction, deposit, or excavation in or on any floodplains of any river or stream.
3. Cross Compliance. No Zoning Permit shall be issued for any use, building, or structure that would be in violation or create a violation of any other County or State regulations or other legal provisions. Also, no Zoning Permit shall be issued for any development which will involve a private on-site sewage disposal system until the County Sanitarian has conducted a site evaluation and given a preliminary approval to the proposed sewage system.
4. Construction of Progress. If actual construction has legally been started on any building or structure at the time of adoption of this chapter, nothing contained herein shall require any change in the plans, construction, or designated use of such building or part thereof.
5. Nonconforming Uses. The purpose of these nonconforming use provisions is to recognize those developments and property uses that are already in existence, but which may not conform to all of the other provisions of this chapter regarding permitted uses. It is not the intent of this chapter to create undue hardship or to unduly restrict property uses that are in existence and not creating any appreciable problems.
 - A. The lawful use of a building existing at the time of the adoption of this chapter, or the last previous use if not being used, may be continued, even though such use does not conform with the provisions hereof. Such uses will be referred to as “existing nonconforming.”
 - B. The lawful nonconforming use of a building may be expanded throughout the building, however, the building may not be enlarged or replaced, or the use of the building changed to any other nonconforming use without first having received a permit from the Board of Adjustment for a conditional use for the district in which the building is located.
 - C. When a nonconforming use has been changed to a conforming use or to a more restricted nonconforming use, such use shall not thereafter be changed to a less restricted use.
6. Structures Considered Part of Building. Any portion of a building or any structure attached to the building shall be considered as part of the building for purposes of height and yard requirements of this chapter unless otherwise provided.

7. Mobile Homes. Mobile homes may only be located in districts where they are specifically provided for and subject to meeting all County and State regulations pertaining to mobile homes. All mobile homes shall have tie-down systems installed that will meet the standards of the *State Building Code* as provided for in Chapter 103A in the *Code of Iowa*.

8. Mobile Home Parks. It is unlawful for any person or firm to operate a mobile home park without the owner or lessee having first obtained a license to operate and maintain a mobile home park from the State Department of Health.

A. Each yard abutting on a perimeter public right-of-way shall be considered a perimeter yard and shall be a minimum of 50 feet in depth. All other perimeter yards shall have a minimum depth of 20 feet. Yard requirements may be increased where the Board of Adjustment deems necessary.

B. The Board of Adjustment may require that an area with a minimum of 10 feet in width be reserved along the perimeter of the mobile home park and may require the erection of a decorative fence or wall six feet in height within said area, to be constructed of a material which will provide a significant visual and sound barrier, or screen plantings to be provided and maintained with a minimum height of eight feet at maturity, or as otherwise required by the Board of Adjustment. This area may be included as part of the perimeter yard depth. The minimum mobile home space shall be 3,200 square feet and shall measure at least 40 feet by 80 feet. Mobile homes shall be located on each space so that there will be at least a 20-foot clearance between each mobile home including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary, and a 10-foot open space at the rear of the mobile home.

C. One parking space per mobile home unit shall be provided at 10 feet by 20 feet minimum size.

D. Mobile home park community recreational space shall be aggregated at 100 square feet per mobile home dwelling.

E. One indirectly lighted sign may be erected facing each public street upon which the mobile home park fronts, showing the name of the mobile home park and other information pertinent thereto; provided that such sign shall not have an area of more than 10 square feet.

9. Planned Unit Developments. The “R-PUD” and “C-PUD” Districts are intended to provide a means for development of a tract or tracts of land as a single entity for a number of buildings or uses, as differentiated from the traditional single lot development provided for in the other districts of this chapter. Since planned unit developments, because of their size or intensity of land use, may have a significant effect upon services and other properties, extensive authority over their development is retained by the Board and the Planning and Zoning Commission. Since it is the intent to permit flexibility of design and combination of land uses in planned unit developments, exceptions to provisions found in this chapter (other than in the “R-PUD” and “C-PUD” sections) are hereby made for planned unit developments. Any planned developments in existence or with an approved plan for development at the time of passage of this chapter which are zoned “R-PUD” or “C-PUD” by the adoption of this chapter shall be considered as having met all of the requirements of this chapter. All new construction, which is not covered by a plan previously approved by the

County, within any “R-PUD” or “C-PUD” District after the effective date of this chapter must be in compliance with the provisions of this Zoning Code.

10. Board of Adjustment.

A. Creation and Membership. A Board of Adjustment is established. The Board of Adjustment shall consist of five members appointed by the Board. The five members of the first Board of Adjustment appointed 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 terms of any member whose term becomes vacant. Members shall be removable for cause by the appointing authority upon written charges and after a public hearing.

B. Chairperson and Meetings.

(1) The Board of Adjustment shall adopt its own rules of procedure, not in conflict with this chapter or the State statute, to enable it to perform its functions and duties.

(2) The Board of Adjustment shall elect its own chairperson, who shall serve for one year. Such chairperson, or in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. Meetings of the Board of Adjustment shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. All meetings of the Board of Adjustment shall be open to the public.

(3) The Zoning Administrator, or such other person as they may designate, shall serve as the secretary of the Board of Adjustment. In the absence of the Secretary, the chairperson of the Board of Adjustment may appoint one of the members of the Board of Adjustment to act as Secretary Pro Tem for the meeting. The Board of Adjustment shall have the power to call on any County department for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may reasonably be required.

(4) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment.

C. Appeals.

(1) Appeals to the Board of Adjustment may be made by any person aggrieved or by any office, department, board, or burden of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing, with the officer from whom the appeal is taken 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.

(2) Each appeal shall be in writing and accompanied by a fee according to the Fee Schedule most recently approved by the Board to be paid by the appellant to the Zoning Administrator.

(3) The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

(4) An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative office certifies to the Board of Adjustment, after the notice of appeal shall have been filed with them, that by reason of facts stated in the certificate, a stay would, in their 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 or notice to the Administrative Officer and on due cause shown.

D. Jurisdiction. The Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.

(2) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter.

(3) Where the street or lot layout on the ground actually varies from the street and lot lines as shown in the Zoning Map, the Board of Adjustment shall interpret the map and the provisions of this chapter for the particular district or section in question.

(4) To permit the erection and use of a building or the use of premises in any location for public utility purposes which is determined reasonably necessary for the public convenience or welfare;

(5) To authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions herein would result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. The Board of Adjustment, in authorizing any variance, may require any appropriate conditions and stipulations as they deem necessary and such conditions and stipulations attached to the approval shall be complied with, and a violation of those stipulations shall be considered the same as any violation of other provisions of this chapter. In granting any variance, the Board of Adjustment shall give due consideration to the following requirements:

a. The variance and any attached conditions would meet the general purpose of this chapter of promoting public health, safety, comfort, order, and the general welfare.

- b. The variance and any attached conditions would be in keeping with the general character of the surrounding land area, the purpose as stated for that zoning district, and the land use plan of the County.
 - c. The variance and any attached conditions would not result in any appreciable depreciation of adjacent property values or detract from the enjoyment and use of those adjacent properties.
- (6) To determine, in cases of uncertainty, the classification of any use.
- (7) To permit the erection and use of any accessory building on a lot before the erection of a principal building on such lot as provided herein; provided such use is temporary and for a period of time not to exceed one year.
- (8) To permit the extension of an existing building or use into a more restricted district immediately adjacent, under such conditions as will safeguard the character of the more restricted district provided that such extension shall not be permitted more than 50 feet beyond the boundary line of the district in which such building or use is authorized.
- (9) Conditional Use Permits. The Board of Adjustment shall hold a hearing and consider any application for a Conditional Use Permit. The Board may approve Conditional Use Permits for any use that is in keeping with and appropriate to the uses authorized in that district. The Board of Adjustment shall give due consideration to the following requirements in the approval or denial of any Conditional Use Permit application:
- a. The conditional use approval would meet the general purpose of this chapter of promoting public health, safety, comfort, order, and general welfare.
 - b. The conditional use approval would be in keeping with the general character of the surrounding area, the purpose as stated for that zoning district, and the land use plan of the County.
 - c. The conditional use approval would not result in any appreciable depreciation of adjacent property values or detract from the enjoyment and use of those adjacent properties.
 - d. The conditional use approval would not create any amounts or types of traffic that may be detrimental to others.
 - e. The conditional use approval would not create objectionable noise, dust, smoke, or odor for nearby properties.
 - f. The conditional use approval would provide adequate parking area so as not to create congestion of public streets and roadways.

The Board of Adjustment may require any appropriate conditions and stipulations as they deem necessary to assure that the preceding

requirements will be fully complied with. Such conditions and stipulations attached to the approval shall be complied with, and a violation of those conditions shall be considered the same as any violation of other provisions of this chapter.

E. Powers. In exercising the above-mentioned powers, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

F. Deciding Vote - Authority. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this title or to affect any variation in this chapter. It is not the intention to grant the Board of Adjustment the power or authority to alter or change the Zoning Code or Zoning Map. Such power and authority rests solely with the Board in the manner hereafter provided.

G. Appeal from Decision of Board of Adjustment. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment under the provisions of this chapter, or any taxpayer or any officer, department, board, or bureau of the County may seek such relief through the courts as provided by statute.

11. Changes and Amendments. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board may, by resolution on its own action or by petition, after recommendation by the Planning and Zoning Commission, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications or amendments thereof.

