

Buchanan County Iowa Zoning Ordinance

Ordinance Number 20-01

Prepared by the Buchanan County Planning and Zoning Department

Reviewed and Recommended by the Buchanan County Planning and Zoning Commission for Adoption, after a public hearing was held, on March 4, 2026.

March 30, 2026, First (1st) Public Hearing

April 6, 2026, Second (2nd) Public Hearing

April 13, 2026, Third (3rd) Public Hearing

Adopted by the Buchanan County Board of Supervisors on April 13, 2026.

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Notice

The Ordinance text and the zoning maps are subject to occasional change through amendments to the Ordinance. Information to any specific property may be obtained from the Planning and Zoning Office.

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Purpose and Objectives

This Ordinance is adopted in accordance with the Buchanan County Comprehensive Land Use Plan, 2025, as amended, and as permitted and specifically authorized in Chapters 352, Land Preservation and 335, County Planning and Zoning, Code of Iowa, as amended.

This Ordinance is intended and designed to meet the specific objectives of Chapter 335.5, Code of Iowa, as amended, to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion on the street or highway; to secure safety from fire, flood, panic, and other hazards; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements.

This Ordinance is also intended and designed to meet the specific purpose of Chapter 352, Code of Iowa, as amended, to provide local citizens and local governments the means by which agricultural land may be protected from non-agricultural development pressures. That being said, due to the highly valuable agricultural soils in Buchanan County, it may not be possible for the County to preserve all of the valuable soils during the life of this Ordinance. In other words, because the County is not promoting a zero-growth stance, it may approve development on highly productive agricultural soils, as is consistent with this Ordinance and the County's Comprehensive Plan.

As is noted, this will be accomplished by using the Buchanan County Comprehensive Land Use Plan, 2025, as amended, as a guide along with this Zoning Ordinance so that land shall be conserved for the production of food, fiber, livestock and supporting other agricultural uses, thus assuring the preservation of agriculture as a major factor in the economy of this county and state.

It is the intent of this Ordinance, as authorized in Chapters 335 and 352, to provide for the orderly use and development of land and related natural resources in Buchanan County, Iowa, for agricultural, residential, commercial, industrial, and recreational purposes; and to preserve private property rights; protect significant natural and historic resources and fragile ecosystems of this county including forests, wetlands, rivers, streams, lakes and their shorelines, aquifers, prairies, and recreational areas; to provide the efficient use and conservation of energy resources, and to promote the protection of soil from wind and water erosion.

Section I. (1) Title

This Ordinance shall be known and may be cited and referred to as the "Buchanan County, Iowa, Zoning Ordinance.". This is an ordinance repealing Chapter 50 of Title VI of the Buchanan County Code or Ordinances and any amendments thereto; and enacting in lieu thereof a new ordinance entitled the Buchanan County, Iowa Zoning Ordinance, ordinance number 20-01.

Section II. (2) Special Exemptions

Farm Exemption

In accordance with the provisions of Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provisions of this Ordinance shall be constructed to apply to land, farmstead farmhouses, farm barns, farm outbuildings or other buildings or structures or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes, while so used.

1. Limitation: This exemption shall not apply to any structure, buildings, dams, obstruction, deposits or excavation in or on the floodplains of any river or stream.

2. Voluntary Compliance: It shall be the policy to seek voluntary compliance of the provisions of this Ordinance for agricultural uses, specifically, the minimum yard requirements of the applicable zoning district.

Section III. (3) Interpretations of Standards

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statues. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

Section IV. (4) Iowa Open Meeting Law

The Buchanan County Zoning Commission, a public body, is subject to the terms, regulations and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in these Ordinances a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

Section V. (5) Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word "shall" is mandatory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. Abandoned Sign: "Abandoned sign" means an advertising device, which includes the structure, that has been allowed to become in a state of disrepair, or which advertises a business or service no longer in existence.

2. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate or the principal use or structure.

3. Administrative Officer: The individual designated by this Ordinance to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance. This person or persons may also be referred to as the "Zoning Administrator".

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

5. Agricultural Area: An area meeting the qualifications of Section 352.6 and designated under section 352.7 of the Code of Iowa.

6. Alley or Lane: A public or private way not more than thirty (30) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.

7. Apartment House: See dwelling, multiple.

8. Automobile Salvage Yard: See junk yard.

9. Basement / Cellar: That portion of a building having mor than one-half (½) of its height below grade. A basement / cellar is not included in computing the number of stories for the purpose of height measurement.

10. Bed and Breakfast: An owner-occupied dwelling unit that contains no more than four (4) guest rooms where lodging, with or without meals, is provided for compensation. For the purpose of this Ordinance, a Bed and Breakfast shall be considered a home occupation.

11. Billboard: As used in this Ordinance shall include all structures regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on the manufactured in or upon the premises upon which said signs or billboards are located.

12. Board / Board of Adjustment: The Buchanan County Board of Adjustment.

13. Board / Board of Supervisors: The Buchanan County Board of Supervisors.

14. Boarding House: A building other than a hotel, where for compensation, meals and lodging are provided for three (3) or more persons.

15. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

16. Building Height of: The vertical distance from the average natural grade to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

17. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Buchanan County, Iowa.

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

19. Business or Commercial: When used in this title, refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices, recreational, or amusement enterprises.

20. Cabin: See Vacation or Recreational Cabin.

21. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purposes of this Ordinance, a carport attached to the principal building shall be considered part of the principal building and subject to all yard requirements herin.

22. Clinics: A building or buildings used by physicians, lawyers, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of person requiring such professional service.

23. Commission / Planning and Zoning Commission: The Buchanan County Planning and Zoning Commission.

24. Common Sewer System: A central sewer collecting system available to each platted lot and discharging into a treatment plant, lagoon, or other systems which are approved by the Buchanan County Sanitarian under direction of the Buchanan County Environmental Health Department. The above definition is not to be construed to mean individual household, private sewage disposal systems.

25. Common Water System: A central water supply system available to each platted lot approved by the County Environmental Health Department.

26. Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.

27. Corn Suitability Rating Two (CSR2): An index for ranking the productivity of soils and their suitability for row-crop productions in Iowa.

28. County: Buchanan County, Iowa.

29. Court: An open unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.

30. Cul-de-sac: A street having one (1) end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.

31. Day Nursery, Nursey School, or Day Care (Public): Any agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for six (6) or more children of pre-school age, for compensation.

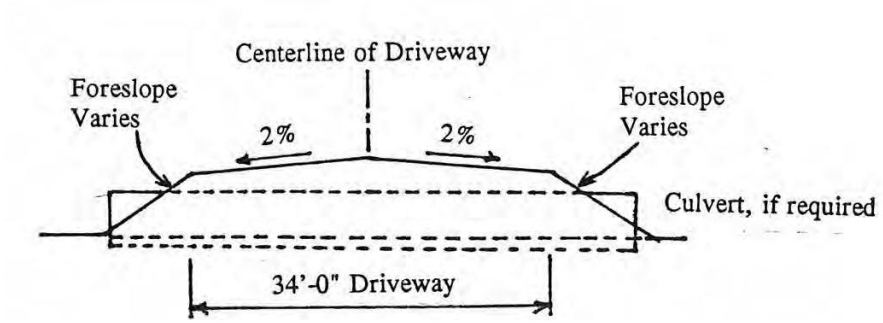
32. Developer: The legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

33. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, dredging, paving, excavation or drilling operations.

34. District: A geographic section or sections of the county within which the use and occupancy of are controlled by this Ordinance.

35. Driveway: A public access to either a private or public street, road, alley, highway, or freeway. A typical driveway cross-section is shown in figure one (1). A private access shall meet, or exceed, the current Buchanan County driveway policy.

Figure 1: Typical Driveway Cross Section *



Note: Verify foreslope requirements with the Buchanan County Engineer.
** Or current standards available in the Buchanan County Engineer's Department.*

36. Dump: A premises used for the disposal of "clean type" fill material, such as dirt, rocks, and similar materials, but not including organic matter of any type, such as garbage, dead animals or portions thereof.

37. Dwelling: Any Building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

38. Dwelling Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.

39. Dwelling Multiple: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

40. Dwelling Row: Any one (1) of three (3) or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.

41. Dwelling Single-Family: A detached residence designed for or used exclusively and occupied by one (1) family only.

42. Dwelling Two-Family: A residence designed for or used exclusively and occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

43. Dwelling Unit: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

44. Earth Home: An earth home is a structure that is below the ground on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purpose of this Ordinance. This definition is not to be construed or confused with the definition of a basement or cellar.

45. Easement: A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

46. Engineer: An engineer is a registered civil engineer authorized and licensed to practice engineering in the State of Iowa.

47. Factory-Built Structure: Any Structure which is, wholly or in substantial part, made fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and also include park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

48. Factory-Built Housing: A factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consist of two (2) types: Mobile Homes and Manufactured Homes.

49. Family: One (1) or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.

50. Farm: An aera comprising thirty-five (35) contiguous acres, exclusive of streets and roads, or more which is used for agricultural purposes and the growing and production of all agricultural products thereon and their storage on the area, or for the raising thereon of livestock. Division of said aera by road does not render property non-contiguous.

51. Farmstead: The buildings and adjacent service aeras of a farm, including sites where the buildings have been removed provided the land has not been cultivated.

52. Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes by is not limited to the marketing of products at roadside stand or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.

53. Farm Products: Those plants and animals and their products which are useful to people and includes, but is not limited to, forages, sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

54. Feed Lot / Confinement Operation: An animal feeding area on which the principal use is the confinement of livestock, primarily for the purpose of concentrated feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

55. Fill: The placing, storing, or dumping of any material such as earth, clay, sand, rubble, or concrete upon the surface of the ground which results in increasing the surface elevation.

56. Flood: A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff of surface waters from any source.

57. Flood Fringe: Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities (see figure 2).

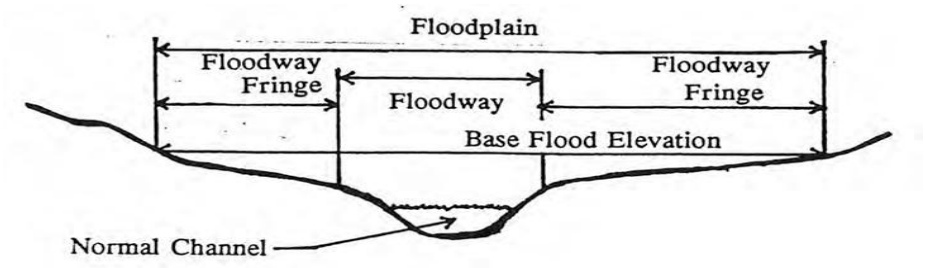
58. Floodplain: Any land area susceptible to being inundated by water as a result of a flood (see figure 2).

59. Floodplain One Hundred (100) Year Flood: The magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every one hundred (100) years.

60. Floodplain Five Hundred (500) Year Flood: There is a zero point two percent (0.2%) annual chance of a flood of that magnitude or greater occurring in any given year. This means that in any year, there is a one (1) in five hundred (500) chance that a flood of this magnitude will occur.

61. Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities (see figure 2).

Figure 2: Floodplain Cross Section



62. Floor Area: The sum of gross horizontal areas of all floors of a building.

63. Floor Aera Ratio: The gross floor aera of all buildings on a lot divided by the lot area on which the building or buildings are located.

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

65. Garage Private: An enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises.

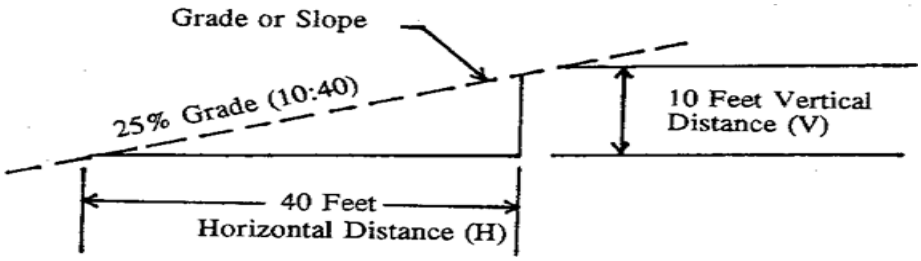
66. Garage Public: Any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

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

68. Gasoline Filling Station or Convenience Store: Any building or premises used for the retail sale of products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.

69. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building (see figure 3).

Figure 3: Grade or Slope



SLOPE CALCULATION = V / H

70. Grain Elevator: A structure or group of related structures whose primary purpose is, but not limited to, the receiving, selling, processing, storage, drying and transporting of bulk grain.

71. Group Home: A group home, or family home, means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 in the Iowa Code to provide room and board, personal care, habitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, a group home or family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa.

72. Hazardous Waste: A hazardous waste as defined in Chapter 455B.411, Code of Iowa, as amended or designated as such by the Federal Environmental Protection Agency.

73. Historic Structure: Any structure that is:
    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

    d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
        i. By an approved state program as determined by the Secretary of the Interior or,
        ii. Directly by the Secretary of the Interior in states without approved programs.

74. Home Occupation: A gainful occupation or profession conducted entirely within an enclosed dwelling unit which is clearly incidental and secondary to residential occupancy and does not change the character thereof.

75. Home Industry: Any gainful occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof.

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

77. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainageways, sewers, water mains, wells, and other works and appurtenances.

78. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

79. Junk or Salvage: Scrap copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolition materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, iron, steel, or other scrap ferrous or nonferrous materials.

80. Junk or Salvage Yard: Any area where junk, discarded salvaged material or equipment is bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials, structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase, or storage or used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been licensed or are not capable of operating under their own power, or for their intended use, or from which parts have been removed for reuse, salvage or sale, shall constitute prima facie evidence of a junk yard.

81. Kennel, Dog (Commercial): Any parcel of land on which four (4) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.

82. Kennel, Dog (Private): Any parcel of land on which four (4) or more dogs are kept, however, this shall not include breeding, grooming, boarding or other activities associated with the care of dogs other than the owner's dogs.

83. Livestock: Cattle, horses, sheep, swine, poultry, any other animal or fowl which are being produced primarily for commercial purposes.

