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Jasper County, Iowa
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Description: Ordinance #04F
Jasper County Zoning Ordinance

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JASPER COUNTY, IOWA
BEFORE THE BOARD OF SUPERVISORS

JASPER COUNTY ZONING ORDINANCE
ORDINANCE #04F

AN ORDINANCE OF JASPER COUNTY, REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCES AND OTHER USES; TO PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND TO PROVIDE PENALTIES FOR VIOLATIONS, AND FOR THE REPEAL OF THE EXISTING JASPER COUNTY ZONING ORDINANCE #04E IN ITS ENTIRETY AND REPLACING IN LIEU THEREOF THE FOLLOWING:

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1) ARTICLE 1 - ADMINISTRATION

1.1 ZONING COMMISSION

1.1.1 Creation and Membership - The Jasper County Board of Supervisors shall appoint a five (5) member Zoning Commission, whose only responsibility and authority is to make, after due diligence and public hearings, recommendations to the Jasper County Board of Supervisors concerning the Jasper County Zoning Ordinance as it relates to district boundaries, and appropriate regulations and restrictions therein, and from time to time amendments, supplements, changes or modifications thereto, as provided in 335.8 Code of Iowa. Each member will serve a four (4) year term but may be removed by the Board of Supervisors at any time as provided in 331.321(3) Code of Iowa. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

1.1.2 District Changes and Amendments - Whenever the public necessity, general welfare, or good zoning practice requires, the Board of Supervisors may, after recommendation by the Zoning Commission and after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries, or classifications of property now or hereafter established by this ordinance or amendments thereof.

1.1.2.1 Procedure for Change - Applications for any change of district boundaries, classification of property, amendments of the text, or requirements of this ordinance shall be submitted to the Zoning Administrator. The Zoning Commission shall hold at least one (1) public hearing as soon as practicable after the application is received and public notice, as required by the Code of Iowa, is given to adjoining property owners and published in the newspaper(s) designated for such notice. When the Zoning Commission has completed its recommendations, it shall certify the same to the Board of Supervisors. After receiving the Zoning Commission recommendation on the proposed change/amendment, the Board of Supervisors shall set a time and date and publish notice, as required by the Code of Iowa, to hold a public hearing and take action on the recommended change or amendment.

1.2 ZONING ADMINISTRATOR

1.2.1 Appointment - The Zoning Administrator shall be appointed by the Jasper County Board of Supervisors and may be removed by the Board of Supervisors at any time as provided in 331.321(3) Code of Iowa.

1.2.2 Powers and Duties - The Zoning Administrator, or his/her designee, shall be responsible for the interpretation and enforcement of the provisions of the Jasper County Zoning Ordinance. No other departments, officials, or public employees of Jasper County shall issue any permit for any use, building, or purpose that would conflict with the provisions of the Jasper County Zoning Ordinance. Any permit or certificate issued in conflict with the provisions of the regulation shall be null and void.

1.2.3 Other Duties

1.2.3.1 Maintain permanent and current records of the regulations; including, but not limited to, all maps, applications, appeals, amendments, use permits, and variances.

1.2.3.2 Provide and maintain a public information service relative to all matters arising out of the regulations.

1.2.3.3 Forward to the Zoning Commission all applications for amendments to the regulations.

1.2.3.4 Transmit to the Board of Adjustment applications for appeals, variances, or other matters on which the Board of Adjustment is required to pass under the ordinance.

1.2.3.5 Issue, deny, or revoke conditional and temporary use permits as required.

1.2.3.6 Review and approve/deny site plans.

1.2.3.7 Initiate, direct, and review from time to time a study of the provisions of the regulations and report the recommendations to the Jasper County Zoning Commission and the Jasper County Board of Supervisors.

1.3 BOARD OF ADJUSTMENT (BOA)

1.3.1 Creation and Membership - The Jasper County Board of Supervisors shall appoint a five (5) member Board of Adjustment as provided in 335.11 Code of Iowa. All the members shall reside within the county and the majority of the members must live outside the corporate limits of any city. Each member shall be appointed for a term of five (5) years, excepting that when the BOA shall first be created one (1) member shall be appointed for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year. Members may be removed by the Board of Supervisors at any time as provided in 331.321(3) Code of Iowa. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

1.3.2 Rules - The BOA shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to this chapter. The BOA chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the BOA shall be open to the public. The BOA 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 Zoning Administrator's office and shall be a public record. Three (3) members of the BOA shall constitute a quorum. The BOA may call on other county departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the BOA as may reasonably be required.

1.3.3 Powers - The BOA shall only have the following powers:

1.3.3.1 Interpretation of Maps - Where the street or lot layout actually on the ground or as recorded, differs from the street and lot lines indicated on the zoning maps, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the regulations for the particular section or district in question.

1.3.3.2 Appeals of Zoning Administrator Orders - The BOA shall hear and decide appeals from any person, officer, department, board, or bureau of the county where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter or of any ordinance adopted pursuant thereto except for notices of violations or county infraction citations.

1.3.3.3 Applications for Special Exceptions/Variances - The BOA shall hear and decide appeals from any person, officer, department, board, or bureau of the county for special exceptions to the terms of the ordinance and authorize, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

1.3.3.3.1 Non-conforming Uses - The substitution of a non-conforming use for another non-conforming use, if no structural alterations except those required by law or regulations are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.

1.3.3.3.2 Non-listed Industries in "I" Industrial Districts - In determining whether certain uses shall be in an "I" District, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic, and psychological effects. The Board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use to assist it in reaching a fair and objective decision. Upon authorizing a special use and/or exception, the Board may impose such requirements and conditions in addition to those expressly stipulated in these regulations for the particular special use and/or exception as the Board may deem necessary for the protection of adjacent properties and public interest.

1.3.3.4 Variance - Where the literal enforcement of the provisions of the regulations would result in undue hardship upon any owner of property, unnecessary to carry out the intent and purpose of the regulations, the BOA shall have the power to authorize, upon appeal, a variance from the regulations to relieve the hardship. The BOA may attach conditions to any variance to ensure that the variance is in substantial compliance with the intent and purpose of the regulations. The BOA shall only grant the minimum variance necessary to alleviate the hardship. The BOA shall not authorize a variance for the establishment of a non-conforming use where none previously existed. A variance from the terms of this Ordinance shall not be granted by the BOA unless the applicant can clearly demonstrate by a preponderance of the evidence that all of the following conditions exist:

1.3.3.4.1 That special conditions and circumstances (size, shape, topography, or the use or development of property immediately adjoining the piece of property in question) exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district;

1.3.3.4.2 That the special conditions and circumstances do not result from the actions of the applicant;

1.3.3.4.3 That there are other properties in the same zoning district which have a similar use, and that literal interpretation of the provisions of this Ordinance would deprive the applicant of those similar uses commonly enjoyed by other properties in the same district under the terms of this Ordinance;

1.3.3.4.4 That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;

1.3.3.4.5 That no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

1.3.3.4.6 That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the regulations or the public interest.

1.3.3.5 Hearing Procedures - All requests for hearing shall be made to the Zoning Administrator. The BOA shall hold a public hearing as soon as practicable after the application is received and public notice, as required by the Code of Iowa, is given to adjoining property owners and the appellant by first class mail and published in the newspaper(s) designated for such notice. Any party may appear at such hearing in person, by agent, or by attorney. The Zoning Administrator, or his or her designee shall appear at all appeal hearings and the BOA may subpoena any other persons or information they deem pertinent to the appeal. The BOA shall decide the appeal not more than thirty (30) calendar days after the hearing.

1.3.3.6 Action of Board - In exercising its powers, the Board may, in conformity with the provisions of the state statutes and of the regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as, in the Board's opinion ought to be made, and to that end has all the powers of the officer from whom the appeal is taken. All BOA actions shall require a concurring vote of three (3) members.

1.3.3.7 Fees - The Board of Adjustment has the authority to set fees for appeals. However, all fees and changes in fees must be approved by the Jasper County Board of Supervisors before being put into effect.

1.3.3.8 Judicial Review - All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions of the Code of Iowa.

1.4 VIOLATIONS

1.4.1 Violations - The equitable owner of real property, and each person in possession thereof, who allows, creates, or maintains a violation of any provision of this ordinance on such property, shall be considered guilty of a county infraction. A county infraction is a civil offense punishable by a civil penalty of not more than seven hundred fifty (750) dollars for an initial violation or, if the infraction is a repeat offense, a civil penalty of not more than one thousand (1,000) dollars for each repeat offense, plus all costs, plus all other remedies allowable under the laws of the State of Iowa. In addition to a civil penalty, the Court may impose any of the other and/or alternative remedies allowed by law. (See Iowa Code Section 331.307.)

1.4.2 Enforcement of Violations - All inspections and enforcement actions shall be conducted under the direction and supervision of the Jasper County Zoning Administrator, who may seek the assistance of other public officers or employees to perform such duties as may be necessary to enforce the provisions of this ordinance.

1.4.2.1 Enforcement Procedures - Service of notice and all other enforcement procedures involving any alleged violation of this ordinance shall be as set forth in Iowa Code Section 331.307 and applicable Rules of Court, as may be amended from time to time.

1.4.2.2 Abatement Costs - All costs of abatement including, but not limited to, the costs for equipment, personnel, and any contract or day labor portions of such abatement shall be calculated at the exact cost therefore initially borne by Jasper County, Iowa in such enforcement endeavors.

1.4.3 Abatement Fund - To better ensure ongoing enforcement of the provisions of this Ordinance, the Jasper County Board of Supervisors, through the office of the Auditor of Jasper County, Iowa, shall always keep and maintain as a part of its annual budget, a special fund to be known as the "Abatement Fund". The Abatement Fund shall be annually appropriated by the Board of Supervisors to a balance of fifty thousand (50,000) dollars at the beginning of each fiscal year. The Abatement Fund shall only be used for the purpose of enforcement of this Ordinance. All sums received by Jasper County, Iowa resulting from enforcement of this Ordinance shall be directed into the Abatement Fund.

1.5 CONFLICTS - Wherever the requirements of this ordinance are at variance with the requirements of any applicable and superseding law, rule, regulation, or ordinance, the most restrictive or that imposing the higher standard shall govern.

1.6 SEVERABILITY - Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this ordinance or the ordinance as a whole.

1.7 EFFECTIVE DATE - This ordinance shall take effect after its final passage, approval and publication as provided by law.

2) ARTICLE 2 - GENERAL PROVISIONS

2.1 GENERAL REGULATIONS - The regulations set forth in this Article qualify or supplement, as the case may be, the regulations set forth elsewhere in this Ordinance.

2.2 PERMITS PREVIOUSLY ISSUED - Nothing herein contained shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which official approvals and required building permits have been granted before the enactment of the regulations, the construction of which, conforming with such plans, shall have been started prior to the effective date of the regulations and completion thereof carried on in a normal manner and not discontinued until completion, except for reasons beyond the builder's control.

2.3 CONFORMANCE REQUIRED - No land, building, structure, or premises shall be located, erected, reconstructed, extended, enlarged, altered, or converted to another use, except in conformity with the provisions of this Ordinance.

2.3.1 Exceptions - No requirement, restriction, or regulation contained in this Ordinance, with the exception of those contained in the Flood Plain Overlay District, shall be construed to apply to state or federally owned land, or to farm land, farm houses, or other farm buildings that are primarily adapted by reason of nature and area for use for agricultural purposes (see Iowa Code Chapter 335) or to control the type or location of any distribution equipment of a public utility or railroad company.

2.4 CONTINUATION OF EXISTING USES - Any use, building, or structure existing at the time of the enactment of this Ordinance may be continued, even though such use, building, or structure does not conform to the provisions of this Ordinance for the District in which it is located. No change of title or right to possession shall affect such continuation of any existing use.

2.5 NON-CONFORMING USES AND BUILDINGS

2.5.1 Enlargement Prohibited - No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of amendment of this Ordinance.

2.5.1.1 Exception – A non-conforming use or building can be enlarged as long as it does not increase the non-conformance or create a new non-conformance.

2.5.2 Replacement - Any non-conforming building, structure, or use that sustains damage, outside the control of the owner and/or occupant, above the foundations, equal to or greater than fifty (50) percent of its value before the damage, shall not be restored, reconstructed, or used as before such damage; but if the building or structure above the foundation is damaged less than fifty (50) percent of its value, it may be restored, reconstructed, or used exactly as it was before the damage, provided that restoration or reconstruction is completed within six (6) months of such occurrence.

2.5.3 Discontinuance - If a non-conforming use is discontinued for one (1) year or more, it shall not be re-established unless specifically approved by the Board of Supervisors after recommendation by the Zoning Commission.

2.5.4 Substitution - If no structural alterations are made, a non-conforming use may be changed to another non-conforming use of the same or more restricted classification. If a non-conforming use is changed to a more restricted use or to a conforming use, it shall not be changed back.

2.6 LOTS OR PARCELS

2.6.1 Access Requirement - Every lot or parcel created after the adoption of this ordinance shall by deed abut at least forty (40) feet on a dedicated public street or road or have a perpetual non-obstructed easement a minimum of forty (40) feet wide connecting the property to a dedicated public street or road and be able to obtain an approved driveway from the Jasper County Secondary Roads Department. All existing driveways must be approved by the Jasper County Secondary Roads Department before being used as residential access.

2.6.2 Lots of Record - Any piece of ground which had been divided by a certified registered land surveyor's plat recorded with the County Recorder at the time of the effective date of the regulations can be used for the purpose for which it was acquired or held, provided such purpose is demonstrated to the reasonable satisfaction of the Zoning Administrator and subject to Jasper County Environmental Health approving the method of sewage disposal and water supply, and the following restrictions.

2.6.2.1 Non-conforming lots of record in any district may have a side yard decreased, with the approval of the Zoning Administrator, but no side yard shall be less than five (5) feet in width.

2.6.2.2 Non-conforming lots of record may have the rear yard reduced, with the approval of the Zoning Administrator, but no rear yard shall be less than ten (10) feet deep.

2.6.2.3 Non-conforming lots of record may have the required front yard reduced to match the average front yard of existing adjoining properties, but no front yard shall be less than fifteen (15) feet deep.

2.6.3 Without Public Sewer or Water - In any district, where either water supply or public sanitary sewer are not accessible, the otherwise specified lot area and width requirements shall be increased where necessary to satisfy all applicable requirements of the County and Jasper County Environmental Health concerning water supply and the disposal of waste materials.

2.6.4 Number of Uses on One Lot - No lot shall contain more than one (1) principal use unless approved by the Zoning Administrator.

2.6.5 Number of Dwellings on One Lot - No lot shall contain more than one single family dwelling unless approved by the Zoning Administrator. A single-family dwelling shall contain not less than seven hundred twenty (720) square feet of usable ground floor area, exclusive of open porches, garages, or steps.

2.6.6 No temporary structures, including recreational vehicles and campers, shall be used as a permanent dwelling on any parcel. Exceptions: A recreational vehicle or camper may be placed on a property and used as a temporary dwelling if the property has an active building permit for the construction of a permanent dwelling.

2.7 YARDS

2.7.1 Method of Yard Measurement - The setback of the building for front, rear, and side yards shall in all cases be measured at a right angle from the lot line to the nearest point of the building wall, foundation, pile, or footing of the building or structure.

2.7.2 Yards Required for Each Building - No required yard or open space required for any building or structure shall be included as part of any yard or open space required for another building or structure.

2.7.3 Parking Area Included - The space occupied by a parking area may be included as part of any yard or open space required for a principal building except as otherwise specified in this Ordinance:

2.7.4 Corner Lot - The front yard setback shall apply to both street sides of any corner lot. One (1) side yard and one (1) rear yard are required for all corner lots which will be determined by the Zoning Administrator. On any corner lot, no fence, structure, or planting shall be erected or maintained within twenty (20) feet of the front corner of the lot so as to not interfere with traffic visibility across the corner.

2.7.5 Through Lot - The front yard setback shall apply to both street sides of any through lot. Two (2) side yards and no rear yard is required for all through lots.

2.7.6 Projections - Projections from a building, such as a bay window, that are less than one-third (1/3) the area of the side of a building from which they project, and project less than three (3) feet from the building, are allowed in any yard except the minimum yard of a non-conforming lot of record. Required fire escapes shall not be considered a projection.

2.8 SIGNS - GENERAL REGULATIONS

2.8.1 No sign shall be placed or erected without a permit except for temporary real estate signs and political campaign signs.

