

# 1998 TAMA COUNTY ZONING ORDINANCE TABLE OF CONTENTS

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## **ARTICLE I. REPEALING PROVISIONS**

Section 100. That Ordinance known as the 1966 Zoning Ordinance of Tama County, and all amendments thereto are hereby repealed.

## **ARTICLE II. TITLE**

Section 200. This Ordinance shall be known as the 1998 Tama County Zoning Ordinance.

## **ARTICLE III. PURPOSE AND INTENT**

Section 300. These regulations have been developed in accordance with the Comprehensive plan for Tama County and have been designed and are adopted in order to lessen safety from fire, panic, flood, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County.

## **ARTICLE IV. DEFINITIONS**

Section 400. For the purpose of this Ordinance all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word “shall” is mandatory, while the word “may” is permissive; the singular number shall include the plural and the plural singular; the word building shall include the word structure. Unless otherwise specified, all distances shall be measured horizontally.

- 400.1 **ACCESSORY BUILDING.** A use incidental to the principal permitted use of land or a building on a lot and customarily incidental thereto.
- 400.2 **ADMINISTRATIVE OFFICER.** Zoning Administrator or individual designated by the Zoning Administrator with approval of the Tama County Board of Supervisors.
- 400.3 **ADULT ARCADE.** Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”
- 400.4 **ADULT BOOKSTORE.** Means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: 1). Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or 2). Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities.”
- 400.5 **ADULT CABARET.** Means a commercial establishment that regularly features: 1). Persons who appear in state of semi-nudity; or 2). Live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; 3). Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or 4). Persons who

engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

- 400.6 ADULT MOTEL. Means a hotel, motel or similar commercial establishment that: 1). Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or 2). Offers a sleeping room for rent for a period of time that is less than 24 hours; 3). Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 24 hours.
- 400.7 ADULT MOTION PICTURE THEATER. Means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- 400.8 ADULT THEATER. Means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
- 400.9 AIRPORT. Means the Belle Plaine Municipal Airport of Benton County; the Traer Municipal Airport; the Toledo Municipal Airport; and any public airport to be constructed in Tama County in the future. This does not include private runways.
- 400.10 AIRPORT ELEVATION. The highest point of an airport’s usable landing area measured in feet above mean sea level.
- 400.11 AIRPORT HAZARD. Any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23, and 77.25, as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
- 400.12 AIRPORT PRIMARY SOURCE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- 400.13 AIRSPACE HEIGHT. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.
- 400.14 ANIMAL HOSPITAL. A building or portion thereof designed or used for the care, observation, or treatment of domestic animals.
- 400.15 ANTENNA. A device, dish or array used to transmit or receive telecommunications signals.
- 400.16 APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set for in Section 513.3 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

- 400.17 APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES. The zones are set forth in Section 513.2 of this Ordinance.
- 400.18 AUTOMOBILE SERVICE STATION. A building or premises used for dispensing or offering for sale at retail, any automobile fuels or oils, or having pumps and storage tanks on premises, and where vehicles are not parked for purposes of inspection or sale.
- 400.19 BOARDING HOUSE. An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions of the menu.
- 400.20 BUILDING HEIGHT. The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of a gable, hip, or gambrel roof.
- 400.21 BUILDING LINE. An imaginary line parallel to the front lot line over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
- 400.22 COMMERCIAL. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
- 400.23 COMMUNICATIONS TOWER. A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on a building.
- 400.24 CONDITIONAL USE. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Adjustment, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.
- 400.25 CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- 400.26 CONTROL ZONE. Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 miles in radius, with extensions where necessary to include instrument approach and departure paths.
- 400.27 CORN SUITABILITY RATING. Means the relative productivity of corn on different soils, taking into account their physical and chemical properties, degree of erosion, location on the landscape, and location in Iowa. CSR is an index, not an indication of actual yield. Numbers range from 5 to 100. Soils rated 100 have high yield potential, can be continuously row cropped, and are in areas of Iowa with most favorable weather conditions. CSR ratings will remain fairly constant in relation to each other but yields can change subject to changes in technology or weather.
- 400.28 DANGEROUS BUILDING. Means any structure or mobile home meeting any or all of the following criteria:
- Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

- a. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
  - b. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
  - c. FIRE HAZARD. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
  - d. ABANDONED. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- 400.29 DEVELOPMENTAL DISABILITY. Means a disability of a person which has continued or can be expected to continue indefinitely and which has one of the following:
- a. Attributable to mental retardation, cerebral palsy, epilepsy, or autism;
  - b. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or requires treatment and services similar to those required for the persons.
  - c. Attributable to dyslexia from a disability described in subparagraph a or b.
  - d. Attributable to a mental or nervous disorder.
- 400.30 DWELLING, SINGLE FAMILY, DETACHED. A residential building containing not more than 1 dwelling unit entirely surrounded by open space on the same lot.
- 400.31 DWELLING, MULTI-FAMILY. A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.
- 400.32 ELDER FAMILY HOME. A private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self care.
- 400.33 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.
- 400.34 FAMILY HOME. Means a community based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services; and supervision in a family environment exclusively for not more than 8 developmentally disabled persons and any necessary support personnel. Family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa.
- 400.35 FARM. Means the land, buildings, and machinery used in the commercial production of farm products. Farming includes the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming includes but is not limited to the marketing of products at roadside stands or farm markets, the creation of noise, odor, dust, or fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the

application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor. A farm shall include those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

- 400.36 FARMSTEAD. The buildings and adjacent service areas of a farm.
- 400.37 FEEDLOT/CONFINEMENT. See definition of farm.
- 400.38 FLOOR AREA RATIO. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
- 400.39 FRONTAGE. All the property on one side of a street, road or highway between 2 intersecting streets or highways measured along the line of the street or highway, or if the street or highway dead-end, then all of the property abutting one side between an intersecting street or highway and the dead-end of the street or highway.
- 400.40 GARAGE, PRIVATE. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.
- 400.41 GARAGE, PUBLIC. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
- 400.42 HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- 400.43 HEIGHT. For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.
- 400.44 HOME OCCUPATION. An accessory use of a dwelling unit for gainful employment which: a). is clearly incidental and subordinate to the use of the dwelling unit as a residence; b). is carried solely within the main dwelling and does not alter or change the exterior character or appearance of the dwelling; c). that the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the discharge of dust, noise, odor, or smoke or any other way; and that there shall be no persons employed at the use other than members of the immediate family residing on the premises.
- 400.45 HORIZONTAL SURFACE. A horizontal plan 150 feet above the established Airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- 400.46 HOTEL. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and in which no provision is made for cooking in any individual room or apartment.
- 400.47 IMPERVIOUS SURFACE AREA. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
- 400.48 INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

- 400.49 **JUNK.** Includes, but is not limited to, old or scrap metal, plastic, fabric, wood, rope, rags, batteries, paper, trash, rubber debris, waste, garbage, or other similar materials. Any dispute as to whether something constitutes junk shall be decided by the Tama County Board of Public Health.
- 400.50 **JUNK VEHICLE.** Means any vehicle or truck located on private property not capable of being driven from the place of its location under its own power without the addition of parts or repair thereon or any vehicle or truck not equipped with four inflated tires or any vehicle or truck not carrying a current year license plate, four months after such license is required, or any vehicle or truck not legally in storage with the County Treasurer. Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.
- 400.51 **JUNK YARD.** Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition shall include auto or other vehicle or machinery wrecking or dismantling activities. This definition shall not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards. The presence on any lot, parcel or tract of land of three or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles, including implements of husbandry not a part of a farming operation, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building.
- 400.52 **KENNEL.** A place where 4 or more dogs, cats, or similar animals or pets, over 4 months of age, are boarded, bred, and/or offered for sale.
- 400.53 **LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including 1 principal building together with its accessory buildings, open spaces and parking and loading spaces required by this Ordinance, and having its principal frontage upon a street.
- 400.54 **LOT OF RECORD.** A lot of whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.
- 400.55 **LOT, AREA.** The total horizontal area within the lot lines of a lot.
- 400.56 **LOT, CORNER.** A platted parcel of land abutting 2 road rights-of-way at their intersection.
- 400.57 **LOT, DEPTH.** The average horizontal distance between the front and rear lot lines.
- 400.58 **LOT, LINE.** Property line bounding a lot.
- 400.59 **LOT, WIDTH.** The horizontal distance between side lot lines, measured at the required front setback line.
- 400.60 **MANUFACTURED HOME.** A factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sect. 5403 and is to be used as a place of human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home shall not meet the above definition unless it has been converted to real property.
- 400.61 **MINIMUM DESCENT ALTITUDE.** The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

- 400.62 **MINIMUM ENROUTE ALTITUDE.** The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- 400.63 **MINIMUM OBSTRUCTION CLEARANCE ALTITUDE.** The specified altitude in effect between radio fixes on VOR runways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of VOR.
- 400.64 **MOBILE HOME.** Means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.
- 400.65 **MOTEL.** A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such a building or group of buildings is designed, intended, or used primarily for the accommodation of automobile parking conveniently located on the premises.
- 400.66 **NONPRECISION INSTRUMENT RUNWAY.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- 400.67 **OBSTRUCTION.** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 513.3 of this Ordinance.
- 400.68 **NURSING HOME.** A building other than a hotel, motel, or hospital where for compensation, meals, lodging, and physical care are provided for 3 or more persons. This definition shall include rest homes, convalescent, old peoples homes, and similar establishments.
- 400.69 **PERMITTEE AND/OR LICENSEE.** Means the person or organization whose name appears on the permit and/or license.
- 400.70 **PERSON.** An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- 400.71 **PRIMARY SURFACE.** A hard surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 513.2 of this Ordinance. The elevation of any point of the primary surface is the same as the elevation of the nearest point on the runway centerline
- 400.72 **PHYSICAL DISABILITY HOME.** An establishment formed by a non-profit organization to house those with a physical impairment that results in significant functional limitations in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration. Homes shall be limited to eight persons with a physical disability.
- 400.73 **PROVISIONAL USE.** A permitted use provided the use meets specified performance standards.
- 400.74 **RUNWAY.** A defined area of an airport prepared for landing and takeoff of aircraft along its length.



- 400.75 **SEXUAL ENCOUNTER CENTER.** Means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: 1). Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity; 2). Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.
- 400.76 **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.
- 400.77 **SINGLE FAMILY DWELLING.** A building designed for occupancy by one family. All new building permits after the enactment of this Ordinance shall meet the following standards:
- 400.78 The principal portion of such building shall have a continuous and complete frost protected perimeter foundation. A manufactured home as defined in this ordinance shall be placed upon piers per the manufacturer's requirements but said home must meet the foundation requirements contained herein, namely it shall also have a complete permanent perimeter foundation with piers. The building shall have for the exterior wall covering either:
- a. Wood or masonry finish, or its appearance, and/or
  - b. Vertical or horizontal grooved siding or lap siding, or its appearance.
  - c. Use of flat, formed, or corrugated sheet metal or plastic type materials for the roof covering is prohibited. Architectural sheet metal is permitted.
- 400.79 **SPECIFIED ANATOMICAL AREAS.** Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
- 400.80 **SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following: 1). The fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts; 2). Sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy; 3). Masturbation, actual or stimulated; or 4). Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.
- 400.81 **STABLE, PRIVATE.** An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
- 400.82 **STABLE, PUBLIC.** A building in which horses are kept for remuneration, hire or sale; therefore a principal building and/or use.
- 400.83 **STRUCTURAL ALTERATIONS.** Any substantial change in the foundation, roof, or exterior walls, excepting such repairs or replacements as may be required for the safety of the building.
- 400.84 **STRUCTURE.** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, tower, cranes, smokestacks, earth formation, and overhead transmission lines.
- 400.85 **TELECOMMUNICATIONS.** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- 400.86 **TOWNHOUSE.** Single family attached dwelling with one dwelling unit from ground to roof, having individual outside access.
- 400.87 **TRANSITIONAL SURFACES.** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which

project through and beyond the limits of the conical surface extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

- 400.88 TREE. Any object of natural growth.
- 400.89 USE. The purpose or activity, for which the land, building or structure thereon is designed, arranged or intended, or for which it is occupied or maintained.
- 400.90 USE, ACCESSORY. A subordinate use, such as a private garage, which is clearly and customarily incidental to the principal use of a building or premises; which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.
- 400.91 USE, PRINCIPAL. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
- 400.92 USE, NON-CONFORMING. Any use of a building, structure, or premises which on the effective date of this Ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building, structure or premises shall be located.
- 400.93 UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- 400.94 VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
- 400.95 WEEDS. Means grass, vegetation, plants or other such materials commonly recognized as overgrowth, with a length in excess of six inches.
- 400.96 YARD. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. The measurements of a yard shall be construed as a minimum horizontal distance between the lot line and the exterior wall of a building or structure.
- 400.97 YARD, FRONT. A yard extending across the full width of the lot and measured between the front line of the lot and the nearest point of the building. On a corner lot, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- 400.98 YARD, REAR. A yard extending across the full width of the lot line and measured between the rear line of the lot and nearest point of the principal building.
- 400.99 YARD, SIDE. A yard between the nearest point of the building and the sideline of the lot and extending from the front yard to the rear yard.
- 400.100 ZONING LOT. A single tract of contiguous land to be used or developed as one unit under single unified ownership or control, and which meets all minimum requirements and provisions of the Zoning Ordinance.

## ARTICLE V. DISTRICTS AND GENERAL REGULATIONS

Section 500. ESTABLISHMENT OF DISTRICTS. For the purpose of this Ordinance, Tama County is hereby divided into the following districts:

- “A” Agricultural District.
- “F” Flood Hazard District (Reserved).
- “R-1” Single Family Residential District.
- “R-2” Multi-Family Residential District.
- “R-3” High-Density Single Family Residential District.
- “R-4” Mobile Home Park District.
- “R-L” Lake Residential
- “C” Commercial District.
- “IL” Light Industry District.
- “IH” Heavy Industry District.

Section 501. DISTRICT BOUNDARIES - MAPS. The above districts are bounded and defined as shown on the maps entitled “Zoning District Map, Tama County, Iowa”, which has been adopted, which accompanies and which with all explanatory matter thereon is hereby made a part of this Ordinance.

Section 502. INTERPRETATION OF DISTRICT MAPS.

- 502.1 Where a district line is shown as approximately following the center line of a street or highway, a street line or highway right-of-way line, this center line, street line or right-of-way line shall be constructed to be such boundary. The boundary line shall be changed automatically whenever the said center line, street line or highway right-of-way line is changed, provided that the change does not exceed fifty (50) feet.
- 502.2 Where a district line is shown as following a lot line, such lot line shall be construed to be the boundary of the district.
- 502.3 Where a district line follows a stream or river such district boundary shall be deemed to be the center line of said stream or river. For any lake, pond, reservoir or other body of water, the regulations of the most restrictive adjacent district in they are located shall apply.
- 502.4 Where district lines are so indicated by a dimension from an alley, street, highway, lot line, center line or right-of-way line such dimension shall control the boundary of the district.
- 502.5 Where a district divides a lot which was held in single and separate ownership at the time the district line was established, the use regulations applicable to the least restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than thirty (30) feet beyond the district boundary line.
- 502.6 If no other indications of the district boundary are made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the Zoning District Map.

Section 503. GENERAL REGULATIONS AND PROVISIONS.

- 503.1 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than 1 main building on one lot, with the exception of farm out buildings. A Conditional Use Permit shall be applied for where more than one main house will be

on a lot for a temporary period of time when a second house is being built and the older has plans to be removed.

503.2 All buildings hereafter built on any lot, with the exception of lots zoned agriculture, shall have the minimum average lot width as stated in the respective article of this Ordinance.

503.3 USES EXEMPT OF REGULATION. The regulations and restrictions established by this Ordinance shall not be construed to apply to land, farm houses, farm barns, farm outbuildings, structures, or erections which are adopted by reason of nature and area, for use for agricultural purposes as a primary means of livelihood, while so used, unless specifically stated elsewhere in this ordinance; provided, however, that the regulations which related to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto. This Ordinance shall have no control over the height, open areas required, or uses of land on property of a municipal airport as long as the structures and uses are for normal airport operation.

503.4 PERMITS AND CERTIFICATES REQUIRED. Hereafter an application accompanied by the necessary fees shall be filed with and a written permit or certificate shall be obtained from the Administrative Office as required by this Ordinance.