84. Lot: Means a tract of land represented and identified by number or letter designation on an official plat.

85. Lot Area: Total horizontal area within lot lines.

86. Lot Corner: A lot abutting upon two (2) or more streets at their intersection (see figure 4).

87. Lot Depth of: The mean horizontal distance between the front and rear lot lines.

88. Lot Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot (see figure 4).

89. Lot Interior: A lot other than a corner lot (see figure 4).

90. Lot Lines: The lines bounding a lot.

91. Lot Line, Front: The line separating the lot from the street on which it fronts.

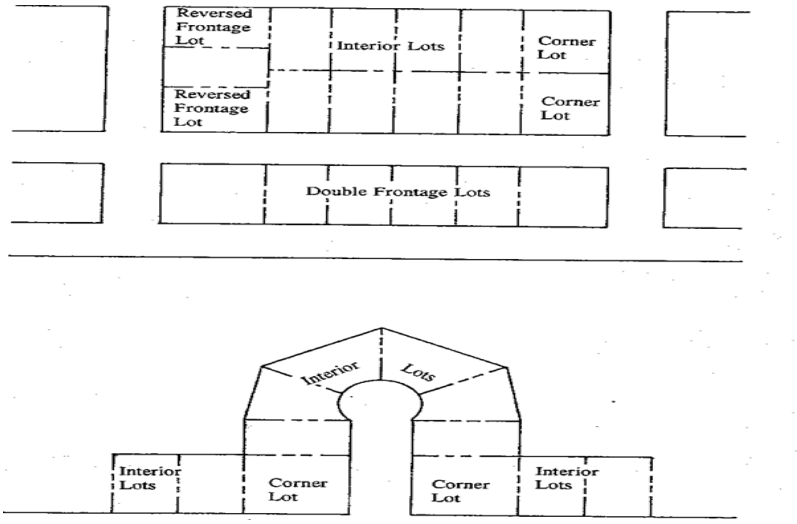
92. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

93. Lot Line Side: Any lot line other than a front or rear lot line.

94. Lot of Record: A lot contract or deed to which has been recorded with the Recorder's office in Buchanan County, Iowa, prior to June 10, 1974.

95. Lot Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear (see figure 4).

Figure 4: Examples of Lot Definitions



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

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

98. Manufactured Home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured homes shall be subject to the same standards as site-built dwellings.

99. Metes and Bounds Description: The method used to describe a tract of land that uses distance and angles, distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.

100. 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 or more persons; but shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved location, as specified in this Ordinance.

101. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

102. Motel, Auto Court, Motor Lodge: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.

103. New Construction (New Buildings, New Mobile Home Parks): Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.

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

105. Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.

106. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

107. Occupancy Permit: A certificate issued by the Zoning Administrator, stating that the building and use comply with the provisions of the county ordinances and therefore may be occupied.

108. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

109. Parcel: A part of a tract of land.

110. Parking Lot: A parcel of land devoted to unenclosed parking spaces.

111. Parking Space: An area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be a surface material approved by the County Engineer.

112. Pavement or Paving: The pavement structure, or the upper surface of a pavement structure, or the materials of which the pavement structure is constructed.

113. Permanent Real Estate Index Number: A unique number or combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa.

114. Porch, Unenclosed: A roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.

115. Principal Use: The main use of land or structures as distinguished from an accessory use.

116. Public Utilities: Public or quasi-public distributing or operating equipment for related services for telephone, electricity, cable television, gas, sewer and water. For purposes of this Ordinance, a private, common water system and a common sewer system may be considered a public utility when a public or quasi-public system is not available and when the creating parties agree.

117. Recreational Vehicle: A vehicle which is:
   a. built on a single chassis;
   b. four hundred (400) square feet or less when measured at the largest horizontal projection;
   c. designed to be self-propelled or permanently towable by a light duty truck; and
   d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

118. Right-of-Way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes (see figure 5).

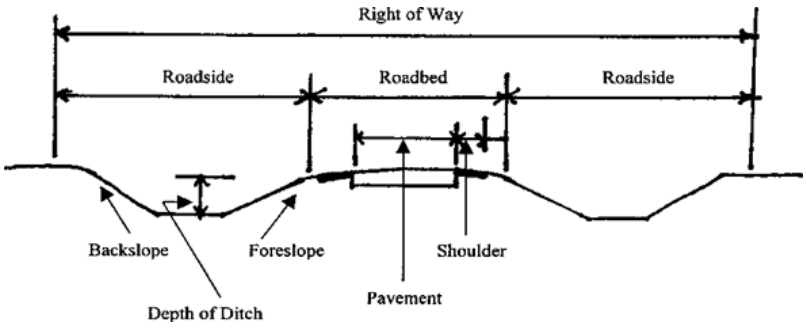
119. Road: All property intended for use by vehicular traffic, dedicated or intended for public or private road, street, alley, highway, freeway or roadway purposes or to public easements, therefore.

120. Roadbed: The area of the roadway between the tops of foreslopes (see figure 5).

121. Roadline: A dividing line between a lot, tract or parcel of land and a contiguous road.

122. Roadside: The area within the right-of-way and outside the shoulder lines of a roadbed (see figure 5).

Figure 5: Examples of Road Definitions



123. Roadside Stand: A temporary structure used seasonally for the sale of homegrown agricultural products.

124. Rooming or Lodging House: A building or place where lodging or boarding is provided for compensation for three (3) or more, but not exceeding twenty (20) individuals, not open to transient guests, in contrast to hotels open to transients.

125. Sanitary Land Fill: Land utilized for disposing of solid or hazardous waste in accordance with the rules and regulations of the Department of Environmental Quality.

126. Shoulder: That portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

127. Sign: "Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. "Sign" includes "billboard" but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. Nor does it include any political, educational, charitable, philanthropic, civic, professional, religious, campaign, drive, movement, or event.

128. Sign Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign is a sign attached flat against a building or structure or projecting out from a building or structure or erected upon the roof of a building or structure.

129. Sign Free Standing or Post: Any sign that is not attached to a building erected or affixed in a rigid manner to any pole or post, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

130. Sign Illuminated: A sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign, including but not limited to neon and exposed lamp signs.

131. Sign Off-Site: A sign other than an on-site sign.

132. Sign On-Site: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises.

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

134. Stable Public and Riding Academy: A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

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

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

137. Story Half: A space under a sloping roof which has the line of intersecting of roof decking and wall face not more than four (4) feet above the top floor level.

138. Street Road, Drive, Alleys, or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision.

139. Street, Road, Alleys, Drive or Entrance (Public): All property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.

140. Street, Road, Alleys, Drive or Entrance (Secondary Road System): All property intended for use by vehicular traffic which has been dedicated to the public and meets requirements of the Code of Iowa and has been accepted into the county system by the Board of Supervisors.

141. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

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

143. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards, and poster panels.

144. Surveyor: A registered land surveyor authorized and licensed to practice surveying in the State of Iowa, pursuant to Chapters 355 and 542B of the Code of Iowa.

145. Tract: An aliquot part of a section, a lot within an official plat, or a government lot.

146. Trailer or Mobile Home: See "Mobile Home."

147. Trailer or Mobile Home Park: See "Mobile Home Park or Trailer Park."

148. Tower: A tower or antenna, whether guyed or of monopole or lattice-type design, or equipment and associated facilities constructed to transmit and or receive signals for the purpose of providing communication services for commercial use. The base of these stations or towers shall be at least the height of the tower or station from any property or lot line.

149. Travel Trailer: A vehicle customarily used for vacation or recreational purposes defined and licensed in accordance with Section 321.1 (39)(b), Code of Iowa.

150. Vacation or Recreational Cabin: A structure consisting of not more than four (4) sleeping rooms, kitchen and living area used as a temporary residence, not to exceed six (6) months at a time, for recreational purposes.

151. Vehicle and Motor Vehicles: Any property that is required to be licensed and registered or inspected and is governed by the rules of the Department of Motor Vehicles or Department of Transportation including but not limited to cars, motorcycles, ATV's, semi-trailers, travel trailers, trailers of any sort or anything intended for the transport of personal property.

152. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

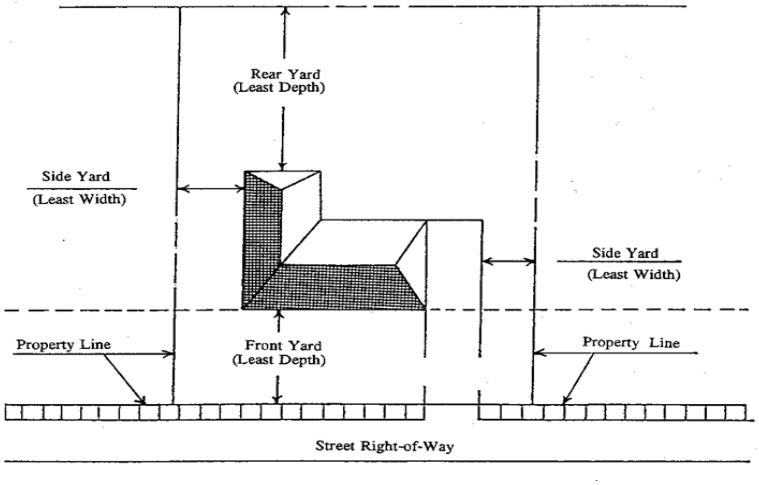
153. Yard Front: A yard extending across the full width of the lot and measured between the front lot line and the building (see figure 6). For the purposes of this Ordinance, "front" is determined by the street where the address is derived.

154. Yard Rear: A yard extending across the full width of lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches (see figure 6). On both corner lots and interior lots, the opposite end of lot from the front yard.

155. Yard Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building (see figure 6).

156. Zoning Administrator: The agent so designated by the Board of Supervisors to administer, implement, and enforce this Ordinance.

Figure 6: Yard Definitions



Section VI. (6) Establishment of Districts and District Boundaries

A. Establishment of Districts:

In order to classify, regulate or restrict the location of trades and industries, and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such building, the unincorporated area of Buchanan County, Iowa is hereby divided into eight (8) classes of district. The use, heights, and the area regulations are uniform in each class of districts and said districts shall be known as:

- "A-1" Agricultural
- "A-2" Agricultural
- "R-1" Low Density Residential District
- "R-2" Suburban Residence District
- "R-3" Multiple Residence District
- "C" Commercial District
- "C-M" Commercial-Manufacturing District
- "M" Manufacturing

B. District Boundaries and Official Zoning Maps:

The boundaries of these districts are indicated upon the Official Zoning Maps of Buchanan County, Iowa, which maps are made a part of this Ordinance by reference. The said Official Zoning Maps of Buchanan County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said maps were all fully described herein. The said Official Zoning Maps shall be on file in the office of the Zoning Administrator of Buchanan County, Iowa. The Official Zoning Maps may be on paper or electronic, as adopted and amend by the County Board of Supervisors, and may be managed within the County's geographic information system. The Official Zoning Maps shall show all amendments or changes and shall indicate the date of each amendment or change. It shall be the responsibility of the Zoning Administrator to see that the Zoning Maps are kept current at all times.

C. Interpretation of District Boundaries:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning Maps accompanying and made a part of this Ordinance, the following rules apply:

1. The district boundaries are either street lines or alley lines unless otherwise shown, and where the

districts designated on the maps accompanying and made a part of this Ordinance are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district, street and alley right-of-way not included in zoned areas;

2. Where boundaries are indicated so they approximately follow lot lines and are not more than twenty (20) feet distance there from, such lot lines shall be interpreted to be the boundary of the district;

3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;

4. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits;

5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

6. Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines;

7. Where no other indication of the district boundary is made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the maps;

8. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Map; and, as such, said maps or portions of said maps need not be published;

9. As a last resort, the Board of Adjustment may, per Section XXIII(H)(1), interpret district boundaries.

Section VII. (7) General Regulations and Provisions

A. Disincorporation or Severance:
Any addition to the unincorporated area of the county resulting from disconnections by municipalities or otherwise shall be automatically classified as in the "A-1" Agricultural District until otherwise classified by amendment.

B. Conformance Required:
No structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

C. Proposed Use Not Covered by Title:
Any proposed use, including principal permitted, accessory uses, and special exceptions, not included in any District shall be referred to the Planning and Zoning Commission and Board of Supervisors for a decision as to the proper District and category in which said use should be permitted. The process requires an amendment to the Ordinance prior to addressing a specific site. Thus, in order to add an unlisted use to a District, the Ordinance shall be amended according to the process defined in Section XXIII(L). After the Ordinance has been amended accordingly, a rezoning or special exception permit may be applied for and considered for a specific site.

D. Farmstead: **Amended by Resolution 22-128**
~~Within an agricultural district, a farmstead by definition in existence on June 10, 1974, the date Appendix A of the Buchanan County Code of Ordinances was adopted, may be severed from the farm. A minimum of two (2) acres but less than four (4) acres, exclusive of streets and roads, per each dwelling unit of the~~

~~farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.~~

The Buchanan County Zoning Administrator can approve / recommend farmstead splits that are larger than four (4) acres which is currently outlined in the Buchanan County Zoning Ordinance. Proposed farmstead split surveys which include minimal or no tillable acres will be reviewed internally by the Auditor's Office, Assessor's Office, and the Zoning Department prior to recording.

E. Required Yard Per Building:
No yard or other open space or lot area requirement shall be considered as providing a yard or open space or lot area requirement for a building on any other lot, and no yards or other open space or lot area requirement about an existing building or any building hereafter constructed for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space or lot area requirement for any other building.

F. Road Vacation:
Whenever any street, road or other public way is vacated by official action of the Board of Supervisors of Buchanan County, the zoning district adjoining each side of such street, road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

G. One Principal Building Per Lot:
Except in "C-M" Commercial-Manufacturing District every building hereafter erected or structurally altered shall be located on a lot as defined herein and in no case shall there be more than one main building on one lot unless otherwise provided by this Ordinance.

H. Requests for Rezoning, Variances, Special Exceptions, and Other Petitions:
All petitions or applications for rezoning, special exception, variance, and other actions, must be in writing or completed electronically stating the exact legal description of land involved, the purpose for which the land is to be used, the disruption expected to be incurred on the area's natural setting, and the methods to be implemented to lessen the severity of disruption on the area. Said petitions or applications must be accompanied by a fee and must be received by the Zoning Administrator twenty (20) working days prior to a stated or special meeting of the Zoning Commission.

I. Water Supply and Sewage Disposal:
Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the Well and Sewage Regulations of the County Environmental Health Department and all other applicable regulations.

J. Street Frontage Required:
Except as permitted in this Ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street, and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least twenty-four (24) feet wide may be provided for two (2) such single-family dwellings. For more than two (2) dwellings the access easement must be in conformance with the Subdivision Regulations of Buchanan County, Iowa.

K. Accessory Buildings: **Amended By Resolution 25-26**
Minimum lot area, lot frontage, and yard requirements will be determined for each of the zoning district classifications. All accessory buildings shall be placed in the side or rear yard. An unattached accessory building shall maintain a clearance of five (5) feet (wall to wall) between the principal permitted building and the accessory building.

An accessory building or structure which is not part of the main building shall not exceed twenty-eight (28) feet in height.

No accessory building or structure shall be constructed on any lot prior to the completion of the foundation of the principal building to which it is accessory. If two (2) or more contiguous lots are held in common ownership, an owner may use a deed restriction to permanently tie the lots together in order to allow an accessory building or structure to be constructed on a lot by itself.