2.8.2 The total area of all signs permitted shall include:

2.8.2.1 The total area of the faces of all permanent exterior signs visible from a public way.

2.8.2.2 The area of permanent signs placed upon the surface of windows and doors.

2.8.2.3 The area within the outline enclosing the lettering, modeling, or insignia of signs integral with the wall, and not designed as a panel.

2.8.2.4 A building or use having frontage on a second street may include twenty (20) percent of the length of the lot facing the second street.

2.8.3 Existing Sign - Any signs erected and in existence at the time of the enactment of this Zoning Ordinance, or on which substantial materials or labor or both have been expended in the making thereof, no later than October 31, 1980, shall continue in existence notwithstanding any other provisions of this ordinance.

2.8.4 No privately owned signs shall be placed on County, State, or Federal right-of- way.

2.8.5 Illumination of signs shall be arranged so that the illumination will not interfere with the safe operation of vehicles on the right-of-way or the peaceful use and enjoyment of adjoining properties.

2.8.6 All signs associated with any use shall be removed immediately when the use is discontinued.

2.8.7 For purposes of this Article, multiple advertisements on the same structure or device shall constitute one sign.

2.8.8 Jasper County will not issue a permit to erect any sign visible from any Federal Interstate or State Primary Road unless and until any such sign has been approved by the Iowa Department of Transportation.

2.8.8.1 Exception - Official County and City signs, as defined by Iowa Department of Transportation rules, not larger than ninety-six (96) square feet may be placed adjacent to any road with approval of the Zoning Administrator.

2.8.9 Jasper County may remove, or cause to be removed, any sign that is not maintained in good and safe condition thirty (30) days after the sign owner is notified by registered return receipt mail. The cost of said removal will be the responsibility of the sign owner.

2.9 MANUFACTURED HOME DWELLINGS - Manufactured homes placed on private property shall be located and installed according to the same standards which would apply to a site built single family dwelling on the same property. All manufactured homes, regardless of where they are placed, shall be installed on frost protected foundations. Manufactured homes shall only be used as dwellings and cannot be used as an accessory building for storage or any other use.

2.10 CONDITIONAL AND TEMPORARY USE PERMIT REQUIREMENTS

2.10.1 Temporary Non-Conforming Use Permit - The Zoning Administrator may issue to any individual, partnership, firm, corporation, or association, a temporary non- conforming use permit for purposes such as, but not limited to, additional temporary dwellings on property for immediate family medical assistance, out-door recreation events, flea markets, carnivals, charity functions, revival meetings, etc. If the Zoning Administrator determines that all state and county health safety regulations will be complied with, including obtaining all applicable permits, and that the temporary occupancy will not be a nuisance or detrimental to the health, safety, or general welfare of the county. Applications for a temporary non-conforming use permit shall be made to the Zoning Administrator not less than thirty (30) days prior to the start of any non- conforming use, on a form provided by the Zoning Administrator. The Zoning Administrator may give a copy of the application to the Jasper County Sheriff, Jasper County Attorney, Jasper County Environmental Health, and the Jasper County Engineer for their review and recommendations. The Zoning Administrator shall approve, approve with conditions, or deny the temporary non-conforming use permit within ten (10) days of the receipt of the completed application. Temporary non-conforming use permits shall be site specific, issued per occurrence, be for no longer than necessary, shall have a start date and end date, shall not be granted for more than one year, and become null and void if the use is discontinued for any reason prior to the ending date of the permit.

2.10.2 Conditional Use Permits - In addition to listed requirements for the following conditional uses, the Zoning Administrator may place additional requirements on any conditional use permit deemed necessary to protect the safety and welfare of the general public. Applicants for conditional use permits shall provide all the information required by the Zoning Administrator to determine that all the listed requirements are met, and that the safety and welfare of the general public is protected. Other local and state regulations regarding any related permits and licenses are the responsibility of the applicant.

2.10.2.1 Adult Entertainment Businesses

2.10.2.1.1 Shall not be located within one thousand (1,000) feet of any residential use or district, church, school, publicly owned land or building, daycare, hospital, or recreational facility.

2.10.2.1.2 The only word that can be used on outside signage to advertise the nature of an adult entertainment business shall be the word "adult", and there shall not be any sexual content graphically displayed in any form.

2.10.2.2 Home Business

2.10.2.2.1 No more than three (3) persons who are not an immediate family member shall be regularly employed on-site.

2.10.2.2.2 Signs per District regulations.

2.10.2.2.3 All business equipment and materials shall be completely contained inside the building.

2.10.2.2.4 That operation of the business will not create any kind of violation of this ordinance or any other local, state, or federal laws, codes or ordinances.

2.10.2.2.5 Off-street parking as required by these regulations.

2.10.2.3 Home Occupation

2.10.2.3.1 Not more than one (1) person who is not an immediate family member shall be regularly employed on-site.

2.10.2.3.2 There shall be no display of goods, storage of goods, equipment, or materials outside, and no exterior advertising on the premises other than a small sign not to exceed two (2) square feet in area, carrying only the name and occupation of any occupant of the premises.

2.10.2.3.3 The building or premises occupied shall not be objectionable or to the character of the neighborhood due to the exterior appearance.

2.10.2.3.4 That operation of the business will not create any kind of violation of this ordinance or any other local, state, or federal laws, codes or ordinances.

2.10.2.3.5 Off-street parking as required by these regulations.

2.10.2.4 Commercial Kennels

2.10.2.4.1 Must be licensed as required by the Code of Iowa.

2.10.2.4.2 Buildings, including all fences, must be at least fifty (50) feet from any commercial or industrial use property line and two hundred (200) feet from all other property lines.

2.10.2.4.3 All fences shall be screened from view of any adjoining property by plantings that are taller than the fence and at least eighty (80) percent opaque.

2.10.2.5 Non-farm Livestock Facilities - Any livestock kept by any person other than a farmer shall be subject to the following requirements.

2.10.2.5.1 Buildings housing livestock must be located in the rear yard if accessory to a residence and at least two hundred (200) feet from all property lines, except bare land in the Ag District, and then must meet zoning set-back requirements.

2.10.2.5.2 Must have one (1) net acre of fenced area for each animal unit.

2.10.2.6 Bed and Breakfast Homes

2.10.2.6.1 Accommodations must be in a single-family dwelling which is the residence of the host/hostess.

2.10.2.6.2 Accommodation is limited to a maximum of two (2) families at any one time.

2.10.2.6.3 Food shall be served for compensation only to overnight guests and not to the general public.

2.10.2.6.4 A sign not to exceed two (2) square feet in area carrying the name of the bed and breakfast home and host/hostess is permitted on the premises.

2.10.2.6.5 In addition to the required parking spaces for the residence, one (1) additional parking space shall be provided for each family accommodated.

2.10.2.6.6 Upon arrival, guests shall register with the host/hostess their names, address, and license plate number of the vehicle being used by the guests. Records of guests shall be kept for a period of three (3) years and shall be made available for examination by Jasper County, State of Iowa, and Federal officials upon request.

2.10.2.7 Junk Yards

2.10.2.7.1 Shall be required to have all local, state, and federal licenses and permits.

2.10.2.7.2 Shall be located and screened so that nothing stored in the junkyard is visible from any road, highway, or adjoining property.

2.10.2.7.3 Shall not store or display anything outside of a fenced area or a fully enclosed building.

2.10.2.7.4 Shall have all outside storage areas enclosed by a solid fence at least eight (8) feet tall, starting not more than three (3) inches above ground level at any spot. The fence shall be placed inside the property boundary far enough to allow for establishing and maintaining plantings outside the fence to create a screen that is eighty (80) percent opaque year-around between two (2) feet and ten (10) feet above ground level at any given spot.

2.10.2.7.5 All outside storage areas shall be surfaced and kept free of any vegetation.

2.10.2.8 Privately Owned Campgrounds - Operated for free or for revenue.

2.10.2.8.1 Interior road design and layout that provides for the safe ingress and egress of campers and life safety personnel and equipment regardless of weather conditions.

2.10.2.8.2 Adequate sanitary facilities.

2.10.2.8.3 Individual camp sites that are designed to safely support all camping equipment, vehicles, and ancillary equipment placed on them, and large enough that all camping equipment, vehicles, and ancillary equipment are stored off of the campground roads.

2.10.2.8.4 Parking for visitors and guests of the campers.

2.10.2.8.5 That the design will not create any substantial adverse effect to the present and potential future use of adjacent properties.

2.10.2.8.6 Campground rules, regulations, and operating procedures adequate enough in the opinion of the Zoning Administrator to ensure that operation of the proposed campground will not create any nuisance as defined by Iowa Code or interfere with the right of peaceful enjoyment of adjoining property owners.

2.10.2.9 Communication Towers and Facilities

2.10.2.9.1 Co-Location - No new tower/facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Administrator that no existing tower, structure, or alternative technology can accommodate the applicant's needs. The applicant shall submit evidence that the cost of co-locating exceeds the cost of a new tower, or; documentation by an Iowa Licensed Engineer that:

2.10.2.9.1.1 The planned equipment would exceed the structural capacity of the existing tower, or;

2.10.2.9.1.2 The planned equipment would interfere with existing or planned equipment, or;

2.10.2.9.1.3 The existing tower cannot provide the necessary height, or;

2.10.2.9.1.4 The existing tower cannot provide the required coverage.

2.10.2.9.2 Design Requirements

2.10.2.9.2.1 Height - An Iowa Licensed Engineer must document that the height of the proposed new tower is the minimum necessary to accommodate the proposal's requirements.

2.10.2.9.2.2 Required Setbacks - The center foundation of all towers are required to be set back from all dwellings, buildings, overhead utility lines, and rights-of-way as follows:

2.10.2.9.2.2.1 For all towers, a distance equal to one hundred ten (110) percent the height of the tower, plus one hundred (100) percent of the length of the longest supporting guy wire for guyed towers.

2.10.2.9.2.2.2 Guys and accessory buildings must satisfy the minimum zoning district setback requirements for accessory buildings within the lease area.

2.10.2.9.3 Safety

2.10.2.9.3.1 Towers, guys, and accessory buildings shall be enclosed by fencing not less than six (6) feet in height and equipped with appropriate anti-climbing devices.

2.10.2.9.3.2 Towers shall not be climbable up to fifteen (15) feet above ground level.

2.10.2.9.3.3 All access doors to electrical equipment shall be locked when not being serviced.

2.10.2.9.3.4 Appropriate warning signage shall be placed on towers and electrical equipment.

2.10.2.9.3.5 The manufacturer's engineer or another qualified engineer shall certify that the foundation and tower design is within accepted professional standards, given local soil and climate conditions.

2.10.2.9.3.6 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.

2.10.2.9.4 Aesthetics - Towers/facilities shall meet the following general requirements.

2.10.2.9.4.1 Color - Towers shall maintain a galvanized steel finish unless required to be painted by the FAA.

2.10.2.9.4.2 Lighting - Towers/facilities, including antennas, shall not be artificially lit unless required by the FAA. Unless required as the only option by the FAA, strobe lighting is not permitted. If lighting is required, lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

2.10.2.9.4.3 Signs - No signs shall be allowed on any tower, accessory building, fence, or guy other than safety or warning signs.

2.10.2.9.5 General Requirements - The proposed tower/facility must comply with all other applicable local, state, or federal regulations.

2.10.2.9.6 Removal of Abandoned Towers/Facilities - The owner of a tower is required to notify the Jasper County Zoning Administrator thirty (30) days before use of the tower is discontinued and has ninety (90) days from the time of such notice to remove the tower/facility, foundational supports, and associated appurtenances.

2.10.2.9.7 Commercial - Wind Energy Conversion System (C-WECS) - The requirements of this Ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing C- WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy. Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance. All C-WECS must be approved by Jasper County Board of Supervisors.

2.10.2.10.1 Design Requirements

2.10.2.10.1.1 Aesthetics - C-WECS shall meet the following general requirements.

2.10.2.10.1.1.1 Color and Finish - Wind turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or 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.

2.10.2.10.1.1.2 If a proposed C-WECS will be located adjacent to publicly owned or managed areas, the Jasper County Conservation Board will be required to determine that the placement will not have an unacceptable impact on any view sheds. They shall make a recommendation to the Board of Supervisors prior to approval of new C-WECS.

2.10.2.10.1.2 Tower configuration - All wind turbines which are part of C- WECS shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.

2.10.2.10.1.3 Lighting - C-WECS sites shall not be artificially lit, except to adhere to, but not exceed, requirements established by Federal Aviation Administration. Exceptions may be made for meteorological towers where concerns exist relative to aerial spray applicators.

2.10.2.10.1.4 Signage - Signs on C-WECS equipment or sites shall be limited to reasonable identification of the manufacturer or operator of the C-WECS.

2.10.2.10.1.5 Feeder Lines - All communications and feeder lines, equal to or less than 34.5kV in capacity, installed as part of a C- WECS, shall be buried. If the developer can demonstrate the need for an overhead line, and the affected landowners grant a perpetual easement for this line, such an option may be approved by the Zoning Administrator.

2.10.2.10.1.6 Waste Disposal - Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site and disposed of in accordance with all applicable local, state, and federal regulations.

2.10.2.10.1.7 Minimum Ground Clearance - The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

2.10.2.10.1.8 Signal Interference - The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone, or television signals, caused by any C- WECS.

2.10.2.10.1.9 Federal Aviation Administration - All C-WECS shall comply with FAA standards and permits.

2.10.2.10.1.10 Electrical Codes and Standard - All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code (NEC) and other applicable standards.

2.10.2.10.1.11 Setbacks - The following setbacks and separation requirements shall apply to all wind turbines.

2.10.2.10.1.11.1 Inhabited Structures - Each wind turbine shall be set back from the nearest residence, school, hospital, church, or public library, a distance no less than two (2) times its total height or one thousand (1,000) feet, whichever is greater.

2.10.2.10.1.11.2 Property Lines - At no time shall any part of the turbine overhang an adjoining property without securing appropriate easements from adjoining property owners.

2.10.2.10.1.11.3 Public Roads and Utilities - Setbacks from public road right-of-way, railroad right-of way, overhead utility lines and structures, or any easement thereto shall be a minimum of 1.1 times the total tower height.

2.10.2.10.1.12 Noise - When measured at any existing residence, school, hospital, church, or public library, any audible noise due to C-WECS operations shall not exceed sixty (60) dBA for any period of time, and if a C-WECS operation contains a steady pure tone, such as a whine, screech, or hum, the audible noise shall not exceed fifty- five (55) dBA.

2.10.2.10.1.12.1 In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Zoning Administrator provided that the affected property owners grant a perpetual noise impact easement recorded in the Office of the Jasper County Recorder which describes the burdened properties.

2.10.2.10.2 Safety

2.10.2.10.2.1 Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.

2.10.2.10.2.2 All access doors to wind turbine towers and electrical equipment shall be locked when not being serviced.

2.10.2.10.2.3 Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and C-WECS entrances.

2.10.2.10.2.4 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.

2.10.2.10.2.5 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.

2.10.2.10.3 Avoidance and Mitigation of Damages to Public Infrastructure.

2.10.2.10.3.1 Applicants, in coordination with the Jasper County Engineer, shall document the existing conditions of, and identify any improvements necessary to, all Jasper County roads and other public infrastructure to be used or affected by the construction, operation, or maintenance of the C-WECS.

2.10.2.10.3.2 The Jasper County Engineer shall prepare an estimate of the costs for any required improvements to, and increased maintenance of, public infrastructure.

2.10.2.10.3.3 The applicant shall enter into an agreement with the Jasper County Board of Supervisors to pay all actual costs of any required improvements, increased maintenance during construction, and damage repair to any public infrastructure, and to provide financial surety in a manner approved by the Jasper County Attorney in an amount equal to one hundred thirty (130) percent of all such costs as estimated by the Jasper County Engineer.

2.10.2.10.4 Discontinuation and De-commissioning - Applicants shall enter into a de-commissioning agreement with the Jasper County Board of Supervisors outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon discontinuation of use. The plan and cost estimates shall be documented by a professional engineer licensed in the State of Iowa. The agreement shall require the applicant to completely remove the tower, accessory buildings, and appurtenances, including any foundation to four (4) feet below grade within one hundred eighty (180) days of discontinuation of use. The agreement will not be approved by the Board of Supervisors until the applicant has provided Jasper County with financial surety in a manner acceptable to the Board of Supervisors and approved by the Jasper County Attorney.

2.10.2.10 Individual - Wind Energy Conversion System (I-WECS) - Subject to the following standards:

2.10.2.11.1 Tower Height - I-WECS total tower height shall be limited so that no part of the tower would fall on any property owned by others in the event of a collapse unless a perpetual fall zone easement is granted by the owner of the affected property(s), and except as imposed by FAA regulations.