Section 504. USE REGULATIONS.

504.1 No building shall be erected, or structurally altered, nor shall any building or land be used except for a use permitted in the district in which the building or land is located.

504.2 Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary building shall be removed upon completion of the construction work.

Section 505. HEIGHT REGULATIONS.

505.1 No building shall be erected, or structurally altered, to exceed the height limit herein established for the district in which the building is located.

505.2 The height regulations of this Ordinance shall not apply to church spires, belfries, monuments, tanks, water towers, fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, radio and television towers, antenna or aerials, chimneys, elevator bulkheads, smoke stacks, conveyors and flag poles, unless specifically stated elsewhere in this Ordinance.

Section 506. AREA REGULATIONS.

506.1 No building shall be erected, or structurally altered, except in conformity with the area regulations of the district in which the building is located.

506.2 Every part of a required yard shall be open to the sky except where accessory buildings are permitted in a rear or side yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed eighteen (18) inches.

506.3 No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this Ordinance.

- 506.4 FRONT YARD:
- a. In R-1, R-2, R-3 and R-4 zones, uncovered steps or paved terraces may project into the front yard, but shall not project more than ten (10) feet into the required front yard, but any projections into the required front yard shall not permit a roof.
  - b. Porches covered by only by a covering attached to and supported entirely by or from the front wall of the main building shall be at least seven (7) feet high from ground level and shall not extend more than seven (7) feet into the front yard as is herein defined and shall not extend closer than five (5) feet to the front lot line upon which such building is located. This provision relating to projections into the front yard shall apply in all zoning districts where a front yard is required.
  - c. On an interior lot which adjoins the rear lot line of a corner lot, the minimum front yard depth shall be seventy-five (75) percent of that required by the front yard regulations of the district in which the lot is located.
  - d. The front yard depth of any lot abutting on a road shall be measured from the proposed right of way lines.

- 506.5 SIDE YARD.
- a. A carport or canopy may project into the side yard, provided every part of such carport or canopy is unenclosed and meets the side yard requirements for the side yard.
  - b. Where dwelling units are permitted above commercial and industrial structures in commercial and industrial districts, no side yards are required, except such side yard as may be required by the district regulations for a commercial or industrial building on the side of the lot adjoining a dwelling district.

- 506.6 REAR YARD.
- a. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than five (5) feet, but only where the same are so placed as not to obstruct light and ventilation.

- 506.7 LOT AREA PER FAMILY.
- a. A single lot having less area than required for the district in which it is located which was a lot of record on the effective date of this Ordinance may be used for any purpose permitted in that district, except for when the County Sanitarian determines that septic area requirements will not be met, which shall override the prior statement.
  - b. Where two or more vacant adjacent lots under common ownership, each having less than required for the district in which they are located and which were lots of record on the effective date of this Ordinance, that area shall be re-divided as to conform with the area regulations of that district before any building is erected or placed thereon.

Section 507. CORNER LOTS.

- 507.1 Permits for corner lots hereafter shall provide a side yard adjacent to the intersection which shall be equivalent to the front yard requirement if the rear lot line of a corner lot is the side yard line of the lots to the rear of the corner lot which front on the intersecting street or road.
- 507.2 In cases where there is no residential zoning lot abutting the rear of a corner lot, the side yard line shall not be less than 1/2 of the required front yard for the district.
- 507.3 On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Section 508. VISUAL CLEARANCE AT INTERSECTIONS.

508.1 INTERSECTION WITH TRAFFIC CONTROLS. On any corner lot, in all districts, at a street intersection which has some form of traffic control (stop or yield signs) there shall be no obstruction to traffic visibility within the clear sight triangle which is formed by the intersection of the center line of two intersecting streets and a straight line joining the two (2) said center lines at points fifty-five (55) feet distant from their point of intersection.

508.2 INTERSECTIONS WITHOUT TRAFFIC CONTROLS. On any corner lot, in all districts, at a street intersection which does not have any form of traffic control there shall be no obstruction to the traffic visibility within the clear sight triangle which is formed by the intersection of the center line of the two intersecting streets and a straight line joining the two (2) said center lines at points a given number of feet distant from their points of intersection. The distances from said point of intersection are specified in the following table for various speeds in miles per hour of enforced speed limit.

DISTANT MEASUREMENT FOR CLEAR SIGHT TRIANGLE

<u>Miles per hour</u>	<u>Distance measurement</u>
20	73'
25	73'
30	88'
35	104'
40	138'
50	156'
55	174'
60	192'

Section 509. CONTROLLED ACCESS.

509.1 Hereafter access to county roads shall be granted to a property owner or subdivider by the County Engineer.

509.2 Permission for access facilities shall be granted only after a thorough study of: The topography of the area under consideration; The traffic density on the county road upon which access is sought; And any other related features which would affect the proposed access. The County Engineer and the County Zoning Commission may recommend and the County Board of Supervisors where necessary may require that such access shall be provided only upon a marginal access road (frontage road). In such case the marginal access road shall serve the property desirous of an access. Entrance to, and exit from such properties shall be upon this marginal access road and thence to the prime facility, a county road.

509.3 Marginal access roads shall become the property of the County after proper development and proper legal dedication.

Section 510. FENCES AND WALLS

510.1 DEFINITIONS

- a. FENCE: An enclosure or barrier such as wooden or metal posts, rails, slats or wire mesh used as a boundary or as a means of screening, protection or confinement.
- b. WALL: An upright structure constructed of wood, concrete, masonry or similar materials, whose vertical surface is intended to prevent the passage of light, and which is used as a boundary or as a means of screening, protection, confinement or support. This term shall not apply to retaining walls.
- c. REQUIRED YARD: The minimum open space required between a lot line and the buildable area of a lot, unoccupied and un-obstructed from ground to sky, except as otherwise specified in this Ordinance.

510.2 HEIGHT LIMITATIONS

- a. In any residential "R" district, fences and walls not exceeding four (4) feet in height may be located within the required front yard.
- b. In any residential "R" district, fences and walls not exceeding six (6) feet in height may be located within the required side and rear yards.
- c. In the commercial "C" district or any industrial "I" district, fences and walls not exceeding eight (8) feet in height may be located within any required yard. A one (1) foot extension consisting of strands of barbed wire may be used at the top of any fence or wall with a minimum height of six (6) feet which is used for security or protective purposes.
- d. Special fence requirements such as fencing provided around parks, recreation and school facilities may be erected to a height in excess of the above limits upon approval of the Administrative Officer.
- e. Fences and walls located on corner lots shall comply with the visual clearance requirements in Section 508.

510.3 Fences and walls legally established or constructed prior to the effective date of this Ordinance amendment shall be classified as legal structures, and shall not be required to be altered or removed.

Section 511. ACCESSORY BUILDINGS. The following requirements are for accessory buildings, but shall not apply to farm buildings.

- 511.1 Any accessory building that is not a part of the main building shall be located not less than five (5) feet from any other structure on the lot.
- 511.2 Any accessory building that may be located entirely in the required rear yard shall occupy not more than thirty (30) percent of the required rear yard.
- 511.3 Any accessory building located entirely in the required rear yard shall not be nearer than three (3) feet to any lot line.
- 511.4 Any accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations of the district in which the building is located.
- 511.5 In an "R" zone, any accessory building shall not exceed fifteen (15) feet in height.
- 511.6 Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
- 511.7 No accessory building or part thereof shall be located in the front yard.
- 511.8 Accessory buildings may be erected as a part of the principal building or may be connected thereto be a breezeway or similar structure, provided all yard requirements for a principal building are complied with.
- 511.9 No accessory building shall be constructed upon a lot until the construction of the principal building has commenced, and no accessory building shall be used unless the principal building of the lot also is being used.

Section 512. HOME OCCUPATIONS.

512.1 STATEMENT OF INTENT. This section is intended to protect all areas other than commercial and industrial from potential adverse impacts of activities defined as home occupations; to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementing of personal/family income; to restrict incompatible uses; to establish criteria and develop standards for the use of residential structures or dwelling units for home occupations; it is not the intent to eliminate certain businesses and occupations which may be compatible with residential areas.

512.2 CRITERIA.

- a. That in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling other than the permitted signage;
- b. That the building shall include no features of design not customary for residential use; and
- c. That the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the emission of dust, gas, noise, odor, or smoke, or in any other way. The occupation shall have the consent of the neighbors.
- d. Signs. Any sign utilized by a home occupation in an "R" zone shall be limited to one flush mounted wall sign which shall not exceed thirty-two square feet in area.
- e. Equipment. There shall be no mechanical equipment used except as is customary for domestic household purposes. Any merchandise or stock in trade sold, repaired or displayed shall be stored entirely within the residential structure or in an accessory building. No storage is to be visible from lot lines.
- f. Employment. Employees must be members of the immediate family residing on the premises.
- g. Traffic and Parking. Not more than one vehicle used in commerce in connection with any home occupation shall be parked on the property. Off-street parking shall be adequate to accommodate the parking demand generated by the home occupation.
- h. Bed and breakfast establishments.
  1. The Board of Adjustment may restrict the number of guest rooms.
  2. Only breakfast shall be served and only guests residing in the structure or family members may be served.
  3. Off-street parking ratio shall be one space per guest room and a minimum of one space for the owner.
  4. The establishment must comply with local and state regulations regarding all applicable permits and licenses including, but not limited to fire, health, food service, hotel, liquor, revenue, building and zoning permits and licenses.

512.3 PERMITTED HOME OCCUPATIONS. Permitted home occupations: No applications are required, a verbal approval is sufficient with review of the criteria established in section 512.2.

- a. Office facilities for accountant, architect, engineer, lawyer, clergyman, or other similar professional occupations.
- b. Office facilities for telecommuters, salesmen, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.
- c. Home sewing or tailoring.
- d. Studio for an artist, photographer, writer, or composer.
- e. Telephone answering.
- f. Catering, home-cooking and preserving for the purpose of selling the product.
- g. Tutoring or giving lessons.
- h. Day care homes.



- i. Barber shops and beauty salons.
- j. Small repair shops (including small appliances, mower repair, blade sharpening, and similar uses).
- k. Insurance agents, real estate agents.
- l. Sale of new home electronics and car stereos.
- m. Plant nursery for the growing and sale of flowers and other plants.
- n. Dancing studios or exercise studios.
- o. Bed and breakfast operations.
- p. Small hospitality operations which serve the purpose of catering to receptions, banquets, dances, and other special events.
- q. Any use which is found by the Administrative Officer to be a use similar to one of the above named uses and is in his/her opinion, conforms to the intent of this section, and conforms to the requirements listed in section 512.2.

512.4 PROHIBITED USES. Prohibited home occupations: Prohibited home occupations will not be allowed permission to operate.

- a. Animal hospitals (excluding the Ag. zone).
- b. Restaurants.
- c. Stables and Kennels (excluding the Ag. zone).
- d. Automobile repair or paint shops.
- e. Any use which does not meet the criteria in section 512.2.

512.5 OTHER USES. Uses that are not listed as permitted or prohibited shall follow the Conditional Use process outlined in Article XIX. The use still shall meet the home occupation performance criterion listed herein.

512.6 NON CONFORMING HOME OCCUPATIONS. Any home occupations in operation on or before the effective date of this Ordinance shall continue to operate until the ownership changes or until complaints are submitted to the County. At that time, the home occupation shall be studied by the Administrative Officer to determine if the said operation complies with current standards. Final determination shall be made thereof or shall be forwarded to the Board of Adjustment.

## Article VI. AIRPORT TALL STRUCTURE ZONING

Section 600. This Section is adopted pursuant to the authority of the conferred by Chapter 329.3 of the Code of Iowa. It is hereby found that an Airport hazard endangers lives and property of users of the Airport and property or occupants of land in its vicinity. Accordingly, it is declared:

- 600.1 That the creation or establishment of an obstruction has the potential of being public nuisance and may injure the region served by the Airport.
- 600.2 That it is necessary in the interest of the public health, public safety, and general welfare that creation of Airport hazards be prevented.
- 600.3 That this should be accomplished to the extent legally possible by the proper exercise of police power.

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

Section 601. AIRPORT ZONES. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. An area located in more than one (1) of the following zones is considered to be only in the zones with more restrictive height limitation. The various zones are hereby established and defined as follows:

- 601.1 UTILITY RUNWAY VISUAL APPROACH ZONE. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 601.2 UTILITY RUNWAY NONPRECISION INSTRUMENT APPROACH ZONE. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- 601.3 HORIZONTAL ZONE. The horizontal zone is established by swinging arcs 5,000 feet radii from the center of each end of the primary surface of each runway and connection the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- 601.4 CONICAL ZONE. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

Section 602. AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this Section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zones created by this Section to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- 602.1 UTILITY RUNWAY VISUAL APPROACH ZONE. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

- 602.2 UTILITY RUNWAY NONPRECISION INSTRUMENT APPROACH ZONE. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- 602.3 TRANSITIONAL ZONES. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to height of 150 feet above the Airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- 602.4 HORIZONTAL ZONE. Established at 150 feet above the Airport elevation.
- 602.5 CONICAL ZONE. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the Airport elevation and extending to a height of 350 feet above the Airport elevation.
- 602.6 No structure shall be erected in Tama county that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum enroute altitude to be increased on any Federal Airway in Tama County.

Section 603. USE RESTRICTIONS. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for pilots to distinguish between Airport lights and others, result in glare in the eyes of pilots using the Airport, impair visibility in the vicinity of Airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

Section 604. NONCONFORMING USES.

- 604.1 REGULATIONS NOT RETROACTIVE. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
- 604.2 MARKING AND LIGHTING. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Tama County Zoning Ordinance Administrative Officer to indicate to the operators of aircraft in the vicinity of the Airport the presence of such Airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport.

Section 605. VARIANCES. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination for the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation

facilities and the safe, efficient use of navigable airspace. Such variances allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Iowa Department of Transportation Aeronautics Division for advice as to the aeronautical effects of the variance. If the Iowa Department of Transportation Aeronautics Division does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

605.1 OBSTRUCTION MARKING AND LIGHTING. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Municipal Airport at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 606. CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 607. SEVERABILITY. If any of the provisions of this Section or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

## Article VII. PARKING REQUIREMENTS

Section 700. OFF STREET PARKING. Off street parking spaces, as the Administrative Officer deems adequate, shall be provided and satisfactorily maintained by the owner of the property, for each building which, after the date enactment of this Ordinance, is erected, enlarged or altered for any of the following or similar purposes; but spaces shall be provided in numbers not less than hereinafter set out.

### 700.1 SPECIFIC USES.

LAND USE	REQUIREMENT
Single Family Detached	<ul style="list-style-type: none"> <li>• 2 spaces per unit</li> </ul>
Multi-Family Dwelling	<ul style="list-style-type: none"> <li>• Efficiency Apartment - 1.5 Spaces per unit</li> <li>• 1-2 Bedroom Units - 2.0 spaces per unit</li> <li>• 3+ Bedroom Units - 2.25 spaces per unit</li> <li>• 1 space per 300 s.f. of gross floor area for offices</li> </ul>
Mobile Home Park	<ul style="list-style-type: none"> <li>• 2 spaces per unit</li> <li>• 1 space per 300 s.f. of gross floor area for offices and common buildings.</li> <li>• A minimum of 1 off-street, hard surfaced guest parking space for each 4 mobile home spaces shall be provided at a location acceptable to the county.</li> </ul>
Roominghouses, boardinghouse	<ul style="list-style-type: none"> <li>• 1 space for each bedroom</li> </ul>
Churches	<ul style="list-style-type: none"> <li>• 1 space per 3 seats in auditorium including the balcony.</li> </ul>
Day Nursery Schools and Child Care Centers (including adult day care)	<ul style="list-style-type: none"> <li>• 6 spaces, or 1.5 spaces per 10 clients at maximum capacity, whichever is greater.</li> </ul>
Medical/Office Clinic	<ul style="list-style-type: none"> <li>• 5 parking spaces for each practitioner.</li> </ul>
Wholesale Establishments or warehouses.	<ul style="list-style-type: none"> <li>• 1 space for each person regularly employed on the premises.</li> </ul>
Animal hospitals and kennels	<ul style="list-style-type: none"> <li>• 2 spaces per employee including doctors or professionals.</li> </ul>
Golf Course	<ul style="list-style-type: none"> <li>• 6 spaces for each golf hole, 1 parking space for each employee on the premises during the maximum shift, and 50 percent of the parking spaces required for any accessory uses associated with the golf course.</li> </ul>
Taverns and restaurants	<ul style="list-style-type: none"> <li>• 1 space per 100 s.f. of gross floor area.</li> <li>• 11 queuing spaces per drive-thru (5 of which shall be designated for the ordering station it is separate from the pickup window)</li> </ul>
Hotels/Motels	<ul style="list-style-type: none"> <li>• 1 space per guest room, and 1 space for each employee on the maximum shift.</li> </ul>
Industrial or Manufacturing Plants	<ul style="list-style-type: none"> <li>• One space per employee on the shift of maximum employment.</li> </ul>
Service Stations	<ul style="list-style-type: none"> <li>• 1 space for each 200 s.f. of gross floor area.</li> </ul>
Grocery, Retail and Shops Other than Those Listed	<ul style="list-style-type: none"> <li>• 1 space for 300 s.f. of gross floor area.</li> </ul>
Beauty/Barber Shops	<ul style="list-style-type: none"> <li>• 3 spaces per stylist.</li> </ul>
Other Uses	<ul style="list-style-type: none"> <li>• For uses not listed, parking spaces shall be provided on the same basis as required by the zoning officer.</li> </ul>

700.2 IMPROVEMENT AND LOCATION. All parking spaces required by this Article shall be on the same tract as the building and shall be hard surfaced or graveled with proper drainage being provided, except that upon approval of the Board of Adjustment the parking spaces may be within five hundred (500) feet of said building. Each parking space shall be at least nine (9) feet by twenty (20) feet and shall have proper access to the approaching drive.