L. Corner Lots:
The front yard regulation shall apply to each street side. Side and rear yard requirements are determined by direction of front of principal building. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

M. Front Yard:
In any "R" district there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided, however, that where lots comprising thirty percent (30%) or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater setback, the front yard setback shall be the average of these building setbacks and the minimum setbacks required for the undeveloped lots. In computing the average setback, buildings located on reversed corner lots or entirely on the rear half of lots shall be counted. The required setback as computed herein need not exceed fifty (50) feet in any case. For the purposes of this Ordinance, "front" is determined by the street where the address is derived.

N. Required Yard Cannot Be Reduced:
No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this Ordinance.

O. Building Lines on Approved Plats:
Whenever the plat of a land subdivision on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

P. Pending Applications for Compliance Permits:
Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required compliance permits have been granted before the enactment of this Ordinance for a period of one year. The construction shall conform with such plans and shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

Q. Lot Area Computation:
In all districts, lot area and setback requirements shall be computed exclusive of street, road, alley, waterway, or highway right-of-way, including being exclusive of right-of-way established by easement or rounding. Lot area calculations may be rounded to the nearest one-thousandths of an acre.
At the time of enactment of this Ordinance, where two (2) or more vacant, contiguous lots are held in common ownership, they may be combined by deed restriction into a single zoning lot and shall thereafter be maintained in common ownership and shall be so joined and developed for implementing this section.

R. Gasoline Filling Stations or Convenience Stores:
No gasoline filling station, convenience store, or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street, of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.
No gasoline filling station, convenience store, or public garage shall be permitted where any fuel filling appliance is located within twelve (12) feet of any street line or within twenty-five (25) feet from any "R" district except where such appliance is within a building.

S. Dwelling Standards:
The following standards shall apply to all new dwellings for which compliance permits have been issued.

1. The dwelling shall be affixed to a permanent foundation system;

2. The minimum average dimension of the width and of the length of the main body of the dwelling unit shall not be less than twenty (20) feet.

T. Home Occupation Standards:
The following standards and criteria shall apply to home occupations:

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

2. Conducted entirely within an existing dwelling unit;

3. Conducted by a member(s) of the family residing within the dwelling unit and no more than two (2) non-resident employees;

4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;

5. Water, sewer, and waste disposal systems shall be subject to approval by the County Environmental Health Department;

6. Customer parking shall be provided and be as inconspicuous as possible on the premises;

7. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements:

   a. Contains only the name of the occupant and the nature of the occupation;

   b. Shall not contain more than sixteen (16) square feet and shall be no more than six (6) feet high or no more than six (6) feet in width;

   c. Shall not be illuminated;

   d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

8. Shall obtain and possess a valid home occupation permit:

   a. An initial permit may be issued by the Board of Supervisors, after consideration. The Applicant may appeal a denial to the Board of Adjustment;

b. Thereafter, a home occupation permit must be renewed annually unless the permit-holder violates any of the conditions defined in Section T(8)(c) below. The Zoning Administrator shall be authorized to renew said permits;

c. A home occupation permit may be revoked by the Board of Supervisors. The Applicant may appeal a revocation to the Board of Adjustment, consistent with Section XXIV(F). Revocation may occur for any of the following reasons: complaints against the use arise during the course of the year; the permit-holder violates this Ordinance; the permit-holder violates any Buchanan County ordinance or state or federal statute; or the permit-holder violates any of the conditions of the home occupation permit.

U. Home Industry Standards:

The following standards and criteria shall apply to home industries:

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property;

2. Conducted entirely and confined within an accessory building(s) located upon the property;

3. Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employees;

4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;

5. Water, sewer, and waste disposal systems shall be subject to approval of the County Environmental Health Department;

6. Customer parking shall be provided and be as inconspicuous as possible on the premises;

7. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements:

   a. Contains only the name of the occupant and the nature of the occupation;

   b. Shall not contain more than sixteen (16) square feet and shall be no more than six (6) feet high or no more than six (6) feet in width;

   c. Shall Not be illuminated;

   d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

8. Shall obtain and possess a valid home industry permit:

   a. The initial permit may be issued by the Board of Supervisors after consideration. The Applicant may appeal a denial to the Board of Adjustment;
   b. Thereafter, a home industry permit must be renewed annually unless the permit-holder violates any of the conditions defined in Section U(8)(c) below. The Zoning Administrator shall be authorized to renew said permits;

   c. A home industry permit may be revoked by the Board of Supervisors. The Applicant may appeal a revocation to the Board of Adjustment, consistent with Section XXIV(F). Revocation may occur

for any of the following reasons: complaints against the use arise during the course of the year; the permit-holder violates this Ordinance; the permit-holder violates any Buchanan County ordinance or state or federal statute; or the permit-holder violates any of the conditions of the home industry permit.

V. Bulk Requirements:

All new buildings shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or further conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located.

1. Height Restrictions: Any structure hereinafter erected or structurally altered may not be of such a height as to be in conflict with any Buchanan County regulations, more specifically, the Buchanan County (Independence Municipal Airport) Height Zoning Ordinance and Microwave Radio Path Ordinance.

Table 1. Bulk Requirements Amended by Resolution 25-26

"A-1" Agricultural AND "A-2" Agricultural Districts	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Farm Dwelling	--	35 Acres	330 Feet	50 Feet	25 Feet	50 Feet
Single Family Dwelling; Cabins without common septic/sewage and water systems follow A-2 requirements	--	35 Acres "A-1" and 2 Acres in"A-2"	200 Feet	50 Feet	25 Feet	50 Feet
Single Family Dwelling on a Farmstead	--	2 Acres	200 Feet	50 Feet	25 Feet	50 Feet
Cabins with common septic/sewage and water systems	--	8,000 Square Feet	66 Feet	30 Feet	10 Feet	30 Feet
Other Permitted Structures	--	2 Acres	200 Feet	50 Feet	25 Feet	50 Feet
Accessory Buildings	--	--	--	10 Feet	10 Feet[1]	10 Feet[1]
"R-1" Single-Family Residence District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Single Family Dwelling	3 Stories or 45 Feet, whichever is lower.	2 Acres	150 Feet	30 Feet	30 Feet	30 Feet
Other Permitted Structures	--	--	--	30 Feet	30 Feet	30 Feet
Accessory Buildings	28 Feet	--	--	30 Feet	10 Feet[1]	10 Feet[1]
"R-2" Suburban Residence District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Single Family Dwelling	3 Stories or 45 Feet, whichever is lower	2 Acres	150 Feet on Co. Road or 100 Feet on private drive and with one common utility	30 Feet	30 Feet	30 Feet
Other Permitted Structures	--	--	--	30 Feet	10 Feet	30 Feet
Accessory Buildings	28 Feet	--	--	30 Feet	10 Feet[1]	10 Feet[1]

"R-3" Multiple Residence District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Single Family Dwelling	3 Stories or 45 Feet, whichever is lower, except additional height for additional stories may be added at a rate of 2 Feet in height for each Foot that the structure is setback from the required yard lines	10,000 Square Feet	66 Feet	30 Feet	10 Feet	30 Feet
Two Family Dwelling	--	10,000 Square Feet	66 Feet	30 Feet	10 Feet	30 Feet
Multiple Family Dwelling	--	10,000 Square Feet	66 Feet	30 Feet	10 Feet	30 Feet
Mobile Home Park Individual Unit Requirements	--	2 Acres 3,000 Square Feet	100 Feet 25 Feet	25 Feet 10 Feet	20 Feet 10 Feet	40 Feet 10 Feet
Other Permitted Structures	--	1 Acre	100 Feet	50 Feet	10 Feet	30 Feet
Accessory Buildings	28 Feet	--	--	10 Feet	10 Feet[1]	10 Feet[1]

"C" Commercial District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Permitted Structures	3 Stories or 45 Feet, whichever is lower	2 Acres	150 Feet	25 Feet	10 Feet	25 Feet
Accessory Buildings	--	--	--	10 Feet	10 Feet[1]	10 Feet[1]
"C-M" Commercial-Manufacturing District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Permitted Structures	4 stories or 64 feet, whichever is lower	--	150 Feet	25 Feet	25 Feet	25 Feet
Accessory Buildings	4 stories or 64 feet, whichever is lower	--	--	10 Feet	10 Feet	10 Feet
"M" Manufacturing District	**Maximum Building Height**	**Minimum Lot Area**	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Side Yard**	**Minimum Rear Yard**
Permitted Structures	4 Stories or 64 Feet, whichever is lower	--	150 Feet	25 Feet	25 Feet	25 Feet
Accessory Buildings	--	--	--	10 Feet	10 Feet	10 Feet
Wind Energy Conversion Systems (WECS) See Subsection X						
Solar Energy Standards See Subsection Y						

Notes:

Lot area requirements shall be computed exclusive of public street, road, alley, waterway, or highway right-of-way, or private easement.

[1] Accessory buildings, which are to be placed in the rear yard, may reduce the minimum side and rear yard requirements to four (4) feet.

W. Towers, Including Wireless Communications Towers:

1. Regulation of all Towers:

Other than Wind Energy Tower, the base of any tower as herein defined shall be placed at least the height of the tower from any property or lot line, except as provided herein. Further, a tower shall be one-half (½) the height of the structure from any building or other structure located on the same parcel of land that the structure is located on (except for support facilities such as equipment rooms) unless a greater setback is required under the provisions of this Ordinance.

1. Relationship to Microwave Radio Path Ordinance: Buchanan County has adopted and maintains a separate Microwave Radio Path Ordinance, which contains a specific zone map where a district is defined and proposed, and existing tower heights regulated. Nothing in this Ordinance shall replace or diminish the Microwave Radio Path Ordinance. Tower applicants seeking to obtain a permit in the Microwave Radio Path district shall obtain approval from the Geographic Information System (GIS) Department prior to construction, as part of receiving a Zoning Compliance Permit required under this Ordinance.

2. Wireless Communications:

1. Purpose: The provisions of this section are intended to regulate the location of new communication towers and antennas. The Telecommunications Act of 1996 restructured and deregulated many aspects of the Country's communication industry. New telecommunication providers entering the market desire to build a network that can require additional freestanding communication towers as well as antennas mounted on existing buildings and other structures. It is the desire of Buchanan County to encourage an aesthetically pleasing local environment while encouraging the expansion of wireless technology, because it provides a valuable service to residents and businesspersons. It is not the County's goal to unreasonably discriminate among providers of functionally equivalent services; and to not have the effect of prohibiting, either directly or indirectly, the provisions of personal wireless services. It is the goal to encourage wireless providers to co-locate on existing towers or to mount antenna on buildings to minimize the visual impact of communication structures. If it is determined to be infeasible to co-locate new towers may be permitted, however monopole type towers shall be favored over guyed towers, and lattice towers shall be discouraged. Towers that require review by the Planning and Zoning Commission and or Board of Adjustment shall be allowed only after a determination on the need for and appropriateness of the requested use.

1. Goals:

a. To minimize the adverse effects of communication structures through careful siting and locating;

b. To locate and engineer communications support structures to mitigate potential damage to adjacent properties from structural failure;

c. To allow for the reasonable location and efficient use of communication structures through co-location of carriers;

d. To preserve and improve the peace, safety, health, welfare, comfort, and convenience of the citizens of Buchanan County.

2. Definitions, as used in this provision:

1. Multiple Use Facilities (co-location effort): Wireless communication facilities that are shared with other existing or newly constructed uses, such as, but not limited to, (buildings, water towers, flagpoles, or other communications towers).

2. Monopole Tower: A self-supporting, cylindrical, metallic pole.

3. Lattice Tower: A tower supported by multiple legs that are connected by steel profiles that form a lattice.

4. Guyed Tower: A tower that has a pole or lattice mainframe that is supported by guyed wires anchored to the ground.

5. Camouflage Design: A term describing a piece of art, or an architectural structure or element, that functions as a communications facility and aesthetically blends with the surrounding historical or aesthetically sensitive environment. Examples of camouflage design include, but are not limited to, flag poles, clock towers, monuments, and church steeples. Camouflage design also applies in the architectural integration of communication facilities onto existing buildings, light poles, highway signs, water towers, etc. For the purposes of this Ordinance, a monopole tower with its antenna incorporated into or flush with the pole, and with support facilities and equipment that are effectively screened from view with a solid fence and or landscaping may be considered a camouflage design.

6. Structure Height: The vertical distance measured from the base of the antenna support structure at natural grade to the highest point of the structure except that a lightning rod shall not be included in the measurements of structure height.

7. Communications Structure: Any tower or any other structure that supports devices used in the transmission or reception of microwave energy, analog data transfer techniques, radio frequency energy, and other digital data transfer techniques.

8. Minor Significance: Requests meeting the criteria as described in Section VII (V)(2)(c)(1) below and in compliance with all other provisions of the Zoning Ordinance.

9. Major Significance: Requests meeting the criteria as described in Section VII (V)(2)(c)(2) below. Also, any deviation from the Design Standards shall classify a formerly minor significant request to this stature.

3. Process Required For Approval Of Wireless Communications Structures:

1. Minor Significance: Proposed structures shall be subject to staff review and approval by the Zoning Administrator or his/her designee, if any of the following are true:

a. Structures are less than thirty-five (35) feet in height and at least one thousand (1,000) feet from any dwelling unit other than a dwelling unit located on the same parcel of land that the structure is located on;

b. Structures are co-located onto an existing communications facility or other structure provided that the proposed structures do not increase the height of the existing structure;

c. Structures are to be constructed using camouflage design, to visually disguise them or architecturally integrate them from the public view and their surroundings, provided that the structures are at least 1 mile from any other tower greater than seventy-five (75) feet in height and provided that the structures are at least one thousand (1,000) feet from any dwelling unit other than a dwelling unit located on the same parcel of land that the structures are located on.

2. Major Significance: For structures that do not meet the requirements of "Minor Significance" the proposed structure shall be subject to one of the following two review processes:

a. Monopole structures that are at least one (1) mile from any other tower greater than seventy-five (75) feet in height and at least one thousand (1,000) feet from any dwelling unit other than a dwelling unit located on the same parcel of land that the structures are located on shall be subject to the review of the Planning and Zoning Commission on the need for and appropriateness of the requested use. The Commission shall recommend approval of the request as submitted, recommend approval of the request with additional conditions, or recommend denial of the request. In the case of denial, the Commission shall give written reasons therefore. The application is then sent to the Board of Adjustment for final determination;

b. All other structures subject to the recommendation by the Planning and Zoning Commission and approval of the County Board of Adjustment;

c. Inspection, at the county's discretion, of telecommunication towers may be required to be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

4. Where Permitted: A proposed structure is classified as a permitted use, upon approval as noted above in Section VII (W)(2)(c), if any of the following are true:

1. "A-1" Agricultural District, "A-2" Agricultural-Limited District, "C" Commercial District, "C-M" Commercial-Manufacturing District, and Manufacturing "M" District:

a. When mounted on a building or existing structure or multiple use facilities;

b. When designed with camouflage design;

c. When the base of the structure is setback at least one (1) mile from any other tower greater than seventy-five (75) feet in height and at least one thousand (1,000) feet from any dwelling unit, other than a dwelling unit located on the same parcel of land that the structure is located on, unless the applicant can satisfactorily prove to the Planning and Zoning Commission and the Board of Adjustment that there are no other multiple use facilities in the immediate vicinity that can be co-located on (due to structural, engineering, or economic infeasibility) and that there are no other locations within the immediate vicinity that can meet these requirements then the setback can be reduced to twice the height of the structure from said towers and dwelling units.