A. Procedure for Change. The procedure for changes and amendments will be as follows:

(1) Applications for any change of district boundaries or classification of property as shown on the zoning maps shall be submitted to the Planning and Zoning Commission at their public office upon such forms prescribed by it and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning and 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 these regulations shall likewise be submitted to the Planning and 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, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which shall be given

to all property owners within 500 feet of the property concerned by placing said notice in the United States mail at least 10 days before date of such hearing. The notice shall state the place and time at which the proposed amendment to the regulations, including text and maps, may be examined. When the Planning and Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board.

(3) After receiving the certification of said recommendations on the proposed amendment from the Planning and Zoning Commission and before adoption of such amendment, the Board shall hold a public hearing thereof, notice of the time and place of which shall be published one time in a newspaper of general circulation in the County, not less than four days nor more than 20 days before the date of public hearing. In addition, notices shall be sent by the United States mail as specified in Subparagraph 2 above.

(4) After receiving certification of the recommendation on the proposed amendment from the Planning and Zoning Commission and after holding the public hearing provided for, the Board shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of the members of the Board.

(5) 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 500 feet of any part of the property proposed to be changed.

(6) The failure to notify as provided in Subparagraphs 2 and 3 above shall not invalidate any recommendation of the Planning and 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 Planning and Zoning Commission, be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subparagraph 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 Planning and Zoning Commission proposing to make a change in the zoning maps or regulations.

(7) Each application for an amendment, except those initiated by the Planning and Zoning Commission, shall be accompanied by a check payable to the Treasurer or a cash payment according to the Fee Schedule most recently approved by the Board to 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 and deposited within the general fund.

11. No parcel, lot or lots shall be sold, divided, or set off in such a manner that either the portion sold, divided, or set off or the portion remaining would create a violation of any provisions set forth within this chapter.

70.06 ADULT USE STANDARDS. A conditional use for adult uses shall be subject to the supplemental standards listed below, in addition to the standards for approval set forth in this section. Adult uses are limited to C-1, I-1, and I-2 Districts.

1. Purpose. It is the purpose of this chapter to regulate sexually-oriented businesses, to promote the health, safety, and general welfare of the citizens of the County and to establish reasonable and uniform regulations to prevent adverse effects on surrounding uses and the concentration of sexually-oriented businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene materials.

2. Definitions. As used in this section, the following terms shall have the meanings indicated:

A. “Adult arcade” means any commercial establishment to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically-controlled still or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing specified sexual activities or specified anatomical areas.

B. “Adult bookstore” or “adult video store” means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, videocassettes, or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

(2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as “adult bookstore” or “adult video store” so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

C. “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity;

(2) Live performances characterized by the exposure of specified anatomical areas or by specified sexual activities; or

- (3) Films, motion pictures, videocassettes, slides, or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- D. “Adult motel” means a hotel, motel, or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
 - (2) Offers a sleeping room for rent for a period of time less than 10 hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time less than 10 hours.
- E. “Adult motion-picture theater” means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- G. “Escort” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. “Escort agency” means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- I. “Establishment” means any of the following:
- (1) The opening or commencement of any sexually-oriented business as a new business.
 - (2) The conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business.
 - (3) The addition of any sexually-oriented business to any other existing sexually-oriented business.
 - (4) The relocation of any sexually-oriented business.
- J. “Nude model studio” means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

- K. “Nudity” or “state of nudity” means the appearance of human bare buttocks, anus, male genitals, female genitals, or full female breast.
- L. “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- M. “Seminude” means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- N. “Sexual encounter center” means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (2) Activities between male and female persons or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- O. “Sexually-oriented business” means an adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- P. “Specified anatomical areas” means the male genitals in a state of sexual arousal or the vulva or more intimate parts of the female genitals.
- Q. “Specified sexual activities” means any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
 - (2) Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy.
 - (3) Masturbation, actual or simulated.
 - (4) Excretory functions as part of or in connection with any of the activities set forth in Subparagraphs 1 through 3 above.
- R. “Substantial enlargement of a sexually-oriented business” means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exists on date of enactment.
- S. “Transfer of ownership or control of a sexually-oriented business” means any of the following:
- (1) The sale, lease, or sublease of the business.
 - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means.
 - (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

3. Permitted Uses. The following uses, as hereinbefore defined, shall be designated adult uses:

- A. Adult arcades.
- B. Adult bookstores or adult video stores.
- C. Adult cabarets.
- D. Adult motels.
- E. Adult motion-picture theaters.
- F. Adult theaters
- G. Escort agencies.
- H. Nude model studios.
- I. Sexual encounter centers.
- J. Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above-named uses and in conformance with the intent of this district.

4. Location Restrictions. Adult uses shall be permitted in C-1, I-1, and I-2 Districts, provided that:

- A. An adult use may not be operated within 1,000 feet of:
 - (1) A church, synagogue, or regular place of worship.
 - (2) A public or private elementary or secondary school or child-care facility.
 - (3) A boundary of any residential district.
 - (4) A boundary of any property used for or planned for residential use.
 - (5) A public park adjacent to any residential district.
- B. An adult use shall be setback a minimum of 200 feet from any road right-of-way.
- C. An adult use may not be operated within 1,000 feet of another adult use, or on the same lot or parcel of land.
- D. An adult use may not be operated in the same building, structure, or portion thereof containing another adult use.
- E. For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult use is conducted to the nearest property line of the premises of a church or public or private elementary or secondary school or to the nearest boundary of an affected public park, residential district, or residential use lot.
- F. For purposes of this section, the distance between any two adult uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

G. All adult uses shall be conducted in an enclosed building. Regardless of location or distance, no one who is passing by an enclosed building having a use governed by these provisions shall be able to visually see any specified anatomical area or any specified sexual activity by virtue of any display which depicts or shows said area or activity. This requirement shall apply to any display, decoration, sign, window, or other opening.

5. Inspection Requirements.

A. A person may operate an adult use business only within the specified districts with a Conditional Use Permit issued by the County, in accordance with the provisions of this chapter of the County Zoning Code.

B. Prior to the commencement of any adult use business or upon any transfer of ownership or control, the premises must be inspected and found to be in compliance with all laws, rules, and regulations of the Health Department, Fire Department, Zoning Official, Fire Marshall, and other code enforcement officials.

C. The Zoning Official shall suspend the right to conduct such adult use for a period not to exceed 30 days if the officer or official determines that the owner and operator or an employee of the owner or operator has:

- (1) Violated or is not in compliance with any section of this chapter.
- (2) Engaged in excessive use of alcoholic beverages while on the adult use business premises.
- (3) Refused to allow an inspection of the adult use business premises as authorized by this chapter.
- (4) Knowingly permitted gambling by any person on the adult use business premises.
- (5) Knowingly allowed possession, use, or sale of controlled substances on the premises.
- (6) Knowingly allowed prostitution on the premises.
- (7) Knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted or licensed premises.

D. An applicant or permittee shall permit representatives of the County Sheriff, Health Department, Fire Department, and Planning Department to inspect the premises of an adult use business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

6. Enforcement.

A. A person who knowingly owns, manages, operates, conducts, or maintains any of the uses governed by these provisions in any way which is contrary to these regulations shall be subject to prosecution, or in the alternative, violation of this law may be enforced by injunction.

B. The continuation of a violation of the provisions of this chapter shall constitute, for each day the violation is continued, a separate and distinct offense hereunder.

C. Each violation of the provisions of this chapter is subject to enforcement in accordance with Section 70.04 Permits and Enforcement.

70.07 WIND ENERGY CONVERSION SYSTEMS. A conditional use, for wind energy, shall be subject to the supplemental standards listed below, in addition to the standards for approval set forth in this section. Wind energy uses are limited to a conditional use in the Agricultural District.

1. Purpose. The purpose of this section is to promote the health, safety, and general welfare of the citizens of the County by providing an orderly and regulated process for the siting, construction, and operation of wind energy conversion system (“WECS”) projects on land within the County’s Agricultural Zoning Districts.

2. Definitions. As used in this section, the following terms shall have the meanings indicated:

A. “Agricultural operation building” means agricultural sheds, shops, bins, barns, or any agricultural structure used daily, weekly, or seasonally.

B. “Commercial wind energy conversion system” or “CWECS” means a wind energy conversion system which is intended to produce electricity for sale to a rate regulated or non-regulated utility or for use off-site.

C. “Components” means all of the physical facilities comprising a WECS, including turbines (i.e. the tower, nacelle, hub, motor, and blades), turbine foundations, crane pads, feeder lines, and any access buildings and equipment including substations built in conjunction with a WECS project.

D. “Dwelling” means a house or other building, including all structures attached to the building, which meets all of the following criteria:

- (1) Used as a place of habitation for humans on a permanent and frequent basis;
- (2) Not readily mobile;
- (3) Connected to a permanent source of electricity.
- (4) Connected to a permanent private water supply or a public water supply and a permanent domestic sewage disposal system including a private, semipublic, or public sewage disposal system;
- (5) Assessed and taxed as real property; and
- (6) Occupied for at least six months in the last two years.

E. “Feeder line” means any above or below ground line that carries electrical power from one or more turbines.

F. “Meteorological tower” or “MET tower” means a tower which is erected to measure wind speed and directions, or collect other atmospheric or weather data relevant to siting and operating a commercial wind energy conversion system. Meteorological towers are not part of a WECS project. Meteorological towers do not include towers and equipment used by airports,

the Iowa Department of Transportation, or other applications to monitor weather conditions.