2.10.2.11.2 Setback - No part of the I-WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.

2.10.2.11.3 Noise - I-WECS shall not exceed sixty (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 windstorms.

2.10.2.11.4 Engineer Certification - Applications for I-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.

2.10.2.11.5 Compliance with FAA Regulations - I-WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

2.10.2.11.6 Compliance with National Electric Code - Applications for I-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.

2.10.2.11.7 Utility Notification - No I-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.

2.11 OFF-STREET PARKING AREAS AND LOADING SPACES

2.11.1 Development Standards - All off-street parking areas shall be of a usable shape, surfaced and dust free, and graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate off-street parking areas shall be arranged so that it does not interfere with the safe operation of vehicles on the right- of-way or the peaceful use and enjoyment of adjoining properties. All required off-street parking for any dwelling shall be located on the property served. Required off-street parking for uses other than dwellings shall be on the premises intended but may be extended to adjoining property within one hundred (100) feet of any part of the use if in the same or less restricted district.

2.11.2 Units of Measurement

2.11.2.1 Parking Space - Each parking space shall be rectangular in shape, shall not be less than eight and one-half (8 1/2) feet wide and twenty (20) feet long in an area exclusive of access drives or aisles.

2.11.2.2 Floor Area - In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to customers, patrons, or clients, but shall not include areas used principally for non-public purposes such as toilet or rest rooms, utilities, or dressing rooms.

2.11.2.3 Hospital Bassinets - In hospitals, bassinets shall not be counted as beds.

2.11.2.4 Benches in Place of Public Assembly - In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirement for off-street parking facilities under the regulations.

2.11.3 In all districts, every building with up to five thousand (5,000) square feet of gross floor area to be occupied by uses requiring the regular receipt or distribution, by vehicles, of materials or merchandise, there shall be provided and maintained on the same property with such building at least one (1) off-street loading space accessible from a street, alley, or access easement, plus one (1) additional such loading space for each additional ten thousand (10,000) square feet or major fraction thereof. Each loading space shall not be less than ten (10) feet wide, sixty (60) feet in length, and fourteen (14) feet in height, exclusive of access and turning area.

2.11.4 In all districts, off-street parking areas, in the open or in a garage, shall be in addition to any required loading and unloading spaces and provided as follows:

Use	Parking Spaces Required
Automobile or Machinery Sales and Service Garage	One (1) for each thousand (1,000) square feet of floor area plus one (1) for each full-time employee.
Banks, Business, and Professional Offices	One (1) for each two hundred (200) square feet of floor area.
Bowling Alleys	Six (6) for each alley.
Churches and Schools	One (1) for each four (4) seats in the principal auditorium.
Convenience Stores - Drug, Grocery, Hardware, and Similar Stores	One (1) for each three hundred (300) square feet of floor area devoted to sales plus one (1) for each full-time employee.
Dance Halls and Assembly Halls without fixed seats	One (1) for each fifty (50) square feet of floor area used for assembly or dancing.
Drive-In Eating Establishment	Not less than one-half (1/2) of the total ground area to be devoted exclusively to parking and accessways.
Dwellings	Two (2) for each dwelling unit.
Food Pick-up Establishments	Minimum of two (2) plus one (1) for each one hundred (100) square feet of floor area.
Funeral Homes, Mortuaries	Six (6) per chapel room or parlor or one (1) per fifty (50) square feet of rooms used for services, whichever is greater.
Hospitals, Nursing Homes	One (1) for each five (5) beds plus one (1) for each two (2) doctors and employees.
Manufacturing Plants, Research, or Testing Laboratories, Bottling Plants	Two (2) for each three (3) employees on maximum working shift.
Medical or Dental Clinics	One (1) for each two hundred (200) square feet of floor area plus one (1) for each full-time employee and one (1) for each doctor.
Motels and Motor Hotels	One (1) for each unit, plus one (1) for each two (2) employees on maximum shift.

Motor Fuel Stations	One (1) for each employee on duty plus two (2) for each service bay.
Service Establishments –	
Barber Shops	Two (2) for each chair plus one (1) for each two (2) employees on maximum shift.
Beauty Shops	One (1) for each dryer plus one (1) for each two (2) employees on maximum shift.
Coin-Operated Laundries and/or Dry-Cleaning Establishments	One (1) for each three (3) washers and/or cleaning machines plus one (1) for each two (2) employees on maximum shift
Restaurants	One (1) for each three (3) seats plus one (1) for each two (2) employees on maximum shift.
Shoppers Goods - Appliance, Household Equipment, Furniture, and Similar Stores	One (1) for each five hundred (500) square feet of floor area plus one (1) for each full-time employee.
Taverns or Bars	One (1) for each two (2) seats plus one (1) for each two (2) employees on maximum shift.
Theaters	One (1) for each four (4) seats.
Wholesale Establishments	One (1) for each four (4) employees on maximum work shift.

In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.	
Coin-Operated Laundries and/or Dry-Cleaning Establishments	One (1) for each three (3) washers and/or cleaning machines plus one (1) for each two (2) employees on maximum shift
Restaurants	One (1) for each three (3) seats plus one (1) for each two (2) employees on maximum shift.

2.12 SITE PLANS REQUIRED - A site plan is required for every use and structure regulated by the Zoning Ordinance. No building permit shall be issued until the required site plan is approved. Applicants for site plan approval shall provide all the information required by the Zoning Administrator to determine that all the listed standards are met, and that the safety and welfare of the general public is protected.

2.12.1 Surfacing Requirements - All off-street parking, loading areas, and access roadways in the "C" District or any "R" district shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement designed to handle the anticipated loads. The submitted design must be approved by the Jasper County Engineer.

2.12.2 All drawings and documentation for a site plan, except detached single family dwellings and duplexes, shall be prepared and certified by a design professional and demonstrate that the proposed development:

- 2.12.2.1 Will not increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
- 2.12.2.2 Will not overload existing public utilities.
- 2.12.2.3 Will not overload or create undue congestion on adjacent or surrounding public roads.
- 2.12.2.4 Will not endanger any underground water supply.
- 2.12.2.5 Will not diminish or impair the current use or enjoyment of adjoining property or any permitted future use if the adjoining property is vacant.
- 2.12.2.6 Will conform to all applicable local, state, and federal rules, regulations and codes.
- 2.12.2.7 Will provide all improvements necessary to accomplish the stated Standards including approved buffers, and off-street parking as required.
- 2.12.3 Buffer Required**
- 2.12.3.1 An approved buffer shall be required between any industrial use and/or "I" District and all other abutting Districts except the "A" District.
- 2.12.3.2 An approved buffer shall be required between "R-I" Districts and all other Districts except the "A" District.
- 2.12.3.3 An approved buffer shall be required between "C" Districts and all other abutting Districts except the "A" District.
- 2.12.3.4 Any area outside of a fully enclosed building used for storage, garbage storage, junk storage, or loading docks and loading areas in any District shall be screened from view by a buffer.
- 2.12.4 Approved Buffers**
- 2.12.4.1 Buffer Wall - A buffer wall shall not be less than six (6) feet in height; shall be constructed of a permanent low maintenance material such as concrete block, cinder block, brick, concrete, precast concrete, tile block, etc.; designed by an architect or engineer for both structural adequacy and aesthetic quality. Wood shall not be used in a buffer wall.
- 2.12.4.2 Landscape buffer - A landscape buffer shall not be less than twenty-five (25) feet in width, designed and landscaped with an earth berm (optional) and predominant plantings of evergreen type trees, shrubs, and plants so as to assure year around effectiveness. A landscape buffer must be designed, installed, and maintained to create a one hundred (100) percent opaque screen to a height not less than six (6) feet above average grade of any properties required to be separated within three (3) years.
- 2.12.5 Provision of Buffer - The provision and selection of the buffer shall be as follows:

2.12.5.1 Where one (1) of two (2) different Zoning Districts requiring a buffer between them is partly developed, the developer of the vacant land shall assume the burden, unless otherwise specified herein.

2.12.5.2 Where both Zoning Districts, requiring a buffer between them, are vacant or undeveloped, the burden shall be assumed by the developer of the land that is improved or developed first.

2.12.5.3 Where the line between two (2) districts requiring a buffer follows a street, right-of-way, railroad, stream, or other similar barrier, the requirement for a buffer may be waived by the Zoning Administrator, provided such waiver does not permit the exposure of undesirable characteristics of land use to public view.

2.12.6 Surfacing Requirements - All off-street parking, loading areas, and access roadways in a "C" or "R-1" District shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement designed to handle the anticipated loads. The submitted design must be approved by the Jasper County Engineer.

2.12.7 Property Maintenance Standards - It shall be the responsibility of the equitable owner and the person in possession of any property and/or structure regulated by this Ordinance to keep the property free of the following declared nuisances:

2.12.7.1 Any nuisance as defined herein or described as such by Chapter 657 of the CODE OF IOWA, 2020.

2.12.7.2 Any structure which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; or any building that is defined as abandoned or a public nuisance by Chapter 657A, CODE OF IOWA, 2020.

2.12.7.3 Facilities for the storage or processing of sewage which do not comply with the Jasper County Environmental Health regulations.

2.12.7.4 Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.

2.12.7.5 Junk or inoperable vehicles outside of a completely enclosed building, unless located on the premises of a lawfully operated junkyard.

2.12.7.6 An accumulation of refuse, to the prejudice of others.

2.12.7.7 Conditions which are conducive to the harborage or breeding of vermin.

2.13 BUILDING MAINTENANCE - Every building shall be maintained to be weather and watertight, and free from excessively peeling paint or other conditions suggestive of deterioration or inadequate maintenance. Exterior surfaces shall not have any holes or broken glass; loose, cracked, or damaged shingles or siding; or other defects in the exterior finish which admit rain, cold air, dampness, rodents, insects, or vermin. Basements, cellars, and crawl spaces shall be free of standing water and hazards. All wood, including floorboards, subfloors, joists, bridging, roof rafters, and sheathing, and all other wood in any interior or exterior floor, wall, roof, or other part of the structure, shall be maintained to be free of conditions adversely affecting structural integrity, including but not limited to, cracking, splitting, termite damage, infestation, or rot. Any and all damaged or deteriorating materials shall be replaced. If infestation exists in any basement, cellar, or crawl space, such infestation shall be remedied in accordance with industry standards.

2.14 INOPERABLE VEHICLES - Inoperable vehicles shall be stored within a fully enclosed building or shall be removed from the premises.

2.15 REFUSE - All refuse shall be contained in suitable collection containers, kept free from infestation, and shall be removed weekly.

ARTICLE 3 - DEFINITIONS

For the purpose of the regulations, certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory and not directory.

3.1 A

3.1.1 Abandoned Building - Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one (1) year, or any completed building or portion thereof which has stood unoccupied for longer than two (2) years, and which is unsecured.

3.1.2 Access - A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

3.1.3 Access Point - The location of the intersection of a highway, street, or driveway with a highway.

3.1.4 Accessory Use or Structure - A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto. A structure detached from the principal building.

3.1.5 Accessory Use - A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. (Example: childcare facility accessory to a large-scale office building or industrial building.)

3.1.6 Adult - As used in this Article, refers to persons who have attained the age of at least eighteen (18) years.

3.1.7 Adult Entertainment Business - A business which as a part of or in the process of delivering goods and services displays to its patrons specified sexual activities or specified anatomical areas in printed form or through any form of photographic medium or by use of male or female models. In reference to the above, the following definitions shall apply:

3.1.7.1 Specified sexual activities means any sexual contact, actual or simulated, either natural or deviate, between two (2) or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one (1) person and the genitalia of another person or by use of artificial sexual organs or substitute therefore in contact with the genitalia or anus.

3.1.7.2 Specified anatomical areas include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

3.1.7.3 Substantial means more than twenty-five (25) percent of the book, magazine, film, or video tape inventory are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

3.1.7.4 Adult Art or Adult Modeling Studio - An establishment or business which provides the services of modeling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise; provided entrance to such establishment and such services are available only to adults.

3.1.7.5 Adult Artist - Body Painting Studio — An establishment or business which provides the services of applying paint or other substance whether transparent or non-transparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.

3.1.7.6 Adult Bath House - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.

3.1.7.7 Adult Book Store - An establishment or business having a substantial part of its stock in trade, books, magazines, photographs, pictures, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein and limited in sale of such sexual materials to adults.¹

3.1.7.8 Adult Cabaret - A cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

3.1.7.9 Adult Motel - A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

3.1.7.10 Adult Motion Picture Arcade - Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

3.1.7.11 Adult Motion Picture Theater - An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

3.1.7.12 Adult Mini Motion Picture Theater - An enclosed building with a capacity for less than fifty (50) persons used for presenting motion pictures, slides, or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

3.1.7.13 Massage - Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.

3.1.7.14 **Massage Establishment** - Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing (1) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157 or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; (2) persons performing massage therapy or massage services under the direction of a person licensed as described in (1) above; (3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (4) nurses, aides, technicians, and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (1) above; (5) an athletic coach or trainer (i) in any accredited public or private secondary school, junior college, college, or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

3.1.7.15 **Model Studio** - Any establishment where for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" are provided for observation by or communication to persons paying such consideration or gratuity.

3.1.7.16 **Model** - Any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

3.1.7.17 **Nude Encounter Parlor** - An establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any business of viewing any person or persons or the actual encounter of any person or persons depicting, describing, or relating to "specified sexual activities" as defined herein.

3.1.7.18 **Nude Photographic Parlor** - An establishment having a fixed place of business, where any person, association, firm, or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on any business of photographing any person or persons depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

3.1.8 **Agriculture** - The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock.

3.1.9 Airport - Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

3.1.10 Alley - A public or private way less than twenty-one (21) feet in width affording secondary means of access to abutting property.

3.1.11 Amusement and Recreation Services - Establishments engaged in providing entertainment for a fee and including, but not limited to, such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; bowling alleys and billiard/pool establishments; commercial facilities, such as arenas, rings, rinks, and racetracks; public golf courses; coin operated devices; amusement parks; membership sports and health clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors; and horse shows.

3.1.12 Animal Kennel - Any structure or premise in which animals are boarded, groomed, bred, or trained for commercial gain.

3.1.13 Apartment Unit - One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained

3.2 B

3.2.1 Basement - A space separated from the structure above it by a floor/ceiling, with a floor to ceiling height of not less than six (6) feet eight (8) inches, which is directly accessible from inside the structure through the separating floor/ceiling.

3.2.2 Bed and Breakfast - Overnight accommodation and a morning meal in an owner occupied dwelling unit with not more than four (4) guest rooms provided to transients for compensation.

3.2.3 Buffer Strip - Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one (1) use or property from another so as to physically shield or block noise, lights, or other nuisances.

3.2.4 Building - Any structure for the shelter or enclosure of persons, animals, or chattels having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

3.2.5 Building Height - The vertical distance from the average finished grade within 6 feet of the structure, exclusive of a walk-out basement, at the building line, to the highest point on any exterior wall for buildings with flat roofs, to the deck line of a mansard roof, or to the lowest eave of a pitched or hipped roof.

3.3 C

3.3.1 Camper - Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

- 3.3.2 Campground - A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
- 3.3.3 Camping Unit - Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.
- 3.3.4 Campsite - Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.
- 3.3.5 Carport - A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.
- 3.3.6 Casino - A room or rooms in which legal gaming is conducted.
- 3.3.7 Catch Basin - An inlet designed to intercept and redirect surface waters.
- 3.3.8 Cellar - A space separated from the structure above it by a floor/ceiling, which is only accessible from the outside of the structure.
- 3.3.9 Cemetery - Property used for the interring of the dead.
- 3.3.10 Certificate of Occupancy (CO) - A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.
- 3.3.11 Change of Use - Any use that substantially differs from the previous use.
- 3.3.12 Chattel - Personal property as contrasted with real estate.
- 3.3.13 Child Day Care - (Definitions from Chapter 237A, Code of Iowa) The care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of less than twenty-four (24) hours per day per child on a regular basis in a place other than the child's home, but does not include care, supervision, or guidance of a child by any of the following:
- 3.3.13.1 An instructional program administered by a public or non-public school system accredited by the department of education or the state board of regents, except a program provided under section 279.49, Code of Iowa,
- 3.3.13.2 A church-related instructional program of not more than one (1) day per week, short-term classes held between school terms,
- 3.3.13.3 A childcare center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections and appeals pursuant to Chapter 135B, Code of Iowa,
- 3.3.13.4 A non-profit program operated by volunteers for no charge for not more than two (2) hours during any twenty-four (24) hour period,

- 3.3.13.5 A program provided by the state or a political subdivision which provides recreational classes for a period of less than two (2) hours per day,
- 3.3.13.6 A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five (5) years of age or older and attending school.
- 3.3.14 Church - A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.
- 3.3.15 Clinic - An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, or other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.
- 3.3.16 Club - A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.
- 3.3.17 College - An educational institution authorized by the state to award baccalaureate or higher degrees.
- 3.3.18 Commercial Greenhouse - Structure in which plants, vegetables, flowers, and similar materials are grown for sale.
- 3.3.19 Common Elements - Land amenities, certain areas of buildings such as lobbies, corridors, and hallways, central services and utilities, and any other elements and facilities owned and used by all condominium unit owners and designated in the master deed as common elements.
- 3.3.20 Conditional Use - A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.
- 3.3.21 Conditional Use Permit - A permit issued by the approving agency stating that the conditional use meets all conditions set forth in local ordinances.
- 3.3.22 Condominium - A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
- 3.3.23 Condominium Association - The community association that administers and maintains the common elements of a condominium.
- 3.3.24 Conservation Area - Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character . See Critical Area.