Section 701. OFF STREET LOADING. Off street loading and unloading space with proper access from a street, road, or alley and with at least fourteen (14) feet of vertical clearance shall be provided, either within or outside the building to adequately serve the use on the lot. All off street loading and unloading spaces shall be all weather surfaced with proper drainage being provided in order to avail safe and convenient access during all seasons of use.

## ARTICLE VIII. "A", AGRICULTURAL DISTRICT

Section 800. PERMITTED USES. In the "A", Agricultural District, the following provisions of this article shall apply and the following uses are permitted:

- 800.1 Farmstead, with a minimum of 2 acres.
- 800.2 Agriculture-crop production, agriculture-livestock production and all other uses as described as "farm" under Article IV.
- 800.3 Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be located a minimum of 200 feet from all property lines and provided that any new cemetery shall contain a minimum of 20 acres.
- 800.4 Public and private forests and wildlife reservations or similar conservation projects.
- 800.5 Public parks, recreation areas, playgrounds.
- 800.6 Permitted home occupations.
- 800.7 Roadside stands offering for sale any agricultural products produced upon the premises.
- 800.8 The sale of seeds for agricultural use. Any sale of chemicals shall require approval of the Board of Adjustment through a Conditional Use Permit.

Section 801. PROVISIONAL USES. The uses listed below are permitted provided they meet one of the following options for performance standards:

OPTION 1. The lot shall be a minimum of forty (40) acres.
OPTION 2. This option shall include two of the three requirements with "a" being a mandatory choice. a. The lot shall be a minimum of one (1) acre. b. The average Corn Suitability Rating shall be less than 70 for the lot. c. The lot shall be abutting at least one other residential lot which is not being used as farmland for a minimum of 100 feet. If a lot is adjacent to a corner lot the lot shall be contiguous to the side or rear lot line for no less than 50 feet.
OPTION 3. A Conditional Use Permit is approved by the Tama County Board of Adjustment per the procedures specified in Article XIX with items below 'a' through 'd' examined prior to approval.

A. The items below shall also be examined prior to approval for any provisional use:

a. The proximity of land used for agriculture and the chemicals which are applied;
b. Notification of adjacent agricultural land owners;
c. Impact of additional traffic on county roads;
d. Impact of development on prime farmland.

- 801.1 Single family dwellings and manufactured houses that comply with the definition of the single family dwelling.
- 801.2 The keeping of roomers or boarders by a resident family.
- 801.3 Veterinary establishments, stables, private riding stables, academies and clubs, but not including the feeding or disposal of community or collected garbage; provided that all buildings, including animal runways and exercise yards, be at least 200 feet from all adjacent dwellings.
- 801.4 Mining and extraction of minerals or raw materials provided that active engagement in such shall not take place within 300 feet of any "R" District or any structure used for dwelling purposes, nor within 50 feet of any railroad, public street, road or highway; nor shall it impair sight distances in any portion of the area within 300 feet of any street, road or highway intersection or within 300 feet of a railroad intersecting a street, road, or highway.
- 801.5 Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes.
- 801.6 Public and parochial schools of general instruction.
- 801.7 Churches and similar places of worship and instruction including parish houses.
- 801.8 Community centers.
- 801.9 Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as miniature golf courses or practice driving tees which are operated for commercial purposes.
- 801.10 Child Day Care. Child day care facilities which do not fit the home occupation section.

Section 802. **CONDITIONAL USES.** The following uses may be permitted by special exception per the procedures as specified in accordance with Article XIX of this Ordinance:

- 802.1 Correctional and penal institutions provided that such buildings may occupy not more than fifty (50) percent of the total area of the lot or tract and will not be rendered objectionable or detrimental to the character of the area due to exterior appearance or by the emission of noise, dust, odor smoke, or in any other way, and provided further that the buildings shall be set back from side and rear yard lines heretofore established an additional distance of not less than one (1) foot for each two (2) feet of additional building height.



- 802.2 Commercial amusement or recreational developments for temporary, seasonal or permanent use, such as carnivals, circuses, expositions and fairgrounds; including skeet and trap shooting, provided that none of its function is nearer than seven hundred fifty (750) feet to any dwelling or residence.
- 802.3 Temporary sawmills, batch plants, etc. for processing timber, gravel, sand, rock, cement, concrete, asphaltic concrete and other like materials for commercial purposes.
- 802.4 Commercial and private landing fields and hangars.
- 802.5 Go-Kart tracks provided that all portions of the “track” itself shall be set back from all property lines a minimum of two hundred fifty (250) feet and further provided that all property lines of said use shall be a minimum of six hundred (600) feet from any adjacent residential district or any existing adjacent residential structure or use other than dwellings owned by the applicant for the track.
- 802.6 Campgrounds with camp sites and parks for recreational vehicles.
- 802.7 Hospitals, clinics, sanitariums, and charitable institutions for the treatment of diseases, nursing and convalescent homes; except correctional or penal institutions; provided no such use shall be established or permitted on a parcel of land of less than one acre in area, nor shall its buildings occupy more than 50 percent of the lot or tract, nor shall any part or portion of such use, except for parking or open unobstructive uses, be permitted within 30 feet of any property line.
- 802.8 Sanitary landfills for the proper dumping of trash or garbage, provided that such use shall not be located nearer than 2,500 feet to any zoned residential district or dwelling other than lessee or owner of the site, including municipality operated or leased sanitary landfills.
- 802.9 Grain storage bins.
- 802.10 The sale of agricultural chemicals.
- 802.11 The following uses may be permitted by a Conditional Use Permit, provided the following minimum standards are met:
- a. The owner has a single family dwelling on the same lot of record as of the time of the proposed use.
  - b. There shall be no outside storage of vehicles, equipment, or junk. Trash receptacles shall be screened from public view. The screening shall be a minimum of 6 feet in height. The screening shall be in the form of live trees, evergreens, wooden fencing, or deciduous materials. The screening shall not pose a visual barrier to traffic at intersections. The screening plan shall be submitted with the special use application and be incorporated into the permit.
  - c. That there shall be no more than one non-lighted sign on the zoning lot with a total square footage not exceeding 32 square feet and the height shall be no more than 8 feet.
  - d. There shall be no discharge of liquid or solid waste into ditches, streams, and rivers, and there shall be no discharge of toxic or non-biodegradable materials.
  - e. That the building or premises shall not be rendered objectionable or detrimental to adjoining land owners due to the exterior appearance or the emission of dust, gas, noise, odor, smoke, traffic, or in any other way.
  - f. Any buildings for the special use shall be located in the required rear or side yard.

- g. Any buildings for the special use shall not exceed 20 feet in height.
- h. Only people that reside on the same zoning lot or family members may be employed at the proposed use.
  - i. Bakeries, retail sales.
  - ii. Camera and photographic supply stores.
  - iii. Book and stationery stores.
  - iv. Electrical repair shops.
  - v. Flower shops.
  - vi. Meat markets.
  - vii. Public garages, but not including body repair and painting.
  - viii. Greenhouses, retail sales.
  - ix. Gift shops.
  - x. Hobby shops.
  - xi. Personal service shops, such as barber, beauty, tailor, and dressmaking shops.
  - xii. Temporary buildings for construction purposes for a period not to exceed the duration of construction.
  - xiii. Medical offices.
  - xiv. Other uses that are consistent by type of use, use intensity, physical characteristics, style, size, and purpose with the uses listed above.

Section 803. ACCESSORY USES.

803.1 A Bed and Breakfast home is permitted when it meets the following standards:

- a. Accommodations must be in the family home which the host/hostess is in residence.
- b. Accommodations are limited to a maximum of 2 families at any one time.
- c. Food shall be served only to overnight guests and not to the general public.
- d. A sign not to exceed 2 square feet in area carrying the name of the bed and breakfast home and host/hostess is permitted on the premises.

- e. In addition to the required parking spaces for the residence 1 additional space shall be provided for each family accommodated.
- f. Upon arrival, guests shall register with the host/hostess their names, address and license plate number of the vehicle being used by guests. Records shall be kept for a period of 3 years and shall be made available for examination by the Tama County Administrative Officer upon request.

Section 804. PARKING REGULATIONS. Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI.

Section 805. HEIGHT REGULATIONS. No building hereafter erected or structurally altered shall exceed 3 stories or 42 feet.

Section 806. AREA REGULATIONS.

806.1 LOT AREA AND WIDTH. Each and every individual permitted use shall have an average lot width of not less than 70 feet. A zoning lot after a building permit is issued shall not be allowed to be reduced in size to create a non-conforming zoning lot.

806.2 FRONT YARD. A minimum front yard depth of 50 feet shall be required.

806.3 SIDE YARDS. There shall be a side yard on each side of the building, having a combined width of not less than 40 feet, provided that in no case shall either side be less than 20 feet in width.

806.4 REAR YARD. There shall be a rear having a depth of not less than 50 feet.

806.5 MINIMUM LOT SIZE. There shall be a minimum lot size of one (1) acre.

## ARTICLE IX. "R-1", SINGLE FAMILY RESIDENTIAL DISTRICT

Section 900. PERMITTED USES. In the "R-1", Single Family District, the provisions of this Article shall apply and the following uses shall be permitted.

- 900.1 Single family and manufactured houses which comply with the definition of the single family dwellings.
- 900.2 Family homes, elder family homes, and physical disability homes, as defined by this Ordinance.
- 900.3 The keeping of roomers or boarders by a resident family.
- 900.4 Permitted home occupations.
- 900.5 Churches and similar places of worship and instruction including parish houses.
- 900.6 Family homes as defined in this Ordinance. Family homes shall not be located within 1/4 of a mile from another family home.
- 900.7 Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as temporary offices and for tool storage only.

Section 901. CONDITIONAL USES. The following uses may be permitted by special exception per the procedures as specified in accordance with Article XIX of this Ordinance:

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

Section 902. PARKING REGULATIONS. Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI.

Section 903. HEIGHT REGULATIONS. No building hereafter erected or structurally altered shall exceed two and one-half stories or 35 feet.

Section 904. AREA AND DIMENSION REGULATIONS.

- 904.1 LOT AREA AND WIDTH. Each lot shall be a minimum of 1 acre and the average lot width shall be no less than 70 feet.
- 904.2 FRONT YARD. A minimum front yard depth of 50 feet shall be required.

- 904.3 SIDE YARDS. There shall be a side yard on each side of the building, having a combined width of not less than 40 feet, provided that in no case shall either side be less than 15 feet in width.
- 904.4 REAR YARD. There shall be a rear yard having a depth of not less than 40 feet.
- 904.5 DIMENSION. The principal portion of such building shall have a minimum dimension of not less than 20 feet.

## **ARTICLE IX(a). “R-L”, LAKE RESIDENTIAL DISTRICT**

Section 900(a). PERMITTED USES. In the “R-L”, Lake Residential District, the provisions of this Article shall apply. Additionally, where no zoning provisions specific to the “R-L” classification are stated, those of the “R-1” classification shall apply.

In property zoned “R-L” the following uses shall be permitted:

900(a).1 Single-family and manufactured houses which comply with the definition of the single-family dwellings

900(a).2 The keeping of roomers or boarders by a resident family.

900(a).3 Permitted home occupations.

900(a).4 Churches and similar places of worship and instruction including parish houses.

900(a).5 Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work as determined by the Administrative Officer.

These shall include trailers and mobile homes used as temporary offices and for tool storage only.

Section 901(a). NUISANCES AND ABATEMENT. No owner or occupant of real property zoned “R-L” shall permit: i) weeds as defined in Section 400.94 to remain upon their property; ii) the keeping of junk as defined in Section 400.49 or junk vehicles as defined in Section 400.50 upon their property; or iii) the existence of a dangerous building as defined in Section 400.28 upon their property.

Upon complaint made by any person to the Tama County Sanitarian, the Sanitarian shall investigate and determine whether in his or her opinion the situation constitutes a nuisance as defined by this Code. If he or she deems it to constitute a nuisance, the Sanitarian shall issue a written warning and notice to abate said nuisance(s) to the owner(s)/occupant(s) of the property. This notice may be mailed, personally served, or posted upon the main door to the residence, at the discretion of the Sanitarian. The notice shall contain a specific statement identifying the factors constituting the nuisance and a specific statement of how the nuisance is to be remedied and in what time frame.

The Sanitarian shall review the matter upon expiration of the time allotted to abate the nuisance. If, in the Sanitarian’s opinion, insufficient abatement has occurred, the Sanitarian shall issue a written notice to the owner and/or occupant of the property to appear for a meeting with the Tama County Board of Public Health to review the matter. The written notice shall state the date and time of the meeting and direct the recipient to appear. It may be mailed, personally served, or posted upon the main door to the residence, at the discretion of the Sanitarian.

At the date and time set for the meeting, the Board of Health shall review the matter and determine whether the situation constitutes a nuisance, and, if so, what will be required for abatement. If the nuisance involves weeds as defined by this Code, and the Board determines there is a violation, a designee of the Tama County Board of Supervisors may abate the nuisance by mowing and otherwise removing the weeds, and the cost of such abatement will be assessed by the County as a special tax assessment upon the property. In the event the nuisance is due to any reason other than weeds, the Sanitarian or the Tama County Attorney shall file a County Infraction and cause it to be served upon the owner and/or occupant in accordance with the Iowa Code. The infraction shall specifically state the name of the owner(s) and/or occupant(s) charged, the local address and legal description of the real property, a statement of the factors constituting a nuisance, and a date the person(s) so charged is/are to appear in court. The Tama County Attorney shall represent the County in prosecution of the matter. Upon conviction or other adjudication finding the charged person(s) responsible, the penalties of Iowa Code Section 331.307 shall apply. Additionally, the Tama County Attorney shall request an Order of the Court requiring the charged person(s) to abate the nuisance, subject to the penalty of contempt.

## ARTICLE X. “R-2”, MULTI-FAMILY RESIDENTIAL DISTRICT

Section 1000. PERMITTED USES. In the “R-2” Multi-Family District, the provisions of this Article shall apply and the following uses shall be permitted:

1000.1 All uses permitted in the “R-1” District.

1000.2 Two family dwellings.

1000.3 Multi-family dwellings and townhouses.

1000.4 Nursing homes.

Section 1001. SINGLE FAMILY RESIDENCES AREA AND DIMENSION REGULATIONS.

1001.1 LOT AREA AND WIDTH. Each lot shall be a minimum of one acre and the average lot width shall be no less than 70 feet.

1001.2 FRONT YARD. A minimum front yard depth of 50 feet shall be required.

1001.3 SIDE YARDS. There shall be a side yard on each side of the building, having a combined width of not less than 40 feet, provided that in no case shall either side be less than 15 feet in width.