G. “Occupied, non-residential building” means any building (other than a dwelling) that is regularly occupied by humans, and that is open to the public, sells goods or services, or is operated by a public, religious, or other non-profit institution.

H. “Project” means all components used in and for the construction and operation of a wind energy conversion system (WECS) as defined in this chapter.

I. “Project area” means the geographic area encompassing all components of a WECS project identified in an application or applications for conditional use for WECS.

J. “Property line” shall mean the legal boundary between separately owned real estate parcels, and between privately-owned parcels and publicly owned land or public rights-of-way.

K. “Public conservation areas” means land owned by County, State, or federal agencies and managed for conservation or preservation purposes, including, but not limited to, Wildlife Management Areas, Conservation Areas, parks, preserves, wildlife refuges, and waterfowl production areas. For purposes of this regulation, public conservation areas also include land owned by non-profit conservation organizations and other privately owned lands upon which permanent conservation easements have been granted to public agencies or non-profit conservation organizations. Public conservation areas do not include land enrolled in the Conservation Preserve Program.

L. “Repowering” means either the complete dismantling and replacement of generation equipment at an existing project site or the installation of new parts and equipment to an existing alternate energy production facility in order to increase energy production, reduce load, increase service capacity, improve project reliability, or extend the useful life of the facility.

M. “Rotor diameter” means the diameter of the circle described by the turbine’s moving rotor blades. “Rotor” is defined for purposes of this chapter as including the turbine hub and blades.

N. “Shadow flicker” means the shadow of a turbine or the turbine rotors as it rotates.

O. “Total height” means the highest point above ground level reached by a rotor tip or any other part of a turbine.

P. “Tower” means the vertical structure that supports the electrical generator, rotor blades, or meteorological equipment. Reinforced concrete or precast towers shall not be permitted within the County.

Q. “Turbine” means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils, blades, or similar devices to capture the wind.

R. “Wind energy conversion systems” or “WECS” means an electrical generating project designed as an integrated system, the components of which are installed at the same time (a “project” for the purposes of this chapter), that

operates by converting the kinetic energy of wind into electrical energy to be used on-site or distributed into the electrical grid. A MET tower is not considered a component of a WECS project.

S. “Zoning Administrator” means the administrative officer designated or appointed to administer and enforce the regulations contained in this chapter.

T. “Zoning Permit” means a Conditional Use Permit, building permit, or both that is issued by the enforcing officer authorizing the use of land in the manner for the purpose specified in the application.

3. Permit Application and Review – Conditional Use Permit Required.

A. General. Wind energy conversion systems are not a utility or other principal permitted use in the Agricultural Zoning District. As such, before any construction activities related to a commercial wind energy conversion system or a MET tower can begin in the County, Zoning Permits must be issued by the County. For purposes of this section, the installation of MET towers and access roads associated with a commercial WECS shall be deemed construction activities requiring a zoning permit, and any such tower or road must be installed in compliance with all other applicable County ordinances and regulations. A Conditional Use Permit is required for each individual structure (tower). The Conditional Use Permit must be approved prior to seeking any building permits.

B. Application for Conditional Use Permit. The County Zoning Administrator’s office will supply the written application forms to be used by any person seeking the Zoning Permits. A pre-application meeting shall be held between the applicant and the Zoning Administrator at least 30 days prior to submission of the final application to the Zoning Administrator. Each project shall require a separate application. The application shall contain:

(1) The name, address, EIN of the applicant, as well as the proposed owners or operators of the project, including the contact information (name, address, telephone, and email) of their authorized representatives. The application shall designate the entity who will be the permit holder.

(2) A list of the names and addresses of all property owners, located within the project area, and located within 5,280 feet from the circumference of any turbine’s approximate proposed location of any turbine in the project. Applicant shall provide proof of verification by the County Auditor.

(3) A development plan (“Plan”) for the project, which plan shall contain aerial photographs of the entire proposed project area, showing the approximate proposed location of the turbines, private access roads, feeder lines, substations, and all other components of the project. The Plan shall show property lines and setback distances under Subparagraph (4) below, as well as all public roads and public and private drainage district facilities (i.e., ditches and underground tiles) in the project area. The Plan shall also identify any other turbines, communication antennae, and airstrips (including private airstrips) located within five miles of the project area; and all lakes, permanent water courses, and public conservation areas within three miles of the

project area boundaries. In providing the above information, the Plan shall use a GPS coordinate system that is compatible with the County's geographical information and data systems. The accuracy of the information included in the Plan under this paragraph shall be verified in writing by the County Engineer prior to submission. The Plan shall also include a mailing address for the owner of each communication antennae identified.

(4) Project details, including the name of the project, and the final number, type, generating capacity, total height, tower height, and rotor diameter of the turbines must be provided in the development plan. A waiver request for specific application requirements, upon showing of impossibility or hardship, may be requested at the time of application. Applications that lack any required information in this chapter and which do not make an express waiver request will be deemed incomplete and will be returned to the applicant without further action.

(5) Documentation of applicant's legal control over all of the private property interests necessary for the project, signed by the property owner. Such legal control must rest in the permit holder at the time of application.

(6) A description of the County roads, bridges, and culverts anticipated to be used during all phases of construction, as well as for access to material storage sites and staging areas. As set forth in Subsections 4 and 5, below, before construction commences on a project, all public road crossings proposed for use must be provided to the County Engineer and reviewed for compliance with the County's Road Use Protection Agreements.

(7) A description of all public drain tile anticipated to be crossed during all phases of construction, as well as for access to material storage sites and staging areas, as set forth in Subsections 5 and 6 below, shall be provided before construction commences on the project. All public drainage crossings must be provided to the Drainage District Engineer and approved by the Board, acting as or for the Drainage District Trustees having jurisdiction of the district impacted. The approval must be obtained before the time in which the application is considered by the Board and prior to the issuance of any zoning permits. The applicant shall provide proof of approval by private drainage district trustees for anticipated crossings located within private drainage districts.

(8) Any FAA, FCC, or other State or federal permits or approvals that are necessary for the project. Applicant shall submit a copy of the actual permit application, or proof that the permit has been filed with the appropriate agency.

(9) Evidence in the form of a report prepared by a qualified third-party acceptable to the Board that the project will not materially interfere with any existing commercial or public safety communication systems including radio, telephone, internet, G.P.S., microwave, or television signals.

(10) A report prepared by a qualified third-party acceptable to the Board using the most current modeling software available establishing that no dwelling will experience more than 25 hours per year, and no more than 30 minutes per day, of shadow flicker from the centroid of the dwelling based on a “real world” or “adjusted case” assessment modeling. The report must show the locations and estimated amount of shadow flicker to be experienced at all dwellings caused by the individual turbines in the project. The applicant shall specify the manufacturer and specifications for a proposed shadow flicker control system to be installed for each turbine for which the projected shadow flicker measurement exceeds the limitations of this Zoning Code.

(11) A Decommissioning Plan pursuant to Subsection 5, Paragraph B below.

(12) Such additional information as the County may request due to the unique circumstances with the project. Applicants are encouraged to have ongoing discussions with the Zoning Administrator and both engineers (County and Drainage District) during preparation of the application.

(13) The owner of a dwelling may waive their setback distance requirements, flicker limitations, and noise decibel limits, established in this chapter. Each waiver must be in a written instrument signed by all owners impacted by a particular turbine(s) and included with the application.

4. Siting and Design Standards.

A. Setbacks. All turbines and project components shall demonstrate compliance with the following setbacks at the time of application. The Zoning Administrator will evaluate setbacks and make recommendations. [Note: All measurements shall be from the center point of the tower (or from the nearest above-ground non-fence structure at a substation site) to the nearest point on any dwelling, occupied non-residential building, or confinement feeding operation building; or to the nearest property line of any other protected area.]

Protected Area	Set Back Requirement
Adjacent Property Lines	120% of the total height
Dwelling	1,900 feet or three times the total height, whichever is greater
Occupied, Non-residential Building	1,900 feet or three times the total height, whichever is greater
Agricultural Operation Building	120% of the total height
Public Road Right-of-Way	120% of the total height
Trusted Drainage District Right-of-Way	
Open Ditch	300 feet
Tile (centerline)	300 feet
Public Conservation Area	120% of the total height
Cemetery	120% of the total height
City Limits or Airstrip	1,900 feet or three times the total height, whichever is greater, from the Corporate limits and per FAA regulations

B. Specific Restrictions.

- (1) From the lower tip of the blade to ground level must be 75 feet or greater.
- (2) No turbine within a project shall be located more than two miles from the next closest turbine in that same project.
- (3) There shall be no project constructed or erected that causes the total number of towers in the County to exceed 330 total turbines.
- (4) Color and Finish. All turbines and towers that are part of a commercial WECS shall be white or grey. Finishes shall be matte or non-reflective.
- (5) Lighting. Lighting, including lighting intensity and frequency of strobes, shall adhere to, but not exceed, requirements established by the FAA permits and regulations. Lighting shall have Airline Detection Lighting System (ADLS) or have applied for ADLS to be installed within 60 days of the application’s approval by the FAA.
- (6) Signage. All turbine sites shall be required to have individual 911 rural addresses at each access road. All other signs except those required for safety and directional purposes (or otherwise authorized by the County) shall be prohibited in the project area.
- (7) No new, used, or non-functional equipment shall be stored over 60 days in the County.
 - a. An exception to this restriction shall apply to equipment required for new construction that has been granted Zoning Permits by the County. Said equipment may be stored in the County for up to 365 days.