3.3.25 Consolidation - The removal of lot lines between contiguous parcels.

3.3.26 Contiguous - Next to, abutting, or touching and having a boundary, or portion thereof, that is common to two (2) or more properties.

3.3.27 Convenience Store - Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

3.3.28 Crawl Space - A space separated from the structure above it by a floor/ceiling having a floor to ceiling height of four (4) feet six (6) inches or less. A crawl space will not be used for the purpose of height measurement.

3.3.29 Critical Area - An area with one or more of the following environmental characteristics: (1) steep slopes; (2) flood plain; (3) soils classified as having high water tables; (4) soils classified as highly erodible, subject to erosion, or highly acidic; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) estuaries; (10) mature stands of native vegetation; (11) aquifer recharge and discharge areas; (12) wetlands and wetland transition areas; and (13) habitats of endangered species. See Conservation Area.

3.3.30 Cul-De-Sac - The turnaround at the end of a dead-end street.

3.3.31 Culvert - A drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.

3.3.32 Curvilinear Street - A pattern of streets that is curved.

3.4 D

3.4.1 Deciduous - Plants that drop their foliage annually before becoming dormant.

3.4.2 Deficient Unit - A housing unit that is not decent, safe, or sanitary, as determined through census surrogates or on-site inspection, and that does not comply with local codes or other housing standards.

3.4.3 Density - The number of families, individuals, dwelling units, households, or housing structures per unit of land.

3.4.4 Detention Basin - A facility for the temporary storage of stormwater runoff.

3.4.5 Deterioration - The marked diminishing of the physical condition of structures or buildings.

3.4.6 Developer - The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

3.4.7 Development - The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

3.4.8 Development, Major - Any development not a minor development.

3.4.9 Development, Minor - Any development involving four (4) or fewer lots and/or not requiring the extension of any new streets or other municipal or governmental facilities.

3.4.10 Dilapidation - A deterioration of structures or buildings to the point of being unsafe or unfit for human habitation or use.

3.4.11 Disability - In reference to an individual, a physical or mental impairment that substantially limits one (1) or more of the major life activities; a record of such an impairment; or being regarded as having an impairment.

3.4.12 Driveway - A private roadway providing access to a street or highway.

3.4.13 Driveway Width - The narrowest width of the driveway measured perpendicular to the driveway.

3.4.14 Duplex - A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. See Dwelling, Two-Family.

3.4.15 Dwelling - A structure or portion thereof that is used exclusively for human habitation.

3.4.16 Dwelling, Accessory - One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within an accessory structure for the exclusive use of a single family maintaining a household. Structure must be a ground floor minimum of 720 square feet and must be built on frost footings or a frost protected foundation.

3.4.17 Dwelling, Attached - A one (1)-family dwelling attached to two (2) or more one (1)-family dwellings by common vertical walls.

3.4.18 Dwelling, Detached - A dwelling that is not attached to any other dwelling by any means.

3.4.19 Dwelling, Garden Apartment - One (1) or more two (2)- or three (3)-story, multifamily structures, generally built at a gross density of ten (10) to fifteen (15) dwelling units per acre, with each structure containing eight (8) to twenty (20) dwelling units and including related off-street parking, open space, and recreation. See Dwelling, Multifamily.

3.4.20 Dwelling, High-Rise - An apartment building of eight (8) or more stories.

3.4.21 Dwelling, Mid-Rise - An apartment building containing from three (3) to seven (7) stories.

3.4.22 Dwelling, Multifamily - A building containing three (3) or more dwelling units, including units that are located one over the other.

3.4.23 Dwelling, Seasonal - A dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

3.4.24 Dwelling, Single-Family Detached - A building containing one (1) dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

3.4.25 Dwelling, Single-Family Semidetached - A one (1)-family dwelling attached to one (1) other one (1)-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

3.4.26 Dwelling, Townhouse - A one (1)-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

3.4.27 Dwelling, Two-Family - A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

3.4.28 Dwelling Unit - One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

3.5 E

3.5.1 Essential Services - The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings more than one hundred (100) square feet in area or more than ten (10) feet above grade at the highest point.

3.5.2 Existing Grade or Elevation - The vertical location above some elevation point of the ground surface prior to excavating for filling.

3.5.3 Existing Use - The use of a lot or structure at the time of the enactment of a zoning ordinance.

3.5.4 Exposed to Public View - Any premises or any part thereof which may be lawfully viewed by the public

3.5.5 Exterior - Yards or other open outdoor spaces on premises, and the external surfaces of any structure.

3.5.6 Exterior Wall - Any wall that defines the exterior boundaries of a building or structure.

3.6 F

3.6.1 Facade - The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

- 3.6.2 Factory - A building in which raw material and semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.
- 3.6.3 Family - A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.
- 3.6.4 Family (Immediate) - Individuals related by blood, marriage, or adoption, including; Great-Grandfather, Great-Grandmother, Great-Grandson, Great-Granddaughter, Grandfather, Grandmother, Grandson, Granddaughter, Mother, Father, Son, Daughter, Sister, Brother, Sister-in-law, Brother-in-law, Uncle, Aunt, Niece, or Nephew.
- 3.6.5 Family Home - Any community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237, Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family exclusively for not more than eight (8) developmental[^] disabled persons and any necessary support personnel. However, a family home does not mean an individual foster family home licensed under Chapter 237, Code of Iowa. A family home also means an Elder Family Home as defined in 231 A, Code of Iowa. A family home shall not be located within one-fourth (1/4) of a mile from another family home.
- 3.6.6 Farmer - Person who is physically and financially responsible for cultivating the ground and harvesting the resulting crop(s) and/or raising or managing livestock on a commercial scale.
- 3.6.7 Farmland - A parcel of land which is cultivated and from which the resulting crop is harvested or upon which livestock is raised or managed.
- 3.6.8 Farmhouse - A single family dwelling occupied by the farmer who owns and farms the farmland on which the home is located.
- 3.6.9 Farm Stand - A structure for the display and sale of farm products.
- 3.6.10 Farm Building - Any building or structure used for agricultural purposes by the farmer who owns the farmland on which the building or structure is located.
- 3.6.11 Flood - The temporary overflowing of water onto land that is usually devoid of surface water.
- 3.6.12 Flood Plain - The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.
- 3.6.13 Floor Area, Gross - The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings but excluding any space where the floor-to-ceiling height is less than six (6) feet.
- 3.6.14 Floor, Ground - the first floor of a building other than a cellar or basement.

3.6.15 Floor Area, Net - The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

3.6.16 Floor Area Ratio (FAR) - The gross floor area of all buildings or structures on a lot divided by the total lot area.

3.6.17 Forestry - Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

3.6.18 Fringe Area - The area of transition between two (2) different dominant land uses or other recognizable characteristics, including social, economic, or cultural,

3.6.19 Front Foot - A measure of land width, being one (1) foot along the front lot line of property.

3.6.20 Frontage - That side of a lot abutting on a street; the front lot line.

3.7 G

3.7.1 Garage, Private - A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1 1/2) tons.

3.7.2 Garbage - Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of food.

3.7.3 Governing Plan – A Governing Plan provides detailed development criteria as part of a Planned Unit Development. The Governing Plan shall be reviewed by the Jasper County Zoning Commission and adopted by the Board of Supervisors. The Governing Plan identifies planning parcels, streets, utility corridors, stormwater management strategies, public spaces, land uses and densities. The intent of the Governing Plan is to provide the detailed development design criteria to be followed by the developer, and to serve as a tool to promote communication and cooperation between adjacent property owners and the developer to ensure a cohesive and unified development.

3.7.4 Grade, Finished - The final elevation of the ground level after development.

3.7.5 Grade, Natural - The elevation of the ground level in its natural state, before construction, filling, or excavation.

3.7.6 Ground level or elevation at any given point.

3.7.7 Gravel Pit - An open land area where sand, gravel, and rock fragments are mined or excavated for sale or off-tract use.

3.7.8 Green Area - Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park.

3.7.9 Greenbelt - An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

3.7.10 Greenway - (1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) locally, certain strip or linear parks designated as a parkway or greenbelt.

3.7.11 Ground Cover - Grasses or other plants and landscaping grown to keep soil from being blown or washed away.

3.7.12 Groundwater - The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

3.8 H

3.8.1 Hazardous Substance - Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

3.8.2 Health Care Facility - A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

3.8.3 Highway or Primary Thoroughfare - An officially designated federal or state numbered highway or other road designated as an interstate, arterial, or collector on the Transportation Plan as officially adopted and amended from time to time by the Zoning Commission and County Board.

3.8.4 Home Business - Any business carried on by a member of the immediate family, residing on the premises, operating out of an accessory building on the same property as the residence.

3.8.5 Home Occupation/Professional Office - Any occupation or profession carried on by a member of the immediate family, residing on the premises, operating out of a part of the dwelling.

3.8.6 Homeowners Association - A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

3.8.7 Horticulture - The cultivation of a garden or orchard.

3.8.8 Housing Unit - A room or group of rooms used by one (1) or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate bathroom and kitchen facilities.

3.9 I

3.9.1 Impervious Surface - Any material that prevents absorption of stormwater into the ground.

3.9.2 Impoundment - A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

3.9.3 Incidental - Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

3.9.4 Incineration - The controlled process by which solid, liquid, or gaseous combustible wastes are burned and changed into gases and residue containing little or no combustible material.

3.9.5 Incinerator - A device used to burn waste substances and in which all the combustion factors - temperature, retention, time, turbulence, and combustion air - can be controlled.

3.9.6 Inclusionary Development - A residential housing development in which a percentage of the dwelling units is affordable to low- and moderate-income households.

3.9.7 Individual Sewage Disposal System - A system for the treatment and disposal of sanitary sewage in the ground on the lot upon which the primary use is located.

3.9.8 Infestation - The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises or are exposed to public view.

3.9.9 Infrastructure - Facilities and services needed to sustain industry, residential, commercial, and all other land use activities.

3.9.10 Interceptor Drain - Underground drainage system designed to catch and divert storm water runoff away from a slope or other area sensitive to water erosion or impact.

3.10 J

3.10.1 Junk - Any old, used, discarded, or salvaged material, including but not limited to; copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, obsolete or inoperable equipment, machinery, or vehicle, or parts thereof; or scrap metal.

3.10.2 Junkyard - Any area, lot, land, parcel, building, or structure where junk, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk yard includes a wrecking yard.

3.11 K

3.11.1 Kennel, Commercial - Any establishment where three (3) or more dogs, cats, or other animals normally allowed outdoors that are not defined in 3.13.9 Livestock, six (6) months or older, are kept for breeding, boarding, grooming, selling, or training services in return for compensation.

3.12 L

3.12.1 Lagoon - In wastewater treatment, a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity.

3.12.2 Lake - An inland water body fed by springs or surrounding runoff.

3.12.3 Land - Ground, soil, or earth, including structures on, above, or below the surface.

3.12.4 Landlocked - A lot or parcel of land without direct access to a public road.

3.12.5 Land Management Plan - The comprehensive long range plan for the desirable use of land in the county, as officially adopted and amended from time to time by the Zoning Commission and the County Board of Supervisors; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses, designed to lessen congestion in the county streets and highways, to secure safety from fire, flood, panic, and other dangers, to protect health and general welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, the policy of which is to obtain a uniform result in accordance with the present and potential uses of land within the county, considering the individual parcel's relationship to the community as a whole,

3.12.6 Land Surveyor - One who is licensed by the state as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.

3.12.7 Land Use - A description of how land is occupied or utilized.

3.12.8 Landfill - A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

3.12.9 Livestock - Cattle, horses, sheep, swine, goats, poultry, llamas, ostriches, emu, or any other animal or fowl which are kept for commercial, hobby, or personal purposes. Each head of livestock with an average adult weight of five hundred (500) pounds or more shall be considered one (1) animal unit. Each head of livestock with an average adult weight of two hundred fifty (250) pounds or more but less than five hundred (500) pounds shall be considered one-half (1/2) an animal unit. Each head of livestock with an average adult weight of thirty (30) pounds or more but less than two hundred fifty (250) pounds shall be considered one-fourth (1/4) an animal unit. Each head of livestock with an average adult weight less than thirty (30) pounds shall be considered one-tenth (1/10) an animal unit. A mother and offspring shall be considered one (1) head until the offspring can be weaned.

3.12.10 Loading Space - An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

3.12.11 Lot - A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the regulations.

3.12.12 Lot, Corner - A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of, less than one hundred thirty-five (135) degrees.

3.12.13 Lot, Flag - A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

3.12.14 Lot, Interior - A lot other than a corner lot.

3.12.15 Lot, Through - A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

3.12.16 Lot, Transition - (1) A lot in a transition zone; (2) a lot in one (1) zoning district abutting another district and designated as a transition lot.

3.12.17 Lot Area - The total area within the lot lines of a lot, excluding any street right-of-ways.

3.12.18 Lot Area, Net- The area of the lot excluding those features or areas that the development ordinance excludes from the calculations.

3.12.19 Lot Coverage - That portion of the lot that is covered by buildings.

3.12.20 Lot Depth - The average distance measured from the front lot line to the rear lot line.

3.12.21 Lot Frontage - The length of the front lot line measured at the street right-of-way line.

3.12.22 Lot Line - A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

3.12.23 Lot Line, Front - The lot line separating a lot from a street right-of-way.

3.12.24 Lot Line, Rear - the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

3.12.25 Lot Line, Side - Any lot line other than a front or rear lot line.

3.12.26 Lot of Record - A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

3.12.27 Lot Width - The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

3.13 M

3.13.1 Maintenance Guarantee - Any security that may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time. See Performance Guarantee.

3.13.2 Manufactured Home Dwelling - A factory-built structure built under authority of 42 U.S.C.(5403), is required by federal law to display a seal from the United States Department of Housing and Urban Development and was constructed after June 15, 1976. A recreation travel trailer is not to be considered as a manufactured home.

3.13.3 Mass Gathering - Any outdoor event, or one held in a temporary structure or tent, attended by more than two thousand (2,000) persons over an eight (8)-hour period and that includes music festivals, concerts, theatrical exhibitions, public shows, entertainment, amusement, speeches, swap and shop markets, and flea markets. See Temporary Outdoor activity.

3.13.4 Master Plan – A Master Plan illustrates the vision for a Planned Unit Development. The Master Plan illustrates residential types and densities, streets, green infrastructure, open spaces, and other uses proposed as part of the development.

3.13.5 Mixed-Use Development - The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

3.13.6 Mixed-Use Zoning - Regulations that permit a combination of different uses within a single development.

3.13.7 Mobile Home - 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 (1) or more persons. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

3.13.8 Mobile Home Park - Any land upon which two (2) or more mobile, manufactured, or modular homes, or a combination of such homes, are harbored on developed spaces with water, sewer, and electrical services, used as dwellings, either free of charge or for a fee. Means the same as "Manufactured Home Park" or "Manufactured Home Community".

3.13.9 Motor Fuel Station - A place where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

3.13.10 Motor Home - A motor vehicle designed as an integral unit to be used as a conveyance upon public streets and highways and for use as a recreational dwelling and having any two (2) of the following systems permanently installed:

3.13.10.1 Cooking facilities

3.13.10.2 Ice Box or mechanical refrigerator.

3.13.10.3 Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source or both.

3.13.10.4 Self-contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.

3.13.10.5 Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system.