1001.4 REAR YARD. There shall be a rear yard having a depth of not less than 40 feet.

1001.5 DIMENSION. The principal portion of such building shall have a minimum dimension of not less than 20 feet.

Section 1002. DUPLEX AREA AND DIMENSION REGULATIONS.

1002.1 LOT AREA AND WIDTH. All lots shall be required to have a minimum of one acre and the average lot width shall be no less than 70 feet.

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

1002.2 FRONT YARD. A minimum front yard depth of 30 feet shall be required.

1002.3 SIDE YARDS. There shall be a side yard on each side of the building, having a combined width of not less than 25 feet, provided that in no case shall either side be less than 10 feet in width.

1002.4 REAR YARD. There shall be a rear yard having a depth of not less than 40 feet.

1002.5 DIMENSION. The principal portion of such building shall have a minimum dimension of not less than 20 feet.

Section 1003. MULTI-FAMILY AND TOWNHOUSE AREA AND DIMENSION REGULATIONS.

1003.1 LOT AREA AND WIDTH. All lots shall be required to have a minimum of one acre and the average lot width shall be no less than 70 feet.

ADDITIONAL LOT AREA REQUIRED PER EACH DWELLING UNIT OVER ONE (sanitary sewer provided)	ADDITIONAL LOT AREA REQUIRED PER EACH DWELLING UNIT OVER ONE (leach field)
2,500 square feet	6,000 square feet

1003.2 FRONT YARD. A minimum front yard depth of 30 feet shall be required for all buildings. All parking areas shall be set back a minimum of 20 feet from the front lot line.

1003.3 SIDE YARDS. There shall be a side yard on each side of the building, having a combined width of not less than 25 feet, provided that in no case shall either side be less than 10 feet in width.

1003.4 REAR YARD. There shall be a rear having a depth of not less than 30 feet.

1003.5 SPACING. Units shall have a minimum spacing of 24 feet.

1003.6 HEIGHT REGULATIONS. No building shall exceed 3 stories in height.

1003.7 DIMENSION. The principal portion of such building shall have a minimum dimension of not less than 20 feet.

Section 1004. CONDITIONAL USES. The following uses may be permitted by special exception per the procedures as specified in accordance with Article XIX of this Ordinance:

1004.1 Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes, and not including such uses as storage yards, warehouses, or garages.

1004.2 Public and parochial schools of general instruction.

1004.3 Public parks, recreation areas, playgrounds and community centers, not including trailer or tent camping areas or mobile home parks.

1004.4 Private stable, provided that all buildings and exercise yards shall be at least 250 feet from all adjacent dwellings.

1004.5 Semi-public recreation areas and centers, including country clubs, swimming pools and golf courses, but not including such uses as camping areas, miniature golf courses or practice driving tees which are operated for commercial purposes.

Section 1005. PARKING REGULATIONS. Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI.



## **ARTICLE XI. “R-3”, HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT**

Section 1100. PERMITTED USES. In the R-3 district, the provisions of this Article shall apply and the following uses shall be permitted:

- 1100.1 All uses permitted in the “R-1” District.
- 1100.2 Publicly owned and operated buildings, except those whose chief function is an activity conducted for commercial purposes, and not including such uses as storage yards, warehouses or garages.
- 1100.3 Public and parochial schools of general instruction.
- 1100.4 Public parks, recreational areas, playgrounds, and community centers.
- 1100.5 Public and private forests and wildlife reservations or similar conservation projects.
- 1100.6 Churches and similar places of worship and instruction including parish houses.
- 1100.7 Permitted home occupations.
- 1100.8 Accessory buildings and uses customarily incidental to any uses listed above including temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work as determined by the Administrative Officer. The latter shall include trailers and mobile homes used as offices and for tool storage only.
- 1100.9 Church, school or similar bulletin boards, or signs not exceeding twelve square feet in area, appertaining only to the lease, hire or sale of products upon the premises or an announcement or identification sign carrying the name and address of the owner or tenant residing on the premises provided that such boards or signs shall be removed as soon as the premises are leased or sold or the sale of products is completed. In no event shall more than two (2) signs of the above character be permitted upon any lot, except for the display of construction signs during the time a job is under construction.

Section 1101. CONDITIONAL USES. The following uses may be permitted by special exception per the procedures as specified in Article XIX of this Ordinance:

- 1101.1 Campgrounds with camp sites and parks for recreational vehicles.

Section 1102. PARKING REGULATIONS. Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI.

Section 1103. HEIGHT REGULATIONS. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet.

Section 1104. AREA AND DIMENSION REGULATIONS.

1104.1 LOT AREA AND WIDTH. No building hereafter shall be erected on a lot which is fewer than 6,000 square feet in area, or larger lot areas as required by the County Sanitarian for septic area requirements, and the average width shall not be less than 50 feet.

1104.2 FRONT YARD. A minimum front yard depth of 20 feet shall be required.

1104.3 SIDE YARDS. There shall be a side yard on each side of the building, having a combined width of not less than 15 feet, provided that in no case shall either side be less than 4 feet in width.

1104.4 REAR YARD. There shall be a rear yard having a depth of not less than 20 feet.

1004.5 DIMENSION. The principal portion of such building shall have a minimum dimension of not less than 20 feet.

## ARTICLE XII. “R-4”, MOBILE HOME PARK DISTRICT

Section 1200. The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the district regulations for the R-4 Mobile Home Residence District.

Section 1201. USE REGULATIONS. A building or premises shall be used only for the following purposes:

- 1201.1 Mobile homes.
- 1201.2 Manufactured homes.
- 1201.3 Permitted home occupations.
- 1201.4 Farms and truck gardens, orchards and wooded areas.
- 1201.5 Parks, playgrounds, and community buildings owned or operated by public agencies.
- 1201.6 Public libraries and museums.
- 1201.7 Golf courses, country clubs, tennis courts, and similar recreational uses, all non-commercial.
- 1201.8 Family homes, elder family homes, and physical disability homes, as defined by this Ordinance.
- 1201.9 Accessory buildings and accessory uses customarily incident to any of the above uses.

Section 1202. CONDITIONAL USES. The following uses may be permitted by special exception per the procedures as specified in Article XIX of this Ordinance:

Section 1203. PARKING REGULATIONS. Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI.

Section 1204. HEIGHT REGULATIONS. No building shall exceed two and one and one-half (1 1/2) stories nor shall it exceed twenty-five (25) feet in height except as hereinafter provided.

Section 1205. MOBILE HOME PARK REGULATIONS.

- 1205.1 TOTAL AREA. A mobile home park shall consist of not less than 10 mobile home or manufactured homes.
- 1205.2 SETBACKS. No mobile home park shall be located nearer than 50 feet from any public street or road or public highway, or nearer than 30 feet from any property line bounding the park if adjacent to a residential district, or 10 feet from any property line bounding the park for all other uses. This setback shall not apply to awnings, decks, and accessory buildings.
- 1205.3 COMMON SPACE. A minimum of eight (8) percent of the total area of the mobile home park shall be devoted to common space for residents. This common area shall be easily accessible to all residents and may include space for a community building and community use facilities such as pools and indoor recreation areas, parks and playgrounds, open space, and other similar uses.
- 1205.4 SHELTER REQUIREMENTS. all mobile home parks shall have a building to provide shelter from tornadoes and other weather related storms. This building shall have a basement for storm protection. This shelter shall be required to have a minimum occupancy ratio of 5:1 of available space per number of mobile home units. For example, a 10 unit park shall have a shelter which would occupy at least 50 persons.

Section 1206. INDIVIDUAL LOT REGULATIONS.

1206.1 FRONT YARD. There shall be a front yard having a depth of not less than twenty (20) feet.

1206.2 SIDE YARD. Zero lot lines are encouraged in order to utilize yard space, but in no event shall there be less than twenty (20) feet between any mobile home units. No mobile home shall be placed within five (5) feet of an accessory building.

1206.3 REAR YARD. There shall be a rear yard having a depth of not less than ten (10) feet.

1206.4 LOT AREA PER FAMILY. Every lot shall have an area of not less than five thousand (5,000) square feet with a minimum width of not less than fifty (50) feet.

1206.5 ACCESSORY BUILDINGS. Accessory buildings may be located in the side and rear yards provided that a clearance of not less than five (5) feet is maintained between the accessory building and any mobile home or structure. Where no mobile home is within five feet, the accessory building may be within three (3) feet of any side or rear property line. Accessory buildings shall not be located within the required front yard.

Section 1207. STREETS. Access to the individual mobile home spaces shall be from the interior street system of the mobile home park. Interior streets shall have the following minimum requirements for pavement widths.

1207.1 Entrance streets and other collector streets with parking on both sides shall have a minimum of thirty-six (36) feet in width.

1207.2 Entrance streets and other collector streets with parking on one side shall have a minimum of twenty-eight (28) feet in width.

1207.3 Minor streets and other collector streets with parking on one side shall have a minimum of twenty-six (26) feet in width.

1207.4 Minor or cul-de-sac streets with no parking shall have a minimum of twenty (20) feet in width (with a twenty [20] foot cul-de-sac radii).

Section 1208. WATER SUPPLY. An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park.

Section 1209. SEWAGE DISPOSAL. Waste from showers, toilets, slop sinks and laundries shall be discharged into a public sewer system or into a private sewer and disposal plant or septic tank system in compliance with applicable statutes.

Section 1210. GARBAGE SERVICE. Metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least one receptacle for every one mobile home. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

Section 1211. EXISTING NON-CONFORMING MOBILE HOME PARKS. Existing mobile home parks may hereafter be expanded or enlarged, provided such expansion or enlargement in the new area is done in conformity with the provisions of this article and provided that the number of mobile homes in the park, including both existing and expanded areas, contains at least 10. Non conforming mobile homes used for residential purpose located on lots outside a mobile home park shall not be relocated, altered, or replaced except in compliance with the provisions of this article.

## ARTICLE XIII. "C", COMMERCIAL DISTRICT

### Section 1300. GENERAL CONDITIONS.

1300.1 Dwelling units are not permitted below the second floor.

1300.2 When a "C" District adjoins an "R" District, the front yard and the adjoining side yard shall be provided in accordance with the regulations set forth for the abutting "R" district.

### Section 1301. PERMITTED USES. In the "C", Commercial District, the provisions of this Article shall apply and the following uses shall be permitted:

1301.1 Art and school supply stores.

1301.2 Animal hospitals, veterinary clinics and kennels, but not including any open exercising runways or pens; provided any structure or area used for such purpose shall be at least 100 feet from any residential district boundary.

1301.3 Assembly halls and public buildings.

1301.4 Auto parking, auto accessory stores, and auto sales. All vehicles shall either be enclosed inside a building, or if not in a building, vehicles shall be licensed, operable, and driveable.

1301.5 Bakeries, retail sales.

1301.6 Banks.

1301.7 Billboards.

1301.8 Book and stationery stores.

1301.9 Bulletin boards.

1301.10 Bus depots and similar public transportation passenger facilities.

1301.11 Camera and photographic supply stores.

1301.12 Candy and ice cream stores.

1301.13 Churches.

1301.14 Clubs and lodges.

1301.15 Contractors and construction offices.

1301.16 Departmental stores.

1301.17 Drug stores.

1301.18 Dry cleaning and laundry.

1301.19 Electrical and household appliance stores. All parts, dismantled equipment, and similar articles shall be stored within a building.

- 1301.20 Electrical and telephone substations and offices.
- 1301.21 Electrical repair shops. All parts, dismantled equipment, and similar articles shall be stored within a building.
- 1301.22 Flower shops.
- 1301.23 Food stores, grocery stores, and meat markets.
- 1301.24 Frozen food stores, including locker rental.
- 1301.25 Furniture stores (including upholstery shops).
- 1301.26 Garage, public, but not including body repair or painting.
- 1301.27 Garden supply and seed stores.
- 1301.28 Gift shops.
- 1301.29 Greenhouses, retail sales.
- 1301.30 Hardware stores.
- 1301.31 Hobby shop.
- 1301.32 Hospitals.
- 1301.33 Hotels and motels.
- 1301.34 Interior decorating shops.
- 1301.35 Jewelry stores.
- 1301.36 Laundries - automatic, self-service.
- 1301.37 Libraries and public buildings.
- 1301.38 Loan offices.
- 1301.39 Medical and dental clinics.
- 1301.39 Messenger and/or telegraphic service stations.
- 1301.40 Monument sales.
- 1301.41 Newspaper offices.
- 1301.42 Night clubs.
- 1301.43 Office supply stores.
- 1301.44 Personal service shops, such as barber, beauty, tailor, and dressmaking shops.
- 1301.45 Pet shops.

- 1301.46 Planned retail or professional office developments or shopping centers.
- 1301.47 Photography studios - including developing and printing as a part of the retail business.
- 1301.48 Post offices.
- 1301.49 Professional offices.
- 1301.50 Radio and television stations and studios.
- 1201.51 Recreation centers, such as bowling alleys, skating rinks, miniature golf courses, driving ranges.
- 1301.52 Restaurants, cafes, tea rooms and similar establishments, including those offering in-car services.
- 1301.53 Sales and service of farm implements. All parts, dismantled equipment, and similar articles shall be stored within a building.
- 1301.54 Shoe repair shops.
- 1301.55 Fuel sales, storage garages and service stations as herein defined. Garages and filling stations shall be subject to the following provisions:
- a. Pumps, lubricating, or other devices are located at least 20 feet from any lot line.
  - b. There shall be no above ground fuel storage tanks.
  - c. All automobile parts, dismantled vehicles and similar articles shall be stored within a building.
  - d. No gasoline filling station shall be erected within 250 feet or more from any assembly hall, theater, public library, church, school, public playground, public park, or hospital.
- 1301.56 Taverns.
- 1301.57 Temporary buildings for construction purposes for a period not to exceed the duration of construction.
- 1301.58 Theaters, not including outdoor drive-ins.
- 1301.59 Undertaking establishments, funeral homes and parlors. Any other enclosed commercial activity similar to the above listed uses.
- 1301.60 Other uses that are consistent by the type of use, use intensity, physical characteristics, style size, and purpose with the uses listed above.
- 1301.61 Accessory uses to the above.

Section 1302. **CONDITIONAL USES.** The following uses may be permitted by special exception per the procedures specified in Article XIX of this Ordinance:

1302.1 Commercial amusement or recreational developments for temporary, seasonal or permanent use, such as carnivals, circuses, expositions and fairgrounds; including skeet and trap shooting, provided that none of its function is nearer than seven hundred fifty (750) feet to any dwelling or residence.

1302.2 Commercial and Private airports, landing fields, and hangars.

Section 1303. **PARKING REGULATIONS.** Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI and shall conform to the following minimum standards:

1303.1 Such parking space may be located in the required front yard;

1303.2 Two or more owners of buildings may join together in providing this parking space.

Section 1304. **HEIGHT REGULATIONS.** No building hereafter erected or structurally altered shall exceed 3 stories or 42 feet in height.

Section 1305. **REQUIRED YARDS.**

1305.1 **FRONT YARD.** A minimum front yard depth of 30 feet shall be required.

1305.2 **SIDE YARDS.** Any building containing dwelling units shall conform to the side yard requirements of the "R-2" district. For other permitted uses there is no side yard required, except where such use adjoins an "R" district, in such cases the said adjacent side yard shall conform to the requirements of that "R" district.

1305.3 **REAR YARD.** There shall be a rear yard required with a minimum depth of 20 feet. When a lot is not served by a public sanitary sewerage system, the open and undeveloped rear yard area shall be not less than the area required to provide suitable sanitary treatment facilities which shall meet the requirements of the State Board of Health for the anticipated use of the lot, and as determined by a licensed Sanitary Engineer.

Section 1306. **PERFORMANCE STANDARDS**

1306.1 No merchandise shall be stored or displayed outside a building except as allowed as part of a conditional use permit from the Board of Adjustment.

1306.2 Dumpsters shall be screened by fencing or vegetation or shall be placed in a location which is not visible or offensive to the general public or adjacent property owners. Junk, trash, non-licensed vehicles, and other items which are detrimental to the character of the area shall not be visible to the general public or adjacent property owners.