(8) Noise from a wind turbine may not exceed 45 decibels (dba) as measured from the closest setback distance, ground level to a residence.

a. Noise Complaint Procedures. Any complaint submitted to the County will be investigated by the Zoning Administrator. Whenever the Zoning Administrator or other authorized official finds that a noise violation by a wind turbine owner has occurred, such officer shall cause to be served upon the wind turbine owner a written notice to abate the violation within a reasonable time after notice.

b. Investigation by County. If action is not taken by the wind turbine owner within 10 days of notice, the County may take further investigative action by ordering a sound level analysis for all substations and related wind facilities, to be conducted by a third-party engineer selected by the County to ensure noise compliance, at the permit holder's expense. The Zoning Administrator shall determine whether a noise violation is founded based on the report of the engineer. If founded, the Zoning Administrator may issue notice to the wind turbine owner with an order for abatement.

c. Any person who makes knowingly false noise complaints to the County may be subject to penalties as provided by State or local law.

(9) Federal Aviation Administration ("FAA"). All WECs shall comply with FAA standards and permits.

(10) The setback distance for airports shall be governed by the rules and regulations of the Federal Aviation Administration ("FAA") or any laws or rules of the State that are applicable. An applicant shall not construct a turbine in violation thereof.

C. Application Fees. The table below outlines the fee schedule for WECS project applications.

Current Fees per Board of Supervisors Resolution 2014-16		
Zoning Board of Adjustment	Appeal	\$200.00
	Variance	\$200.00
	Conditional Use	\$200.00
Planning Commission	Zoning Change	\$250.00
	Text Amendment	\$250.00
Subdivision	Preliminary Plat Review	\$225.00
	Final Plat Review	\$275.00
	Waiver	\$50.00
Building Permit	\$0.00 - \$7,500.00 - Level 1	\$25.00
	\$7,501.00 - \$25,000.00 - Level 2	\$50.00
	\$25,001.00 - \$50,000.00 - Level 3	\$75.00
	\$50,001.00 - \$100,000.00 - Level 4	\$100.00
	\$100,101.00 - \$250,000.00 - Level 5	\$125.00
	\$250,001.00 - \$500,000.00 - Level 6	\$225.00
	\$500,001.00 and Up - Level 7	\$325.00
	Agricultural Use	\$0.00
Floodplain Development Permit	\$0.00 - \$25,000.00 - Level 1	\$50.00
	\$25,001.00 - \$50,000.00 - Level 2	\$75.00
	\$50,001.00 - \$100,000.00 - Level 3	\$100.00
	\$100,001.00 - \$250,000.00 - Level 4	\$125.00
	\$250,001.00 - \$500,000.00 - Level 5	\$225.00
	\$500,001.00 and Up - Level 6	\$325.00

D. Application Forms and Checklist. All application forms and checklists required for a project under this chapter will be adopted by resolution following the approval of this Zoning Code.

5. Procedures.

A. All applications shall be on a form prescribed by the Zoning Administrator and filed with the County Planning and Zoning Department. An application for a Conditional Use Permit shall be submitted for each individual wind turbine along with applicable fee. Applications may be considered individually or in conjunction with other applications.

B. The Zoning Administrator is authorized to establish the written forms and applications necessary to carry out the purpose of this chapter and the Zoning Code.

C. Applications for WECS shall include all information required under this chapter.

D. Applications shall state whether variances or waivers are being requested from the Board of Adjustment.

E. Following review, the Zoning Administrator shall make a written report and recommendation on each application to the Board of Adjustment.

- F. The Board of Adjustment shall determine whether to grant or deny any Conditional Use Permit application.
- G. Building permits shall not be issued until after all applicable Conditional Use Permits have been approved by the Board of Adjustment.
6. Discontinuance or Decommissioning.
- A. Any component of a commercial WECS shall be considered a “discontinued use” either (i) after one continuous year of being non-operational, unless a plan is approved by the County outlining the steps and schedule for returning the component to service; or (ii) upon revocation of any Zoning Permits. The Zoning Administrator, in consultation with the County Engineer, shall determine whether a component is a discontinued use. Notice shall be provided to the applicant whenever a component is declared a discontinued use. Once declared to be a discontinued use, the commercial WECS components shall be subject to removal pursuant to this section.
- B. Each building permit application must be accompanied by a proposed decommissioning plan in a form satisfactory to the Zoning Administrator to be considered by the Board. Such plan shall contain:
- (1) Description of the project components, and a sequence and description of the activities required to remove the same in compliance with this section.
 - (2) A report prepared by a qualified third-party (to be approved by the Board in advance) setting forth the procedures and estimated net cost associated with the removal of the components (other than feeder lines) to a depth of 48 inches and the accompanying restoration of the surface to the original elevation with soil content similar to that of the immediate area of each site.
 - (3) Cash, an irrevocable letter of credit, or a performance bond running in favor of the County in an amount no less than the total estimated net removal and restoration costs as determined by said report. Said security must be submitted on the 10th year following completion of the project and must remain in effect until decommissioning is completed. No such security shall be cancelable without notice to the Zoning Administrator. Each year following submission of security, the permit holder shall provide proof that such security remains in effect at the same time as the annual report to the assessor is made for purposes of the real estate tax assessment.
 - (4) The report prepared under Subparagraph (2) above shall be updated and provided to the County (a) at least every five years; and (b) upon any proposed transfer of the Zoning Permit. Should any update indicate a change in the decommissioning costs, the security required under Subparagraph (3) above shall be adjusted accordingly, with proof provided to the County within 60 days.
 - (5) No transfer or assignment of the Zoning Permit shall be effective without a corresponding transfer or assignment of the obligations and financial security required under the Decommissioning Plan, as approved by the Board.

- C. The permit holders for existing wind projects shall be required to submit a Decommissioning Plan within 12 months of the date this chapter is adopted.
7. Ancillary Agreements and Procedures.
- A. Issuance of a building permit shall not occur until the applicant executes the following:
- (1) Franklin County Road Use and Repair Agreements, approved by the Engineer.
 - (2) Franklin County Public Drainage System Protection Agreement to be approved by the Board, acting for the public and private drainage districts.
 - (3) Written approval of the Board of Trustees of all affected private drainage districts.
 - (4) An Emergency Response Plan provided by the applicant and approved by the Board of Supervisors, in consultation with the Emergency Management Coordinator as deemed necessary by the Board. Said plan shall contain response procedures to be followed in the event of a fire, collapse, personal injury, or other emergency at a project. The plan shall contain 24-hour emergency contact information for the project.
8. Repowering. Prior to repowering any permitted WECS, the permit holder shall submit repowering plan(s) to the Zoning Administrator for review. The Zoning Administrator may issue a Certificate of Compliance if the repowering plan results in no material change in the components or design elements of the turbine originally permitted. In conducting the review required by this section, the Zoning Administrator may engage and consult with any necessary third-party. In the event a plan or plans to repower a permitted WECS(s) materially changes any component(s) or design element(s) of the turbine under its existing permit, the permit holder must apply for a new Conditional Use Permit pursuant to Sections 70.07(3), (4), and (5) of this section, or a variance, or both, if applicable. Repowering construction shall not be authorized in the absence a Certificate of Compliance or Conditional Use Permit and issuance of building permits.
9. Effect and Transferability of Permits.
- A. No construction activities on a project may begin until all zoning permits have been issued, except as permitted in Section 70.07(3)(A).
- B. Any material violation of any provision of this chapter that remains uncured after 30 days' written notice from the County to the permit holder shall be deemed a County infraction and shall be subject to all enforcement action allowed by law, including a fine for each instance of violation in the amount of \$250.00, revocation of the Zoning Permit, or both.
- C. If construction on the project has not begun within 12 months from the date of issuance of the Zoning Permits, the permits shall be automatically revoked without further action by the County. In such event, no work on the project may take place unless and until new permits have been issued, and any portion of the project then completed shall be deemed a discontinued use subject to Section 70.07(6)(A)

D. Only the holder of the Zoning Permits (the “permit holder”) shall own the project, and such holder shall be the entity responsible for observing all requirements of this chapter. The permit holder shall be responsible to maintain all components of the commercial WECS in good repair, and in compliance with this ordinance and the ancillary agreements listed in Subsection 7.

E. No Zoning Permit shall be transferred or assigned, voluntarily or involuntarily, without the written approval of the Board, which consent can be withheld unless and until the Board is satisfied that a proposed transferee has the financial and operational responsibility to assume all obligations required of the permit holder under this ordinance and the ancillary agreements listed in Section 70.06. Requests for approval of the zoning permits shall be directed to the Zoning Administrator.

10. Miscellaneous.

A. Limited Number of Turbines. The number of turbines is limited to 330 towers in the County.

B. Condemnation Waiver. Issuance of a Zoning Permit shall be conditioned on the permit holder’s enforceable promise, supported by the consideration of the issuance of the permit, that the permit holder shall never use, or seek to use, eminent domain to acquire any real property interests to construct or operate the project.

C. In any action brought by the County against the permit holder of a Zoning Permit, to enforce the provisions of this chapter, the County shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.