2. "R-1" Agricultural-Residential District, "R-2" Residential-Suburban District, and "R-3" Residential-Multiple District:

a. When mounted on a building or existing structure or multiple use facilities;

b. When designed with camouflage design and the base of the structure is setback at least one-half (½) mile from any other tower greater than seventy-five (75) feet in height and at least five hundred (500) feet from any dwelling unit, other than a dwelling unit located on the same parcel of land that the structure is located on, unless the applicant can satisfactorily prove to the Planning and Zoning Commission and the Board of Adjustment that there are no other multiple use facilities in the immediate vicinity that can be co-located on (due to structural, engineering, or economic infeasibility) and that there are no other locations within the immediate vicinity that can meet these requirements then the setback can be reduced to twice the height of the structure from said towers and dwelling units;

c. Lattice and guyed towers shall not be permitted in these zoning districts.

5. Design Standards: The proposed structure must comply with the following provisions prior to the issuance of any permits:

1. Necessity: The wireless communications company shall demonstrate that the antenna must be located where it is proposed in order to satisfy the antenna's function in the company's grid system;

2. Co-Location Effort: If the wireless communications company proposes to build a tower, as opposed to mounting the antenna on existing multiple use facilities within the required setback as described in Section VII (W)(2)(d), it shall demonstrate a reason of substantial nature describing the inability to co-locate. This demonstration shall utilize one or more of the following criteria to satisfactorily illustrate why co-location on existing multiple use facilities is infeasible:

a. Structural Infeasibility: The wireless communications company shall provide a structural analysis to show the structural loading, minimum height, available space on the existing structure, or available ground space at the proposed site is inadequate to serve its need for viable communications structure site;

b. Engineering Infeasibility: The wireless communications company shall provide engineering studies to show that the existing multiple use facilities cannot be satisfactorily engineered to meet the coverage and/or capacity demands of its customers or function in its grid system;

c. Economic Infeasibility: Co-location on existing multiple use facilities is an incentive to and is in the economic best interest of each wireless communication company as co-location reduces the cost to deploy each communication site. Where negotiation to co-locate on an existing multiple use facility fails, the wireless communications company shall provide evidence, to include written assurances in the form of affidavits, that it could not obtain permission from owners of multiple use facilities to install its antennas on those facilities; A request for a wireless communications tower may be denied if it is concluded that the applicant has not made a good faith effort to co-locate on multiple use facilities.

3. Structure Height: The applicant shall demonstrate, to the reasonable satisfaction of Buchanan County, that the structure is the minimum height required to function satisfactorily while simultaneously providing adequate structural height for possible co-locators.

4. Setbacks From Base of Structure: The minimum setback of the base of the structure shall be at least the height of the structure from any property line and at least one-half (½) the height of the structure from any building located on the same parcel of land that the structure is located on (except for support facilities such as equipment rooms) unless a greater setback is required under the provisions of this Ordinance.

5. Structure Safety: The applicant shall demonstrate through compliance with these regulations and submittal of engineering studies, that the proposed structure is safe and that the surrounding areas will not be negatively affected by structure failure or interference. Any such failure or interference shall be the responsibility of the applicant to remedy. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers, and all facilities shall have a fence installed around the antenna support structure and other equipment, unless the antenna is mounted on an existing structure or camouflage design is employed. The fence shall be a minimum of six (6) feet to the ground.

6. Co-Location: In order to reduce the number of communication structures in the community, new towers (except for camouflage designs) shall be required to accommodate other uses, including other wireless communication companies, as well as other emergency response users.

7. Site Plan: A full site plan shall be required for all communication structure sites, showing the structure, antenna, antenna support structure(s), building(s), fencing, access, property lines, and lease boundaries.

f. Abandonment: All approvals for wireless communication towers shall be in effect only while the facilities are being operated on a continual basis. When the use is replaced or discontinued for a period of one (1) year, the approvals will lapse; and the operator or property owner shall be required to remove the facility and all associated equipment and restore the property to its original or otherwise acceptable condition, subject to the approval of the Zoning Administrator or his/her designee, or re-submit for approval as if it is a new request.

X. Wind Energy Conversion System Regulations: **Amended by Resolution 24-69**

A. Purpose:
This subsection establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within Buchanan County. The purpose of this regulation is to promote the safe, effective, and efficient use of wind energy conversion systems to reduce the on- site consumption of utility-supplied electricity. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established or referenced herein. The provisions of this ordinance shall not guarantee wind rights or establish access to the wind.

Preservation of Private Property Rights

B. Objectives:

1. It is recognized that the establishment of policies regulating the use of land is a community issue. Adequate input and monitoring from local citizens and agencies must be considered during the comprehensive planning period;

2. To encourage the continued utilization of Chapter 335.2, Code of Iowa, County Zoning, Farm Exemption. This section provides for deregulation of farmland, farmhouses, farm barns, and other farm structures from county zoning. This may be used as an incentive to help the preservation of the farming industry.

C. Definitions:

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

2. Aggregated Project: Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.

3. Commercial WECS: A WECS of equal to or greater than one hundred (100) kilowatts in total name plate generating capacity.

a. Energy Production (Wind Project) WECS: One (1) or more WECS located together and used for production of electric power to be interconnected into local utility electrical grid and primarily for consumption by on-grid utility customers located off the property.

4. Non-Commercial WECS: A WECS of less than one hundred (100) kilowatts in total name plate generating Capacity.

a. Single Use Residential Production WECS: A single WECS, on an individual lot or parcel, used to produce energy primarily for residential consumption on the property where the WECS is located;

b. Shared Residential Production WECS: WECS used for residential consumption that is shared by more than one (1) property owner and placed within an easement area on private property, a common area (jointly owned property) within a development;

c. Single Use Non-residential Production WECS: One (1) or more WECS, used to produce energy primarily for the nonresidential property where the WECS is located;

d. Shared Non-residential Production WECS: WECS used for non-residential consumption that is shared by more than one (1) property owner and placed within an easement area on private property, a common area – jointly owned property within a development.

5. Fall Zone: This area, defined as the furthest distance from the tower base, in which a guyed or non-guyed tower will collapse in the event of a structural failure. This area shall not be less than one and one-half (1½) times the total height of the WECS tower. (See table 2).

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

7. Meteorological Tower: For the purposes of this Wind Energy Conversion System Ordinance, meteorological towers are those towers erected primarily to measure wind speed and directions plus other data relevant to site WECS. Meteorological towers do not include towers and equipment used by airports, the Iowa Department of Transportation, or other similar applications to monitor weather conditions.

8. Micro-WECS: A WECS of one (1) kilowatt nameplate generating capacity or less and utilizing supporting towers of forty (40) feet or less.

9. Nacelle: Contains the key components of the wind turbine, including the gearbox, yaw system, and electrical generator.

10. Property Line: The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.

11. Rotor Diameter: The diameter of the circle described by the moving rotor blades.

12. Shadow Flicker: Shall mean the visible flicker effect when rotating turbine blades cast shadows on the ground or nearby structures causing the repeating pattern of light and shadow.

13. Substations: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than thirty-five thousand (35,000) volts or thirty-five (35) kilovolts for interconnection with high voltage transmission lines shall be located outside of the road right of way.

14. Total Height: The highest point, above ground level, reached by a rotor tip or any other part of the WECS. The maximum total height of a commercial WECS shall be no more than six hundred (600) feet. (See table 2).

15. Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

16. Tower Height: The total height of the WECS exclusive of the rotor blades.

17. Transmission Line: Those electrical power lines that carry voltages of at least sixty-nine thousand (69,000) volts or sixty-nine (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

18. Public Conservation Lands: Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but, not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges, Waterfowl Production Areas, County Parks, County Trails, City Parks, and City Trails. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations.

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

D. Applicability:

1. It shall be unlawful to construct, erect, install, alter, or locate any WECS within unincorporated Buchanan County, without rezoning the area of the proposed site to the "M" Manufacturing District and after being authorized by the Buchanan County Board of Supervisors ("BOS") in a public hearing.

2. The rezoning process would include transition to the Manufacturing District with a restriction to include Wind Energy generation and any adjoining crop farming application which may apply.

E. Procedures:

1. Applications for a WECS Permit shall be made on a permit application to Buchanan County for any WECS proposed in unincorporated Buchanan County.

2. No WECS or wind turbine shall be constructed, erected, converted, installed, reconstructed, enlarged, located, relocated, structurally altered, or otherwise developed including the placement of additional buildings and appurtenances without obtaining a zoning placement permit and being in full compliance with the terms of this section and other applicable codes, regulations, and policies adopted by the County, State, or Federal Government.

3. Rezoning or map amendment shall be applied for and reviewed under the procedures established in Section XVI (A) 17; XXIII (L); and XXIII (M) of this Ordinance, except where noted below.

4. The application for all WECS shall include the following information:

   a. The name(s) and address of the project applicant;

   b. The name of the project owner;

   c. The legal description of the site where development is planned;

   d. A preliminary description of the project including Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid. Preliminary site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale;

e. Documentation of land ownership, land ownership agreements, or legal control of the property.

5. The building permit (after zoning approval) for the Commercial WECS shall also include:

   a. Final site plan;

   b. Final legal description;

   c. Engineer's certification;

   d. The latitude and longitude of individual wind turbines;

   e. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the Proposed WECS;

   f. Location of wetlands, scenic, and natural areas [including bluffs] within one thousand three hundred twenty (1,320) feet of the proposed WECS. [dependent on DNR/Code]

      Applicant must provide a Third-party acoustical analysis and a Third-Party Shadow Flicker Analysis from a firm(s) who is agreed upon by both Buchanan County and the applicant. Acoustic and shadow flicker analysis shall be performed at the nearest point of each adjoining and adjacent property line to the base of the tower, unless that property in question is under a waiver as described in Section E, District Regulations, 1. No residence will experience more than thirty (30) hours per year, or more than thirty (30) minutes per day, of shadow flicker at the nearest point on the property to the WECs. To ensure compliance with this requirement prior to construction, the applicant will submit a report prepared by a qualified third party using the most up-to-date computer modeling software available, demonstrating that the proposed project will comply with the above requirements based on real world or adjusted case assessment modeling. The report must show the locations and estimated amount of shadow flicker to be experienced at all residences as a result of the individual WECs in the project;

   g. Federal Aviation Administration (FAA) Permit Application;

   h. Location of all known Communications Towers within two (2) miles of the proposed WECS;

   i. Decommissioning Plan which includes agreement of one hundred percent (100%) removal;

   j. Description of potential impacts on nearby WECS and wind resources on adjacent properties.

6. In addition to the rezoning fee, the applicant must also file a bond in an amount determined by the Buchannan County Board of Supervisors and approved by the Buchanan County Engineer. Said bond shall be from a surety company authorized to do business in the State of Iowa and Buchanan County. The bond shall be conditioned that the applicant under this section will pay to the county any and all damages caused to the streets, highways, and bridges, by applicant.

7. Aggregated Project Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.

F. District Regulations:

1. WECS may be permitted as a Principal Permitted Use in the "M" Manufacturing District, as set forth in Section XVI of this Ordinance, so long as bulk requirements and setback requirements are addressed. Said bulk requirements are shown below (see table 2).

2. WECS may only be constructed in areas that are rated less than fifty-five (55) CSR2. Only areas rated less than fifty-five (55) CSR2 may be considered for rezoning and land use change.

3. Setbacks:

   Substations and Accessory Facilities:

   a. Minimum setback standards for substation and feeder lines shall be consistent with the standards for essential services outlined in the Buchanan County Zoning Ordinance;

   b. Substation Setbacks:

      1. Ten (10) feet; structure setback from Road ROW; located wholly outside the right-of-way;

      2. Property lines ten (10) feet; structure setback from property lines; side yard.

Table 2. WECS Setback Requirements: Wind Turbines and Meteorological Towers

	Wind Turbine – Non-Commercial Micro WECS	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
Property Lines	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer
Neighboring Dwellings [1]	1.5 Times height per Certified Engineer Or may be waived by the dwelling occupant Or owner	1.5 Time height per Certified Engineer	4.5 Time height per Certified Engineer	1.5 Times height per Certified Engineer
Road Rights-of- Way[2]	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer
Other Rights- of-Way (Railroads, power lines, etc.)	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer
Public conservation lands managed as grasslands Public Conservation Lands, Bike Trails, Parks, State, Federal, County, and City of Lands	1 Mile (5,280 ft) per IDNR Recommendations	1 Mile (5,280 ft) per IDNR Recommendations	2 Miles (10,560 ft) per IDNR Recommendations	1 Mile (5,280 ft) per IDNR Recommendations
Wetlands	N/A	N/A	N/A	N/A
Other Structures	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer	1.5 Times height per Certified Engineer
Other Existing WECS	N/A	N/A	To be determined through cup review base on: relative size of the existing and proposed WECS, alignment of the WECS relative to the predominant winds, topography, extent of the wake interference impacts on existing WECS, other setbacks required waived for multiple turbine projects including aggregated projects.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height. Extent of wake interference impacts on existing WECS shall be considered.
Cemeteries	½ Mile	½ Mile	½ Mile	½ Mile
Any City Limits	1 Mile	1 Mile	2 Miles	1 Mile
Height Restrictions	200 ft Maximum height	200 ft Maximum height	600 ft Maximum height	200 ft Maximum height

*All costs associated will be at the applicants' expense/ No cost will be assumed by Buchanan County, Iowa.

[1]Notwithstanding the above in Table two (2), The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within four and one-half (4½) times the total height of a commercial wind turbine, unless a release of liability is received from the WECS landowner and contractor.

[2] The setback shall be measured from future rights-of-way if a planned changed or expanded right-of-way is known.

G. Requirements and Standards:

1. Safety Design Standards:

   a. Engineering Certification: For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions;

   b. Clearance: Rotor blades or airfoils must maintain at least thirty (30) feet of clearance between their lowest point and the ground;

   c. Warnings: For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage.