## **ARTICLE XIV. INDUSTRIAL DISTRICTS - BOTH “IL” AND “IH” DISTRICTS, GENERAL**

### Section 1400. GENERAL CONDITIONS.

- 1400.1 Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods, or products, shall be carried on in such a manner as not be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic, or noxious materials, odors, fires, or explosive hazards, or glare or heat.
- 1400.2 No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted except as authorized by a Conditional Use Permit by the Board of Adjustment.
- 1400.3 All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing, and testing of materials, products and goods shall be within completely enclosed buildings. All outdoor storage of motor vehicles, dumpsters, junk, and trash handling equipment including but not limited to motor vehicles, farm or construction equipment, or similar items shall be screened from any public streets. The screening shall be a minimum of 8 feet in height. Screening shall be provided along all public roads. The screening shall be in the form of live trees, evergreens, or deciduous materials and be sufficient to separate the noted uses above from the public streets. The screening shall not pose a visual barrier to traffic at intersections. The screening plan shall be submitted with the zoning application and be incorporated into the permit.
- 1400.4 No building structure or parcel of land shall be used for manufacturing, fabricating, repairing, storing, cleaning, servicing of materials, products, or goods, within 2500 feet of any lot line adjoining a residential district.
- 1400.5 No lot or parcel of land shall be used for dwelling purposes.

## ARTICLE XV. "IL", LIGHT INDUSTRIAL DISTRICT

Section 1500. PERMITTED USES. A building or premises may be used for any purpose except the following:

- 1500.1 Abattoir and slaughter house or stock yards.
- 1500.2 Acetylene gas manufacture or storage.
- 1500.3 Acid manufacture.
- 1500.4 Ammonia, bleaching powder or chlorine manufacture.
- 1500.5 Asphalt manufacture or refining or preparation.
- 1500.6 Blast furnaces.
- 1500.7 Boiler works.
- 1500.8 Brick, tile, pottery, or terra cotta manufacture other than the manufacture of handicraft products only.
- 1500.9 Building materials storage yards.
- 1500.10 Cement, lime, gypsum, or plaster of paris manufacture.
- 1500.11 Coal tar manufacturing or tar distillation, except as by-products of public utility gas manufacture or mineral dye manufacture.
- 1500.12 Creosote manufacture or treatment.
- 1500.13 Distillation of bones, coal, or wood.
- 1500.14 Explosives, manufacture or storage.
- 1500.15 Fat rendering.
- 1500.16 Fertilizer manufacture.
- 1500.17 Fuel storage yards.
- 1500.18 Garbage, offal, or dead animal reduction or dumping.
- 1500.19 Gas manufacture or storage.
- 1500.20 Glue, size or gelatin manufacture.
- 1500.21 Incineration, reduction or dumping of offal, dead animals, garbage, or refuse on a commercial basis, or loading and transfer platform therefor, except where operated by or under contract with the municipality; and except for the purification of factory wastes.
- 1500.22 Junk yards.
- 1500.23 Oilcloth or linoleum manufacture.

1500.24 Oiled cloth or oiled clothing manufacture or the impregnation of any fabrics by oxidizing oils, window shade, or patent leather manufacture.

1500.25 Ore reduction.

1500.26 Paint, oil, shellac, turpentine, or varnish manufacture.

1500.27 Petroleum or its products, and the refining of.

1500.28 Rolling mill.

1500.29 Smelting of tin, copper, zinc, or iron ores.

1500.30 Tanning, curing or storage of raw hides or skins.

1500.31 And in general those uses which may be obnoxious or offensive by reason of emission of dust, gas, noise, odor, or smoke.

Section 1501. PARKING REGULATIONS. Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI and shall conform to the following minimum standards:

1501.1 Such parking space may be located in the required front yard;

1501.2 Two or more owners of buildings may join together in providing this parking space.

Section 1502. HEIGHT REGULATIONS.

1502.1 No building shall exceed 4 stories nor shall it exceed 50 feet in height except as hereinafter provided.

Section 1503. AREA REGULATIONS

1503.1 FRONT YARD. A minimum front yard depth of 30 feet is required.

1503.2 SIDE YARD. There shall be 2 side yards required, one on each side of a lot, each with a minimum width of 20 feet.

1503.3 REAR YARD. There shall be a rear yard required with a minimum depth of 30 feet. When a lot is not served by a public sanitary sewerage system the open and undeveloped rear yard shall be not less than the area required to provide suitable sanitary treatment facilities which shall meet the requirements of Tama County.

## ARTICLE XVI. "IH", HEAVY INDUSTRIAL DISTRICT

Section 1600. PERMITTED USES. In the "IH", Heavy Industrial District, the provisions of this article shall apply and the following uses shall be permitted:

- 1600.1 Automobile, tractor, truck, trailer, motorcycle, and other motor vehicles, manufacture and assembly, including parts.
- 1600.2 Equipment, miscellaneous, such as farm implements and machines, and construction machines and equipment such as power shovels, graders, excavators, manufacture assembly, including parts.
- 1600.3 Extraction of and fixed plants for processing lumber, stone, gravel, clay or other raw materials for commercial purposes.
- 1600.4 Grain elevators and appropriate storage elevators and bins.

Section 1601. CONDITIONAL USES. The following uses may be permitted by special exception per the procedures specified in Article XIX of this Ordinance:

- 1601.1 Temporary sawmills, batch plants, etc. for processing timber, gravel, sand, rock, cement, concrete, asphaltic concrete and other like materials for commercial purposes.
- 1601.2 Go-Kart tracks provided that all portions of the "track" itself shall be set back from all property lines a minimum of two hundred fifty (250) feet and further provided that all property lines of said use shall be a minimum of six hundred (600) feet from any adjacent residential district or any existing adjacent residential structure or use other than dwellings owned by the applicant for the track.
- 1601.3 Any heavy industrial or manufacturing use that would be objectionable by reason of emitting dust, smoke, gas, noise, fumes, odor, vibration, soot, fire or explosion. Included in such use classification are the following:
  - a. Acid manufacture or wholesale storage of acids.
  - b. Cement, lime, gypsum or plaster of paris manufacture.
  - c. Fat rendering.
  - d. Junk yards or vehicular wrecking yards, scrap iron, scrap paper or rag storage, sorting or baling, provided they are conducted within a building or where entirely enclosed within the screened confines of a light painted fence, masonry wall, evergreens, or suitable substitute not less than eight (8) feet in height, and where there is no open storage at a greater height than that of the screening fence or masonry wall. The screening shall be approved as a requirement of the special use permit.
  - e. Manufacturer of glue, fertilizer or gas.
  - f. Meat packing or processing plant.
  - g. Reduction or dumping of dead animals, garbage, or offal including distillation of bones.

- h. Sanitary landfills for the proper dumping of trash or garbage, provided that such use shall not be located nearer than five hundred (500) feet to any zoned residential district or dwelling other than lessee or owner of the site, including municipally operated or leased sanitary landfills.
- i. Smelting or reduction of ores or metallurgical products.
- j. Slaughter houses and their stockyards.
- k. Tanneries.
- l. Refining of or wholesale storage of gasoline, fuel oils and other petroleum products and manufacture or storage of other explosives.

Section 1602. **PARKING REGULATIONS.** Whenever structures are erected or structurally altered there shall be provided parking spaces on the same lot as the main building in accordance with Article VI and shall conform to the following minimum standards:

1602.1 Such parking space may be located in the required front yard;

1602.2 Two or more owners of buildings may join together in providing this parking space.

Section 1603. **HEIGHT REGULATIONS.** No building hereafter erected or structurally altered shall exceed 50 feet in height, provided that such limits may be exceeded when duly authorized by the Board of Adjustment. Structures supporting utility facilities are exempted from this Section.

Section 1604. **REQUIRED YARDS.**

1604.1 **FRONT YARD.** A minimum front yard depth of 30 feet shall be required.

1604.2 **SIDE YARDS.** There shall be 2 side yards required, one on each side of a lot, each with a minimum of 20 feet.

1604.3 **REAR YARD.** There shall be a rear yard required with a minimum depth of 30 feet. When a lot is not served by a public sanitary sewerage system the open and undeveloped rear yard shall be not less than the area required to provide suitable sanitary treatment facilities which shall meet.

## ARTICLE XVII. SEXUALLY ORIENTED BUSINESSES

Section 1701. Sexually oriented business (s) are only permitted by special permission from the Board of Supervisors within the “IL” and “IH” Zones. To receive approval the sexually oriented business shall meet the following minimum standards:

- 1701.1 The business shall be a minimum of 1,500 feet from the following uses: 1). church, synagogue, chapel, or similar place of religious worship or instruction; 2). A public or private elementary or secondary school; 3). A boundary of a residential zoning district; 4). A library, or a public park, playground or other recreational facility; 5). A licensed day care center or nursery or preschool; or 6). Another sexually oriented business. The measurement shall be made in a straight line from the nearest point of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or library, or public or private elementary or secondary school, or to the nearest boundary of an affected park, residential district, or residential lot, or licensed day care center.
- 1701.2 The business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
- 1701.3 The Board of Supervisors shall grant a permit for the sexually oriented business. The following standards shall apply to all permits for a sexually oriented business:
  - a. The permit may be suspended by the Board of Supervisors for a period not to exceed 30 days if he determines that the permittee: 1). Has violated or is not in compliance with any section of these regulations; or 2). Refused to allow an inspection of the sexually oriented business; or 3). Refused to comply with any standards contained on the permit.
  - b. The permit applicant’s taxes shall be paid in full by the time the application is submitted;
  - c. The permit shall be revoked if the permittee and/or licensee gave false or misleading information in the materials submitted during the application process; The use adversely impacts nearby commercial or residential uses; The use jeopardizes or endangers the public health or safety of persons residing or working in the surrounding area, constitutes a public nuisance, or has resulted in repeated nuisance activities including but not limited to disturbances of peace, illegal drinking activity, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, battery, acts of vandalism, loitering, lewd conduct or sheriff detentions and arrests; The permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises; a permittee and/or licensee or an employee has knowingly allowed prostitution on the premises; The permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee’s and/or licensee’s permit and/or license was suspended; A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises; The permittee and/or licensee is delinquent in payment to the City or State for any taxes or fees; The owner or operator of the permitted establishment knowingly allowed a person under 18 years of age to enter an establishment; and that there was a change of owner or operator for which a transfer conditional use application was not timely filed.

- 1701.4 The Board of Supervisors shall have the authority to require applicants to provide any details about the business prior to the issuance of a permit.
- 1701.5 It shall be unlawful for a person to operate a sexually oriented business without a valid permit and/or license issued by the Board of Supervisors.
- 1701.6 A permittee and/or licensee shall not transfer the permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application. The transfer of ownership shall include any of the following: 1). Sale, lease, or sublease of the business; 2). The transfer of securities that forms controlling interest in the business, whether by sale, exchange, or similar means; or 3). The establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- 1701.7 Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application. Application of renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected. When the Board of Supervisors denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If, subsequent to denial, the Board of Supervisors finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.
- 1701.8 The annual fee for a sexually oriented business permit and/or license is \$100. This fee is to pay for the cost of the administration and enforcement of this ordinance.
- 1701.9 Signs for the sexually oriented business shall contain no photographs, silhouettes, drawings, or pictorial representations in any manner, and may contain only the name of the enterprise.
- 1701.10 It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 18 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished: 1). A valid operator's commercial operator's, or non-commercial driver's license; or 2). A valid personal identification certificate issued by the State of Iowa reflecting that such person is 18 years of age or older.
- 1701.11 The Board of Supervisors has the right to deny a sexually oriented business for any of the following reasons:
- a. The use does not comply with the County Comprehensive Plan.
  - b. To prevent the concentration of sexually oriented businesses and to establish reasonable and uniform regulations.
  - c. The use will adversely impact nearby residential and/or commercial uses.
  - d. Promote the public health, safety, and welfare of the County Citizens.

## ARTICLE XVIII. SIGN REQUIREMENTS

Section 1800. PURPOSE. The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the County; to maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

Section 1801 APPLICABILITY. A sign may be erected, placed, established, painted, created, or maintained in the County only in conformance with the standards, procedures, exemptions, and other requirements of this Ordinance.

- 1801.1 The effect of this section as more specifically set forth herein, is:
- a. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Ordinance;
  - b. To prohibit signs not expressly permitted by this Ordinance;
  - c. To provide for the enforcement of the provisions of this Ordinance.

Section 1802. DEFINITIONS AND INTERPRETATION. Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases not defined in this section but defined in other parts of the Ordinance shall be given the same meanings. All words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

- 1802.1 Abandoned Sign: A sign which advertises or identifies a product, place, activity, person, profession, service, institution or business which is no longer conducted or available on the premises or elsewhere. Signs which have been in a state of disrepair for at least 90 days are also considered abandoned signs.
- 1802.2 Accessory Sign: A sign which directs attention to a product, place, activity, person, profession, service, institution or business which is located, produced, conducted, sold or offered on the same premises where the sign is located.
- 1802.3 Advertising Sign: A sign which directs attention to a product, place, activity, person, profession, service, institution or business which is located, produced, conducted, sold or offered elsewhere than on the premises where the sign is located.
- 1802.4 Awning Sign: A sign incorporated into or attached to an awning.
- 1802.5 Banners, Pennants, String Lights: Temporary signs hung with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric, or other similar material.
- 1802.6 Billboard: A form of advertising sign designed for both painted bulletins and paper posters which advertises a product, place, activity, person, profession, service, institution or business located upon property other than the premises on which the sign is located.
- 1802.7 Bulletin Board: A sign containing a surface upon which individual letters are temporarily attached for the announcement of services, activities, or special events related to and located on the same premises as schools, churches and institutions.
- 1802.8 Canopy/Marquee Sign: A sign attached to, or constructed in or under, a canopy or marquee.



- 1802.9 Changeable Copy Sign: A sign that is designed so that characters, letters, or illustrations can be periodically changed or rearranged, manually or automatically, without altering the face or the surface of the sign.
- 1802.10 Commercial Message Sign: Any sign wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, or service, or other commercial activity.
- 1802.11 Construction Sign: A temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, and information about the enterprises or project being developed.
- 1802.12 Directional/Information Sign: Any sign giving directions, instructions, or information principally to pedestrian or vehicular traffic.
- 1802.13 Electronic Message Center: A sign where different copy changes are shown such as an electrically or electronically controlled time and temperature sign, message center, or reader board.
- 1802.14 Fascia Sign: A single faced sign which is attached parallel to its supporting wall and not extending more than 18 inches from a wall or building.
- 1802.15 Flashing Sign: A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs conveying public service messages such as time and temperature or electronic message centers and reader boards are not classified as flashing signs.
- 1802.16 Freestanding Sign: A sign which is supported by one or more columns, ropes or lines, uprights, poles or braces in or upon the ground and not attached to any building, structure or wall. This term shall include signs placed directly upon the ground.
- 1802.17 Home Occupation Sign: A non-illuminated sign or nameplate that identifies only the name and/or occupation of a practitioner or one conducting a permitted home occupation in a dwelling.
- 1802.18 Illuminated Sign: Any sign illuminated in any manner by an artificial light source.
- 1802.19 Incidental Sign: A sign pertaining to specific products, services, or facilities available on the premises.
- 1802.20 Menu Board: A permanently mounted sign displaying the bill of fare of a drive-in or drive-thru restaurant.
- 1802.21 Nonconforming Sign: Any sign which does not conform to the regulations of this Article.
- 1802.22 Political Sign: A temporary sign relating to candidates or issues associated with a local, state or national election or referendum.
- 1802.23 Portable Sign: A sign which by its construction or nature is designed to be moved from one location to another. When on a trailer, the removal of wheels or undercarriage, or the anchoring of the sign by means of chains, wires, concrete blocks, sandbags, or other types of temporary anchors, does not change the classification of the sign.
- 1802.24 Projecting Sign: A sign attached to and projecting more than 18 inches from the building face or wall.