11. Applicability. The rules and regulations of this chapter are applicable to any project Zoning Permit Applications submitted after the effective date of this chapter. Any permitted WECS projects for which no construction has begun within 12 months of the effective date of this chapter will be deemed terminated and subject to the provisions of this chapter. A current permit holder must notify the Board of its intent to begin construction within 12 months and certify that: (i) the project will meet the requirements of the existing permit; (ii) the permit holder will comply with the decommissioning requirements of this chapter and will submit a plan for compliance within 30 days; and (iii) construction of the project will not result in material inconsistencies with the terms of this chapter. Additionally, any towers existing as of the effective date of this chapter which do not provide energy for a continuous period of 12 months shall also meet the requirements of this chapter prior to repowering. No modification or alteration to an existing WECS shall be allowed without full compliance with this chapter.

70.08 DISTRICTS AND DISTRICT REGULATIONS. In order to carry out the purpose and intent of these regulations, the County is hereby divided into 10 Zoning District classifications as follows:

1. A..... Agricultural District
2. R-1 Single Family Residential District
3. R-2..... Multi-Family Residential District
4. R-PUD..... Residential Planned Unit Development

5. C-1.....Commercial District
6. C-PUD.....Commercial Planned Unit Development
7. RE.....Resort District
8. I-1Light Industry District
9. I-2.....Heavy Industry District
10. F-CFloodplain Conservation District (Overlay District)
11. Official Maps. The location and boundaries of these districts are set forth on the Official Zoning District Maps which have the same force and effect as if fully set forth herein. The Official Zoning District Maps shall be on file in the office of the Zoning Administrator. If, in accordance with the provisions of these regulations, changes are made in the district boundaries or other matter portrayed on the Official Zoning District Maps, such changes shall be made promptly by the Zoning Administrator after the amendment has been approved by the Board.
12. District Boundaries. Where uncertainty exists as to the boundaries of districts shown on the Official Zoning District Maps, the following shall apply:
 - A. Boundaries indicated as approximately following the center lines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such center lines.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
 - D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - E. Boundaries not capable of being determined in the previous four paragraphs shall be as dimensioned on the Official Zoning District Map or, if not dimensioned, shall be determined by scale shown on the map.
 - F. Boundaries of the “F-C” Floodplain Conservation District are as shown on the HUD Flood Hazard Boundary maps but may require on-site determination as to where the flood hazard boundary actually is. This determination shall be made by the County Engineer.

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70.09 “A” AGRICULTURAL DISTRICT.

1. Purpose. The “A” Agriculture District is created to provide for those lands within the County that are primarily intended to be used for agricultural purposes.
2. Principal Permitted Uses.
 - A. Agriculture and the usual farm buildings, structures and uses, including one mobile home on a farm if used by the owner, an immediate relative, or an employee. The farmhouse, farm buildings, and farm uses are exempt from any regulation and permit requirements.
 - B. Single-family dwellings, but only on severed farmsteads, lots with primary tree cover, or lots with a majority of the area being comprised of soils having a corn suitability rating (CSR) of less than 60 CSR. However, no such residence shall be located closer than 500 feet from any feedlot of any other person.
 - C. Public and private forests and wildlife preserves and similar conservation areas (no permit required).
 - D. Public parks.
 - E. Accessory buildings and uses, and temporary buildings.
3. Conditional Uses. The following uses may or may not be permitted subject to determination by the Board of Adjustment:
 - A. Church or other place of worship, including parish house and Sunday school building.
 - B. Public schools and private educational institutions having a curriculum approved by the State Department of Public Instruction or regulated by the Department of Social Services.
 - C. Sanitary landfills, subject to approval of the State Department of Water, Air, and Waste Management.
 - D. Home occupations.
 - E. Radio and television towers and broadcasting stations, windmills, or wind generators of greater than 12 feet in height (ornamental windmills 12 feet in height or less, or windmills used in pumping water on land being used for agricultural purpose are exempt from this section).
 - (1) A site plan shall be submitted to the County that includes the height of the structure, dimensions of the property, location of the structure on the property, location and approximate height of overhead power or transmission lines, and location of principal and accessory structures on the applicant’s property as well as surrounding properties.
 - (2) Any radio and television towers and broadcasting stations, windmill, or wind generator must be located on a lot or property so that if it falls, it will not fall on any neighboring structures which are not owned by the person operating and owning the radio and television towers and broadcasting stations, windmill, or wind generator.
 - F. Publicly owned and operated buildings and facilities.

G. Public golf courses and community centers; private non-commercial recreational areas and centers, including country clubs, swimming pools, and golf courses.

H. Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be a distance of at least 200 feet from adjacent property and street and highway lines and provided further that any new cemetery shall contain an area of 20 acres or more.

I. Commercial kennels for raising, breeding, and boarding of dogs or other small animals; provided that all buildings, including runways, be at least 200 feet from all property lines.

J. Hospitals and sanitariums and charitable institutions for the treatment of diseases.

K. Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowls. Any such structures must be located at least 200 feet from all boundary lines of the property on which located. Public stables and riding academies and clubs shall be permitted one double-face sign on the premises not to exceed two square feet per face.

L. Nurseries and greenhouses; provided that any heating plant shall be a distance of at least 200 feet from any dwelling and from any adjoining lot lines.

M. Public and private airports and landing strips.

N. Commercial feedlots, however, no part of any feedlot shall be closer than 500 feet to any property line. The Board of Adjustment may require greater setbacks to protect nearby property when conditions warrant. Also, the provisions for drainage, sanitation, and other health related matters must be approved by the Board of Health and must meet any requirements of the State Department of Water, Air, and Waste Management.

O. Sewage treatment plants and waste stabilization lagoons, public and private. No part of any treatment facility shall be closer than 200 feet from any property line.

P. Specialized raising of poultry, pigeon, rabbit, and other similar animals.

Q. Mineral extraction and mining, and all plants for processing gravel, sand, rock, or other such raw material provided that active engagement in such use shall not take place within 300 feet of any residence, nor within 50 feet of any property line or right-of-way of any public street or highway. Each application for a Conditional Use Permit for mineral extraction shall be accompanied by a plan for reclamation or alternative use of the site upon completion of the proposed mineral extraction, and the applicant shall be required to post bond or to provide other appropriate assurance of the plan's completion.

R. Any commercial or industrial use similar to the uses listed below that are primarily agriculturally oriented and would better serve the users in the Agricultural District than if located in the commercial or industrial districts.

- (1) Storage and distribution centers for agricultural chemicals, fertilizers, feeds, seeds, and related products.

- (2) Livestock, sale barns, stockyards, or marketing agencies.
 - (3) Commercial grain storage facilities.
 - (4) Repair and service of agricultural implements and vehicles by the resident operator on the same premises of his place of residence.
 - (5) Oil and gas wells, drilling for oil, gas or mineral exploration, and any related structures and installations.
- S. Commercial Bitcoin Installation.
- (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining property line and all containers are anchored four feet or greater.
- T. Cold Fusion and Nuclear Installations.
- (1) Limited to systems with an approved Decommissioning Plan.
- U. Commercial Batteries.
- (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining property line, a training program for multi-jurisdictional first responder, and approved Decommissioning Plan. To be constructed in accordance with NHPA 855.
4. Yard Requirements.
- A. Front yard depth - 50 feet.
 - B. Side yard width - 25 feet.
 - C. Rear yard depth - 30 feet. An accessory building may be located in a rear yard but shall be at least five feet from any property line.
5. Height Regulations. Airport height limitations shall prevail, if applicable.
6. Lot Area. The minimum lot area shall be not less than 21,780 square feet or such larger size as may be determined necessary for an on-site sewage system by the County Sanitarian.

[The next page is 603]

70.10 “R-1” SINGLE-FAMILY RESIDENTIAL DISTRICT.

1. Purpose. The “R-1” Single-Family Residential District is created to provide for rural residential subdivisions at a moderate density.
2. Principal Permitted Uses.
 - A. Single-family dwellings.
 - B. Accessory buildings and temporary buildings.
 - C. Private swimming pools, when enclosed by a non-climbable fence at least six feet in height.
 - D. Agricultural and conservation uses.
 - E. Family homes, as provided for in Section 414.22 of the *Code of Iowa*.
3. Conditional Uses. The following uses may or may not be permitted subject to determination by the Board of Adjustment.
 - A. Two-family dwellings.
 - B. Home occupations.
 - C. Churches.
 - D. Public parks and public buildings.
 - E. Public schools and private educational institutions having a curriculum approved by the State Department of Public Instruction or regulated by the Department of Social Services.
4. Yard Requirements. Unless otherwise provided, each lot shall have front, side, and rear yards of not less than the following:
 - A. Front yard depth - 25 feet.
 - B. Side yard width - 10 feet, except that a side yard abutting a street or road shall be 25 feet.
 - C. Rear yard depth - 25 feet. An accessory building may be located in a rear yard but shall be at least five feet from any property line.
5. Height Regulations. Buildings and structures in the “R-1” Single-Family Residential District shall not exceed 35 feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.
6. Lot Area. The minimum lot area shall be 10,000 square feet if serviced by a common sewer system approved by the State Department of Water, Air, and Waste Management. If a private on-site sewage system is used, the minimum lot size shall be 21,780 square feet or such larger size as may be determined necessary for an on-site sewage system by the County Sanitarian.
7. Parking Requirements. Two off-street parking spaces shall be provided for each family unit in a dwelling, either within a building on the lot or on a surfaced open space on the lot.