3.13.10.6 A one hundred ten/one hundred fifteen (110/115) volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

3.14 N

3.14.1 Noise - Any undesired audible sound.

3.14.2 Noise Pollution - Continuous or episodic excessive noise in the human environment.

3.14.3 Nonconforming Lot - A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

3.14.4 Nonconforming Sign - Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

3.14.5 Nonconforming Structure or Building - A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

3.14.6 Nonconforming Use - A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

3.14.7 Nuisance - Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

3.15 O

3.15.1 Obstruction - Any dam, wall, embankment, levee, dike, pile, abutment, soil, material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or flood plain that may impede, retard, or change the direction of the flow of water, either in itself or by catching debris carried by such water, or that is placed where the flow of water might carry the same downstream.

3.15.2 Occupant - the individual, individuals, or entity in actual possession of a premises.

3.15.3 Occupation - Gainful employment in which an individual engages to earn compensation.

3.15.4 Off-Site - Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a contiguous portion of a street or other right-of-way.

3.15.5 Off-Site Parking - Parking provided for a specific use but located on a site other than the one on which the specific use is located.

3.15.6 Off-Street Loading - Designated areas located adjacent to buildings where trucks may load and unload cargo.

3.15.7 Off-Street Parking Space - A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

3.15.8 On-Site - Located on the lot that is the subject of an application for development.

3.15.9 Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

3.15.10 Open Space, Common - Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

3.15.11 Open Space, Green - An open space area not occupied by any structures or impervious surfaces. See Green Area; Greenbelt.

3.15.12 Open Space, Private - Common open space, the use of which is normally limited to the occupants of a single dwelling, building, or property.

3.15.13 Open Space, Public - Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

3.15.14 Open Space Ratio - Total area of open space divided by the total site area in which the open space is located.

3.15.15 Outbuilding - A separate accessory building or structure not physically connected to the principal building.

3.15.16 Outdoor Storage - The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

3.15.17 Outlot, Agricultural – Outlots intended to be used for agricultural uses.

3.15.18 Outlot, Future Development – Outlots intended for areas that are left undeveloped by the current subdivision but are intended to be developed in the future. Future development outlots shall be designed in such a way that will allow them to be developed in accordance with the adopted Governing Plan.

3.15.19 Outlot, General – Outlots that do not have a specific purpose. If an outlot use fits into another outlot classification, it shall be classified as such.

3.15.20 Outlot, Infrastructure – Outlots intended for the location and shared maintenance of shared infrastructure, including roads, septic systems, stormwater management infrastructure, wells, and any other infrastructure that serves multiple buildable lots or outlots. Shared roads, septic systems, and wells shall be located in an infrastructure outlot.

3.15.21 Outlot, Open Space – Outlots intended for portions of a subdivision that will remain undeveloped, but do not contain features appropriate in preservation outlots. Land to be included in open space outlots include, but are not limited to parks, pedestrian corridors, recreation facilities, golf courses, and other undeveloped areas intended to be used by subdivision residents.

3.15.22 Outlot, Preservation – Outlots intended for the long term preservation of environmental amenities and sensitive areas. Uses shall be limited to maintenance of sensitive areas and general enjoyment. Impact to sensitive areas contained in preservation outlots is prohibited. A covenant shall be placed on the title of the property which protects and preserves the environmental amenities in perpetuity.

3.15.23 Overlay Zone - A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

3.15.24 Owner - Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

3.17 P

3.17.1 Parking Area - Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

3.17.2 Parking Area, Private - A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

3.17.3 Parking Area, Public - A parking area available to the public, with or without payment of a fee.

3.17.4 Parking Lot - An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

3.17.5 Parking Space - A space for the parking of a motor vehicle within a public or private parking area.

3.17.6 Party Wall - A common shared wall between two (2) separate structures, buildings, or dwelling units.

3.17.7 Path - A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.

3.17.8 Pedestrian - An individual who travels on foot.

3.17.9 Performance Guarantee - Any security that may be accepted by a municipality to ensure that improvements required as part of an application for development will be satisfactorily completed.

3.17.10 Performance Standards - A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

3.17.11 Perimeter - The boundaries or borders of a lot, tract, or parcel of land.

3.17.12 Permeability - The ease with which air, water, or other fluids can move through soil or rock.

3.17.13 Permitted Use - Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

3.17.14 Person - A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

3.17.15 Planned Commercial Development (PCD) - An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more structures to accommodate retail, service, commercial, or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses.

3.17.16 Planned Development - An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to plan as a single entity and containing one (1) or more structures with appurtenant common areas.

3.17.17 Planned Industrial Development (PID) - A planned development consisting primarily of industrial uses.

3.17.18 Planned Residential Development (PRD) - An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more residential clusters; appropriate commercial, public, or quasi-public uses may be included if such uses are primarily for the benefit of the residential development.

3.17.19 Planned Unit Development (PUD) - An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more residential clusters or planned unit residential developments and may contain one (1) or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

3.17.20 Plat - (1) A map representing a tract of land showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

- 3.17.21 Plat, Final - A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.
- 3.17.22 Plat, Preliminary - A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.
- 3.17.23 Plat, Sketch - A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
- 3.17.24 Point of Tangency - The point at which a curved line meets a straight line.
- 3.17.25 Potable Water - Water suitable for drinking or cooking purposes.
- 3.17.26 Pre-existing Use - The use of a lot or structure prior to the time of the enactment of a zoning ordinance.
- 3.17.27 Preliminary Approval - Preliminary approval means the conferral of certain rights, prior to final approval, after specific elements of a development have been approved by the approving authority and agreed to by the applicant.
- 3.17.28 Premises - A lot, plot, or parcel of land together with the structures thereon.
- 3.17.29 Principal Entrance - The place of ingress and egress used most frequently by the public.
- 3.17.30 Principal Use - The primary or predominant use of any lot or parcel.
- 3.17.31 Prohibited Use - A use that is not permitted in a zone district.
- 3.17.32 Public Areas - Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.
- 3.17.33 Public Building - Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.
- 3.17.34 Public Hearing - A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.
- 3.17.35 Public Improvement - Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.
- 3.17.36 Public Notice - The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing and where the application and pertinent documents may be inspected.

3.17.37 Public Sewer and Water System - Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

3.17.38 Public Utility Facilities - Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

3.18 Q

3.18.1 Quarry - A place where rock, ore, stone, and similar materials are excavated for sale or for off-tract use.

3.18.2 Quarter Section - A tract of land one-half (1/2) mile square, two thousand six hundred forty (2,640) feet by two thousand six hundred forty (2,640) feet, or one hundred sixty (160) acres.

3.18.3 Quorum - A majority of the full authorized membership of a board or agency.

3.19 R

3.19.1 Ranch - A place where livestock is bred and/or raised.

3.19.2 Reasonable Use Doctrine - A common law principle that no one has the right to use his or her property in a way that deprives others of the lawful enjoyment of their property.

3.19.3 Recreation Facility - A place designed and equipped for the conduct of sports and leisure-time activities.

3.19.4 Recreation Facility, Commercial - A recreation facility operated as a business and open to the public for a fee.

3.19.5 Recreation Facility, Personal - A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

3.19.6 Recreation Facility, Private - A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

3.19.7 Recreation Facility, Public - A recreation facility open to the general public.

3.19.8 Recreational Development - A residential development planned, maintained, operated, and integrated with a major recreation facility, such as a golf course, ski resort, or marina.

3.19.9 Recreational Vehicle - A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

3.19.10 Recreational Vehicle Park - Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

3.19.11 Refuse - Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non- putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard, including but not limited to: plastic; metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving, or consumption of food; crockery, bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

3.19.12 Rent - A periodic payment, made by a tenant, to a landlord for the use of land, buildings, structures, or other property, or portions thereof.

3.19.13 Rental Housing - Housing occupied by a tenant paying rent to an owner and no part of the rent is used to acquire equity in the property.

3.19.14 Replacement Cost - The cost of replacing a building or structure with its functional equivalent.

3.19.15 Residence - A home, abode, or place where an individual is actually living at a specific point in time.

3.19.16 Residential Density - The number of dwelling units per acre of residential land.

3.19.17 Restriction - A limitation on property that may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

3.19.18 Restrictive Covenant - A restriction on the use of land usually set forth in the deed.

3.19.19 Retention Basin - A Pond, pool, or basin used for the permanent storage of water runoff.

3.19.20 Rezone - To change the zoning classification of particular lots or parcels of land.

3.19.21 Riding Academy - An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.

3.19.22 Right-of-Way - (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; (2) generally, the right of one to pass over the property of another.

3.19.23 Right-of-Way Lines - The lines that form the boundaries of a right-of-way.

3.19.24 Roof - The outside top covering of a building

3.19.25 Roof, Flat - A roof that is not pitched and the surface of which is generally parallel to the ground.

3.19.26 Roof, Gable - A ridged roof forming a gable at both ends of the building.

3.19.27 Roof, Gambrel - A gabled roof with two (2) slopes on each side, the lower steeper than the upper.

3.19.28 Roof, Hip - A roof with sloping ends and sides.

3.19.29 Roof, Mansard - A roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper.

3.19.30 Roof, Shed - A roof with one (1) slope.

3.19.31 Row House - An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof. See Dwelling, Townhouse.

3.20 S

3.20.1 Salvage - The utilization of waste materials.

3.20.2 Scenic Area - An open area the natural features of which are visually significant or geologically or botanically unique.

3.20.3 Scenic Corridor - An area visible from a highway, waterway, railway, or major hiking, biking, or equestrian trail that provides vistas over water, across expanses of land such as farmlands, woodlands, or costal wetlands, or from mountaintops or ridges.

3.20.4 Scenic Easement - An easement the purpose of which is to limit development in order to preserve a view or scenic area.

3.20.5 Scenic Overlook - An area, usually at the side of a road, where persons can observe a scenic area.

3.20.6 Scenic Route - The roadway and adjacent corridor as viewed from a road or highway designated as a scenic route by the State, County Conservation Board, and/or any other official governmental agency.

3.20.7 Scrap - Discarded or rejected materials that result from manufacturing or fabricating operations.

3.20.8 Seasonal Structure - A temporary covering erected over a recreational amenity, such as a swimming pool or tennis court, for the purpose of extending its use to cold weather months or inclement conditions.

3.20.9 Seasonal Use - A use carried on for only a part of the year, such as outdoor swimming during the summer months or skiing during the winter months.

3.20.10 Section of Land - Measured as six hundred forty (640) acres, one (1) square mile, or one thirty-sixth (1/36) of a township.

3.20.11 Sediment - Deposited silt that is being or has been moved by water or ice, wind, gravity, or other means of erosion.

3.20.12 Sediment Basin - A barrier or dam built across a waterway or at suitable locations to retain sediment.

3.20.13 Sedimentation - (1) The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion; (2) in wastewater treatment, the settling out of solids by gravity.

3.20.14 Setback - The distance between the building and any lot line.

3.20.15 Setback Line - That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

3.20.16 Shared Driveway - A single driveway serving two (2) or more adjoining lots.

3.20.17 Side Yard - See Yard, Side.

3.20.18 Sign - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency; or any structure or device to which either or both the United States Code, Section 131 and Chapter 306C, Division II, 1979 Code of Iowa apply.

3.20.19 Sign, Animated or Moving - Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

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

3.20.21 Sign, Bench - A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

3.20.22 Sign, Billboard - A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

3.20.23 Sign, Bulletin Board - A sign that identifies an institution or organization on the premise of which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

3.20.24 Sign, Business - A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

3.20.25 Sign, Construction - A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

- 3.20.26 Sign, Directional - Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.”
- 3.20.27 Sign, Directory - A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.
- 3.20.28 Sign, Facade - See Sign, Wall.
- 3.20.29 Sign, Face - The area or display surface used for the message.
- 3.20.30 Sign, Flashing - Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
- 3.20.31 Sign, Freestanding - Any non-movable sign not affixed to a building.
- 3.20.32 Sign, Governmental - A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.
- 3.20.33 Sign, Ground - Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.
- 3.20.34 Sign, Holiday Decoration - Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.
- 3.20.35 Sign, Home Occupation - A sign containing only the name and occupation of a permitted home occupation.
- 3.20.36 Sign, Identification - A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.
- 3.20.37 Sign, Illuminated - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- 3.20.38 Sign, Inflatable - Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.
- 3.20.39 Sign, Memorial - A sign, tablet, or plaque memorializing a person, event, structure, or site.
- 3.20.40 Sign, Nameplate - A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.
- 3.20.41 Sign, Off-Premises - See Sign, Billboard.

3.20.42 Sign, On-Site Informational - A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.

3.20.43 Sign, Pole - A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

3.20.44 Sign, Political - A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

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

3.20.46 Sign, Private Sale or Event - A temporary sign advertising private sales of personal property, such as "house sales," "garage sales," rummage sales," and the like, or private not-for-profit events, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

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

3.20.48 Sign, Real Estate - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

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

3.20.50 Sign, Suspended - A sign hanging down from a marquee, awning, or porch that would exist without the sign.

3.20.51 Sign, Temporary - A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

3.20.52 Sign, Vehicle - A sign on a vehicle not customarily and regularly used to transport persons or properties.

3.20.53 Sign, Vending Machine - Any sign, display, or other graphic attached to or part of a coin-operated machine dispensing food, beverages, or other products.

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

3.20.55 Sign Area - The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

3.20.56 Sign Control - Regulations on the number, size, location, height, color, materials, lighting, and content of signs.

- 3.20.57 Sign Projection - On a sign attached to a wall, the distance from the exterior wall surface to the sign element farthest distance from such surface.
- 3.20.58 Similar Use - A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele.
- 3.20.59 Site - Any plot or parcel of land or combination of contiguous lots or parcels of land.
- 3.20.60 Site Plan - The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.
- 3.20.61 Solid Waste - Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.
- 3.20.62 Special Assessment - A fee levied by a local authority for the financing of a local improvement that is primarily of benefit to the landowners who must pay the assessment.
- 3.20.63 Special Use Permit - A permit issued by the proper governmental authority that must be acquired before a special exception use can be constructed. See Conditional Use Permit.
- 3.20.64 Spoil - Dirt, rock, or waste material that has been removed from its original location, or materials that have been dredged from the bottoms of waterways.
- 3.20.65 Storm Sewer - A conduit that collects and transports runoff.
- 3.20.66 Stormwater Detention - Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.
- 3.20.67 Stormwater Management - The control and management of stormwater to minimize the detrimental effects of surface water runoff.
- 3.20.68 Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. When the average story height of a building exceeds twelve (12) feet, each twelve (12) feet or fraction thereof of the total building height shall be considered a separate full story of fractional story respectively, except the first story which may be fifteen (15) feet high.

3.20.69 Story, Half - A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

3.20.70 Street - Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

3.20.71 Street, Collector - A street that collects traffic from local streets and connects with minor and major arterials.

3.20.72 Street, Cul-De-Sac - A street with a single common ingress and egress and with a turnaround at the end.

3.20.73 Street, Dead-End - A street with a single common ingress and egress.

3.20.74 Street, Dual - A street with opposing lanes separated by a median strip, center island, or other form of barrier, which cannot be crossed except at designated locations.

3.20.75 Street, Expressway - A divided multilane major arterial street for through traffic with partial control of access and with grade separations at major intersections.

3.20.76 Street, Freeway - A limited access highway with no grade crossing.

3.20.77 Street, Local - A street designed to provide vehicular access to abutting property and to discourage through traffic.

3.20.78 Street, Loop - A local street that has its only ingress and egress at two (2) points on the same collector street.

3.20.79 Street, Major Arterial - A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

3.20.80 Street, Minor Arterial - A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

3.20.81 Street, Paper - A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

3.20.82 Street, Private - A street that has not been accepted by the municipality or other governmental entity.

3.20.83 Structure - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

3.20.84 Subdivider - Any person having an interest in land that is the subject of an application for subdivision.

3.20.85 Subdivision - The division of a lot, tract, or parcel of land into Three (3) or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

3.20.86 Subdivision, Minor - A subdivision of land that does not involve any of the following: (1) the creating of more than the maximum number of lots specifically permitted by ordinance as a minor subdivision; (2) a planned development; (3) any new street; or (4) the extension of any off-tract improvements.

3.20.87 Subdivision, Major – Any subdivision that is not a minor subdivision.

3.20.88 Substantial Improvement - Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

3.20.89 Suitable Site - A site that is adjacent to compatible land uses, has access to appropriate streets, and is consistent with state environmental policies.

3.21 T

3.21.1 Temporary Outdoor Activity - Happenings that are carried out primarily out-of- doors for a fixed period of time and including flea markets, fireworks, displays, speeches, farm stands, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts, and parades.