- 1802.25 Real Estate Sign: A temporary sign advertising the sale, rental or lease of the premises on which the sign is located.
- 1802.26 Roof Sign: A sign erected upon or above a roof or parapet wall of a building, and which is wholly or partially supported by said building.
- 1802.27 Sign: Any object, device, display or structure, or part thereof, which is affixed to or represented directly or indirectly upon a building, structure or parcel of land and which advertises, displays, identifies or directs attention to a product, place, activity, person, profession, service, institution or business.
- 1802.28 Sign Area: The area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary exposed supports or uprights on which the sign is placed. If the sign consists of more than one section or module, all areas will be totaled. The area of signs composed of words or characters attached directly to a building or wall shall mean and shall be computed as the area within a regular geometric shape which encloses the words or characters. The area of signs composed of spherical, three dimensional, free form, sculpture, and other nonplanar shapes shall be the sum of the areas of the four vertical sides of the smallest polyhedron (cube-like volume) that will enclose the sign structure. The area of back to back signs shall be taken as the area of one sign face if the two sign faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
- 1802.29 Sign Height: The vertical distance from the uppermost point on a sign to the surrounding grade level immediately below and upon which the sign is located.
- 1802.30 Sign Structure: Any supports, uprights, braces, mounting device, hardware or framework of a sign.
- 1802.31 Temporary Sign: A sign not permanently attached to a building, structure, or the ground and designed or intended to be displayed for a limited period of time such as political signs, real estate signs, portable signs, and special event signs.
- 1802.32 Wall Sign: A sign painted on or attached to a wall or building with the face in a parallel plane to the plane of the building or wall.

Section 1803. PERMITS REQUIRED. If a sign requiring a permit under the provision of this Ordinance is to be placed, constructed, or modified on a zoning lot, the owner of said lot shall secure a sign permit prior to the construction, placement, erection, or modification of such sign. No signs shall be erected in the public right-of-way except in accordance with this Ordinance. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this Ordinance.

- 1783.1 An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. One application and permit may include multiple signs on the same zoning lot.

Section 1804. TEMPORARY SIGN PERMITS. Temporary signs on private property shall be allowed only upon issuance of a Temporary Sign Permit, which shall be subject to the requirements listed below.

1804.1 A temporary sign permit shall allow the use of a temporary sign for a specified 30-day period.

1804.2 Only 1 temporary sign permit shall be issued to the same business license holder on the same zone lot in any calendar year.

Section 1805. VIOLATIONS. Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Section, by the Zoning Ordinance, and by state law:

1805.1 To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which sign is located.

1805.2 To install, create, erect, or maintain any sign requiring a permit without such permit.

1805.3 To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which it is located.

1805.4 To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalties of this Ordinance.

Section 1806. FEES. The cost per each permanent sign permit shall be \$25.00. The cost for a temporary sign permit shall be \$15.00.

Section 1807. EXEMPTIONS. The following signs are exempted from the permit requirements of this Ordinance, unless specified elsewhere herein, but must be in compliance with all other applicable codes and Ordinances:

1807.1 Miscellaneous traffic or other signs of a public agency, such as railroad crossing signs, and signs warning of danger, hazards or unsafe conditions.

1807.2 Display of any official flag or emblem of a nation, state, or county, or a religious, charitable, educational, or non-profit institution or organization.

1807.3 Any sign which is located within a structure.

1807.4 Grave markers, statues, or remembrances of persons or events that are non-commercial in nature.

1807.5 Works of fine art, if not displayed in conjunction with a commercial enterprise for the principal purpose of commercial advertisement.

1807.6 Signs applied directly onto the body of a car, truck, bus, trailer, or other vehicle if such vehicle is operated in the normal course of a business and such vehicle is not used primarily to display such sign.

1807.7 Nameplates posted in conjunction with doorbells or mailboxes, and not exceeding one square foot in surface area.

1807.8 Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

- 1807.9 Directional/information signs displayed strictly for the direction, safety or convenience of the public, including signs which identify restrooms, telephones, danger areas, parking area entrances or exits, freight entrances, or the like. Such signs shall not exceed 6 square feet in area and shall not exceed 4 feet in height.
- 1807.10 Address signs, not exceeding one square foot in surface area, containing only the address of the premises upon which it is located.
- 1807.11 Plaques, tablets, or names of buildings and date of erection when cut into any surface of when such sign is attached flush to the building.
- 1807.12 Commemorative plaques or monuments placed by historical organizations.
- 1807.13 Public Notices.
- 1807.14 Safety and warning signs, such as warnings of high voltage, explosives, hazardous materials, and other dangerous situations.
- 1807.15 Signs for Home Occupations that do not exceed 32 square feet in area, are not illuminated, are building mounted, and are limited to one sign per home.
- 1807.16 No Trespassing signs.
- 1807.17 Signs consisting of sculptures and murals.
- 1807.18 Incidental signs.
- 1807.19 Signs or bulletin boards associated with medical, educational, civic, philanthropic, or religious organizations or institutions, not exceeding 24 square feet in area and not exceeding 6 feet in height, which shall be located on the premises of such institution or organization.
- 1807.20 Agricultural seed corn, farmstead, and other similar farm signs.
- 1807.21 Pesticide warning signs.
- 1807.22 Elevator signs.
- 1807.23 Temporary signs, including:
- a. Signs advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed. One such non-illuminated sign, not to exceed 9 square feet in area and not to exceed 6 feet in height, shall be permitted on each premises.
  - b. Signs advertising the architects, engineers, contractors, occupants, or other individuals involved in the construction, re-construction or remodeling of a building and/or development project and such signs announcing the character and/or purpose of the site. One such non-illuminated sign, not to exceed 120 square feet in area and not to exceed 8 feet in height, with a minimum setback of 15 feet, shall be permitted on each premises. Such signs shall not be erected until building permits have been issued, and shall be removed no longer than 30 days following project completion.
  - c. One non-illuminated sign in any residential real estate development indicating real property for sale or rent, not larger than 120 square feet in area. In no case is any such sign to be located closer than 30 feet to any street line. In no case will a temporary sign be permitted after residences have been erected on 60 percent of the lots in the subdivision or after more than 60 percent of the lots have been sold.
  - d. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property, except as hereinafter provided, shall not exceed 16 square feet in area, and shall not exceed 4 feet in height. Signs may be erected

not more than 45 days prior to the date of an election and shall be removed within 7 days after the date of said election.

- e. Temporary signs pertaining to drives or events of civic, philanthropic, educational, or religious organizations. Also, any special event sign, banner, pennant, flag, streamer, or advertising device displayed on the premises of an establishment having a grand opening, anniversary, or similar special event. Such sign shall also include signs erected for the purpose of notifying the public of non-commercial community events including but not limited to fairs, festivals and celebrations open to the general public, and sponsored or approved by the county or school district. Signs shall not exceed 50 square feet in area and shall not exceed the height of the principal structure. Signs shall not be posted more than 30 days before said event and shall be removed within 24 hours after the event.
- f. Signs for garage sales and open houses. Garage sale signs shall only be posted on the sale property. Garage sale signs and open house signs shall not be posted more than 7 days before said event and shall be removed within 24 hours after the event.
- g. CERTAIN TEMPORARY SIGNS PERMITTED. Notwithstanding any provision of this Ordinance to the contrary, the temporary posting of Political Signs, Real Estate Signs or signs referred to in Section 1707 may be placed on public property under the jurisdiction and control of Tama County, Iowa, terrace or parking areas if said posting is approved by the owner of the adjacent real estate who maintains the public property, terrace or parking area, and said posting does not interfere with vehicular traffic visibility or pedestrian movement.

Section 1808. PROHIBITED SIGNS. The following signs are prohibited in all zoning districts within Tama County:

- 1808.1 Abandoned signs.
- 1808.2 Flashing signs, including those illuminated by or containing flashing, intermittent, rotating, or moving light or lights. This requirement shall not apply to electronic message centers.
- 1808.3 Snipe signs or signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way.
- 1808.4 Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign.
- 1808.5 Signs which revolve or swing with normal wind currents or mechanical devices.
- 1808.6 Any sign, except menu boards, emitting sound other than that normal for their internal operation.
- 1808.7 Any sign which contains statements, words or pictures of an obscene, pornographic or immoral character.
- 1808.8 Temporary signs, except for those expressly permitted by this Ordinance.
- 1808.9 In no event shall an illuminated sign or lighting device be placed or directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. All signs shall be screened from beaming on residential windows.
- 1808.10 No sign shall be erected so as to prevent free ingress to, or egress from, any door, window or any other exit way.
- 1808.11 No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices, except as specified herein.

- 1808.12 No advertisement, advertising structure, billboard or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the County or by the State of Iowa.
- 1808.13 No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.
- 1808.14 No neon sign or other illuminated advertisement shall be of such color or located in such a manner as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.
- 1808.15 No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- 1808.16 No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof.
- 1808.17 No sign shall be placed on the roof of any building.
- 1808.18 No sign shall be located in or over any public right-of-way, except as specified herein.

Section 1809. SUPPLEMENTAL PROVISIONS.

- 1809.1 All signs and sign structures shall be erected and maintained in a safe condition. It shall be the responsibility of the sign owner or property owner to keep all signs thereon properly maintained.
- 1809.2 Non-conforming signs. Legally established signs, other than portable signs as herein defined, existing on the effective date of this Ordinance which do not conform to the provisions of this Ordinance shall be classified as legal nonconforming signs and be allowed to continue as such. No nonconforming sign shall be altered, reconstructed, enlarged, extended or relocated except in compliance with the provisions of this Ordinance. For purposes of this Section only, the terms "altered" and "reconstructed" shall not include minor maintenance, minor repair, landscaping around the sign, or the replacement of bulbs, changeable letters or figures, or other embellishments if such changes do not increase the size of the sign or the degree of its non-conformance.
- 1809.3 Projecting signs may be erected in commercial and industrial zones provided that such signs shall project no more than 8 feet from the building to which attached, and provided that the minimum clearance from grade shall be 9 feet above any pedestrian way and 17 feet above any vehicular way. Said signs may project into or over any public right-of-way provided that the sign projects not more than 6 feet into said right-of-way and is located not closer than 2 feet to the back of the curb.
- 1809.4 Illuminated Signs. All illuminated signs shall be turned off within one hour after the close of business.
- 1809.5 Changeable copy sign attached and supported by a commercial message freestanding sign structure. The commercial message sign shall be the same size or larger than the changeable copy sign. The commercial message sign shall be placed above the changeable copy sign. Both signs shall be facing the same direction, and at the same angle. The total sign area of the changeable copy and the commercial message signs shall not exceed the allowable sign area, height, setback, and all other requirements for the given zone. The changeable sign shall have at least one color in the background that is the same or complementary to that which is in the commercial message sign. The changeable copy sign and the commercial message sign shall be made of the same type of materials.

1809.6 Violation. The Administrative Officer shall, upon determination of any violation of this Ordinance, including the existence of any abandoned, dangerous or defective sign and/or sign structure, notify in writing the owner of the sign or the owner of the property upon which the sign is located. Such written notification of violation shall identify the sign and/or sign structure, state the nature of the violation, and order the action necessary to correct the violation.

If the Administrative Officer has issued written notification of violation of this Ordinance and the violation has not been corrected within 45 days after receipt of written notice, and no appeal has been filed within 30 days of receipt of written notice with the Zoning Board of Adjustment, the Administrative Officer is authorized to cause removal of such sign. In the case of a temporary sign, the Administrative Officer shall give 14 days written notice of the violation before removal of such sign. Any expense incident to such removal shall be paid by the owner of the sign and/or sign structure or the owner of the property upon which the sign is located. Failure to pay said costs may result in the assessment of such costs against the property.

Section 1810. ZONING DISTRICT REGULATIONS. The following provisions shall apply to the regulation of signs in the respective zoning districts within Tama County:

Section 1811. "A", AGRICULTURAL DISTRICT.

1811.1 Signs permitted as per Sections 1707 and 1709 of this Ordinance.

1811.2 One identification sign for principal permitted uses other than single-family dwellings, not to exceed 32 square feet and not to exceed 6 feet in height. Freestanding signs shall be setback a minimum of 10 feet from all property lines.

Section 1812. "R-1", SINGLE FAMILY DISTRICT and "R-L", LAKE RESIDENTIAL DISTRICT.

1812.1 Signs permitted as per Sections 1707 and 1709 of this Ordinance.

1812.2 One identification sign for principal permitted uses other than single-family dwellings, not to exceed 32 square feet and not to exceed 6 feet in height. Freestanding signs shall be setback a minimum of 10 feet from all property lines.

Section 1813. "R-2", MULTI-FAMILY DISTRICT.

1813.1 Any sign permitted in the R-1 District.

Section 1814. "R-3", HIGH DENSITY SINGLE FAMILY DISTRICT.

1814.1 Any sign permitted in the R-1 District.

Section 1815. "R-4", MOBILE HOME DISTRICT.

1815.1 Any sign permitted in the R-1 District.

Section 1816. "C", COMMERCIAL DISTRICT.

1816.1 Signs permitted as per Sections 1707 and 1709 of this Ordinance.

- 1816.2 Wall signs. The sum of all wall signs, including incidental signage, shall not exceed 1.5 square foot for each one linear foot (1-1/2:1) of the frontage wall. If the lot is a corner lot, the above percentages shall be determined by linear frontage of the building in the front yard. Where the lot adjoins an “R” district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the residential district; however, this requirement does not apply to the side of the building which is opposite that side adjoining the “R” district. In no event shall any wall sign extend beyond the width of the building or more than 6 feet above the top of the building wall or parapet.
- 1816.3 Signs affixed to an approved canopy, marquee or awning, and shall maintain a vertical clearance above ground surface and a distance from the curb line of not less than the distances established by Tama County for said canopy, marquee or awning.
- 1816.4 Freestanding Signs. Commercial message freestanding signs not to exceed 120 square feet and not to exceed 25 feet in height. Where a front yard is required, such signs shall be set back a minimum of 20 feet or the distance from the property line to the principal structure, whichever is less. This 20-foot setback requirement shall not apply where the lot fronts on an established four-lane street or highway. No sign shall be located closer than 25 feet to an adjoining “R” District.
- 1816.5 Advertising signs. Advertising signs are permitted provided that they are not erected or placed within 300 feet of the right-of-way of any intersecting streets, roads or highways; or within 300 feet of a railroad intersecting a street, road or highway; or within 300 feet of any existing residence or residence district; provided that no sign, regardless of size, shall be closer to another billboard or sign than 300 feet on any one side of the street, road or highway; nor shall any billboard or sign, at any point, obstruct proper and necessary sight distance from any street, road or highway.
- a. Structures shall be limited to 2 faces per sign, with 1 face in each direction, shall not exceed 30 feet in height, and shall have a total sign face area visible in any one direction of traffic not exceeding 300 square feet;
  - b. Advertising signs shall be subject to the setback requirements established for principal permitted uses for the zoning district in which they are located.

Section 1817. “IL& IH”, INDUSTRIAL DISTRICTS.

- 1817.1 Signs permitted as per Sections 1707 and 1709 of this Ordinance.
- 1817.2 Wall signs. The sum of all wall signs, including incidental signage, shall not exceed 1.5 square foot for each one linear foot (1-1/2:1) of the frontage wall. If the lot is a corner lot, the above percentages shall be determined by linear frontage of the building in the front yard. Where the lot adjoins an “R” district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the residential district; however, this requirement does not apply to the side of the building which is opposite that side adjoining the “R” district. In no event shall any wall sign extend beyond the width of the building or more than 6 feet above the top of the building wall or parapet.
- 1817.3 Signs affixed to an approved canopy, marquee or awning, and shall maintain a vertical clearance above ground surface and a distance from the curb line of not less than the distances established by Tama County for said canopy, marquee or awning.



1817.4 Freestanding Signs. Commercial message freestanding signs not to exceed 120 square feet and not to exceed 25 feet in height. Where a front yard is required, such signs shall be set back a minimum of 20 feet or the distance from the property line to the principal structure, whichever is less. This 20-foot setback requirement shall not apply where the lot fronts on an established four-lane street or highway. No sign shall be located closer than 25 feet to an adjoining "R" District.

1817.5 Advertising signs. Advertising signs are permitted provided that they are not erected or placed within 300 feet of the right-of-way of any intersecting streets, roads or highways; or within 300 feet of a railroad intersecting a street, road or highway; or within 300 feet of any existing residence or residence district; provided that no sign, regardless of size, shall be closer to another billboard or sign than 300 feet on any one side of the street, road or highway; nor shall any billboard or sign, at any point, obstruct proper and necessary sight distance from any street, road or highway.

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

## ARTICLE XIX. SOLAR ZONING ORDINANCE

Section 1900. PURPOSE. To permit Residential and Non-Residential solar energy systems as an accessory use to permitted, conditional, and special exception uses in any zoning district.

This ordinance aims to promote the accommodation of distributed, on-site residential and non-residential solar energy systems installed to reduce on-site energy consumption and associated equipment, as well as adequate access to sunlight necessary for such systems.