8. Restricted Use.
 - A. Commercial bitcoin installation.
 - B. Cold fusion and nuclear installation.
 - C. Commercial batteries.

[The next page is 609]

70.11 “R-2” MULTI-FAMILY RESIDENTIAL DISTRICT.

1. Purpose. The “R-2” Multi-Family Residential District is created to provide for residential development of a higher density than is allowed in the other districts.
2. Principal Permitted Uses.
 - A. Single-family, two-family, and multi-family dwellings.
 - B. Family homes, as provided for in Section 414.22 of the *Code of Iowa*.
 - C. Accessory buildings and temporary buildings.
 - D. Private swimming pools, when enclosed by a non-climbable fence at least six feet in height.
 - E. Agricultural and conservation uses.
3. Conditional Uses. The following uses may or may not be permitted subject to determination by the Board of Adjustment:
 - A. Mobile home parks.
 - B. Home occupations.
 - C. Churches.
 - D. Public parks, and public buildings and facilities.
 - E. Public schools and private educational institutions having a curriculum approved by the State Department of Public Instruction or regulated by the Department of Social Services.
 - F. Private non-commercial recreation areas and centers, such as country clubs, swimming pools, and golf courses.
 - G. Hospitals, clinics, and nursing homes.
 - H. Group homes or halfway (rehabilitation) houses.
 - I. Other uses such as above when there is clear evidence that such use will not seriously affect the value and character of the surrounding neighborhood.
4. Yard Requirements. Unless otherwise provided, each lot shall have front, side, and rear yards of not less than the following:
 - A. Front yard depth - 25 feet.
 - B. Side yard width - 10 feet, except that a side yard abutting a street or road shall be 25 feet.
 - C. Rear yard depth - 25 feet. An accessory building may be located in a rear yard but shall be at least five feet from any property line.
5. Height Regulations. Buildings and structures in the Multi-Family Residential District shall not exceed 45 feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.
6. Lot Area. The minimum lot area for dwellings served by a common sewer system shall be 6,600 square feet for a single-family dwelling; 7,500 square feet for a

two-family dwelling; and 2,000 square feet per unit for multi-family dwellings. If a private on-site sewage system is used, the minimum lot size shall be increased to such a size as may be determined necessary for an on-site sewage system by the County Sanitarian.

7. Parking Requirements. Two off-street parking spaces shall be provided for each family unit in a dwelling, either within a building on the lot or on a surfaced open space on the lot.

8. Restricted Use.

- A. Commercial bitcoin installation.
- B. Cold fusion and nuclear installation.
- C. Commercial batteries.

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70.12 “R-PUD” RESIDENTIAL PLANNED UNIT DEVELOPMENT.

1. Purpose. The “R-PUD” District is intended and designed to provide a means for the development or redevelopment of a tract or tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the single lot method provided in the other residential districts of this chapter. This will permit the establishment of multi and integrated use residential developments on larger tracts of land. It is further the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained.
2. Permitted Uses.
 - A. Dwelling units in detached, semi-detached, attached, or multi-storied structures, or any combination thereof, and any accessory building.
 - B. Nonresidential uses of a religious, cultural, recreational, and commercial character to the extent they are designed and intended to serve the residents of the planned unit development.
3. Procedures. Since planned unit developments, because of their size or intensity of land use, may have a significant effect upon public services and adjacent properties, extensive authority over their development is retained by the Board and the Planning and Zoning Commission. The procedure for approval of a residential planned unit development shall be as follows. The owner or owners of any tract or tracts of land may petition for a zone change to “R-PUD” for a residential planned unit development. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included and surface water drainage and sanitary sewer for the proposed development, evidence that the developer is capable of successfully completing the proposed development and preliminary plan of the proposed development, in triplicate, showing in schematic form generally the location of all proposed:
 - A. Building and uses, the height and exterior design of typical proposed dwellings and the number of dwelling units in each;
 - B. Parking areas;
 - C. Access drives;
 - D. Streets abutting or within the proposed development;
 - E. Walks;
 - F. Site topographic features;
 - G. Landscaping and planting areas;
 - H. Required peripheral yards;
 - I. Common land, recreation areas, and parks;
 - J. Existing utility or other easement; and
 - K. Development stages and timing of each.

The petition, accompanying evidence, and preliminary plan shall be referred to the Planning and Zoning Commission for study and report after public hearing. The

Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning, and landscape architecture. After public hearing, the Planning and Zoning Commission may approve or disapprove the preliminary plan and request for rezoning as submitted or require that the petitioner provide such additional information as the Planning and Zoning Commission may deem necessary, or may require that the plan be amended to preserve the intent and purpose of this chapter to promote public health, safety, morals, and general welfare. The petition and preliminary plan as approved by the Planning and Zoning Commission, along with the Planning and Zoning Commission's recommendation on the request for rezoning, shall then be referred to the Board. The Board may approve or disapprove the preliminary plan and request for rezoning as reported, or may require such additional information as may be deemed necessary or changes in the plan as are necessary to preserve the intent and purpose of this chapter to promote public health, safety, morals, and general welfare. If the Board approve the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or such longer period as may be approved by the Board after recommendation by the Planning and Zoning Commission, to the Zoning Administrator a final development plan, in triplicate, of not less than one stage of the proposed development showing specifically and in detail the location of all proposed:

- A. Buildings and uses, the height and exterior design of typical proposed dwellings and the number of dwelling units in each;
 - B. Parking areas;
 - C. Access drives;
 - D. Streets abutting or within the proposed development;
 - E. Walks;
 - F. All proposed walls and fences;
 - G. Landscaping and planting materials, its type and size at time of installation and at maturity;
 - H. Required peripheral yards;
 - I. Common land, recreation areas, and parks;
 - J. Existing utility and proposed utilities and public easements;
 - K. Proposed signs and their areas and dimensions;
 - L. Lighting facilities and their type and design;
 - M. Storm and sanitary sewer lines; and
 - N. Development stages and timing of each.
4. The final development plans shall be accompanied by the following required documents.
- A. If the proposed development includes common land which will not be dedicated to the County and the proposed development will not be held in single ownership, proposed by-laws of a homeowner's association fully defining the

functions, responsibilities, and operating procedures of the association. The proposed by-laws shall include, but not be limited to, such provisions:

- (1) Automatically extending membership in the association to all owners of dwelling units within the development;
- (2) Limiting the uses of the common property to those permitted by the final development plan;
- (3) Granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;
- (4) Placing the responsibility for operation and maintenance of the common property in the association;
- (5) Giving every owner of a dwelling unit voting rights in the association; and,
- (6) If the development will combine rental and for sale dwelling units, stating the relationship between renters and the homeowner's association and the rights renters shall have to the use of the common land.

B. Performance bond or bonds approved by the County in an amount not less than the estimated cost of the bonded improvements, which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final Development Plan.

C. Covenant to run with the land, in favor of the County and all persons having a possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, parks, and plantings which have not been dedicated to the County in compliance with the ordinance of the County and the final development plan as approved by the Board, which covenant shall be recorded in the office of the Recorder.

D. Additional easements or agreements required by the Board at the time of preliminary plan approval.

The final development plan and required documents shall be reviewed by the Planning and Zoning Commission for compliance with the standards of this section and substantial compliance with the preliminary plan. The Planning and Zoning Commission's recommendations and report of the final development plan shall be referred to the Board. The Board shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan.

5. Standards and Requirements - Improvements. All streets, sewers, storm sewers, and other improvements must comply with County ordinances and specifications. If turning lanes or other forms of traffic controls are deemed necessary by the Board, the developer shall provide the necessary improvements, subject to the approval of their location and design by the County Engineer.

6. Open Space and Recreation - Residential. Planned unit developments shall contain open yards, open space, or recreation area totaling 25 percent or more of the net development area. The net development area shall be defined as the gross development area minus area set aside for churches, schools, and streets. Open space and recreation area may be dedicated to the County (by consent of the Board) or managed by the homeowner's association. Parking areas shall not be considered to be part of the required open space or recreation area.

7. Yard and Height Requirements. There shall be a minimum yard requirement of 25 feet around the boundary of the project. In the absence of an appropriate barrier, the Board may require additional open space for screening be located along all or a portion of the development boundary. The height limitations of any adjacent district shall apply within 125 feet of the development boundary. The maximum height of any structure permitted within the development shall be 72 feet.

8. Building Permits. No building permit for any building or structure within the development shall be issued until the final development plan is approved by the Board.

9. Completion. The Board may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time. Failure to complete the construction and improvements within said period of time shall be deemed sufficient cause for the Board to rezone the subject property to the classification effective at the time of the original request for rezoning to "R-PUD" for said development, unless an extension is recommended by the Planning and Zoning Commission and approved by the Board. Any proposed change in the development plan, after approval of the final development plan by the Board, shall be resubmitted and considered in the same manner as the original proposal.

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70.13 “C-1” COMMERCIAL DISTRICT.