2. Height Standard:

   a. Total height: Non-Commercial WECS shall have a total height of less than two hundred (200) feet;

   b. Municipal Airport Ordinances: Total Height must also be in compliance with all municipal airport ordinances within Buchanan County or adjoining counties. This shall include, but not be limited to, the Independence Municipal Airport Ordinance as well as the Oelwein Municipal Airport Ordinance;

   c. Commercial WECS: shall be in compliance with Section XVI (D), above as well as setback requirements as outlined in Table two (2). In any circumstance where the requirements are difficult to interpret, Table two (2) in this ordinance will take precedence.

3. Security:

   a. Climbing Apparatus: All external climbing apparatus for accessory WECS shall be located at least eight (8) feet above the ground, and the tower must be designed to prevent climbing within the first eight (8) feet.

4. Meteorological Towers: Meteorological towers may be guyed.

5. Color and Finish: All wind turbines and towers that are part of a commercial WECS shall be white, grey or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.

6. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for metrological towers, where concerns exist relative to aerial spray applicators.

7. Other Signage: All signage on site shall comply with Article VII (W)(E)(2) (Performance Standards), Section XX (Outdoor Advertising Signs and Billboards) of this Ordinance. The manufacturer's or owner's company name and/or logo shall be placed upon the nacelle of the WECS.

   a. One sign, limited to four (4) square feet, shall be posted at the base of each tower. The sign shall

include a notice of no trespassing, a warning of high voltage, and the phone number of the owner and operator to call in case of an emergency;

b. Each entrance to a wind turbine / project shall include a notice of restriction to authorized personnel, a warning of high voltage, and phone number of the owner and/or operator to call in case of an emergency;

c. Each driveway will be given a 911 address by Buchanan County, and each WECS at that address will be given a unique letter or number for the purpose of identification.

8. Feeder Lines: All communications and feeder lines, equal to or less than thirty-four and one-half (34 ½) Kilovolts in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Buchanan County Ordinances.

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

10. Impacts on Public Infrastructure: Reimbursement of all costs related to excessive wear and tear to any public infrastructure such as but not limited to county roads and bridges, any highway systems, storm water management related improvements and/or public utilities that are caused by the construction, maintenance, or removal of any WECS projects. Any incurred expenses shall be reimbursed to the affected local government(s). A determination shall be made by the Zoning Administrator after consultation with the County Engineer and the Board of Supervisors to establish if excessive wear and tear or damage has occurred and to estimate the costs of repair for said work. Any damages to any haul routes, as determined by the County Engineer, shall be reimbursed to the local government(s) affected and shall be billed to the corporation or company owning said WECS and to be paid within forty-five (45) days of issuance and may be subject to late charges, interest or penalties as allowed by law.

    Also, all haul routes shall be reviewed and approved by the County Engineer on use of any rural county roads prior to construction, maintenance or removal of any WECS. In order to review proposed haul routes and/or work locations, WECS owner(s) and/or their contractors shall contact the County Engineer a minimum of six (6) months prior to starting any work within the county.

11. Discontinuation and Decommissioning: A WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Buchanan County Zoning Administrator outlining the steps and schedule for returning the WECS to service.

    a. The removal/discontinuance/decommissioning of any WECS shall be the sole responsibility of the WECS device/facility owner or owner and/or operator, with one hundred percent (100%) removal, including any expenses related to the release of any easements;

    b. Each Commercial WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon becoming a discontinued use;

    c. The cost estimates shall be made by a competent party, such as a licensed third party, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning wind turbine projects;

d. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities and access roads;

e. The site shall be stabilized, graded, and cleared of any and all debris by the owner of the WECS device/facility or its assigns. An optional agreement may be included in their contract between the owner and contractor recorded with the county;

f. Any access roads shall be removed, cleared and graded by the owner of the WECS device/facility or its assigns, unless the owner of the parent parcel desires to keep the access road in place. Buchanan County at no time will be assumed to take ownership or maintenance of any access road unless through official action by the Board of Supervisors;

g. Buchanan County will require financial security in the form of a cash escrow, an irrevocable letter of credit, or a performance bond of one hundred thirty percent (130%) of the decommission value to ensure that the decommissioning process of a Commercial WECS is completed as required in this subdivision and all documents will be reviewed by the county auditor every three (3) years;

h. Upon decommissioning and one hundred percent (100%) removal of any WECS project, the relevant and legally described property shall automatically revert to the property's previous zoning classification prior to the WECS permitting, installation, and rezoning process to the "M" Manufacturing District. May 22, 2024, Public Hearing number two (2) vote included a motion to add the above verbiage to the WECS ordinance amendment.

12. Ownership / Management Changes:

a. Written notification shall be given to the Zoning Administrator and County Auditor upon change of ownership of a WECS;

b. The owner of a WECS shall give notice in writing to the Zoning Administrator of any change in their onsite management.

H. Other Applicable Standards:

1. Noise: Noise shall not exceed fifty decibels (50 dBA.);

2. Electrical Codes and Standards: All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards;

3. Federal Aviation Administration: All WECS shall comply with FAA standards and permits;

4. Uniform Building Code: All WECS shall comply with the State Building Code adopted by the State of Iowa;

5. Interference: The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, cell phone, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within two (2) miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Iowa Department of Transportation microwave transmissions;

6. WECS Permit: A WECS permit may be revoked any time the WECS does not comply with the rules

and regulations set forth in this ordinance or WECS permit. The revocation of the WECS permit requires the WECS to be physically removed within one hundred eighty (180) days;

7. WECS permit process: All WECS permit applications shall be approved by the Buchanan County Board of Adjustment following the standards and procedures as set forth in the Buchanan County Zoning Ordinance:

   a. Condemnation Waver: Issuance of a WECS construction permit shall be conditioned on the permit holder's enforceable promise, supported by the consideration of the issuance of the WECS construction permit, that the permit holder shall never use, or seek to use EMINENT DOMAIN to acquire any real property interests to construct or operate this project;

   b. In any action brought by the County against the Permit Holder of a WECS Construction Permit to enforce the provisions of this Ordinance, the County shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.

8. Release of Liability: Buchanan County shall be fully released of any liability associated with any WECS built in unincorporated Buchanan County.

9. Insurance: The Owner or Operator of the WECS shall provide a certificate of insurance prior to receiving a Zoning Permit. The Owner or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars ($3,000,000.00) per occurrence and Three Million Dollars ($3,000,000.00) of aggregate and file that with the Buchanan County Auditor at each renewal period.

10. Severability Clause: If any of the provisions of this Ordinance are for any reason found to be illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions shall be and remain in full force and affect, the same as if the Ordinance contained no illegal or void provisions.

11. Repealer: This Ordinance takes precedence over any previous copy or draft specified for Commercial WECS in the Buchanan County Development Zoning Ordinances. All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

If the proposed amendments would be adopted as described above:

1. The WECS Uses (A-2 District Only) Included in Table one (1) on page twenty-two (22) would be removed or eliminated from the Zoning Ordinance. **Completed with the 2026 update.**

2. Wind Energy Conversion Systems (WECS) would be removed or eliminated from A. Principal Permitted Uses on Page forty-seven (47) of the Zoning Ordinance. **Completed with the 2026 update.**

Y. Solar Energy Standards: **Amended by Resolution 22-70**

1. Purpose: The purpose of this Section is to provide a regulatory means for the construction and operation of solar energy installations that are small fifty kilowatts (50 kW or less) or large fifty kilowatts (50 kW or greater) in Buchanan County, subject to reasonable restrictions, which will preserve the public health, safety, and welfare. Buchanan County adopts these provisions to promote the efficient use of the County's solar energy resources.

2. Regulatory Framework: Large Solar Farms fifty kilowatts (50 kW or greater) may only be constructed in areas that possess fifty-five (55) CSR2 or lower to be considered for rezoning, land use change, and also acquire a special exception permit.

   Large solar energy facilities fifty kilowatts (50 kW or greater) may only be constructed in areas that are zoned "M" Manufacturing District upon approval of a Special exception by the Board of Adjustment after recommendation of the County Planning and Zoning Commission and a Resolution from the Buchanan County Board of Supervisors.

   Small solar energy facilities fifty kilowatts (50 kW or less) may be constructed in any zoning district as either a principal or accessory use. Small solar energy installations that are constructed as an accessory use to a principal permits use, and meet the setback, height, and power output requirements of this section shall not require special exception approval, and shall only require a zoning compliance permit. All small solar power energy facilities that are constructed as a principal permitted use, or small solar power energy facilities that do not meet height, or power requirements of this section, shall require Special exception Approval.

   The County Engineer and Board of Supervisors must review and authorize the road repair and improvement costs will be recouped from property taxes of a project of this nature, otherwise a Permit fee schedule, Bond, or Assessment will need to be created for each application to assure the County is properly compensated for potential damages.

   Solar Energy Installations: Fifty kilowatts (50 kW) or less are a permitted accessory use while a fifty kilowatts (50 kW) or greater use is restricted to "M" Manufacturing zoning classification subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below or a Large Solar Farm consisting of fifty kilowatts (50 kW) will require approval of a Special exception permit.

3. Definitions:

   1. Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

   2. Building Integrated Solar Energy Systems: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

   3. Concentrating Solar Power: Concentrating Solar Power (also called concentrated solar power, concentrated solar thermal, and CSP) are systems that: generate power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area. Electricity is generated

when the concentrated light is converted to heat, which drives a heat engine (usually a steam turbine) connected to an electrical power generator or powers a thermochemical reaction.

4. Grid-intertie Solar Energy System: A solar energy system that is connected to an electric circuit served by an electric utility company.

5. Ground-Mount: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

6. Off-grid Solar Energy System: A solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

7. Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

8. Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

9. Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

10. Renewable Energy System: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

11. Roof-Mount: a solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the structure they are mounted to.

12. Roof Pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

13. Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

14. Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

15. Solar Daylighting: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

16. Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

17. Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

18. Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

19. Solar Hot Air System: (also referred to as Solar Air Heat or Solar Furnace) An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

20. Solar Hot Water System: (also referred to as Solar Thermal) A system that includes a solar collector and heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

21. Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

22. Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

4. Regulatory Requirements:

   a. Height: Active solar energy systems must meet the following height requirements:

      1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district and shall not exceed ten (10) feet above roof height;

      2. Ground or pole mounted solar energy systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

   b. Setback: Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except that it may be located in a required front yard when meeting a minimum ten (10) foot setback from all property lines:

      1. Roof-mounted solar energy systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which they system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure;

      2. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the required setback when oriented at minimum design tilt.

   c. Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to ensure maximum sunlight upon which the panels are mounted.

   d. Historic Buildings: Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) will require a special exception permit.

e. Approved Solar Components: Electric solar energy system components must have an Underwriters Laboratories (UL) listing and solar hot water systems must have a Solar Ratings and Certification Corporation (SRCC) rating.

f. Plan Approval Required: All solar energy systems shall require administrative plan approval by the zoning official. Plans shall be presented when a zoning compliance permit is requested.

g. Compliance with Building Code: All active solar energy systems shall be consistent with the State of Iowa Building Code and solar thermal systems shall comply with Heating, Ventilation and Air Conditioning (HVAC) related requirements of the Electric Code.

h. Compliance with State Electric Code: All photovoltaic systems shall comply with the Iowa State Electric Code.

1. Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.

j. Utility Notification: All grid-connected solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

k. Solar Access: Buchanan County allows for solar resources.

l. Solar Easements Allowed: Buchanan County allows solar easements to be filed, consistent with Iowa State Code 564A7. Any property owner can purchase an easement across neighboring properties to protect access to sunlight. The easement can apply to buildings, trees, or other structures that would diminish solar access.

m. Solar Farm/Gardens or Utility scale solar installations:

1. Concentrating solar power (CSP) systems or plants that use mirrors to concentrate the energy from the sun to drive traditional steam turbines or engines to create electricity shall be prohibited;

2. A site plan shall be submitted and reviewed prior to the approval of a solar farm/garden or utility scale solar installations larger than fifty kilowatts (50 kW) and shall require approval of a Special exception permit.

n. The application for a solar garden or utility scale solar installation larger than fifty kilowatts (50 kW): shall include the following information on the site plan or in narrative form, supplied by the solar farm/garden or utility scale solar installation owner, operator or contractor installing the structure(s):

1. Number, location and spacing of solar panels/arrays;
2. Planned location of underground or overheated electric lines;
3. Project development timeline which indicates how the applicant will inform adjacent property owners and interested stakeholders in the community;
4. Interconnection agreement;
5. Decommissioning plan.

5. Site and Structure Requirements:

a. Setback: Setbacks for all structures (including solar arrays) must adhere to the minimum accessory setback standards for the zoning district where the project is located; greater setbacks may be

recommended absent a solar access easement agreement;

b. Screening: A landscape buffer may be required to be installed and maintained during the life of the operation. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography;

c. Utility Connections: Reasonable efforts shall be made to place all utility connections from the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements;

d. Grading Plan: A grading plan shall be submitted for solar farm/garden or projects over fifty kilowatts (50 kW) and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, drainage, tree removal, etc.);

e. Glare Minimization: All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard;

f. Aviation Protection: For solar farms located within one thousand (1,000) feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, Federal Aviation Administration (FAA) Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the Federal Aviation Administration (FAA);

g. Compliance with Local, State and Federal Regulations: Solar Farm/Garden and Utility scale solar installations and smaller solar installations shall comply with applicable local, state and federal regulations;

h. Appurtenant Structures: All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district;

i. Special Flood Hazard Area (SFHA) Regulations: Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of SFHA regulations;

j. Signage: Warning signs, or manufacturer's, operator's or installer's identification signage, may be displayed;

k. Fencing/Security: A security fence must be installed along all exterior sides of the solar energy installations larger than fifty kilowatts (50 kW) and be equipped with a minimum of one (1) gate and locking mechanism on the primary access side. Security fences, gates and warning signs must be maintained in good condition until the utility scale solar installation is dismantled and removed from the site;

l. For solar energy installations over fifty kilowatts (50 kW), a certificate of insurance with a minimum of two million dollars ($2,000,000) liability coverage per incidence, per occurrence shall be required for the life of the facility. Each renewal period will require a copy of certificate of insurance be provided to Buchanan County. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the special exception;

m. For solar energy installations over fifty kilowatts (50 kW), the County will require an irrevocable line of credit, bond, or cash escrow, held in trust in favor of Buchanan County, to recover the costs associated with the removal of a solar installation and appurtenant facilities. The amount of irrevocable letter of credit, bond, or cash escrow shall be set by the Board of Adjustment prior to Special exception approval and shall remain in effect until released by Buchanan County. The issuer of the irrevocable letter of credit or bond shall be suitable to the County.

6. Decommissioning and Site Reclamation Plan:

a. The application must include a decommissioning plan that describes: the anticipated life of the utility scale solar installation; the anticipated manner in which the project will be decommissioned; the anticipated site restoration actions; the estimated decommissioning costs in current dollars; and the method for ensuring that funds will be available for decommissioning and restoration;

b. For solar system installations producing fifty kilowatts (50 kW) or greater, following a continuous one (1) year period in which no electricity is generated, or if substantial action on the project is discontinued for a period of one (1) year, the permit holder will have one (1) year to complete decommissioning of the utility scale solar installation. Decommissioning shall be completed in accordance with the approved decommissioning plan. The land owner or tenant must notify the County when the project is discontinued.