3.21.2 Temporary Structure - A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

3.21.3 Temporary Use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

3.21.4 Tenant - An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

3.21.5 Tract - An area, parcel, site, piece of land, or property that is the subject of a development application.

3.21.6 Traffic Count - A tabulation of the number of vehicles or pedestrians passing a certain point during a specified period of time.

3.21.7 Trailer - A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

3.21.8 Transfer of Development Rights (TDR) - The removal of the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district to land in another district where such transfer is permitted.

3.21.9 Transition Zone - A zoning district that permits uses compatible with uses permitted in two (2) adjacent zones that, without the transition zone, could be considered incompatible to each other.

3.21.10 Transitional Area - (1) An area in the process of changing from one (1) use to another or changing from one (1) racial or ethnic occupancy to another; (2) an area that acts as a buffer between two (2) land uses of different intensity and compatibility.

3.21.11 Transitional Use - A permitted land use or structure of an intermediate intensity by level of activity or scale between a more intensive and less intensive use. See Transitional Area.

3.21.12 Transportation Corridor - A combination of principal transportation routes involving a linear network of one (1) or more highways of four (4) or more lanes, rail lines, or other primary and secondary access facilities that support a development corridor.

3.21.13 Travel Trailer - A vehicle without motive power that is manufactured or constructed to permit it being used as a conveyance upon the public streets and highways and designed to be used as a temporary place of human habitation for vacation or recreational purposes, and shall not be used as a place of permanent habitation. The vehicle may be no more than eight (8) feet six (6) inches wide and overall length may not exceed forty (40) feet.

3.22 U

3.22.1 Underground Utilities - The placement of electric, telephone, cable, and other utilities customarily carried on poles in underground vaults or trenches.

3.22.2 Underutilized Land - Land parcels with any of the following characteristics: (1) more than eighty (80) percent of the parcel in non-building uses, such as surface parking or storage yard; (2) land parcels containing structures that are at least fifty (50) percent vacant; (3) land parcels with buildings with a floor area ratio of less than zero to one (0:1) and (4) land parcels with buildings that are abandoned, dilapidated, or otherwise seriously impaired by physical deficiencies.

3.22.3 Undeveloped/Unimproved Land - Land in its natural state before development.

3.22.4 Use - The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

3.22.5 Utility, Private or Public - (1) Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; (2) a closely regulated enterprise with a franchise for providing a needed service.

3.22.6 Utility Easement - The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

3.22.7 Utility Services - The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

3.23 V

3.23.1 Vacancy - Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

3.23.2 Vacant Land - (1) Land that is undeveloped and unused; (2) any nonresidential areas with significant amounts of land not covered by nonstructural impervious surfaces; (3) land suitable for redevelopment or infill at high densities; and (4) residential areas with lot sizes in excess of two (2) acres where environmental factors permit higher densities.

3.23.3 Variance - Permission to depart from the literal requirements of a zoning ordinance.

3.23.4 Variance, Bulk - A departure from any provision of a zoning ordinance except use.

3.23.5 Variance, Hardship - A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

3.23.6 Variance, Planning - A variance granted for bulk relief that would result in an opportunity for improved zoning and planning that would benefit the community.

3.23.7 Variance, Use - A variance granted for a use or structure that is not permitted in the zone.

3.23.8 Vehicle - Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, travel trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

3.23.9 Vehicle, Inoperable - Any vehicle that is not insured or licensed for the current year as required by law or which exhibits any of the following characteristics: Cannot legally travel on a public street due to broken, damaged, or missing fender, door, bumper, hood, wheel, steering wheel, exhaust system, or windshield or other glass customary to the vehicle; lacking an engine or other means of power suitable to the design, one (1) or more wheel, or other structural parts which renders the vehicle incapable of either forward or reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.

3.23.10 Vehicle, Motor - A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

3.23.11 Vehicle, Off-Road (ORV) - Vehicles designed for use on a variety of non-improved surfaces and including dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes.

3.23.12 Vehicle, Passenger - A motor vehicle with no more than two (2) axles and/or four (4) wheels, not more than four thousand five hundred (4,500) pounds in gross weight, and designed primarily for the transport of persons.

3.23.13 Vested Right - A right that cannot be changed or altered by changes in regulation.

3.23.14 View Protection Regulation - Requirements to assure that development does not interfere with scenic views.

3.23.15 Vista -A unique view to or from a particular point.

3.24 W

3.24.1 Waiver - Permission to depart from the requirements of an ordinance with respect to the submission of required documents.

3.24.2 Waste - (1) Bulky waste - items the large size of which precludes or complicates their handling by normal collection, processing, or disposal methods; (2) construction and demolition waste - building materials and rubble resulting from construction, remodeling, repair, and demolition operations; (3) hazardous waste - wastes that require special handling to avoid illness or injury to persons or damage to property; (4) special waste - those wastes that require extraordinary management; (5) wood pulp waste - wood or paper fiber residue resulting from a manufacturing process; and (6) yard waste - plant clippings, prunings, and other discarded material from yards and gardens.

3.24.3 Water Supply System - The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

3.24.4 Water Table - The upper surface of groundwater or the level below which the soil is seasonally saturated with water.

3.24.5 WECS (Wind Energy Conversion System) - An electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

3.24.6 C-WECS (Commercial) - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics of which the output is intended to primarily be sold to or owned by an electric utility.

3.24.7 I-WECS (Individual Use) - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, of which the output is intended to reduce on-site consumption of utility power with no distribution to any other property or person.

3.24.8 WECS (Total Height) -The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

3.24.9 WECS (Tower) - Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

3.24.10 WECS (Tower height) - The total height of the WECS exclusive of the rotor blades.

3.24.11 Windbreak - Berms, vegetation, landscaping, fences, or a combination of all four (4) to provide a barrier against wind, snow, dust, or other natural elements.

3.24.12 Wrecking Yard - Any area of land where two (2) or more inoperable vehicles, equipment, or machinery or parts thereof, are stored in the open; or any building or structure used for the wrecking or storing of such inoperable vehicles or parts thereof.

3.25 Y

3.25.1 Yard - An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

3.25.2 Yard, Front - A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

3.25.3 Yard, Rear - A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

3.25.4 Yard, Required - The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.

3.25.5 Yard, Side - A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

3.25.6 Yard Depth - The shortest distance between a lot line and a yard line.

3.25.7 Yard Line - A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.

3.26 Z

3.26.1 Zero Lot Line - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ARTICLE 4 - DISTRICTS AND MAPS

4.1 For the purpose of the regulations, the following districts are established:

4.1.1 "A" - Agricultural Districts

4.1.2 "RR5" - Rural Residential Large Lot Districts

4.1.3 "RR1" - Rural Residential Districts

4.1.4 "R" - Residential Districts

4.1.5 "UCS" – Unincorporated Cities and Subdivisions

4.1.6 "MHP" - Manufactured Home Park Districts

4.1.7 "C" - Commercial Districts

4.1.8 "I" - Industrial Districts

4.1.9 "FO" - Flood Plain Overlay Districts

4.1.10 "WHPO" - Wellhead Protection Overlay Districts

4.1.11 "AO" - Airport Overlay Districts

4.1.12 "PUD" Planned Unit Development Districts

4.2 The boundaries of these districts are hereby established as shown on maps entitled "Zoning Maps", which accompany and are hereby made a part of the regulations. The district boundary lines on said maps are intended to follow section lines, lot lines, the centerlines of roads, streets or alleys, the centerlines of roads, streets or alleys projected, railroad rights-of-way or corporate limit lines, all as they existed at the time of enactment of the regulations.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment.

ARTICLE 5 - "A" - AGRICULTURAL DISTRICTS

5.1 STATEMENT OF INTENT - The "A" District is intended and designed to provide for the agricultural community and protect the most productive agricultural land from encroachment of urban land uses. No agricultural land shall be converted to any other use unless the property owners grant a perpetual "Agricultural Tolerance Easement" approved by the Zoning Administrator. The maximum residential density allowed in the "A" District is two (2) single family detached dwellings per quarter-quarter (1/4-1/4) section.

5.2 PERMITTED PRINCIPAL USES

5.2.1 Agricultural uses, including but not limited to: crop production, livestock production, commercial horticultural production (truck gardens, nurseries, sod farms, green houses, orchards), farm houses, and farm buildings.

5.2.2 Essential services

5.2.3 Cemeteries, including mausoleums

5.2.4 Churches, chapels, or parish houses. Site Plan approval required.

5.2.5 Public or private schools without dormitories. Site Plan approval required.

5.2.6 One (1) single family detached dwelling per quarter-quarter (1/4-1/4) section. A maximum of two (2) single family detached dwellings per quarter-quarter (1/4-1/4) section, when the following requirements are met.

5.2.6.1 The average CSR of the remaining portion of the quarter-quarter (1/4-1/4) section from which the property is taken must remain the same or increase.

5.2.6.2 Property described by a recorded Plat of Survey.

5.2.6.3 Approved sewage disposal system.

5.2.6.4 Approved access onto a county or state road

5.2.6.5 Must grant an agricultural tolerance easement.

5.2.6.6 Minimum size of ten (10) net acres

Exception - Dwellings that sit on an original quarter-quarter without divisions can reduce the lot size to a minimum of two (2) acres.

5.3 PERMITTED ACCESSORY USES

5.3.1 Use of land and structures customarily incidental and subordinate to a principal use.

5.3.2 Roadside stands offering for sale only products grown on the premises from any of the above permitted uses. Such stands shall be removed during any season or period when they are not being used for the sale of the forementioned goods.

5.4 SIGNS PERMITTED IN THE "A" DISTRICT

5.4.1 Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than twelve (12) square feet set back five (5) feet from the right-of-way of any highway, street or road.

5.4.2 Signs not exceeding four (4) square feet in area, indicating the type of plant being grown or the type of fertilizer being used for crop production.

5.4.3 Signs accessory to roadside stands selling farm produce shall be limited to two (2) signs per roadside stand with no sign being larger than ten (10) square feet in area and set back at least ten (10) feet from the right-of-way of a street, highway, or road. Signs will be temporary and shall be removed when the roadside stand is not in use.

5.4.4 Announcement signs, not over thirty-two (32) square feet in area set back at least twenty (20) feet from the right-of-way, may be erected on-site of a permitted principal use except residential.

5.5 CONDITIONAL USES WHEN PERMITTED BY THE ZONING ADMINISTRATOR

5.5.1 Agricultural support businesses such as veterinary clinics, grain elevators, seed and livestock feed dealers, fertilizer and agricultural chemical sales, and distribution facilities. All such agricultural support businesses must have direct access to hard surfaced roads and comply with the "C" District regulations.

5.5.2 Industrial uses that process and/or add value to agricultural commodities, such as bio-diesel plant, ethanol plant, seed research facilities, cereal makers, etc.... All such industrial uses must have direct access to hard surfaced roads, have a site plan and environmental impact statement approved by the Zoning Administrator, and comply with "I" District regulations.

5.5.3 Accessory Dwelling

5.5.4 Home Occupation

5.5.5 Home Business

5.5.6 Public parks, playgrounds, and community centers; and similar recreation uses provided that any building in connection therewith shall be located not less than two hundred (200) feet from any lot line.

5.5.7 Campgrounds

5.5.8 Individual Wind Energy Conversion Systems

5.5.9 Commercial Wind Energy Conversion Systems with Jasper County Board of Supervisors approval.

5.5.10 Sanitary landfills, in accordance with county and state regulations, except that no sanitary landfill shall be operated within two hundred (200) feet of any "R" District or residential dwelling.

5.5.11 Airports and landing fields

5.5.12 Gravel pits, mines, and stone quarries, when no area of any such use is located within twelve hundred (1200) feet of any "R" District or residential dwelling.

5.5.13 Outdoor shooting ranges when no area of any such use is located within twelve hundred (1200) feet of any "R" District or residential dwelling, and which premises are suitable for such use, for reason, among others, of topography, screening by trees or other features, and also in consideration of the present and potential use of adjacent properties.

5.6 Adult Entertainment Businesses

5.7 PROHIBITED USES

5.7.1 Junkyards

5.8 AREA, HEIGHT, AND YARD REQUIREMENTS

	Minimum Lot Area	Front Yard Along State and Federal Roads	Front Yard Along All Other Roads	Side Yard	Rear Yard	Maximum Side Wall Height
Principal Structure ¹	10 Net Acres	80'	60'	30'	50'	24'
Accessory Structures ²				10'	10'	14'

¹ One additional foot shall be added to every yard for each additional foot of height.

² One additional foot shall be added to the side and rear yard for each additional foot of height.

ARTICLE 6 - "RR5" – RURAL RESIDENTIAL LARGE LOT DISTRICTS

6.1 PURPOSE - The "RR5" Rural Residential Large Lot District is intended for the development of large lot subdivisions with lot sizes of five (5) acres or more, with approved public or private infrastructure. Any subdivision in the "RR5" District must meet all the requirements of the Jasper County Subdivision Ordinance.

6.2 PERMITTED PRINCIPAL USES

6.2.1 Detached Single Family Dwelling

6.2.2 Essential Services

6.2.3 Developmentally disabled group homes in compliance with Chapter 335.25, 1995 Code of Iowa.

6.2.4 Family Homes including Elder Family Homes

6.2.5 Child Day Care facilities

6.2.6 Public and private education institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping.

6.2.7 Public parks, playgrounds, and recreational areas

6.2.8 Churches and other places of worship and Sunday school buildings.

6.3 PERMITTED ACCESSORY USES

6.3.1 Uses of land or structures customarily incidental and subordinate to one (1) of the principal permitted uses, unless otherwise excluded.

6.4 SIGNS

6.4.1 Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than six (6) square feet set back five (5) feet from the right-of-way of any highway, street, or road.

6.4.2 Announcement signs, not over thirty-two (32) square feet in area set back at least ten (10) feet from the right-of-way, may be erected on-site of a permitted principal use of a non-residential nature.

6.4.3 One nameplate not exceeding two (2) square feet for each dwelling.

6.4.4 Signs not exceeding fifteen (15) square feet in area, attached to the dwelling or accessory structure, indicating the service or product of a home occupation or home business available at that site.

6.5 CONDITIONAL USES

6.5.1 Bed and Breakfast Homes

6.5.2 Home occupations

6.5.3 Home Business

6.5.4 Livestock/Non-Farm Livestock Facilities

6.5.5 Accessory Dwelling

6.6 PROHIBITED USES

6.6.1 Junkyards

6.6.2 Adult Entertainment Businesses

6.6.3 C-WECS

6.7 AREA, HEIGHT, AND YARD REQUIREMENTS

	Minimum Lot Area	Front Yard Along State and Federal Roads	Front Yard Along All Other Roads	Side Yard	Rear Yard	Building Height
Principal Structure ¹	5 Net Acres	80'	60'	30'	50'	24'
Accessory Structures ²				10'	10'	14'

¹ One additional foot shall be added to every yard for each additional foot of height.

² One additional foot shall be added to the side and rear yard for each additional foot of height.

ARTICLE 7 – “RR1” RURAL RESIDENTIAL DISTRICTS

7.1 PURPOSE - The "RR1" Rural Residential District is intended for the development of subdivisions with a minimum lot size of one acre. Any subdivision in the "RR1" District must meet all the requirements of the Jasper County Subdivision Ordinance.

7.2 PERMITTED PRINCIPAL USES

7.2.1 Detached Single Family Dwelling

7.2.2 Essential Services

7.2.3 Developmentally disabled group homes in compliance with Chapter 335.25, Code of Iowa.

7.2.4 Family Homes including Elder Family Homes

7.2.5 Child Day Care facilities

7.2.6 Public and private education institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping.

7.2.7 Public parks, playgrounds, and recreational areas

7.2.8 Churches and other places of worship and Sunday school buildings.

7.3 PERMITTED ACCESSORY USES

7.3.1 Uses of land or structures customarily incidental and subordinate to one (1) of the principal permitted uses, unless otherwise excluded.

7.4 SIGNS

7.4.1 Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than six (6) square feet set back five (5) feet from the right-of-way of any highway, street, or road.

7.4.2 Announcement signs, not over thirty-two (32) square feet in area set back at least ten (10) feet from the right-of-way, may be erected on-site of a permitted principal use of a non-residential nature.

7.4.3 One nameplate not exceeding two (2) square feet for each dwelling.

7.4.4 Signs not exceeding fifteen (15) square feet in area, attached to the dwelling or accessory structure, indicating the service or product of a home occupation or home business available at that site.