This ordinance permits, as an accessory use, solar energy systems, while protecting the safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls.

A solar energy system shall be permitted in any zoning district as an accessory use, subject to specific criteria as set forth below. Where general standards and specific criteria overlap, specific criteria shall supersede general standards.

### Section 1901 DEFINITIONS

- 1901.1 Accessory Use: A use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.
- 1901.2 Battery Back-Up: A battery system that stores electrical energy from a solar PV system, making the electricity available for future use. Battery Back-Up systems are common in Off-Grid Systems and Hybrid Systems.
  - 1901.3 Combiner or Junction Box: Combines the inputs (electrical flows) from multiple strings of solar panels (or micro-inverters) into one output circuit.
- 1901.4 Crystalline silicon cells: Solar photovoltaic cells fashioned from either mono-crystalline, multi-crystalline, or ribbon silicon capable of converting sunlight into electricity. Crystalline silicon solar PV panels are the most commonly used and are generally the most efficient.
- 1901.5 Distributed Solar: For the purposes of this Ordinance, distributed solar refers to solar energy systems located on-site and designed to provide solar thermal energy or solar PV electricity to a property owner, occupant, and/or facilities.
- 1901.6 Grid-tied Solar - A solar PV system that is interconnected with the utility grid via net metering and interconnection agreements with the utility.
- 1901.7 Electricity Generation (aka production, output) - The amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt-hours (MWh).
- 1901.8 Electrical Equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.
- 1901.9 Grid-tied Solar Photovoltaic Systems (aka grid-tied PV, on-grid, grid-connected, utility-interactive, grid-intertied, or grid-direct): Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home's or business's electricity usage. Any excess electricity generated is sent to the electric utility grid, credited via a customer's net metering agreement with their local utility. Grid-tied are typically installed without battery back-up system to store electricity. As such, these systems

provide no power during an outage. Typical system components: PV panels, inverter(s), and required electrical safety gear.

- 1901.10 Ground-Mount System: A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home or building. Ground-mount systems may be applicable when insufficient space, structural and shading issues, or other restrictions prohibit rooftop solar.
- 1901.11 Hybrid Solar Photovoltaic Systems (aka grid-tied PV with battery back-up): Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home's or business's electricity usage, while also utilizing a battery back-up in the event of a power outage. This is the only system that provides the ability to have power when the utility grid is down. Typical system components include: PV panels, inverter(s), and required electrical safety gear, battery bank, and a charge controller.
- 1901.12 International Residential Code (IRC) - Part of the International Building Code (IBC), the IRC sets buildings standards for residential structures.
- 1901.13 Inverter: A device that converts the Direct Current (DC) electricity produced by a solar photovoltaic system is converted to useable alternating current (AC).
- 1901.14 Kilowatt (kW) - Equal to 1000 Watts; a measure of the use of electrical power.
- 1901.15 Kilowatt-hour (kWh) - A unit of energy equivalent to one kilowatt (1 kW) of power expended for 1 hour of time.
- 1901.16 Mounting - The manner in which a solar PV system is affixed to the roof or ground (i.e. roof mount, ground mount, pole mount).
- 1901.17 Megawatt (MW) - Equal to 1000 Kilowatts; a measure of the use of electrical power.
- 1901.18 Megawatt-hour (MWh) - A unit of energy equivalent to one Megawatt (1 MW) of power expended for 1 hour of time.
- 1901.19 National Electric Code (NEC) - Sets standards and best practices for wiring and electrical systems.
- 1901.20 Net Meter: On-grid solar PV systems connected to the utility grid use a net meter, typically provided and installed by the local utility, to measure the flow of electricity from the solar system for the purposes of net metering.
- 1901.21 Net Metering: A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated on-site and provided to the utility grid.
- 1901.22 Off-Grid Solar Photovoltaic Systems with battery back-up: Solar photovoltaic electricity systems designed to operate independently from the local utility grid and provide electricity to a home, building, boat, RV (or remote agricultural pumps, gates, traffic signs, etc.). These systems typically require a battery bank to store the solar electricity for use during nighttime or cloudy weather (and/or other back-up generation). Typical system components include: PV panels, battery bank, a charge controller, inverter(s), required disconnects, and associated electrical safety gear.
- 1901.23 Orientation (or Azimuth): In the northern hemisphere, true solar south is the optimal direction for maximizing the power output of solar PV. Although, systems can be oriented east, southeast, southwest, and west, while still providing 75%-85% of maximum production, depending on the tilt. Proper orientation and access to sun are critical for achieving maximum energy production

potential (ideally, the orientation of the solar energy system ensures that solar access is not obstructed by other buildings, shade trees, chimneys, HVAC systems, or other equipment).

- 1901.24 **Passive Solar:** Techniques, design, and materials designed to take advantage of the sun's position throughout the year (and the local climate) to heat, cool, and light a building with the sun. *Passive solar* incorporates the following elements strategically to maximize the solar potential of any home or building (namely, maximizing solar heat gain in winter months and minimizing solar heat gain in summer months to reduce heating/cooling demand; and maximizing the use of daylighting to reduce demand for electricity for lighting): strategic design and architecture, building materials, east-west and building lot orientation, windows, landscaping, awnings, ventilation
- 1901.25 **Photovoltaic (PV) System:** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. A PV system may be roof-mounted, ground-mounted, or pole-mounted.
- 1901.26 **Pole-Mount Systems:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to pole, which is anchored and firmly affixed to a concrete foundation in the ground, and wired underground to an attachment point at the building's meter. Unlike ground-mount systems, pole-mount systems are elevated from the ground. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.
- 1901.27 **Power -** the rate at which work is performed (the rate of producing, transferring, or using energy). Power is measured in Watts (W), kilowatts (kW), Megawatts (MW), etc.
- 1901.28 **PV-Direct Systems:** The simplest of solar photovoltaic electric systems with the fewest components (no battery back-up and not interconnected with the utility) designed to only provide electricity when the sun is shining. Typical system components include: PV panels, required electrical safety gear, and wiring.
- 1901.29 **Racking:** Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.
- 1901.30 **Roof-Mount System (aka rooftop mounted, building mounted):** A solar energy system consisting of solar panels are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage. Roof-mount systems can be mounted flush with the roof or tilted toward the sun at an angle.
- 1901.31 **Solar Access:** the ability of one property to continue to receive sunlight across property lines without obstruction from another's property (buildings, foliage or other impediment). Solar access is calculated using a sun path diagram.
- 1901.32 **Solar Array:** Multiple solar panels combined together to create one system.
- 1901.33 **Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.
- 1901.34 **Solar Easement:** An easement recorded pursuant to U.C.A. §§ 57-13-1 and 57-13-2, the purpose of which is to secure the right to receive sunlight across the real property of another for the continued access to sunlight necessary to operate a solar energy system. According to Utah law, parties may voluntarily enter into written solar easement contracts that are enforceable by law. An

easement must be created in writing and filed, duly recorded and indexed in the office of the recorder of the county in which the easement is granted. A solar easement, once created, runs with the land and does not terminate unless specified by conditions of the easement.

- 1901.35 Solar Energy System: A system capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation. This definition shall include Solar Thermal, Photovoltaic, and Passive Solar Systems.
- 1901.36 Solar Glare: The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- 1901.37 Solar Photovoltaic (Solar PV) System— Solar systems consisting of photovoltaic cells, made with semiconducting materials, that produce electricity (in the form of direct current (DC)) when they are exposed to sunlight. A typical PV system consist of PV panels (or modules) that combine to form an array; other system components may include mountain racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries. For the purposes of this Ordinance, a solar PV system is defined as generating capacity of not more than 25 kilowatts for residential facilities and not more than two megawatts for non-residential facilities. [*Solar PV systems larger than this are governed by another Ordinance*]
- 1901.38 Solar Panel (or module): A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).
- 1901.39 Solar Process Heat: technologies provide industrial specific applications, including ventilation air preheating, solar process heating, and solar cooling.
- 1901.40 Solar-Ready: The concept of planning and building with the purpose of enabling future use of solar energy generation systems. Solar-ready buildings, lots, and developments make it easier and more cost-effective to utilize passive solar techniques and adopt active solar technologies in the future. Solar-Ready Buildings are built anticipating future installation of active solar energy systems (including structural reinforcement, pre-wiring or plumbing for solar, and east-west building orientation). Solar-Ready Lots are oriented to take maximal advantage of a location's solar resource. Solar-Ready Developments expand this concept to entire subdivisions.
- 1901.41 Solar Thermal System (aka Solar Hot Water or Solar Heating Systems): A solar energy system that directly heats water or other liquid using sunlight. Consist of a series of tubes that concentrate light to heat either water or a heat-transfer fluid (such as food-grade propylene glycol, a non-toxic substance) in one of two types of collectors (flat-plate collectors and evacuated tube collectors). The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.
- 1901.42 Thin Film Solar PV – Capable of generating electricity from the sun, thin film solar PVcells consist of layers of semiconductor materials (made from amorphous silicon, cadmium telluride, copper indium gallium diselenide, among other materials) a few micrometers thick, which allow for greater flexibility. Thin film is made by depositing one or more thin layers of photovoltaic material on a substrate; products include rooftop shingles and tiles, building facades, the glazing for skylights, and other building integrated materials.
- 1901.43 Tilt: The angle of the solar panels and/or solar collector relative to their latitude. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon. True solar noon is when the sun is at its highest during its daily east-west path across the sky (this is also known as 0° Azimuth). Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round

1901.44 Watts (W) - A measure of the use of electrical power (power (Watts) = voltage (volts) X current (Amps).

1901.45 Wiring: Specified by electrical codes, solar PV system wires are routed from the panels or micro-inverters through conduit into the inverter and buildings meter.

Section 1902 APPLICABILITY

1902.1 This ordinance applies to all distributed solar systems installed and constructed after the effective date of this Ordinance. For purposes of this Ordinance, “solar energy system” means a distributed solar energy system as defined herein.

1902.2 Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.

1902.3 All solar energy systems shall be designed, erected, and installed in accordance with applicable local, state, utility, and national codes, regulations, and standards.

Section 1903 SOLAR ENERGY REQUIREMENTS

1903.1 To the extent practicable, and in accordance with Tama County law, the accommodation of solar energy systems and associated electrical equipment, and the protection of access to sunlight for such, shall be encouraged in the application of the various review and approval provisions of the Tama County code.

1903.2 Solar energy systems are permitted in all zoning districts as an accessory use to permitted, conditional, and special exception uses.

1903.3 A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located.

1903.4 The installation and construction of a *roof-mount solar energy system* shall be subject to the following development and design standards:

- a. A roof or building mounted solar energy system may be mounted on a principal or accessory building.
- b. Any height limitations of the Tama County Code shall not be applicable to solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve, and that such structures do not obstruct solar access to neighboring properties.
- c. Placement of solar collectors on flat roofs shall be allowed by right provided that panels do not extend horizontally past the roofline.

1903.5 The installation and construction of a *ground-mount or pole-mount solar energy system* shall be subject to the following development and design standards:

- a. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
- b. The surface area of a ground- or pole-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

- c. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
- d. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground and/or in accordance with the building electrical code, as appropriate.

1903.6 All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the following:

- a. Electrical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.

1903.7 Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar system.

1903.8 A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.

1903.9 A solar energy system shall not be constructed until a building/zoning permit has been approved and issued.

#### Section 1904 SAFTEY AND INSPECTIONS

1904.1 The design of the solar energy system shall conform to applicable local, state and national solar codes and standards. A building permit reviewed by department staff shall be obtained for a solar energy system. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and any additional requirements set forth by the local utility (for any grid-connected solar systems).

1904.2 The solar energy system shall comply with all applicable Tama County Ordinances and Codes so as to ensure the structural integrity of such solar energy system.

1904.3 Any connection to the public utility grid must be approved by the appropriate public utility.

1904.4 If solar storage batteries are included as part of the solar collector system, they must installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of [municipality] and any other applicable laws and regulations relating to hazardous waste disposal.

1904.5 Unless otherwise specified through a contract or agreement, the property owner of record will be presumed to be the responsible party for owning and maintaining the solar energy system.

#### Section 1905 ABANDONMENT AND REMOVAL

- 1905.1 If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal shall be landscaped in accordance with Tama County Ordinances.
- 1905.2 A ground or pole-mounted solar energy system is considered to be abandoned or defective if it has not been in operation for a period of twelve (12) months. If abandoned, the solar energy system shall be repaired by the owner to meet federal, state, and local safety standards, or be removed by the owner within 90 days. If the owner fails to remove or repair the defective or abandoned solar energy system, Tama County may pursue a legal action to have the system removed at the owner's expense.

Section 1906 APPEALS

- 1906.1 If the owner of a solar energy system is found to be in violation of the provisions of this Ordinance, appeals should be made in accordance with the established procedures of the Tama County code.
- 1906.2 If a building permit for a solar energy system is denied because of a conflict with other goals of Tama County, the applicant may seek relief from the Tama County Zoning Board of Adjustment, which shall regard solar energy as a factor to be considered, weighed, and balanced along with other factors.

Section 1907 RESTRICTIONS ON SOLAR PROHIBITIONS

- 1907.1 In Accordance with Iowa Administrative Code, Tama County maintains and reserves the right to refuse any plat or subdivision plan if deed restrictions, covenants or other agreements running with the land prohibit or have the effect of prohibiting reasonably sited and designed solar collectors or other renewable resource devices.



## ARTICLE XX. WIND ENERGY CONVERSION SYSTEMS (WECS)

Section 2000. WIND ENERGY CONVERSION SYSTEMS (WECS): An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.

### Section 2001. DEFINITIONS

2001.1 Wind Turbine: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

2001.2 Commercial WECS: A WECS of equal to or greater than [100/40] kW in total name plate generating capacity.

2001.3 Non-Commercial WECS: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a total name plate generating capacity of not more than 50 kW and which is intended to primarily reduce on-site consumption of utility power.

### Section 2002. WIND ENERGY INSTALLATION

2002.1 In any zoning district, a conditional use permit may be granted to allow wind energy conversion systems, including such devices as wind charger, windmill, or wind turbine, subject to the following conditions:

- a. The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five (5) rotor distances figured by the size of the largest rotor.
- b. The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
- c. All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.
- d. To limit climbing access to the tower, a fence six (6) feet high with a locking portal may be required around the tower base or the tower climbing apparatus shall be limited to no more than twelve (12) feet from the ground, or the tower may be mounted on a rooftop.

### Section 2003. PERMITTED USES

2003.1 Non-Commercial WECS, subject to the following standards:

- a. Tower Height: Parcels smaller than one acre are not recommended for the placement of WECS, and must seek a special use permit. For property sizes between one acre and two acres the tower height shall be limited to 80 ft. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
- b. Setback: No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.

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

2003.2 Commercial C-WECS (C-WECS), subject to the following standards:

The requirements of this Ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. (1/14/2010) C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.

- a. Color and Finish. Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or non-reflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- b. Tower configuration. All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
- c. Lighting. C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red Pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
- d. Signage. All signage on site shall comply with Tama County Sign Standards. The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the WECS. Wind turbines shall not be

- used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
- e. Feeder Lines. All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a C-WECS shall be buried.
  - f. Waste Disposal. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Tama County Health Department and disposed of in accordance with all applicable local, state and federal regulations.
  - g. Minimum Ground Clearance. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
  - h. Signal Interference. The applicant shall minimize and mitigate any interference with electromagnetic communications such as radio, telephone or television signals caused by any C-WECS.
  - i. Federal Aviation Administration. All C-WECS shall comply with FAA standards and permits.
  - j. Electrical Codes and Standards. All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- k. Setbacks. The following setbacks and separation requirements shall apply to all wind turbines and meteorological towers; provided that the Board of Adjustment upon recommendation by the Commission may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as defined by the base zone district.
- i. Structures. Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand (1,000) feet.
  - ii. Property Lines. At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.
  - iii. Public Right-of-Way. Setbacks from public right-of-way, railroads, powerlines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
  - iv. Communication and Electrical Lines. Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
- l. Noise. Audible noise due to C-WECS sites operations shall not exceed sixty (60) dBA for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any conditional use permit from the property line.
- i. In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph a of this subsection shall be reduced by five (5) dBA
  - ii. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise

level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

iii. In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment upon recommendation by the Commission provided that the following has been accomplished:

1. Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
2. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Tama County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property

m. Safety.