1. Purpose. The “C-1” Commercial District is created to provide for those types of businesses customarily located along major thoroughfares.
2. Principal Permitted Uses.
 - A. Farm supply sales.
 - B. Automobile, truck, trailer, and garden and farm implement establishments.
 - C. Mobile home sales.
 - D. Private clubs and lodges.
 - E. Bowling alleys, dance halls, or skating rinks.
 - F. Drive-in restaurants or theaters.
 - G. Petroleum service stations.
 - H. Nurseries and greenhouses.
 - I. Funeral homes or mortuaries.
 - J. Veterinarian or animal hospitals or clinics.
 - K. Motels, hotels, restaurants, or cocktail lounges.
 - L. Plumbing shops.
 - M. Grocery stores.
 - N. Offices and office buildings.
 - O. Accessory buildings and uses.
 - P. Any other retail or commercial use similar to the above involving primarily sales or services.
3. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with Section 70.05(10)(D)(9), in the Commercial District. These uses not exempt under Section 70.05 may be subject to supplemental conditions found in Section 70.05(10)(D) and such additional conditions as may be warranted to mitigate any deleterious effects on the proposed use.
 - A. Single-family, two-family, or multi-family dwellings.
 - B. Recreational vehicle parks or mobile home parks.
 - C. Adult Use (see Section 70.06).
 - D. Commercial Bitcoin Installation.
 - (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining property line and all containers are anchored four or greater.
 - E. Cold Fusion and Nuclear Installations.
 - (1) Limited to systems with an approved Decommissioning Plan.

- F. Commercial Batteries.
- (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining property line, a training program for multi-jurisdictional first responders and an approved Decommissioning Plan. To be constructed in accordance with NFPA 855.
4. Yard Requirements. Unless otherwise provided, each lot shall have front, side, and rear yards of not less than the following:
- A. Front yard depth - 25 feet.
- B. Side yard width, none required except adjoining any residential district in which case not less than 10 feet.
- C. Rear yard depth - 25 feet.
5. Height Regulations. Buildings and structures in the Commercial District shall not exceed 45 feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height zoning shall prevail.
6. Lot Area. The lot area shall be at least twice the gross floor area of the building or buildings.
7. Parking Requirement. The parking area for any building hereinafter erected shall be as follows:
- A. Retail Store or Service Establishment. The minimum parking space requirements shall be one off-street parking space for each 200 square feet of building floor area.
- B. Motels and Lodging Houses. The minimum parking space requirements shall be one off-street space for each individual sleeping room or living unit.
- C. Office and Funeral Homes. The minimum parking space requirements shall be one off-street parking space for each 300 square feet of floor space in the building devoted to the aforementioned uses.
- D. Restaurants, Cocktail Lounges, Night Clubs, Bowling Alleys, Dance Halls, Skating Rinks, or Similar Establishments. The minimum parking space requirements shall be one off-street parking space for each 100 square feet of floor area in the building devoted to the aforementioned uses.

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70.14 “C-PUD” COMMERCIAL PLANNED UNIT DEVELOPMENT.

1. Purpose. The “C-PUD” District is intended to provide for the development or redevelopment of a tract or tracts of ground on a unit basis for a planned business and service area characterized by a concentrated grouping of businesses and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads, extensive parking facilities, etc. This type of development will include such developments as shopping centers and office complexes that are not of the traditional single-lot or single-business concept of development provided for in the “C-1” District.

2. Permitted Uses. Any use or combination of uses permitted in the “C-1” Commercial District may be permitted in the “C-PUD” District.

3. Procedure. Since planned unit business developments, because of their size or intensity of land use, may have a significant effect upon public services and other properties and facilities, extensive authority over their development is retained by the Board of Supervisors and the Planning and Zoning Commission. The procedure for approval of a commercial planned unit development shall be as follows:

A. The owner or owners of any tract or tracts of land may petition for a zoning change to “C-PUD” for a commercial planned unit development. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground or facilities included within the development, a traffic analysis of the vicinity indicating the effect of the proposed development on nearby streets and roads, evidence of the feasibility of providing adequate storm and surface water handling and sanitary sewer for the proposed development, a statement of financial responsibility to assure construction in accordance with the plan, and a preliminary plan of the proposed development, in triplicate, showing a schematic form generally the buildings and uses, the areas to be developed as parking areas, the location of sidewalks and driveways and the points of ingress and egress including access streets where required, the location and type of landscaping, existing utility, or other easements and development stages and timing of each.

B. The petition, accompanying evidence, and preliminary plan shall be referred to the Planning and Zoning Commission for study and report after public hearing. The Planning and Zoning Commission may waive the submittal requirements for any of the above required evidence or may request any additional evidence it deems necessary and appropriate in their consideration of the petition for a zoning change. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of civic design, land use planning, and landscape architecture. After public hearing, the Planning and Zoning Commission may approve or disapprove the preliminary plan and request for rezoning as submitted, or require that the petitioner amend the plan to preserve the intent and purpose of this chapter to promote public health, safety, morals, and general welfare.

C. The petition and preliminary plan, as approved by the Planning and Zoning Commission, along with the Planning and Zoning Commission’s recommendations on the request for rezoning shall then be referred to the Board. The Board may approve or disapprove the preliminary plan and request

for rezoning as reported or require such changes in the plan to preserve the intent and purpose of this chapter to promote public health, safety, morals, and general welfare.

D. If the Board approve the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or such longer period as may be approved by the Supervisors after recommendation by the Planning and Zoning Commission, to the Zoning Administrator a final development plan, in triplicate, of not less than one stage of the proposed development showing specifically and in detail the location of all proposed:

- (1) Buildings and uses, including the height and exterior design;
- (2) Parking areas;
- (3) Access drives;
- (4) Streets abutting or within the proposed development;
- (5) Walks;
- (6) All proposed walls and fences;
- (7) Landscaping and planting materials, its type and size at time of installation and at maturity;
- (8) Required peripheral yards;
- (9) Common land, recreation areas, and parks;
- (10) Existing utilities and proposed utilities and public easements;
- (11) Proposed signs and their areas and dimensions;
- (12) Lighting facilities and their type and design;
- (13) Storm and sanitary sewer lines; and
- (14) Development stages and timing of each.

E. The final development plans shall be accompanied by the following required documents:

- (1) If the proposed development includes common land which will not be dedicated to the County, and the proposed development will not be held in single ownership, proposed by-laws of an association fully defining the functions, responsibilities, and operating procedures of the association.
- (2) Performance bond or bonds approved by the County in an amount not less than the estimated cost of the bonded improvements, which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewers, located therein and other common development facilities in each stage shall be completed by the developer within the time specified on the final development plan.
- (3) Covenant to run with the land, in favor of the County and all persons having a possessory interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, parks, and plantings which have not been dedicated to the County in

compliance with the ordinance of the County and the final development plan as approved by the Board, which covenant shall be recorded in the office of the Recorder.

(4) Additional easements or agreements required by the Supervisors at the time of preliminary plan approval.

The final development plan and required documents shall be reviewed by the Planning and Zoning Commission for compliance with the standards of this section and substantial compliance with the preliminary plan. The Planning and Zoning Commission's recommendations and report of the final development plan shall be referred to the Supervisors. The Board shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan.

4. Standards and Requirements - Improvements. All streets, sewers, storm sewers, and other improvements must comply with County ordinances and specifications. If turning lanes or other forms of traffic controls are deemed necessary by the Board, the developer shall provide the necessary improvements, subject to the approval of their location and design by the County Engineer.

5. Yard and Height Requirements. In the absence of an appropriate physical barrier, the Board may require open space or screening be located along all or a portion of the development boundary. The height limitations of any adjacent district shall apply within 125 feet of the development boundary. The maximum height of any structure permitted within the development shall be 72 feet.

6. Building Permits. No building permit for any building or structure within the development shall be issued until the final development plan is approved by the Board.

7. Completion. The Board may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time. Failure to complete the construction and improvements within said period of time shall be deemed sufficient cause for the Board to rezone the subject property to the classification effective at the time of the original request for rezoning to "C-PUD" for said development, unless an extension is recommended by the Planning and Zoning Commission and approved by the Board. Any proposed change in the development plan, after approval of the final development plan by the Board, shall be resubmitted and considered in the same manner as the original proposal.

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70.15 “RE” RESORT DISTRICT.

1. Purpose. The “RE” Resort District is created to establish the location of areas best suited to providing accommodation and vacation activity facilities and amenities.
2. Principal Permitted Uses.
 - A. Residential uses including condominiums, duplexes, single-family homes, timeshares, and townhouses.
 - B. Commercial uses, including bed and breakfasts, campgrounds (for profit and nonprofit), cottage/resort enterprise, commercial cottage, general retail, hotel/motel, restaurants/general, timeshare.
 - C. Civic uses and local utility services.
 - D. No industrial uses are permitted.
 - E. Accessory uses and structures including any accessory uses and structures normally incidental and subordinate to the permitted uses and structures.
 - F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Conditional Uses.
 - A. Residential uses, Planned Unit Development (PUD).
 - B. Commercial uses including convenience stores (including gasoline sales), indoor recreational facilities, marine services, outdoor entertainment, outdoor sports and recreation, Planned Unit Development (PUD).
 - C. Civic uses including clubs or lodges, community recreation, public assembly.
 - D. Accessory uses and structures that have received a Conditional Use Permit.
 - E. Industrial uses – None.
4. Yard Requirements.
 - A. Front yard depth - 60 feet.
 - B. Side yard width - 20 feet, both side yards shall total at least 45 feet. Distance between principal buildings on the same parcel of land shall be 24 feet.
 - C. Rear yard depth - 50 feet.
5. Height Regulations. Buildings and structures in the Resort District shall not exceed 50 feet. However, no structure shall be permitted to extend into the approach zones, clear zones, or other restricted air space required for the protection of an existing airport.
6. Lot Area. The minimum lot area shall not be less than 10 acres, all in one parcel, not bisected by a public roadway. Minimum lot width is 300 feet.