7. Temporary Continuance of Original Dwelling:

Within those Districts that allow a single-family dwelling on a lot or parcel, a replacement dwelling may be constructed without first removing the original dwelling. The original dwelling must be demolished, removed or converted in accordance with all county regulations to a non-residential structure within one (1) year of the issuance of the certificate of occupancy by the county. An extension of this timeframe may be granted administratively upon demonstration of a practical difficulty by the applicant. If an extension is granted, an amended development agreement stipulating the terms of the extension shall be executed and recorded in the office of the county recorder.

Section VIII. (8) Natural Resource Protection and preservation

A. Intent: In accordance with the Buchanan County Comprehensive Plan it is the intent of this section to recognize, and to preserve the natural processes of land, as land undergoes change for man's use. This Ordinance identifies the functions of the land which provide important public benefits and have designed provisions to protect those functions. The public benefits arrived by the protection of natural functions of lands include:

1. The preservation of important productive lands and renewable resources;
2. Protection of public safety by reducing the risks of natural hazards, specifically flooding;
3. Protection of public resources such as water supplies and the water quality of our lakes, rivers, and aquifers; and
4. Protection of public and private economic resources from expenditures and property values loss due to environmental degradation.

For purposes of this Ordinance, land shall be identified by function(s) and may be further classified as either sensitive or significant. Identification and classification of lands shall be based upon the explanatory materials, notations, and maps found in the official Soil Survey of Buchanan County, Iowa, published by the United States Department of Agriculture Soil Conservation Service, March 1977, as may be amended.

B. Significant Lands:
Significant lands are agricultural lands of highly productive soils, renewable resource lands, which promote the long-term productivity of an area by contributing to water, soil, or vegetation cover conservation, and fragile lands.

1. Identification:

a. Agricultural Lands of Highly Productive Soils: Shall be defined as a parcel of land where more than fifty percent (50%) of its area consists of agricultural lands of productive soils (having a corn suitability rating that has been rated at fifty-five (55) or above). Determination regarding corn suitability ratings and other soil characteristics shall be referenced from the official Soil Survey of Buchanan County, Iowa, published by the United States Department of Agriculture Soil Conservation Service, March 1982/January 1994.

Soil boundaries shall be determined from the soil maps found in the official Soil Survey of Buchanan County, Iowa, or from a soil map upon an aerial photograph compiled and attested by a certified soil scientist or technician.

It shall be noted that it is the policy of Buchanan County, Iowa, rich in fertile productive soils to maintain this nonrenewable resource for future generations to employ in the production of food and fiber; therefore, such lands shall be preserved as "A-1" Agricultural District, unless there are extenuating circumstances.

b. Other Significant Lands: These lands shall include wetlands, recreational lakes, forest covers, forest reservations, rivers and streams, river and stream banks, open and native prairies and wildlife habitats, as designated upon the established priority list approved by the County Board of Supervisors, as amended.

2. Permitted and Special Exceptions:

a. Agricultural Lands of Highly Productive Soils: Subject to Section II, Special Exemption and Section

IX, Use Regulation for "A-1" Agricultural District;

b. Other Significant Lands: Lands as designated upon the established priority list approved by the Buchanan County Board of Supervisors, as amended, shall be preserved in their natural, undisturbed state and are not to be used for economic gain, including but not limited to using land for development, the storage of equipment, machinery or crops.

3. Performance Standards:
   Shall be applicable to the appropriate section(s) of the Ordinance.

4. Incentives for Preservation:
   In accordance with Chapter 427.1, Code of Iowa, as amended, the Buchanan County Board of Supervisors may grant a tax exemption to other significant lands as designated upon the established priority list, as a mandate.

Section IX. (9) Use Regulation For "A-1" Agricultural District

Intent: The "A-1" Agricultural District is intended and designed to serve the agricultural community and protect agricultural land from encroachment of urban land uses. Furthermore, in accordance with Chapters 335 and 352, Code of Iowa, as amended, it is the intent to preserve the availability of agricultural land and to encourage efficient urban development patterns. This district is not intended to be used for non-farm residential subdivisions, unless in existence at the time of adoption of this Ordinance.

In the "A-1" Agricultural District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses:
   1. Agricultural and incidental agricultural related uses;
   2. Feedlots and confinement facilities for livestock;
   3. Specialized animal farms include, but not limited to, fowl, rabbits, mink, chinchilla, and bees;
   4. Specialized horticultural operations include orchards, viticulture, truck gardens, Christmas tree farms, floriculture, wholesale nurseries, raising of tree fruits, nuts and berries, sod, private or wholesale greenhouses, and vegetable raising;
   5. Stables (private) provided they are located at least fifty (50) feet from all boundary lines of the property on which located;
   6. Forest, forest preserves and environmentally significant lands;
   7. Hiking and horseback riding trails;
   8. Public utility structures and equipment necessary for the operation thereof;
   9. Parks, recreation areas, wildlife preserves, and game refuges owned by governmental agencies;
   10. Structures or methods for the conservation of soil;
   11. Single family dwellings situated or constructed upon a tract containing a minimum of thirty-five (35) acres;
   12. Single family dwellings in existence on June 10, 1974;
   13. Single-family dwellings provided they are constructed or reconstructed upon building sites, farmsteads, or lots of record that existed on June 10, 1974, and that contain a minimum of two (2) acres, but less than four (4) acres. More than one (1) contiguous lots of records may be combined by deed restriction for purposes of meeting minimum yard area and setback requirements;
   14. Any use erected or maintained by a public agency;
   15. Kennels, private, located at least fifty (50) feet from all boundary lines of the property on which located;
   16. Private airport grass (non-pavement) landing strips and associated facilities, in conjunction with agriculture. This provision shall be authorized only after the recommendation of the County Planning and Zoning Commission and approval of the County Board of Supervisors;
   17. Seed and feed dealerships provided, however, there is no evidence of showroom or other commercial activities;
   18. Home occupations and Home industries.

B. Accessory Uses:
   1. Accessory buildings and uses customarily incidental to any of the above uses;
   2. Roadside stands, offering for sale any agricultural products or other products produced on the premises;
   3. Organizational signs including those for city, schools, and church directional or recognition signs.

C. Special Exceptions:
   In accordance with Section XXIII(F) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

1. Animal shelters, including wildlife shelters;
2. A single-family dwelling, in addition to the principal farm dwelling, provided that the owner/occupant is actively engaged in the farming operation and is a member of the farm owner's immediate family. Immediate family member will be defined as father, mother, son, daughter, or grandparent;
3. Churches or other places of worship, including parish houses and Sunday School buildings; Schools, both public and private educational institutions, preschools, and day nursery or care facilities;
4. Recreational, vacation and/or seasonal cabins;
5. Towers, including wireless communication towers;
6. Agritourism uses, including agricultural exhibitions and wineries.

D. Height Regulations:
Shall be those specified in Section VII(V).

E. Water and Sewer Systems:
Subject to approval of the County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "A-1" Agricultural Districts:
Shall be those specified in Section VII(V)

G. Parking and Sign Regulations:
Shall be those specified in Sections XVIII and XX, respectively.

Section X. (10) Use Regulation For "A-2" Limited Agricultural District

Intent: The "A-2" Agricultural District is intended to reinforce the intent of the "A-1" Agricultural District and in addition to provide for those activities which may be interrelated with agriculture.

In the "A-2" Agricultural District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses:
   1. Any use permitted in the "A-1" Agricultural District;
   2. Stables, public and riding academies, clubs, and other structures for housing horses. Any such structure shall be located at least fifty (50) feet from all boundary lines of the property on which located;
   3. Grain elevators with usual accessory structures;
   4. Cemeteries, including mausoleums and crematories, provided that any mausoleum and crematory shall be distant at least two hundred (200) feet from adjacent property and street and highway lines;
   5. Institutions of a religious, charitable, philanthropic or similar nature;
   6. Veterinary clinics, but not nearer than six hundred and sixty (660) feet from any zoned residential district, incorporated boundary line or dwelling other than the lessee or owner of the site;
   7. Private, recreational areas, including parks, playgrounds, golf courses and country clubs, boy scout, girl scout, service and church camps, hunting and fishing clubs, private gun clubs and skeet shooting ranges and similar uses. This provision shall not be construed to mean automobile race tracks, drag strips, go-cart tracks, and/or activity areas for motorcycles, mini bikes, and snowmobiles, miniature golf courses, drive-in theaters, and similar commercial uses;
   8. Single-family dwellings;
   9. Private and commercial campgrounds;
   10. Towers, including wireless communication towers.

B. Accessory Uses:
   1. Accessory buildings and uses customarily incidental to any of the above uses;
   2. Other accessory uses as allowed in "A-1" District;
   3. Church bulletin boards.

C. Special Exceptions:
   In accordance with Section XXIII(F) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

   1. Commercial extraction uses, to include the removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for state, county, or private projects where material is not being sold or removed from the property where it originates. The following stipulations apply to this use:

      a. Plans Required:
         (1) Plan of general area (within a one (1) mile radius of site) shall be prepared at a scale of one thousand (1,000) feet to the inch or less, to show:
            (a) Location of proposed site;
            (b) Land use patterns include all building locations and historical sites;
            (c) The width, weight loads, types of surfaces and traffic for major roads;
            (d) Surface drainage patterns;
            (e) Groundwater movements and aquifer information, including aquifer recharge data;
            (f) Climate, precipitation, and wind data, with directions and percentage of time.

(2) Site Plan Requirements:
   (a) Soil and geology, with soil borings on a five hundred (500) foot grid, for information on depth of materials;
   (b) Vegetation cover on the site and dominant species;
   (c) Interior road pattern, its relation to operation yard and points of ingress and egress to State and County Roads;
   (d) Proposed tree and berm screen locations;
   (e) Soil embankments for noise dusts, and visual barriers, and heights of spoil mounds.

(3) Operation Plan Requirements:
   (a) Type of material to be removed;
   (b) Annual removal rate, including estimated amount and description of aggregate and overburden to be removed;
   (c) Method of extraction, including types of equipment, use of conveyors, use of blasting materials;
   (d) Supplementary processes, drying, grading, mixing or manufacturing;
   (e) Estimated life of the operation and maximum extent of area disturbed, final depths, and side wall slopes;
   (f) Compliance with the recommendations of the soil borings test;
   (g) Approved sediment erosion plan;
   (h) Types and weights of all vehicles leaving from and arriving to a site and their routes to State roads;
   (i) Source of water, if final plan shows use of water;
   (j) Method of disposition of excess water during operation;
   (k) Location and typical schedule of blasting;
   (l) On site machinery, type and noise levels;
   (m) Safety measures and monitoring of complaints;
   (n) Phasing plan for operations, such that no more than a ten (10) acre cell is open at any time;
   (o) Surface runoff is to be restricted to pre-development levels, excluding any dewatering activities;
   (p) Provide for adequate signage for public safety;
   (q) All excavation structures, storage of excavated materials and topsoil, and the excavated edge shall be setback at least one hundred (100) feet from any Iowa Department of Natural Resources-regulated streams.

(4) End Use Plan: An end use plan for the rehabilitation of the site after the extraction operation is completed shall be submitted and must be approved by the Board of Adjustment. Such plan shall show and provide for either a final end use or an open space use. If it is to be an open space use, documentation as to who shall own and maintain the site or restrictive easements must be presented as well as a final contour map and site plan submittal. If there is an end use other than open space, then engineering data on the length of time needed for the restoration work to settle sufficiently to provide a stable base for the proposed end use shall be submitted. In all cases, the proper legal documents must be presented that outline:
   (a) Post extraction use maintenance procedures;
   (b) Legal responsibility for any environmental pollution that could occur after the facility and/or extraction use is closed;
   (c) Financial ability to clean-up any possible pollution that occurs after the facility and/or extraction use is closed;
   (d) Plans for reclaiming areas as new phased cells are opened.

b. Performance Standards:

(1) Operations: Extractive operations shall meet all development and performance standards of this Ordinance, as well as all applicable local, state, and federal regulation;

(2) Setbacks: No excavation, quarry wall, or storage area shall be located within one hundred twenty-five (125) feet from any street right-of-way. The setbacks listed in this subsection are required from the periphery of the subject property line to any excavation, quarry wall, or storage area on the subject property. Setback distance is dependent upon the use of the adjacent property.

Use of Abutting Property	Required Setback from Lot Line
Vacant	200 Feet
Open Space	200 Feet
Recreational	200 Feet
Agricultural	150 Feet
Residential	400 Feet
Institutional	200 Feet
Commercial	150 Feet
Industrial	50 Feet

(3) Grading: All excavation uses shall be graded in a such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.

(a) Excavations shall be graded and backfilled to the grades indicated in the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of construction rubble, such as concrete or other materials, providing such materials are composed of non-noxious, non-combustible solids;

(b) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed the normal angle of slippage of such materials, or thirty-three (33°) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in this section above may be reduced by one-half, so that the top of the graded slope shall not be closer than twenty-five (25) feet to any lot line, seventy- five (75) feet to any street line, nor within one hundred (100) feet of any nature reserve or residential district boundary line;

(c) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of four (4) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained in to the water to a depth of five (5) feet;

(d) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain;

(4) Access: Truck or rail access to any excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.

(5) Planting: When planting is the final use to which the tract is returned, all that is not covered by water shall be covered with a sufficient amount of arable soil to support vegetation. A planting

plan shall be prepared for the entire finished tract using various types of plant material that prevent soil erosion and provide vegetative cover. When buildings are proposed as part of the final use for an excavation tract, planting in areas adjacent to proposed buildings shall be completed with a vegetative cover in keeping with the requirements of the ultimate building purposes.

D. Height Regulations:
Shall be those specified in Section VII(V).

E. Water and Sewer Systems:
Subject to approval of the County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "A-2" Limited Agricultural District:
Shall be those specified in Section VII(V).

G. Parking and Sign Regulations:
Shall be those specified in Sections XVIII and XX, respectively.

Section XI. (11) Use Regulation For "R-1" Low Density Residential District

Intent: The "R-1" Residential District is intended and designed to provide for single-family and two-family dwellings in conjunction with agriculture at a low density, where on-site facilities must be utilized. It is further the intent of this district to be applied to land in predominantly agricultural areas for rural residential use, in accordance with the policies of the Buchanan County Comprehensive Plan.