7.5 CONDITIONAL USES

7.5.1 Bed and Breakfast Homes

7.5.2 Home occupations

7.5.3 Home Business

7.5.4 Accessory Dwelling

7.6 PROHIBITED USES

7.6.1 Junkyards

7.6.2 Adult Entertainment Businesses

7.6.3 Livestock/Non-Farm Livestock Facilities

7.7 AREA, HEIGHT, AND YARD REQUIREMENTS

	Minimum Lot Area	Front Yard Along State and Federal Roads	Front Yards Along All Other Roads	Side Yard	Rear Yard	Maximum Side Wall Height
Principal Structure ¹	1 Net Acre	60'	40'	20'	30'	24'
Accessory Structures ²				5'	5'	14'

¹ One additional foot shall be added to every yard for each additional foot of height.

² One additional foot shall be added to the side and rear yard for each additional foot of height.

ARTICLE 8 - "R" - RESIDENTIAL DISTRICTS

8.1 PURPOSE - The "R" Residential District is for residential subdivisions, with lot sizes greater than ten thousand (10,000) square feet per dwelling unit, that have fully developed infrastructure including paved public streets, common sewer system, common water system, etc. Development of new "R-1 " Districts should be limited to areas close to existing incorporated cities where annexation is not a viable option or in conjunction with recreational facilities such as lakes or golf courses.

8.2 PERMITTED PRINCIPAL USES

8.2.1 Detached Single Family Dwelling

8.2.2 Duplex

8.2.3 Townhouse

8.2.4 Essential Services

8.2.5 Developmentally disabled group homes in compliance with Chapter 335.25, 1995 Code of Iowa.

8.2.6 Family Homes including Elder Family Homes

8.2.7 Child Day Care facilities

8.2.8 Public and private education institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping.

8.2.9 Public parks, playgrounds, and recreational areas

8.2.10 Churches and other places of worship and Sunday school buildings.

8.3 PERMITTED ACCESSORY USES

8.3.1 Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

8.3.2 No accessory buildings are allowed in the front yard.

8.4 SIGNS

8.4.1 Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than six (6) square feet set back five (5) feet from the right-of-way of any highway, street, Or road.

8.4.2 Announcement signs, not over thirty-two (32) square feet in area set back at least ten (10) feet from the right-of-way, may be erected on-site of a permitted principal use of a non-residential nature.

8.4.3 One nameplate not exceeding two (2) square feet for each dwelling.

8.4.4 Signs not exceeding fifteen (15) square feet in area, attached to the dwelling or accessory structure, indicating the service or product of a home occupation or home business available at that site.

8.5 CONDITIONAL USES

8.5.1 Bed and Breakfast Homes

8.5.2 Home occupations

8.5.3 Home Business

8.5.4 Accessory Dwelling

8.6 PROHIBITED USES

8.6.1 Junkyards

8.6.2 Adult Entertainment Businesses

8.6.3 Livestock/Non-Farm Livestock Facilities

8.6.4 C-WECS

8.7 AREA, HEIGHT AND YARD REQUIREMENTS

	Minimum Lot Area	Front Yard Along State and Federal Roads	Front Yard Along All Other Roads	Side Yard	Rear Yard	Maximum Side Wall Height
Principal Structure ¹	10,000 Sq Ft	60'	40'	10'	20'	24'
Accessory Structures ²				3'	3'	10'

¹ One additional foot shall be added to every yard for each additional foot of height.

² One additional foot shall be added to the side and rear yard for each additional foot of height.

ARTICLE 9 – “UCS” – UNINCORPORATED CITIES AND SUBDIVISIONS

9.1 PURPOSE - The "UCS" - Unincorporated Cities and Subdivisions Districts are characterized by older, residential subdivisions with some non-residential uses, platted prior to the adoption of zoning or subdivision regulations in Jasper County, with lot sizes and infrastructure that do not meet current regulations and/or standards. The "UCS" Districts include the unincorporated/historical cities of Galesburg, Ira, Kilduff, Newburg, Greencastle, Metz, Vandalia, Clyde, Goddard, Oswalt, Amboy, Fairmont, Rushville, and Turner. No creation of any new "UCS" Districts should be allowed.

9.2 PERMITTED PRINCIPAL USES

9.2.1 Detached Single Family Dwellings

9.2.2 Essential Services

9.2.3 Developmentally disabled group homes in compliance with Chapter 335.25 of Code of Iowa.

9.2.4 Family Homes including Elder Family Homes

9.2.5 Child Day Care facilities

9.2.6 Public and private education institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping.

9.2.7 Public parks, playgrounds, and recreational areas

9.2.8 Churches and other places of worship and Sunday school buildings.

9.3 PERMITTED ACCESSORY USES

9.3.1 Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses, unless otherwise excluded.

9.3.2 No accessory buildings are allowed in the front yard.

9.4 SIGNS

9.4.1 Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than six (6) square feet set back five (5) feet from the right-of-way of any highway, street, or road.

9.4.2 Announcement signs, not over thirty-two (32) square feet in area set back at least ten (10) feet from the right-of-way, may be erected on-site of a permitted principal use of a non-residential nature.

9.4.3 One nameplate not exceeding two (2) square feet for each dwelling.

9.4.4 Signs not exceeding fifteen (15) square feet in area, attached to the dwelling or accessory structure, indicating the service or product of a home occupation or home business available at that site.

9.5 CONDITIONAL USES

9.5.1 Bed and Breakfast Homes

9.5.2 Home occupations

9.5.3 Home Business

9.6 PROHIBITED USES

9.6.1 Junkyards

9.6.2 Adult Entertainment Businesses

9.6.3 Livestock

9.6.4 C-WECS

9.7 AREA, HEIGHT, and YARD REQUIREMENTS

	Minimum Lot Area	Front Yard Along State and Federal Roads	Front Yard Along All Other Roads	Side Yard	Rear Yard	Maximum Side Wall Height
Principal Structure ¹	Approved for on-site sewage disposal	60'	25'	10'	20'	24'
Accessory Structures ²				3'	3'	10'

¹One additional foot shall be added to every yard for each additional foot of height.

²One additional foot shall be added to the side and rear yard for each additional foot of height.

ARTICLE 10 – “MHP” – MANUFACTURED HOME PARK DISTRICTS

10.1 "Manufactured Home Park", "Manufactured Home Community", "Land-leased Community", or "Mobile Home Park" means any land upon which two or more mobile, manufactured, or modular homes, or a combination of such homes, are harbored on developed spaces with water, sewer, and electrical services, used as a dwelling, either free of charge or for a fee.

10.2 The Jasper County Zoning Commission shall not recommend, nor shall the Jasper County Board of Supervisors amend the zoning ordinance to designate any land in Jasper County as a "MHP" District unless and until all of the following documents for a proposed manufactured home park have been reviewed and approved by the Jasper County Zoning Commission in open public hearing.

10.2.1 A site plan of the proposed park showing all of the following:

10.2.1.1 Individual manufactured home space layout with:

10.2.1.1.1 Spaces designated as a single wide space required to have enough area to place a sixteen by eighty (16 x 80) foot single wide manufactured home and a twenty-four by twenty-four (24 x 24) foot detached garage and still maintain separation distances as required in this ordinance.

10.2.1.1.2 Spaces designated as a double wide space required to have enough area to place a thirty-two by eighty (32 x 80) foot double wide manufactured home and a twenty-four by twenty-four (24 x 24) foot detached garage and still maintain separation distances as required in this ordinance.

10.2.1.1.3 No manufactured home larger than sixteen (16) feet wide or eighty (80) feet long will be allowed on a single wide space, and no manufactured home larger than thirty-two (32) feet wide or eighty (80) feet long will be allowed on a double wide space, unless the individual space is large enough to maintain the required separation distances.

10.2.1.2 Location of all interior streets and utilities and their respective easements.

10.2.1.3 All access points to public roads.

10.2.1.4 Location of a storm shelter and all other common facilities.

10.2.1.5 Green screen buffer along adjoining property lines, and other green spaces.

10.2.2 Design plans by a licensed engineer for all of the following which meet the minimum requirements of the Jasper County Subdivision Ordinance, and which have been reviewed and approved by a licensed engineer designated by Jasper County (the cost of said review will be paid for by the developer).

10.2.2.1 Streets, including access intersections with existing public roads.

10.2.2.2 Potable Water System

10.2.2.3 Storm Water Disposal System including any detention or retention ponds.

10.2.2.4 Sewage Disposal System

10.2.2.5 Electrical Delivery

10.2.2.6 Storm Shelter sized to accommodate three (3) persons per lot.

10.2.3 A copy of the rules and regulations for the proposed park and a copy of the lease agreement, all of which will meet the requirements of Iowa Code 562.B.

10.2.4 All manufactured homes placed in a "MHP" District will be installed according to Iowa Code 103A.9 and Iowa Administrative Code 661 - 16.621 through 661 - 16.626 inclusive. It shall be a county infraction for the owner and/or manager of any manufactured home park to allow any manufactured home to be installed in their park without first obtaining a Jasper County Building Permit.

10.2.5 Permitted Accessory Uses

10.2.5.1 Private garages with a maximum height of fifteen (15) feet to the highest point of the structure.

10.2.5.2 A utility building used for storage of lawn, garden, and other household equipment.

10.2.5.3 No accessory buildings are allowed in the front yard.

10.2.6 All structures over one hundred twenty (120) square feet shall be permanently placed on concrete foundations.

10.2.7 Any and all structures within the park that are placed on concrete foundations will be taxed as park owned property.

10.2.8 Separation Distances

10.2.8.1 Front Yard - Every structure placed in a "MHP" District will be set at least fifteen (15) feet away from the traveled portion of any interior park street, forty (40) feet from any county road right-of-way or adjoining property, and sixty (60) feet from any state right-of-way.

10.2.8.2 Side Yard - There will be at least ten (10) feet separating all manufactured homes or accessory structures on one (1) defined space from those on another defined space.

10.2.8.3 Rear Yard - There will be at least twenty (20) feet separating all manufactured homes or accessory structures on one (1) defined space from those on another defined space.

10.2.8.4 Accessory Buildings - Will be separated from the principal structure at least six (6) feet at any point.

ARTICLE 11 - "C" - COMMERCIAL DISTRICTS

GENERAL REQUIREMENTS - Principal uses in a Commercial District shall:

11.1.1 Limit the total ground floor area of all buildings and structures on any lot to fifty (50) percent of the net area of the lot.

11.1.2 Conduct all activities incidental to the principal use inside a fully enclosed building.

11.1.3 Not have a vehicular entrance or exit located within two hundred (200) feet on the same street front and in the same block as any residential dwelling, school, public playground, church, hospital, library, or institution for dependents or children.

11.1.4 Have availability of all public utilities, including water and sewer, and direct access onto a paved road.

11.1.5 Have a required site plan approved by the Zoning Administrator for any development.

11.2 PERMITTED PRINCIPAL USES

11.2.1 Any retail business establishment including, but not limited to: appliance store, auto accessory store, bakery with baking limited to goods for retail sales on the premises, book or stationery store, cafe or restaurant, camera or photographic supply shop, candy or ice cream store, delicatessen, drug store, fabric shop, floor-covering store, florist shop, furniture store including incidental upholstery, gift shop, grocery store, clothing store, hardware or paint store, hobby shop, jewelry store, meat market, shoe store and variety store, drive-in eating establishment, business or trade school, commercial and public parking lots, department store, meeting hall, club and fraternal organizations, and music and dancing studios.

11.2.2 Any service establishment including, but not limited to: bank or other financial enterprise, barber or beauty shop, business or professional office including medical clinics and labs, clothes cleaning or laundry pick-up station, funeral home, theater, and self- service laundry.

11.2.3 The following uses when occupying a completely enclosed building located at least two hundred (200) feet from any "R" District or residential dwelling, including, but not limited to: wholesale businesses and mini-warehouses; automobile, truck/trailer, and garden/farm implement dealerships for display, hire, repair, rental, or sales, including sales lots; dance halls; bars or cocktail lounges; night clubs and similar enterprises; printing/publishing, engraving, or lithographing shops; carpenter shops; electrical, heating, ventilating, or plumbing shops; furniture upholstery shops; printing, publishing, engraving, or lithographing plants; sign painting shops and similar establishments; building material sales yards; hotels and motor hotels.

11.3 PERMITTED ACCESSORY USES

11.3.1 Other accessory uses customarily incidental to a permitted use.

11.3.2 Dwelling units on the top floor of any retail or service business building.

11.3.3 No accessory buildings are allowed in the front yard.

11.4 SIGNS

11.4.1 Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than six (6) square feet set back five (5) feet from the right-of-way.

11.4.2 The total area of all signs permitted on any lot shall not exceed four (4) times the number of linear feet the lot abuts on the street.

11.4.3 Billboards and signboards subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions:

11.4.3.1 No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.

11.4.3.2 No billboard, signboard, or similar advertising signs shall be located within fifty (50) feet of any lot in any "R" District.

11.4.3.3 No billboard or signboard facing shall exceed one thousand (1,000) square feet in area.

11.4.3.4 No billboard, signboard, or similar advertising sign shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

11.4.4 One pole mounted or projecting sign for each business enterprise on the premises of not more than two hundred (200) square feet per sign face, at no point closer to the front line or a side line than one-half (1/2) of the required building setback distance, and not exceeding fifty (50) feet in height from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be fourteen (14) feet above the established grade level.

11.5 CONDITIONAL USES

11.5.1 I-WECS

11.6 PROHIBITED USES

11.6.1 Single family detached dwellings.

11.6.2 Junkyards

11.6.3 Animals and livestock other than household pets, including but not limited to dogs, cats, and other small animals.

11.6.4 Adult Entertainment Businesses

11.6.5 C-WECS

11.7 AREA, HEIGHT, AND YARD REQUIREMENTS

	Minimum Lot Area	Front Yard Along State and Federal Roads	Front Yard Along All Other Roads	Side Yard ^{3 & 4}	Rear Yard ^{3 & 4}	Maximum Side Wall Height
Principal Structure ¹	No Minimum	80'	60'	10'	10'	20'
Accessory Structures ²				5'	5'	10'

¹ One additional foot shall be added to every yard for each additional foot of height.

² One additional foot shall be added to the side and rear yard for each additional foot of height.

³ The minimum will be equal to that of any adjoining district or as stated whichever is greater.

⁴ The required yard shall be in addition to any required buffer/screening area.

ARTICLE 12 - "I" - GENERAL INDUSTRIAL DISTRICTS

12.1 PURPOSE - The "I" General Industrial District is to permit the normal operation of a heavy industrial nature and should only be located with direct access to highways and other needed transportation facilities and utilities and have at least six hundred sixty (660) feet separation distance between any ag dwelling, residential class or district.

12.2 PERMITTED USES - Any heavy manufacturing or industrial use, process, treatment, or storage, and similar uses including, but not limited to:

12.2.1 Chemical manufacturing or processing.

12.2.2 Petroleum refining, processing, or storage.

12.2.3 Cement, hydrated lime, gypsum, and other similar materials.

12.2.4 Explosive manufacturing and storage.

12.2.5 Agricultural processing plants including, but not limited to: fat rendering, fertilizer or glue manufacture, slaughter houses, meat-packing and processing plants, stockyards, grain elevators and/or feed mills, starch manufacture, offal or dead animal reduction, or distillation of bones.

12.2.6 Concrete mixing, concrete products manufacture.

12.2.7 Asphalt plants

12.2.8 Warehouses

12.2.9 Drink bottling or distribution stations

12.3 All facilities required for the discharge, collection, and treatment of liquid, solid, or gaseous waste shall be designed, constructed, and operated in accordance with all state and federal statutes and regulations.

12.4 SIGNS .

12.4.1 Real estate signs of a temporary nature, not exceeding two (2) in number per lot, nor larger than six (6) square feet set back five (5) feet from the right-of-way.

12.4.2 The total area of all signs permitted on anyone (1) lot shall not exceed four (4) times the number of linear feet the lot abuts on the street.

12.4.3 Billboards and signboards subject to the same height and location requirements as other structures in the district and subject to the following conditions and restrictions:

12.4.3.1 No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.

12.4.3.2 No billboard, signboard, or similar advertising signs shall be located within fifty (50) feet of any lot in any "R" District.

12.4.3.3 No billboard or signboard facing shall exceed one thousand (1,000) square feet in area.

12.4.3.4 No billboard, signboard, or similar advertising sign shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

12.4.4 One pole mounted or projecting sign for each business enterprise on the premises of not more than two hundred (200) square feet per sign face, at no point closer to the front line or a sideline than one-half (1/2) of the required building setback distance, and not exceeding fifty (50) feet in height from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be fourteen (14) feet above the established grade level.