7. Front Lot Line. When a lot bounds a permanent body of water, the front lot line shall be the line abounding the “ordinary high water mark,” between the water and the building, when a lot abuts a golf course, the front lot line shall be the boundary between the building and the golf course.
8. Density of Dwellings. Dwelling units associated with a resort shall not exceed a density of 10 units per acre.
9. Green Belt Buffer. Where Resort District abuts, adjoins, or is adjacent to a residential district, a green belt buffer shall be established. A green belt, minimum width of 10 feet shall be completed within six months of construction and shall thereafter be maintained with vegetative cover and permanent shrubs, hedges, or trees at least six feet in height, which will provide a screen between the districts.
10. Privately Owned Lake Residential. In a Resort District for privately owned lake residential the following shall apply:
 - A. Single-family dwelling.
 - B. Minimum lot area of the privately owned lake residential zone shall be 4,250 square feet.
 - C. Lot width - 50 feet minimum.
 - D. Front yard depth - 20 feet.
 - E. Side yard width - five feet.
 - F. Rear yard depth - 20 feet (lakeside is considered rear yard and measured from ordinary high-water line)
 - G. Maximum height - 35 feet, however no structure shall be permitted to extend into the approach zones, clear zones, or other restricted air space required for the protection of an existing airport.
 - H. Street establishment and maintenance is the responsibility of the Resort District and owners.
11. Restricted Use.
 - A. Commercial bitcoin installation.
 - B. Cold fusion and nuclear installation.
 - C. Commercial batteries.

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70.16 “I-1” LIGHT INDUSTRY DISTRICT.

1. Purpose. The “I-1” Light Industry District is created to provide for those commercial and light manufacturing industries which do not qualify for location in the commercial districts, but which are not heavy manufacturing industries.
2. Principal Permitted Uses.
 - A. Wholesale establishments.
 - B. Truck terminals.
 - C. Blacksmith and machine shops.
 - D. Sheet metal shops.
 - E. Storage and distribution warehouses.
 - F. Printing shops.
 - G. Builder’s or contractor’s plant or storage yard.
 - H. Building materials sales and storage, including concrete mixing.
 - I. Lumber yards, including millworks.
 - J. Carpenter and cabinet shops.
 - K. Feed stores.
 - L. Bakery, wholesale.
 - M. Plumbing and heating shop.
 - N. Open yards for storage and sales.
 - O. Automobile repair garage, including body shops.
 - P. Raising of crops.
 - Q. Accessory buildings.
 - R. Any other light manufacturing or commercial enterprise similar to the above listed uses which will not produce significant amounts of dust, noise, smoke, odor, or objectionable types or amounts of vehicular traffic.
3. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with Section 70.05(10)(D)(9), in the “I-1” District. These uses not exempt under Section 70.05 may be subject to supplemental conditions found in Section 70.05(10)(D) and such additional conditions as may be warranted to mitigate any deleterious effects on the proposed use.
 - A. Mineral extraction, provided that each application for a Conditional Use Permit be accompanied by a plan for reclamation or alternative use of the site upon completion of the proposed mineral extraction, and provided that active engagement in such use shall not take place within 50 feet of any property line or within 300 feet of any residence. The applicant shall be required to post bond or to provide other appropriate assurance of the plan’s completion.
 - B. Oil and gas wells, drilling for oil, gas, or mineral exploration, and any related structures or installations.

- C. Adult Use (see Section 70.06).
 - D. Commercial Bitcoin Installation.
 - (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining property line and all containers are anchored four feet or greater.
 - E. Cold Fusion and Nuclear Installations.
 - (1) Limited to systems with an approved Decommissioning Plan.
 - F. Commercial Batteries.
 - (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining line, a training program for multi-jurisdictional first responders and an approved Decommissioning Plan. To be constructed in accordance with NFPA 855.
4. Yard Requirements. Unless otherwise specified, each lot shall have front, side, and rear yards of not less than the following:
- A. Front yard depth - 30 feet.
 - B. Side yard width - 30 feet.
 - C. Rear yard depth - 30 feet.
5. Height Regulations. Building structures in the Light Industrial District shall not exceed 60 feet in height. If said buildings or structures are to be located in an area regulated by airport height zoning, any lower height requirement of that airport height regulation shall prevail.
6. Lot Area. The principal and accessory buildings may not occupy more than 50 percent of the lot.
7. Parking Requirements. Two off-street parking spaces shall be provided on the lot for every three employees regularly employed at the same time, plus space to accommodate all trucks or other vehicles, including off-street loading space.

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70.17 “I-2” HEAVY INDUSTRY DISTRICT.

1. Purpose. The “I-2” Heavy Industry District is created to provide for heavy manufacturing industries and other types of businesses that might not be compatible if permitted in the other zoning districts.
2. Principal Permitted Uses.
 - A. Food product manufacture, excluding fish and meats.
 - B. Concrete mixing, including concrete products manufacture.
 - C. Contractor’s equipment storage yard.
 - D. Laboratory, experimental or testing.
 - E. Sawmill, including the manufacture of wood products.
 - F. Manufacture and assembly from previously prepared materials such as cloth, leather, plastics, metal, stone, or wood.
 - G. Raising of crops.
 - H. Any other heavy industrial use similar to the above uses which would not create excessive amounts of dust, smoke, gas, noise, fumes, odor, vibration, fire, or explosion.
3. Conditional Uses. The following uses qualify for Conditional Use Permits, in compliance with Section 70.05(10)(D)(9), in the Heavy Industry District. These uses not exempt under Section 70.05 may be subject to supplemental conditions found in Section 70.05(10)(D) and such additional conditions as may be warranted to mitigate any deleterious effects on the proposed use.
 - A. Slaughterhouses, stock yards, and meat processing plants.
 - B. Distillation of ethanol.
 - C. Acid or chemical manufacture or storage.
 - D. Cement, lime, gypsum, or similar material manufacture.
 - E. Explosive manufacture or storage.
 - F. Grain elevators, fertilizer manufacturer, or storage.
 - G. Garbage, offal, or dead animal reduction.
 - H. Petroleum refining or storage.
 - I. Rubber goods manufacture.
 - J. Salvage yard or junk yard providing that the premises on which such activity is conducted shall be wholly enclosed within a building, wall, or fence not less than six feet in height, completely obscuring the activity.
 - K. Mineral extraction and mining, and all plants for processing gravel, sand, rock, or other such raw material provided that active engagement in such use shall not take place within 50 feet of any property line. Each application shall be accompanied by a plan for reclamation or alternative use of the site upon completion of the proposed mineral extraction and the applicant shall be required to post bond or to provide other appropriate assurance of the plan’s completion.

- L. Oil and gas wells, drilling for oil, gas, or mineral exploration, and any related structures and installations.
 - M. Adult Use (see Section 70.06).
 - N. Commercial Bitcoin Installation.
 - (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining property line and all containers are anchored four feet or greater.
 - O. Cold Fusion and Nuclear Installations.
 - (1) Limited to systems with an approved Decommissioning Plan.
 - P. Commercial Batteries.
 - (1) Limited to systems with an average noise output of 60 dbls or less as measured from the adjoining line, a training program for multi-jurisdictional first responders and an approved Decommissioning Plan. To be constructed in accordance with NFPA 855.
4. Yard Requirements. Unless otherwise specified, each lot shall have front, side, and rear yards of not less than the following:
- A. Front yard depth - 30 feet.
 - B. Side yard width - 30 feet.
 - C. Rear yard depth - 30 feet.
5. Height Regulations. There is no height limitation within the Heavy Industry District unless a building or structure is to be located in an area regulated by airport height zoning.
6. Lot Area. The principal and accessory buildings may not occupy more than 50 percent of the lot.
7. Parking Requirements. Two off-street parking spaces shall be provided on the lot for every three employees regularly employed at the same time, plus space to accommodate all trucks or other vehicles, including off-street loading space.

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70.18 “F-C” FLOODPLAIN CONSERVATION DISTRICT.

1. Purpose. The “F-C” Floodplain Conservation District is intended and designed as an overlay district that may include any of the other zoning districts. The purpose of the Floodplain Conservation District is to provide additional regulations pertaining to those areas in the County which are subject to flooding. The regulations for the Floodplain Conservation District prevail over any other district regulations pertaining to the subject property.
2. Principal Permitted Uses.
 - A. Public and private forests and wildlife preserves and similar conservation areas (no permit required).
 - B. Public and private recreational facilities such as golf courses, picnic grounds, boat launching ramps, and hiking and horseback riding trails, but not including any permanent buildings.
 - C. Agricultural uses, but not including any permanent buildings or structures except by permit from the State Department of Water, Air, and Waste Management.
 - D. Oil and gas wells, drilling for oil, gas, or mineral exploration, and any related structures or installations.
3. Conditional Uses. Mineral extraction, provided each application is accompanied by a plan for reclamation or alternative use upon completion of the proposed mineral extraction. The applicant shall be required to post bond or to provide other appropriate assurance of the plan’s completion.
4. Yard Requirements. No restrictions.
5. Height Regulations. Airport height zoning regulations will prevail, if applicable.
6. Lot Area. No restrictions.
7. Parking Regulations. Off-street parking space shall be provided as needed.
8. Restricted Use.
 - A. Commercial bitcoin installation.
 - B. Cold fusion installations.
 - C. Commercial batteries.