In the "R-1" Single Family Residence District, the following provisions, criteria regulations, and restrictions shall apply:

A. Principal Permitted Uses:
   1. Single-family and two-family dwellings;
   2. Public utility structures and equipment necessary for the operation thereof;
   3. Churches and pastors' residences;
   4. Hospitals, clinics, and funeral homes;
   5. Parks, playgrounds, pools, and golf courses;
   6. Schools, both public and private educational institutions, preschools, and day nursery or care facilities;
   7. Family homes and group homes.

B. Accessory Uses:
   1. Accessory buildings and uses customarily incidental to any of the above uses;
   2. Roadside stands, offering for sale any agricultural products or other products produced on the premises;
   3. Home occupations and home industries.

C. Special Exceptions:
   In accordance with Section XXIII(F) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations:
   Shall be those specified in Section VII(V).

E. Water and Sewer Systems:
   Subject to approval of County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "R-1" Low Density Residence District:
   Shall be those specified in Section VII(V).

G. Parking and Sign Regulations:
   Shall be those specified in Sections XVIII and XX, respectively.

Section XII. (12) Use Regulation For "R-2" Suburban Residence District

Intent: The "R-2" Suburban Residence District is intended and designed to provide for the development of both low and moderate density single-family dwelling subdivisions in the unincorporated areas of the county by encouraging the maximum use of existing subdivisions, and as an orderly expansion of existing residential development, where common water and common sewer may be available or may be extended at the time of development.

In the "R-2" Suburban Residence District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses:
   1. Any use permitted in the "R-1" Residential District;
   2. Multiple family dwellings, up to four (4) units;
   3. Schools, both public and private educational institutions, preschools and day care or nursery facilities;
   4. Churches or other places of worship, including parish dwelling and accessory buildings;
   5. Public or private community parks and playgrounds, but not to include commercial recreation;
   6. Public utility structures and equipment necessary for the operation thereof;
   7. Home occupations;
   8. Group homes.

B. Accessory Uses:
   1. Accessory buildings and uses customarily incidental to any of the above uses;
   2. Church bulletin boards;
   3. Church directional and community recognition signs;
   4. Home industries.

C. Special Exceptions:
   In accordance with Section XXIII(F) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations:
   Shall Be those specified in Section VII(V).

E. Water and Sewer Systems:
   May require both a common water and common sewage treatment system, subject to approval by the County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "R-2" Suburban Residence District:
   Shall be those specified in Section VII(V).

G. Parking and Sign Regulations:
   Shall be those specified in Sections XVIII and XX, respectively.

Section XIII. (13) Use Regulation For "R-3" Multiple Residence District

Intent: The "R-3" Multiple Residence District is intended and designed to provide for mixed residential development within subdivisions in the unincorporated areas of the county by encouraging the maximum use of existing subdivisions, and as an orderly expansion of existing residential development, where public utilities are available or will be extended at the time of development.

In the "R-3" Multiple Residence District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses:
   1. Any use permitted in the "R-2" Suburban Residence District;
   2. Mobile home parks and subdivisions, in accordance with Section XIX and XXII of this Ordinance;
   3. Institutions of a religious, educational, or philanthropic nature, including libraries;
   4. Hospitals, day nurseries or care facilities, nursing and convalescent home and medical clinics;
   5. Private clubs, lodges, and similar uses;
   6. Hotels and motels, including hostels, boarding and lodging houses;
   7. Funeral homes and mortuaries;
   8. Public utility structures and equipment necessary for the operation thereof;
   9. Public or private community parks and playgrounds, but not to include commercial recreation;
   10. Home occupations;
   11. Group homes.

B. Accessory Uses:
   1. Accessory buildings and uses customarily incidental to any of the above uses;
   2. Retail shops inside hotels or motels.

C. Special Exceptions:
   In accordance with Section XXIII(F) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations:
   Shall be those specified in Section VII(V).

E. Water and Sewer Systems:
   Shall require both a common water and a common sewage treatment system, subject to approval by the County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "R-3" Multiple Residence District:
   Shall be those specified in Section VII(V).

G. Parking and Sign Regulations:
   Shall be those specified in Sections XVIII and XX, respectively.

Section XIV. (14) Use Regulation For “C” Commercial District

Intent: The "C" Commercial District is intended and designed to provide for commercial and normal business uses with interior storage required to serve the general needs of the residents of the rural areas of the county.

In the "C" Commercial District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses:

Any retail, service, or recreation establishment such as the following:

1. Antique shop;
2. Apparel shop;
3. Appliance store, sales and service
4. Art supply shop and galleries;
5. Automobile accessory and new parts store;
6. Bait shops;
7. Bakery;
8. Banks and other financial institutions;
9. Barber shop;
10. Beauty parlor;
11. Bicycle sales and repair shop;
12. Book store;
13. Business and computer machine retail store;
14. Camera shop;
15. Candy retail shop;
16. Car wash;
17. Carpenter shop;
18. Clothing repair, seamstress;
19. Commercial indoor recreation facilities including bowling alleys, billiard and pool halls, theater (indoor), skating rinks, ballrooms and dance studios, game arcades, tennis courts, swimming pools, handball courts, archery, and gymnasiums;
20. Commercial parking lots;
21. Contractors' equipment, interior storage;
22. Delicatessen;
23. Drapery shop;
24. Department store;
25. Drive-in eating establishment;
26. Drug store;
27. Electrical supply store;
28. Fish markets;
29. Florist and retail nursery shop;
30. Food storage;
31. Fruit and vegetable market;
32. Furniture store;
33. Furniture upholstery shop;
34. Gift shops;
35. Grocery stores;
36. Hardware store;
37. Hobby or craft store;
38. Household appliance sales and repair;
39. Jewelry and watch repair shops;

40. Landscaping supply shop;
41. Lawnmower repair shop;
42. Laundromat;
43. Locksmith;
44. Manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises;
45. Music store and studios;
46. Paint, carpet, and wallpaper store;
47. Pet shops;
48. Photographic studio, printing and developing establishments;
49. Plumbing, heating, or electrical contractor shops;
50. Post office substation;
51. Radio and television sales, service, and stations;
52. Restaurant, cafe, and soda fountain;
53. Shoe repair shops;
54. Single-family dwellings are permitted when physically a part of a retail, office, recreation or service establishment;
55. Sporting goods store;
56. Tack shop;
57. Tailor shop;
58. Taverns, bars, lounges, and night clubs, provided that principal building is located at least one hundred (100) feet from any "R" Residential District;
59. Toy store;
60. Towers, including wireless communication towers;
61. Travel bureau or agency;
62. Variety store;
63. Any similar commercial use deemed appropriate after review and approval of the Planning and Zoning Commission, per Section XXIII(L) of this Ordinance.

Business or professional offices, such as the following:

1. Accountants;
2. Architects;
3. Artists;
4. Church offices;
5. Engineers;
6. Collection agency;
7. Credit bureau;
8. Doctor, dental, chiropractic, psychological, psychiatric, or medical offices;
9. Entertainment bureau;
10. Insurance;
11. Lawyers;
12. Public stenographers;
13. Real estate agencies;
14. Any similar business or professional office use deemed appropriate after review and approval of the Planning and Zoning Commission, per Section XXIII(L) of this Ordinance.

B. Accessory Uses:

1. Accessory buildings and uses customarily incidental to any of the above uses;
2. Interior storage of merchandise incidental to the principal use;
3. Home occupations and home industries.

C. Special Exceptions:
In accordance with Section XXIII(F) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations:
Shall be those specified in Section VII(V).

E. Water and Sewer Systems:
Subject to approval of the County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "C" Commercial District:
Shall be those specified in Section VII(V).

G. Parking and Sign Regulations:
Shall be those specified in Sections XVIII and XX, respectively.

Section XV. (15) Use Regulation For "C-M" Commercial-Manufacturing District

Intent: The "C-M" Commercial-Manufacturing District is a mixed-use district intended and designed to provide for commercial and normal business uses with limited light, non-intrusive, industrial uses allowed only as special exceptions. It is possible for one or more uses to be developed on site or parcel.
In the "C-M" Commercial-Manufacturing District, the following provisions, regulations, and restrictions still apply.

A. Principal Permitted Uses:
   1. Any use permitted in the "C" Commercial District set out in Section XIV hereof;
   2. Hotels and motels, including bed & breakfast, bordering and lodging houses;
   3. Institutes of a religious, educational or philanthropic nature, including libraries or museums;
   4. Hospitals, day nurseries or care facilities, nursing and convalescent homes, and medical clinics;
   5. Lodges, convention or conference centers, meeting halls and similar uses;
   6. Public utility structures and equipment necessary for operation thereof and transmitting and receiving stations and towers, base of which shall be at least height of tower from any lot line;
   7. Public and private community parks, playgrounds and golf courses;
   8. Dairy retail stores including ice cream and frozen yogurt shops;
   9. Commercial outdoor recreational facilities including automobile race track, drag strip, go cart track and/or activity areas for motorcycles, mini bikes, and snowmobiles, miniature golf courses and driving ranges, water slides, commercial camp grounds and similar outdoor recreation facilities;
   10. Shopping or outlet malls;
   11. Mini storage rental units;
   12. Any similar commercial-manufacturing use deemed appropriate after review and approval of the Planning and Zoning Commission, per Section XXIII(L) of this ordinance.

B. Accessory Uses:
   1. Accessory buildings and uses customarily incidental to any of the above uses;
   2. Interior storage of merchandise incidental to the principal use.

C. Special Exceptions:
   In accordance with Section XXIII(F) of this Ordinance none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.
   1. Clothes dry cleaning and/or dyeing establishment;
   2. Sales auction (automotive, livestock or furniture and/or appliances);
   3. Public airport;
   4. Gasoline or service station or Convenience Store, but does not include body repair or used parts wrecking and storage;
   5. Any similar commercial/manufacturing use deemed appropriate after review and approval of the County, per Section XXIII(L) of this ordinance.

D. Height Regulations:
   Shall be those specified in Section VII(V), excluding towers and wireless communication towers.

E. Water and Sewer Systems:
   Subject to approval of County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "C-M" Commercial-Manufacturing District:
   Shall be those specified in Section VII(V).

G. Parking and Sign Regulations:
   Shall be those specified in Sections XVIII and XX, respectively.

Section XVI. (16) Use Regulation For "M" Manufacturing District

Intent: The "M" Manufacturing District is intended and designed to provide for uses, with exterior storage or industrial character, which due to their size and nature would not be compatible with general rural development patterns of Buchanan County. The district is further intended to permit the normal operation of all industries, subject to prescribed regulation needed to control congestion and to protect non-industrial uses.

In the "M" Manufacturing District, the following provisions, regulations, and restrictions shall apply:

A. Principal Permitted Uses:
1. Agricultural retail/service outlets, including seed manufacturing and storage;
2. Animal hospital, veterinary clinic or commercial kennel; providing an exercising runway shall be at least six hundred and sixty (660) feet from any "R" District, incorporated boundary line or dwelling other than the lessee or owner of the site;
3. Automobile, motorcycle, trailer and farm implement establishments for display, hire and sales (including sales lots), including as incidental to these major uses all repair work in connection with their own and customers' vehicles. In addition, this paragraph shall not be construed to include automobile, tractor, or machinery wrecking and rebuilding and used parts yards;
4. Automobile, truck, recreation vehicle, and farm equipment manufacture and assembly;
5. Creamery, bottling, ice manufacturing and cold storage plant;
6. Dairy retail store;
7. Distribution, storage, or manufacture of food products;
8. Lumber yards, building material sales yard, retail, sheet metal shop, sign construct and painting shop, or incidental storage warehouse or business, but not including any manufacturing or fabricating for wholesaling operations;
9. Exterminator sales;
10. Commercial outdoor recreation facilities including automobile race tracks, drag strips, go-cart tracks, and/or activity areas for motorcycles, mini-bikes and snowmobiles, miniature golf courses and driving ranges, drive-in theaters, water slides, and similar outdoor recreation facilities;
11. Hatcheries;
12. Commercial laundries;
13. Machine shop;
14. Monument sales yard.
15. Towers, including wireless communication towers;
16. Wholesale warehouses;
17. Any similar manufacturing or industrial use deemed appropriate after review and approval of the Planning and Zoning Commission, per Section XXIII(L) of this Ordinance;

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

C. Special Exceptions:
In accordance with Section XXIII(F) of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

1. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred degrees (100°) Fahrenheit;
2. Milk distributing station other than a retail business conducted on the premises;
3. Sales auction (automotive, livestock, or furniture and/or appliances);
4. Tire shop, including vulcanizing and re-treading;

5. Public airport;
6. Asphalt plants;
7. Coal, coke, wood, and other raw material storage yards;
8. Commercial extraction uses, to include the removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for state, county, or private projects where material is not being sold or removed from the property where it originates. This use must follow the provisions defined in Section X(C)(1) of this Ordinance;
9. Concrete mixing and concrete plants, products and manufacturing;
10. Rental of equipment commonly used by contractors;
11. Blacksmith or cooperage works;
12. Enameling, lacquering, or japanning;
13. Bulk storage and pumping of agricultural chemicals and fertilizers;
14. Foundry casting lightweight metals to include smelting of tin, copper, zinc, or iron ores;
15. Gasoline or service station or Convenience Store, but does not include body repair or used parts wrecking and storage;
16. Hide tanning;
17. Junk, salvage, auto salvage, or scrap metal yards. Junk, metal or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or solid fence, not less than six (6) feet in height, completely obscuring the activity from any residential district or public road. No part of the front yard is to be used for the conduct of business in any manner, except for parking of customer or employee vehicles;
18. Laboratories, experimental, or testing;
19. Locker plant and storage for retail sales only;
20. Manufacture, storage, refining, extraction, and pumping of chemicals, fertilizers, or petroleum products;
21. Manufacture of cosmetics and pharmaceutical products;
22. Manufacture or assembly of electrical appliances, devices and motors;
23. Manufacture of insulation;
24. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay;
25. Printing and/or publishing houses;
26. Rendering facilities, or its products, refining and wholesale storage;
27. Signs, manufacture and repair of electric, metallic, billboard sized signs;
28. Slaughter houses, meat packing and processing plants, tanneries, and livestock sales or auction yards;
29. Sawmills and planing mills, including manufacture of wood products;
30. Cement, lime, gypsum, or plaster of Paris manufacture;
31. Explosive manufacture or storage, including fireworks manufacturing and sales;
32. Any similar manufacturing or industrial use deemed appropriate after review and approval of the County, per Section XXIV(L) of this Ordinance.

D. Height Regulations:
Shall be those specified in Section VII(F).

E. Water and Sewer Systems:
Subject to the approval of the County Environmental Health Department.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "M" Manufacturing District:
Shall be those specified in Section VII(F).

G. Parking and Sign Regulations:
Shall be those specified in Sections XVIII and XX, respectively.

H. Industrial Buffers:

The use of buffers is considered a necessary requirement to allow for the transition from manufacturing zoning districts and land uses to non-manufacturing zoning districts and land uses. The following provisions apply to buffers for manufacturing uses and structures.