12.5 CONDITIONAL USES

12.5.1 Junkyards

12.5.2 I-WECS

12.6 PROHIBITED USES

12.6.1 Adult Entertainment Businesses

12.6.2 Animals and livestock except as previously allowed in this Article.

12.6.3 C-WECS

12.7 AREA, HEIGHT, AND YARD REQUIREMENTS

	Minimum Lot Area	Front Yard Along State and Federal Roads	Front Yard Along All Other Roads	Side Yard ^{3 & 4}	Rear Yard ^{3 & 4}	Maximum Side Wall Height
Principal Structure ¹	No Minimum	80'	60'	60'	60'	60'
Accessory Structures ²				20'	20'	20'

¹ One additional foot shall be added to every yard for each additional foot of height.

² One additional foot shall be added to the side and rear yard for each additional foot of height.

³ The minimum will be equal to that of any adjoining district or as stated whichever is greater.

⁴ The required yard shall be in addition to any required buffer/screening area.

ARTICLE 13 – “FO” – FLOOD PLAIN OVERLAY DISTRICTS

13.1 **GENERAL REQUIREMENTS** - No development, building, or improvement shall be permitted in the Flood Plain Overlay District, except in strict compliance with the Jasper County Flood Plain Management Ordinance #15D.

13.2 PERMITTED PRINCIPAL USES

13.2.1 Agriculture, including customary agricultural buildings and structures, and including nurseries and greenhouses, but not including dwellings.

13.2.2 Essential Services

13.3 CONDITIONAL USES WHEN AUTHORIZED BY THE ZONING ADMINISTRATOR

13.3.1 Private Campgrounds

13.3.2 Public and private outdoor recreation areas including, but not limited to: parks, playgrounds, sports fields, golf courses, riding stables, and marinas, provided that all permanent structures associated with any permitted use are located at least two hundred (200) feet from any residential dwelling or residential district.

13.3.3 Outdoor shooting ranges on premises which are suitable for such use by reason of topography, screening by trees, or other features. Shooting range premises shall be located at least six hundred (600) feet from any residential dwelling or residential district.

13.3.4 Gravel pits, mines, and stone quarries if the entire premise of such use is located at least twelve hundred (1200) feet from any residential dwelling or residential district.

13.3.5 Any other use similar to the listed uses which, in the opinion of the Zoning Administrator, will not be inconsistent with the purposes of protecting human life, preventing material losses, and reducing the cost to the public of relief or rescue efforts occasioned by the occupancy of areas subject to floods.

13.4 PERMITTED ACCESSORY USES

13.4.1 Accessory uses and structures customarily incidental to a permitted principal use in the "FO" District

ARTICLE 14 – “WHPO” – WELLHEAD PROTECTION OVERLAY

14.1 PURPOSE - The purpose of this chapter is to institute land use regulations and restrictions to protect public water supply(s) and well fields, restrict the location of potential sources of contamination in close proximity to a public water supply, and to promote the public health, safety, and general welfare of the residents of Jasper County.

14.2 DEFINITIONS

14.2.1 Aquifer - A rock formation, group of rock formations, or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.

14.2.2 Alluvium - Sand, clay, etc., gradually deposited by moving water.

14.2.3 Contamination - The presence of any harmful or deleterious substances in the water supply.

14.2.4 Groundwater - Subsurface water in the saturated zone from which wells, springs, and groundwater runoff are supplied.

14.2.5 Hazardous Substances - Those materials defined in Section 14.2 of this ordinance.

14.2.6 Labeled Quantities - The maximum quantity of chemical as recommended on the label for specific applications.

14.2.7 Livestock facilities - Activities that involve the maintenance or production of livestock including grazing, feedlots, and concentrated animal facilities.

14.2.8 Permitted Pumping Capacity - The amount of water authorized to be pumped from a well during a one (1) year period.

14.2.9 Person - Any natural person, individual, public, or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally.

14.2.10 Petroleum Product - Fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils, hydraulic fluids, and other similar products.

14.2.11 Pollution - The presence of any substance (organic, inorganic, radiological, or biological) or condition (temperature, pH, turbidity) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

14.2.12 Potable Water - Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

14.2.13 Primary Containment - The first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

14.2.14 Public Utility - Any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.

14.2.15 Secondary Containment - The level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leak proof trays under containers, floor curbing, or other containment systems and shall be of adequate size and design to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

14.2.16 Shallow Well - A well located and constructed in such a manner that there is not a continuous five (5) foot layer of low permeability soil or rock between the aquifer from which the water supply is drawn and a point twenty-five (25) feet below the normal ground surface.

14.2.17 Toxic Substance - Any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation, or absorption into the body.

14.2.18 Water Pollution - The introduction in any surface or underground water of any organic or inorganic deleterious substance in such quantities, proportions, and accumulations that are injurious to human, plant, animal, fish, and other aquatic life or property or that unreasonably interferes with the comfortable enjoyment of life, property, or the conduct of business.

14.2.19 Well - A pit or hole sunk into the earth to reach a resource supply such as water.

14.2.20 Well Field - A tract of land that contains a number of wells for supplying water.

14.2.21 Wellhead Protection Zones - Zones delineated by fixed radius around wellheads, within which toxic substances will be regulated to protect the quality of the underground resource.

14.3 SUBSTANCES REGULATED - The materials regulated by this ordinance shall consist of the following:

14.3.1 Petroleum Products as listed in Section 14.2

14.3.2 Substances listed in 40 CFR part 261, subparts C and D, the Federal Hazardous Waste List. 3. Substances listed by the Iowa Labor Commissioner pursuant to Section 898.12 of the Iowa Code (Hazardous Chemicals Risks-Right to know).

14.4 MAPS OF ZONES OF INFLUENCE

14.4.1 Maps - Zone of Influence maps and any amendments thereto are incorporated by reference and made a part of this ordinance. No land within the primary protection zone that is currently not zoned commercial or industrial will be allowed to be rezoned to a commercial or industrial classification.

14.4.2 Map Maintenance - The Wellhead Protection Zone maps may be updated on an annual basis. The basis for such an update may include, but is not limited to, the following:

14.4.2.1 Changes in the technical knowledge concerning the aquifer.

14.4.2.2 Changes in permitted pumping capacity of public well fields.

14.4.2.3 Addition or deletion of wells in existing well fields.

14.4.2.4 Designation of new well fields.

14.4.3 Wellhead Protection Zones - The-zones of protection indicated on the Zone of Influence maps are as follows:

14.4.3.1 Primary Protection Zone - An area extending two hundred (200) feet radially from any well supplying potable water to any public water system in Jasper County.

14.4.3.2 Secondary Protection Zone - An area extending between two hundred (200) feet and two thousand (2,000) feet radially from any well supplying potable water to any public water system in Jasper County.

14.5 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE

14.5.1 Permitted Uses - The following uses are permitted uses within the Primary Protection Zone. Uses not listed are to be considered prohibited uses.

14.5.1.1 Parks provided there is no on-site waste disposal or fuel storage tank facilities associated within this use, and the Iowa DNR "SEPARATION DISTANCES FROM WELLS" for sources of contamination is complied with.

14.5.2 Prohibited Uses - All uses except "Permitted Uses" listed above are prohibited within the Primary Protection Zone. Additional restrictions are as follows:

14.5.2.1 No person shall discharge or cause or permit the discharge of a hazardous substance to the soils, groundwater, or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the County Zoning Administrator.

14.5.2.2 New sanitary landfills are prohibited within the Primary Protection Zone.

14.5.2.3 Installation of water wells are prohibited within the Primary Protection Area.

14.5.2.4 The use, handling, production, and storage of hazardous substances are prohibited in the Primary Protection Zone except as provided under Section 14.7. All persons who presently engage in nonexempt activity(s) within the protection zone who store, handle, use, or produce any hazardous substances shall cease to do so within two (2) years from the effective date of this ordinance except as provided herein.

14.5.2.5 Livestock maintenance or production activities that involve grazing, feedlots, or other livestock facilities are prohibited within the Primary Protection Zone.

14.5.2.6 Wastewater Treatment plants, percolation ponds, dredge spoil deposits, and similar facilities are prohibited within the Primary Protection Zone.

14.5.2.7 Septic tanks are prohibited within the Primary Protection Zone.

14.5.2.8 Other prohibited uses are: Septage and/or sludge and/or animal waste land spreading, salt storage, and radioactive waste facilities.

14.6 RESTRICTIONS WITHIN THE SECONDARY PROTECTION ZONE

14.6.1 Permitted Uses - The following uses are permitted in the Secondary Protection Zone.

14.6.1.1 All uses listed as permitted in the Primary Protection Zone.

14.6.1.2 Sewered residential, commercial and/or industrial uses except those listed as prohibited uses in Section 14.6.2.

14.6.1.3 Above ground storage tanks of five hundred and fifty (550) gallons or less.

14.6.1.4 Basement storage tanks

14.6.1.5 Liquid Propane (LP) storage tanks

14.6.2 Prohibited Uses - All uses except "Permitted Uses" listed above are prohibited within the Secondary Protection Zone. Additional restrictions are as follows:

14.6.2.1 No person shall discharge or cause or permit the discharge of a hazardous substance, in excess of labeled quantities, to the soils, ground water, or surface water within the Secondary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the County Zoning Administrator.

14.6.2.2 New sanitary landfills are prohibited within the Secondary Protection Zone.

14.6.2.3 The use, handling, production, and storage of hazardous substances is prohibited in the Secondary Protection Zone, except where secondary containment is provided, underground storage tanks are in compliance with Chapter 135 of the Iowa Administrative Code, above ground storage tanks are in compliance with requirements of the State Fire Marshall, or as provided under Section 14.7.

14.6.2.4 Livestock maintenance or production activities that involve grazing, feedlots, or other livestock facilities are prohibited within the Secondary Protection Zone except as exempted under Section 14.7.

14.6.2.5 Wastewater treatment plants, percolation ponds, dredge spoil deposits, and similar facilities are prohibited within the Secondary Protection Zone.

14.7 EXCEPTIONS

14.7.1 The following activities or uses are exempt from the provisions of this ordinance:

14.7.1.1 The transportation of any hazardous substance through the well field protection zones, provided the transporting vehicle is in transit.

14.7.1.2 Silva culture uses and mosquito control spraying providing that said uses shall comply with the Iowa Commercial and Public Pesticide Applicators and Dealers Licensing through the Iowa Department of Agriculture. The use and storage of herbicides and pesticides for silva culture uses is prohibited within the Primary Protection Zone but is allowed within the Secondary Protection Zone.

14.7.1.3 The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.

14.7.1.4 Fire, police, emergency medical services, emergency management center facilities, or public utility transmission facilities.

14.7.1.5 Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.

14.7.1.6 Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.

14.7.1.7 Consumer products located in the home which are used for personal, family, or household purposes.

14.7.1.8 The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.

14.7.1.9 The use of water treatment chemicals connected with the operation of the well.

14.7.2 The use of structures or facilities existing at the time of the adoption of the ordinance codified by this chapter may be continued even though such use may not conform with the regulations of this chapter. However, such structure or facility may not be enlarged, extended, reconstructed, or substituted subsequent to adoption of said ordinance.

14.7.3 Any person who engages in nonresidential activities relating to the storage, handling, use and/or production of any toxic or hazardous substances who is exempt from this ordinance by law shall not be subject to the restrictions contained herein.

14.8 BUILDING PERMITS AND REZONING - Jasper County will not issue a building permit for construction in, or rezone any portion of, the Primary or Secondary Wellhead Protection Zones without prior approval from the local authority responsible for the well head affected by such construction or rezone.

ARTICLE 15 - "AO" - AIRPORT OVERLAY DISTRICTS

15.1 The Newton Airport Zoning Ordinance and Grinnell Regional Airport Zoning Ordinance are adopted in full by reference, and no structure shall be built in Jasper County that violates those ordinances.

15.2 The Jasper County Zoning Administrator may require a determination by the affected Airport Manager that a proposed structure is in compliance with all regulations before issuing a building permit.

See Jasper County Ordinance #10 - Airport Regulations

ARTICLE 16 - "PUD" – PLANNED UNIT DEVELOPMENT DISTRICTS

16.1 PURPOSE – Providing a variety of housing types improves the housing market, making the county welcoming to all income levels while providing economic benefits countywide. The PUD Planned Unit Development District is intended to accommodate comprehensively planned projects to allow for the development or redevelopment of land with a mix of uses in accordance with an approved governing plan. Elements contained within an approved governing plan shall prevail over any conflicting regulations in this ordinance. This article establishes a district that serves the following purposes:

- (1) To allow flexibility in design to encourage innovative development proposals with a mix of uses.
- (2) To encourage development that can be conveniently, efficiently, and economically served by utilities and services.
- (3) To encourage the conservation of natural features, preservation of open space, and protection from natural hazards.
- (4) To provide compensating community benefits to offset impacts of the development.
- (5) To encourage energy-efficient development.
- (6) To encourage development that conforms to the goals and objectives in the county's comprehensive plan.

16.2 GEOGRAPHIC LOCATION – The Planned Unit Development district may be established in those areas designated on the Future Land Use Map of the Jasper County Comprehensive Plan as Growth Area Overlay, Agriculture Preservation, Agriculture, or Residential.

16.3 PERMITTED, CONDITIONAL AND ACCESSORY USES – The permitted, conditional and accessory uses allowed in the planned unit development district may include a mix of agricultural, residential, open space, institutional and civic, and retail, service and commercial uses as described in an associated approved governing plan, which prevails over any conflicting regulations in this ordinance. Uses which are not included in the approved governing plan are prohibited in the associated planned unit development district.

16.4 SIGNS – Signage shall conform to the signage standards that are included in the approved governing plan.

16.5 APPROVAL STANDARDS FOR A PLANNED UNIT DEVELOPMENT – A planned unit development is subject to the following approval standards:

- (1) Governing Plan – A governing plan containing specific development requirements related to the planned unit development, including a master plan depicting the comprehensively planned character of the project, is required. A governing plan may include, but not be limited to:
 - a. Development goals/vision.
 - b. Master plan (a visual representation of the planned unit development project subject to the governing plan).
 - c. Traffic analysis.
 - d. Bulk requirements/dimensional standards.
 - e. Street design standards.
 - f. Parking design standards.
 - g. Architectural design standards.
 - h. Signage.
 - i. Stormwater management.
 - j. Phasing.
 - k. Development incentives.
 - l. Lighting standards.
 - m. Emergency services standards.

(2) Minimum tract size – the tract shall contain a minimum of twenty (20) acres, of which a minimum of 40% (excluding floodplains, slopes greater than 35% and other unbuildable areas) shall be permanently protected as open space or for agricultural production.

a. 75% of the open space must be contiguous.

(3) Developer and HOA responsibilities – documents specifying developer and home owner association responsibilities, such as conservation easements or other mechanism for open space protection and management, and/or protection and management of the agricultural operation.

a. Agricultural operations shall be limited to the growing of table food and the keeping of agricultural animals as designated in the approved governing plan. (Example: CSA farm or community garden.)

(4) Water supply and waste treatment – engineering or other documentation that adequate water supply and waste treatment will be provided to all developable parcels. This shall also include maintenance agreements for shared wells and septic, if provided.

16.6 AMENDMENTS TO AN APPROVED MASTER PLAN AND/OR GOVERNING PLAN – Amendments to associated plans shall be reviewed as follows:

(1) Minor changes that still meet the intent of the original master plan and of the adopted governing plan may be reviewed and approved by the community development director. At the discretion of the community development director, changes to the master plan that are deemed major changes shall require an amendment to the governing plan. Major changes may include, but not be limited to:

A. Proposed areas for different land use types not shown on the original master plan.

B. Proposed changes to the transportation facilities such as new or relocated connections to existing roads, new internal streets, or realignment of streets (other than to accommodate final engineering design).

C. An accumulative 15-percent or greater reduction of open space, sidewalks, pathways, or trails, with at least 40% remaining as open space.

(2) Amendments to the governing plan shall be in accordance with section 1.1.2.1, Procedure for Change, of this ordinance. “Adjoining property owners” shall mean those owners of record of land adjoining the PUD Planned Unit Development District

This ordinance shall be in full force and effect June 1st, 2024 after its final passage, approval and publication as provided by law. All previous zoning ordinances are considered null and void.

Passed and approved this 16 day of April, 2024 following three reading (or due to waiver thereof in the manner allowed by law).

First Reading Passed: 4.16.2024

Second Reading Passed: NA


Third Reading Passed: NA

Approved: 4.16.2024

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Brandon Talsma, Chairman
Jasper County Board of Supervisors

Attest:



Jenna Jennings, Auditor