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

n. Discontinuation and De-commissioning. A C-WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. Each C-WECS shall have a De-commissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall

be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the land owner easement.

- o. Avoidance and Mitigation of Damages to Public Infrastructure.
  - i. Roads. Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the C- WECS and obtain applicable weight and size permits from the impacted road authority (ies) prior to construction.
  - ii. Existing Road Conditions. Applicant shall conduct a pre- construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for on- going road maintenance and dust control measures identified by the Tama County Engineer during all phases of construction.
  - iii. Drainage System. The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the C-WECS.
- p. Required Financial Security. The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Tama County Attorney's Office shall be submitted covering 130% the costs of all required improvements. This requirement may be waived by the Board of Adjustment by recommendation from the Tama County Engineer.
- q. Submittal Requirements. In addition to the submittal requirements defined for Conditional Use Permit applications, all applications for C- WECS must submit the following information (as applicable).
  - i. The names of project applicant
  - ii. The name of the project owner
  - iii. The legal description and address of the project.
  - iv. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
  - v. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
  - vi. Engineer's certification(s) as required in these supplemental standards.
  - vii. Documentation of land ownership or legal control of the property
  - viii. The latitude and longitude of individual wind turbines.
  - ix. A USGS Topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the proposed C-WECS
  - x. Existing Resources Inventory
  - xi. An acoustical analysis
  - xii. FAA Permit Application
  - xiii. Location of all known communications towers/facilities within two (2) miles of the proposed C-WECS.
  - xiv. Decommissioning plan

- XV. Description of potential impacts on nearby all C-WECS and Non C-WECS and wind resources on adjacent properties.
- XVI. Identification of significant migratory patterns and nesting areas for birds within two (2) miles.

## ARTICLE XXI. NONCONFORMING USES

Section 1800. NONCONFORMING USES OF LAND. The nonconforming use of land (where no principal building is involved) existing on the effective date of this Ordinance may be continued for a period of not more than five (5) years thereafter, provided that ownership does not change and that no such nonconforming use of land shall in any way be expanded or extended either in the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued or changed, or ownership changes, any future use of such land shall be in conformity with the provisions of this Ordinance.

Section 1801. NONCONFORMING BUILDINGS. The lawful use of a building existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions thereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not be changed thereafter to a less restricted use. The nonconforming use of a building may be extended throughout those parts of a building which were manifestly arranged or designed for such use on the effective date of this Ordinance.

1801.1 Nonconforming Use Created by Changes in Ordinance: Whenever the use of a building becomes a nonconforming use through a change in the Zoning Ordinance or district boundaries, such use may be continued as provided in the preceding paragraph.

1801.2 Discontinuance of Nonconforming Building and Uses: Any building or portion thereof used in whole or in part for nonconforming uses, which hereafter becomes and remains vacant for a continuous period of six months shall not again be used except in conformity with the regulations of the district in which such building or land is situated.

1801.3 Damaged Nonconforming Buildings: Any building or portion thereof used in whole or in part for nonconforming uses which has been damaged by fire, explosions, act of God or a public enemy to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to damage, shall not be restored except in conformity with the regulations in this Ordinance. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that a permit for such repairs or reconstruction is issued within twelve (12) months of the date of such damage.

## ARTICLE XXII. CONDITIONAL USE PERMITS

### Section 1900. DECISION BY BOARD OF ADJUSTMENT.

- 1900.1 The Board of Adjustment shall hear and decide all cases where an application has been filed with the Administrative Officer for any of the Conditional Uses, which may be subject to protective restrictions as deemed necessary.

Section 1901. NOTICE AND FEE. The Board shall make no findings except in a specific case and after a public hearing conducted by the Board. The Board shall select a reasonable time and place for the hearing of the appeal and shall give due notice thereof to the parties. The notice of the time and place of such public hearing shall be published in a Tama County publication of general circulation in Tama County at least ten (10) days previous to the hearing. Such notice shall contain the address or location of the property for which the ruling by the Board is sought, as well as a brief description of the nature of the request.

- 1901.1 If a special use permit is requested a fee of \$75.00 shall be paid to Tama County at the time of the notice of appeal is filed. Fees shall be credited to the general government fund of Tama County, Iowa.

Section 1902. ACTIVITIES PERMITTED BY CONDITIONAL USE. Only the following uses shall be permitted by special exception within all of the districts. Any conditional use specific to a certain zone shall be referred to by referencing the applicable article of the Zoning Ordinance. Any uses other than listed below or in any other section of the Zoning Ordinance may NOT be permitted without a modification to the respective sections of the Zoning Ordinance to include the desired use.

- 1902.1 Municipal, County, State or Federal government buildings.
- 1902.2 Television towers and television studios.
- 1902.3 Water towers, water treatment facilities, and wastewater treatment facilities.
- 1902.4 Public utility substations, either publicly or privately owned. Communication stations, pipelines for the transmission of any substance, the type or location of any poles, towers, wires, cables, conduits, or any other similar distributing equipment of a telephone, telegraph, light, power, gas, pipeline, trucking or railroad company, except that no permit shall be issued unless any and all equipment used or located thereon shall be housed in a building comparable in appearance and size to the surrounding buildings and houses or the use for which the area is zoned.
- 1902.5 Where more than one main house will be on a lot for a temporary period of time when a second house is being built and the older has plans to be removed. A Conditional Use Permit may be granted with specific requirements concerning the length of time that both buildings will be on the same lot.
- 1902.6 Communication towers and antennas for entities providing licensed commercial communications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public for business and/or personal use with the following conditions (also subject to Section 513 of this Ordinance):
- a. General Requirements:
    - (1) An application must be completed and returned to the zoning officer accompanied by a current fee for a Conditional Use Permit.
    - (2) Applicant must show that the proposed communications tower, antenna or accessory structure will be placed in a reasonably available location that will minimize the visual impact on the surrounding area and allow the facility to function in accordance



with the minimum standards imposed by applicable communications regulations and applicant's technical design requirements.

- (3) Application for a permit in a residential district must show that the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.
- (4) All towers and communications facilities shall be designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black.

b. Placement on County owned property:

The placement of communications antennas or towers on county-owned property must comply with the following requirements:

- (1) Approval by the Board of Supervisors is required when placing antennas or towers on any piece of property owned by Tama County.
- (2) The antenna or tower will not interfere with the purpose for which the county-owned property is intended.
- (3) The antenna or tower will have no adverse impact on surrounding private property.
- (4) The applicant will produce proof of adequate liability insurance for potential damage antennas or towers could reasonably cause to county property and facilities and commit to a lease agreement which includes equitable compensation for the use of public land and other necessary provisions and safeguards. The charge for the use of a county structure for height will be \$5.00 per foot of height per year.
- (5) The applicant will submit a letter of credit, performance bond, or other security acceptable to the county to cover the cost of antenna or tower removal.
- (6) The antennas or towers will not interfere with other intended uses of the property.
- (7) Upon reasonable notice, the antennas or towers may be required to be removed at the user's expense.
- (8) The applicant must reimburse the county for any costs which it incurs because of the presence of the applicant's antenna or tower.
- (9) The applicant will cooperate with the county's objective to promote collocations and thus limit the number of separate antenna sites requested.

c. Recommended Height: (also subject to Section 513 of this Ordinance)

- (1) In any "R" district, free-standing tower with a height not exceeding 100 feet and must comply with Section 1902 (A)(3).
- (2) In any "C" district, free-standing tower with a height not exceeding 180 feet.
- (3) In any "I" district, free-standing tower with a height not exceeding 360 feet.
- (4) In any "A" district, free-standing tower with a height not exceeding 500 feet.

d. Setbacks:

- (1) A tower must be set back from all lot lines distances equal to the district setback requirements or 25% of the tower height, whichever is greater.
- (2) Any communications facilities located on the roof of an antenna support structure must be set back at least one foot from the edge of the roof of the structure. This set back requirement shall not apply to 1) communications facilities located above the roof of the structure if the facilities are appropriately screened from view through the use of planes, walls, fences or other screening techniques approved by the county, or 2) camouflage antennas that are mounted to the exterior of the antenna support structures below the roof, but do not protrude more than 24 inches from the side of such antenna support structure.

- e. Abandonment:
  - (1) In the event that the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed abandoned. Upon such abandonment, the owner/operator shall have an additional 180 days within which to: reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. Failure to comply with sections stated herein will result in actions stated in Article XXII of the Tama County Zoning Ordinance.

## ARTICLE XXIII. ZONING CERTIFICATES REQUIRED

Section 2000. ZONING CERTIFICATES REQUIRED. A Zoning Certificate shall be obtained from the Administrative Officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure. Accessory buildings shall require a Zoning Certificate if the structure is larger than 120 square feet.

Section 2001. PROCEDURES FOR CERTIFICATES. To secure a Zoning Certificate, the applicant shall file with the Administrative Officer a written application on forms provided by the Board of Adjustment and shall state the legal description of the property as of public records and the names of the owner and the applicant. The applicant shall describe the uses to be established or expanded, the proposed cost of the erection, construction, or structural alteration of the building or structure and any other information the Administrative Officer deems essential for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing of the lot showing the location of buildings, dimensions of the lot, and other information of importance. All dimensions shown on these plans relating to the location and size of the lot to be built upon, shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. Where public sanitary sewers are not available, the application shall include the approval of the Iowa State Department of Health as to plans and specifications of proposed private sanitary sewerage disposal system when said facilities are of a magnitude as to be subject to the State Department of Health requirements.

Section 2002. FEES. A fee for the issuance of said Certificates shall be paid to the Administrative Officer at the time of the application. Fees shall be determined by the use of the following schedule:

2002.1 ZONING CERTIFICATES (Determined by Value).

<u>Value of Structure, Building, or Addition</u>	<u>Fee</u>
\$0.00 to \$1,000	\$30.00 minimum
For each additional \$1,000.00 or fraction thereof, up to and including \$20,000.00	\$.50 per \$1,000.00
For each additional \$1,000.00 or fraction thereof, up to and including \$50,000.00	\$.25 per \$1,000.00
For each additional \$1,000.00 or fraction thereof, exceeding \$50,000.00	\$.10 per \$1,000.00

Section 2003. PAYMENT OF FEES. Fees shall be paid to Tama County at the office of the Administrative Officer.

Section 2004. CONSTRUCTION NOTICE. The applicant or his agent shall give the Administrative Officer forty-eight (48) hours notice of the beginning date of construction and the Administrative Officer or his duly authorized representative shall have access to such premises from time on, during construction, for any inspection he deems necessary. No construction shall begin before a Zoning Certificate has been issued and fees have been paid.

Section 2005. ISSUANCE OF CERTIFICATES. The Administrative Officer shall issue, within seven (7) days of the completed application, a written Zoning Certificate of denial thereof with reasons in writing. Except where an extension of time has been obtained in writing from the Administrative Officer, certificates hereafter issued shall expire within ninety (90) days if a substantial beginning has not been made in the construction or if the use applied for has not been established within one (1) year. Nothing herein contained shall require any change in plans or construction of a lawful use, the construction of which is started before the effective date of this Ordinance and which is completed within one (1) year of the effective date of this Ordinance.

Section 2006. RECORDS. All applications for Certificates, Permits and copies of those issued shall be systematically kept for ready public reference by the Administrative Officer, who shall also account to Tama County for all fees collected.

## ARTICLE XXI. BOARD OF ADJUSTMENT

Section 2100. CREATION AND MEMBERSHIP. A Board of Adjustment is hereby created. The word "Board" when used in this Article shall mean the Board of Adjustment. The Board shall consist of five members serving without compensation, appointed by the County Board of Supervisors, for a term of five years, excepting that when the Board shall first be created, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Any vacancy shall be filled by appointment by the Board of Supervisors for the unexpired portion of the term. Should any member be absent from the County or become incapacitated, or disqualified, the Board of Adjustment shall appoint a substitute to serve as a member of the Board with the same powers and authority as the regular member of the Board until the regular member has returned or is able to serve on the Board. One member of the County Zoning Commission shall be appointed as an ex-official member who shall have no vote in the Board decisions. The County Board of Supervisors shall have power to remove any member of the Board for cause upon written charges and after public hearing.

Section 2101. MEETINGS AND GENERAL PROCEDURES. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

- 2101.1 The Board 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 and shall be a public record.
- 2101.2 The Board shall have power to call on any county department or officer for assistance in the performance of its duties, and it shall be the duty of any such department to render such assistance as may reasonably be required.
- 2101.3 The Board shall adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the power and authority granted it by the provisions of this Ordinance or any state law.
- 2101.4 The occurring vote of three (3) members of the Board shall be necessary to decide any appeal, exception, or variation upon which the Board is authorized by this Ordinance to render a decision.
- 2101.5 The Board shall render its decisions without unreasonable delay.

Section 2102. APPEALS. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within thirty (30) days by filing with the officer from whom the appeal is taken and with Board of Adjustment, a notice of appeal, specifying the grounds thereof. The Administrative Officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. Any person may appear and testify at the hearing, either in person or by his agent or attorney.

- 2102.1 An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whose decision or action the appeal is taken certifies to the Board after the notice of appeal shall have been filed that by reason of acts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

Section 2103. JURISDICTION. The Board shall have the following powers and authority:

- 2103.1 To hear and decide an appeal where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.
- 2103.2 To grant a Conditional Use Permit as detailed in Article XIX.
- 2103.3 To grant an exception in the following instances:
  - a. In the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or a public enemy, to the extent of more than fifty (50) percent of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and that the primary purpose in continuing the nonconforming use is not to continue a monopoly.
  - b. In the waiving or reduction of the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provisions of the parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or convenience.
- 2103.4 To grant a variation in the following instances:
  - a. In the bulk requirements (front, side and rear yard setback requirements and height limitations) and parking requirements of any district where there are unusual or practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions provided such variations will not seriously affect any adjoining property or the general welfare.
  - b. In the determination that a strict application of the terms of this Ordinance relating to the construction or alterations of buildings or structures will impose upon the property owner unusual and practical difficulties or particular hardship, such variations of the strict application of the terms of this Ordinance being in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variation from the comprehensive plan as established by this Ordinance, and at the same time, such variation will not seriously affect any adjoining property, or the general welfare. This clause shall not allow the Board of Adjustment to permit a non permitted land use to occur in any district without a rezoning of the land by the Planning and Zoning Commission or by the granting of a Conditional Use Permit as detailed in Section XIX.
- 2103.5 The board of adjustment shall have any other powers which are specifically granted to them in any section of this ordinance.
- 2103.6 In considering all appeals and all proposed exceptions or variations to this Ordinance the Board shall, before making any exceptions or variations from the Ordinance in a specific case, first determine that it will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of Tama County.

2103.7 Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the District Map.

Section 2104. NOTICE AND FEE. The Board shall make no findings except in a specific case and after a public hearing conducted by the Board. The Board shall select a reasonable time and place for the hearing of the appeal and shall give due notice thereof to the parties. The notice of the time and place of such public hearing shall be published in a Tama County publication of general circulation in Tama County at least four (4) days and no longer than twenty (20) days previous to the hearing. Such notice shall contain the address or location of the property for which the variation or other ruling by the Board is sought, as well as a brief description of the nature of the appeal. Property owners within one thousand (1,000) feet of the request shall be notified by mail at least four (4) days and no longer than twenty (20) days previous to the hearing.

2104.1 If a special use permit is requested a fee of \$75.00 shall be paid to Tama County at the time of the notice of appeal is filed. If a variance is requested a fee of \$50.00 shall be paid to Tama County at the time the notice of appeal is filed. Fees shall be credited to the general government fund of Tama County, Iowa.

Section 2105. RELIEF. Any person or persons, jointly or severally aggrieved by any decision of the Board or any taxpayer, or any officer, department, board or bureau of the Tama County shall have recourse to such relief as is provided by statute.

## **ARTICLE XXII. VIOLATION AND PENALTY**

Section 2200. VIOLATION. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Board of Supervisors, in addition to other remedies, may institute proper action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent any illegal act, conduct or business or use in about such premises.

Section 2201. PENALTY. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, shall, upon conviction, be fined not more than \$500 for the violation or not more than \$750 for the violation if the infraction is a repeat offense, and each day that a violation is permitted to exist shall constitute a separate offense.

Approved this 7th day of July, 1998.

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Jim Ledvina, Chairman, Board of Supervisors

Attest:

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John A. Adams, County Auditor