1. When Required: A buffer shall be provided when manufacturing land uses abut non-manufacturing land uses or zoning districts.

2. Buffer Width: The buffer shall be a minimum of fifty (50) feet. The buffer width may be reduced up to ten (10) percent through an administrative exception approved by the zoning administrator. An administrative exception may be granted when, because of an exceptional situation, topographical condition, surroundings, size, shape or other condition of the property, the strict application of the buffer width provision would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property. In addition, lot frontage on a public street shall be separated from the edge of right-of-way by a landscaped yard at least twenty (20) feet in width, except where driveway accesses occur.

3. Buffer Composition and Landscaping: All buffer areas shall be landscaped or fenced so as to provide a complete visual screen, and shall not include any structures other than allowed fencing, parking areas, storage areas, playgrounds, or other similar facilities.

   a. Fencing: Fencing may be used to meet the buffer requirement but shall not exceed 50 percent of the total buffer distance required.

   b. Landscaping: Landscaping shall use native plant and tree species. A combination of plant and tree species shall be used to create a vegetative overstory and understory. Tree species shall have a minimum mature height of twenty-five (25) feet, and shall have a height of at least six (6) feet within three (3) years of installation.

   c. Screening: Visual screening shall be measured under leaf-on conditions and shall be measured from the elevation of the shared property line.

   d. Stormwater Management: Buffer areas may include drainage swales, stormwater retention or infiltration areas, or other stormwater management areas only if landscaping and visual screening requirements can also be met.

   e. Berms: Berms may only be used if native plant and tree landscaping requirements can also be met. Berms must be vegetated to minimize erosion and to slow stormwater runoff.

4. Maintenance: All buffer areas shall be kept free of litter, debris, noxious weeds, and species of plants identified by the state DNR as exotic or invasive. Landscaping vegetation in buffer areas shall meet the screening requirements on a continual basis for as long as the manufacturing use and structure continues.

Section XVII. (17) Nonconforming Uses

A. General Intent: Within the districts established by June 10, 1974, Ordinance, or amendments that may have been or be adopted, there exists lots, structures, buildings, and uses of land that were lawful on June 10, 1974, but which would be prohibited, regulated or restricted under the terms of that Ordinance or future amendments.

1. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district;

2. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which substantial improvements have been made;

3. Any use in existence at the time of adoption of this Ordinance which was not an authorized "nonconforming use" under the previous zoning Ordinance shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

B. Nonconforming Use of Land:
The lawful use of land upon which no building or structure is erected or constructed which becomes nonconforming under the terms of this Ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of the parcel, or land, in question than was occupied at the effective date of adoption or amendment of this Ordinance;

2. If any such nonconforming use of land ceases for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located, unless an extension is granted by the Commission;

3. No such nonconforming use shall be moved in whole, or in part, to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of the Ordinance.

C. Nonconforming Use of Structures:
If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted entirely or in part to a use not permitted by this Ordinance in the district in which it is located, shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located;

2. Any nonconforming use of a structure may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification;

4. When a nonconforming use of a structure, building or premises (including mobile homes) is discontinued or abandoned for one (1) year, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless an extension is granted by the Commission.

D. Nonconforming Structures:
Where a nonconforming structure exists at the effective date of adoption or amendment of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity;

2. Should such structures be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

E. Nonconforming Lots of Record:
In any district in which a single-family dwelling is permitted, notwithstanding limitations imposed by other provisions of this Ordinance a single-family dwelling and customary accessory buildings may be erected on a lot of record, herein defined, provided the yard area and setback requirements are met. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

F. Repairs and Maintenance:
All nonconforming structures may be repaired for normal maintenance. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Said maintenance or restoring shall not be valued at sixty (60) percent or more of the structure's value prior to construction.

G. Certification of Nonconforming Uses:
All nonconforming uses and structures shall be recorded and identified in the official nonconforming use file maintained by the Zoning Administrator. The file shall include, but not limited to, the property location and identification and the current use of the structure or land. Nonconforming uses not included may be subsequently added to the file when accompanied by an affidavit of proof that such nonconforming use was legally established prior to the effective date of this Ordinance.

H. Moratorium on Applied Regulations:
All principal permitted and accessory uses which would be deemed nonconforming under the provisions of this Ordinance but would have been permitted under the previous zoning district, as indicated upon the Official Buchanan County Zoning Maps, as amended, shall be permitted to be developed for a period of one (1) year from the adoption date of this Ordinance. This provision shall not be construed to allow a lessening of standards, rules, regulations or restrictions contained herein.

Section XVIII. (18) Provisions For Automobile Parking

A. In the "C" Commercial, “C-M” Commercial-Manufacturing and "M" Manufacturing Districts in connection with every industrial, commercial, business, trade, institutional, recreational, or similar uses, off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule; however, no parking area required hereunder shall be less than one thousand (1,000) square feet in area except in the case of dwellings and retail stores and shops under one thousand (1,000) square feet. A parking space shall contain not less than one hundred eighty (180) square feet plus necessary maneuvering for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unloading, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be of a surface material approved by the County Engineer.

B. Where a parking lot does not abut on a public or private street, road, alley, or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided however, such easement of access or access drive shall not be located in any agricultural or residence district, except where serving a permitted use in an agricultural or residence district.

C. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. No part of any parking space shall be closer than five (5) feet to any established highway, road, street, or alley right-of-way line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen planted;

2. All required off-street parking area, including any commercial parking lot, for more than five (5) vehicles shall be surfaced with an Asphalt or Portland cement binder pavement or such other surfaces so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading and unloading and parking and storage of self-propelled vehicles;

3. Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

D. In any "R" Residence District abutting a "C" Commercial, “C-M” Commercial-Manufacturing District, or "M" Manufacturing District off-street parking lots shall be permitted in accordance with the following requirements:

1. Said off-street parking lot shall not extend further than two hundred (200) feet into an "R" Residence District or to the nearest street, whichever is closer;

2. Off-street parking lots located in an "R" Residence District shall provide front and side yards in accordance with the district in which it is located. Provided further that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area. Provided further that where a contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line;

3. Off-street parking lot in any "R" Residence District shall provide a permanent fence of shrubbery screen on all side yards of the abutting "R" Residence District. Such screen to be located in the provided side yard;

4. Off-street parking lots on any "R" Residence District shall be developed with an all weather, dust free surface. Such surfacing shall be approved by the County Engineer. Provided further that such parking lots shall be maintained in an orderly manner free from refuse or debris;

5. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.

Table 3. Parking Requirements

USE	PARKING REQUIREMENT
Animal Hospital and Veterinary Clinic	1 for each 200 sq. ft. of floor area
Automobile or Farm Implement Sales and Service Garages	1 for each 2 employees
Barber Shops and Beauty Parlors	1 for each chair plus one
Bowling Alleys	3 for each lane
Clothing Stores, Grocery Stores, Hardware Stores, Jewelry Stores, Pharmacies	1 for each 300 sq. ft. of floor area
Church or Temple	1 for each 6 seats
Community Center, Library, and Museum	11 plus 1 for each 300 sq. ft. in excess of 2,000 sq. ft. of floor area
Dental and Medical Clinics	1 for each 300 sq. ft. of floor area, except in any "R" District, where 3 plus 1 additional per 400 sq. ft. in excess of 1,000 sq. ft. of floor area
Drive-In Restaurant	3 for each employee on maximum shift
Dwelling	2 for each unit, including mobile homes
Dwelling on a cul-de-sac	2 on-site or off-street for each unit, including mobile homes
Financial Institutions, Business Offices, Professional Offices, and Studios	1 for each 300 sq. ft. of floor area
Frozen Food Lockers, Laundries, and Dry-Cleaning	1 for each 300 sq. ft. of floor area
Furniture and Household Appliance Sale and Service Establishments	1 for each 500 sq. ft. of floor area
Hospitals	1 for each 4 beds
Indoor Theaters	1 for each 4 seats
Mortuary or Funeral Home	1 for each 100 sq. ft. of floor area
Motel and Hotel	1 for each unit or suite plus 1 for each 100 sq. ft. of commercial floor area
Printing, Publishing, and Engraving Establishments	1 for each 500 sq. ft. of floor area
Private Club or Lodge	5 plus 1 for each 200 sq. ft. in excess of 1,000 sq. ft. of floor area
Restaurants, Cafes, Nightclubs	1 for each 100 sq. ft. of floor area
Sanitarium, Nursing, Rest, or Convalescent Home	1 for each 6 beds
Schools and Public Buildings	1 for each classroom or office room plus 1 for each 11 seats in main auditorium, stadium, or place of public assembly
Skating Rink	1 for each 100 sq. ft. of floor area
Warehouse, Storage, and Manufacturing Operations	1 for each 2 employees plus 1 for each vehicle used by the industry
Wholesale Display and Sales Rooms and Offices	1 for each 300 sq. ft. of floor area
In the case of any use which is not specifically mentioned herein, the provisions for a similar use mentioned shall apply.	

Section XIX. (19) Requirements For Location of Mobile Homes and Mobile Home Parks

A. Mobile homes to be used for dwelling purposes shall be placed only in mobile home parks except as may be herewith set forth. A mobile home park may be established in only designated districts provided a permit is secured as set forth herein.

B. Permit. It shall be unlawful for any person to maintain or operate a mobile home park within the unincorporated areas of Buchanan County unless such person shall have first obtained a special exception therefore as set forth in the Ordinance.

C. Application for Permit. Any person desiring to operate a mobile home park shall first file application for approval of site location with the County Zoning Commission. Applications shall be in writing, signed by the applicant, and shall contain the name and address of the applicant, the location and legal description of the site, and a site plan, and shall have attached thereto the written consent of seventy-five (75) percent of the property owners within two hundred (200) feet of any part of the premises to be occupied for such use, exclusive of any public street or highway right-of-way.

D. After consideration of the application, the County Zoning Commission shall submit its recommendations to the Board of Supervisors and said Board shall then grant or deny the application.

E. After approval of the site has been obtained and before issuance of a permit for construction, the applicant must file with the Zoning Administrator of the County Zoning Commission proof of compliance with all requirements of the Department of Health of the State of Iowa.

Required as proof of such compliances shall include the following:

1. An approved set of plans showing lot and street layout;
2. Sewage and disposal systems;
3. Water supply and distribution system;
4. Electrical distribution and lighting;
5. Method of tie down.

When such approved plans have been submitted, the Zoning Administrator shall then issue a permit for the construction of such facilities on the approved site.

F. <u>Mobile Homes Located Other than in Mobile Home Parks:</u>

1. A mobile home may be placed on a farm as the principal dwelling unit. Also, one (1) mobile home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home is a member of the immediate family of the property owner and actively engaged in the conduct of agricultural operation of said farm. The preceding provision is not to be construed to permit two (2) mobile homes on one farm.

2. A special exception permit for mobile homes used as temporary living quarters during construction of a principal dwelling may be issued by the Zoning Administrator.

3. A mobile home may be used as a temporary office upon obtaining a permit from the Zoning Administrator. Said permit shall be authorized for a period not exceeding one hundred eighty (180) days.

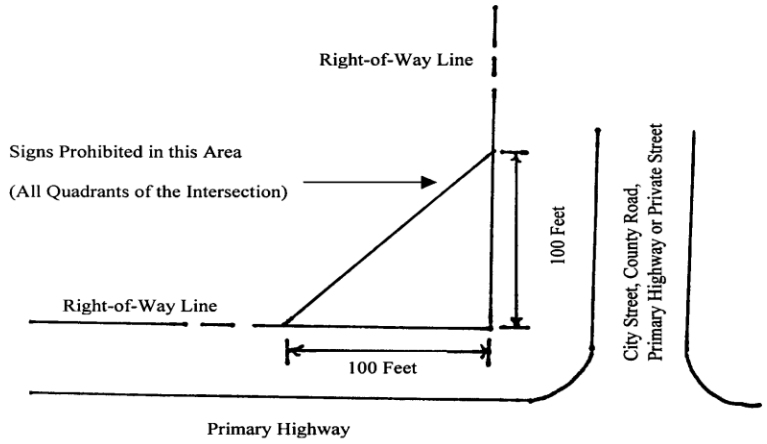
4. Nothing in this Ordinance shall be construed as permitting a mobile home to be used for commercial, storage, or other uses except for human habitation.

Section XX. (20) Outdoor Advertising Signs and Billboards

A. Outdoor advertising signs and billboards shall comply with all State and Federal regulations.

B. No outdoor advertising sign or billboard shall be permitted within a triangular part of a lot, with intersecting rights-of-way with a primary highway, as shown in figure below.

Figure 7: Sight Distance at Intersections



C. <u>On Parcels Abutting "R" Residential Districts:</u>

1. No sign or billboard shall face the front or side lot line of said residential lot;
2. No sign or billboard shall be located within one hundred (100) feet of said residential lot.

D. No sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred (300) feet thereof.

E. <u>Commercial, Commercial-Manufacturing and Manufacturing Districts:</u>

1. In the "C" Commercial, "C-M" Commercial-Manufacturing, and "M" Manufacturing Districts, where permitted, billboards shall be set back from any proposed or existing right-of-way line of any county road, street or highway as shown on the official adopted street plan, at least as far as the required front yard depth for a principal building in such districts. This is not to include business identification, directional, and other incidental signs otherwise permitted under the provisions of this Ordinance.

2. Outdoor advertising signs and billboards in accordance with the following considerations:

   a. Where the total contiguous area of the "C" and "C-M" District in which the proposed outdoor advertising sign or billboard is to be located is less than ten (10) acres in area, exclusive of road rights-of-way and alleys;

   b. That no sign shall be permitted where the majority of buildings in a block or section are exclusively residences on both sides of the street;

c. Upon recommendation of the Commission and approval from the Board of Supervisors.

3. Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" District.

4. One "post sign;" provided, however, that said "post sign" shall not have a surface area greater than thirty-two (32) square feet on any one side thereof and not more than two (2) sides of said "post sign" shall be used for advertising purposes. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

5. Any exterior or roof sign, provided such sign shall not project more than fifteen (15) feet above the roof line.

F. Home Occupation and Home Industry Sign Standards:
Shall be those specified in Sections VII(T)(7) and VIII(U)(7), respectively.

Section XXI. (21) Exceptions and Variations of the Use, Height, and Area Regulations

The district regulations as set forth in this section shall qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

A. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from side and rear yard lines heretofore established an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.

B. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

C. Chimneys, cooling towers, grain silos, elevators, bulkheads, fire towers, monuments, wind generators, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers or necessary mechanical apparatus, may be erected to any safe height not in conflict with existing or hereafter adopted regulations of Buchanan County, Iowa.

D. Accessory buildings may be built in a required rear yard but shall not occupy more than thirty percent (30%) of the rear yard.

E. No basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed. This variation is not to be construed to prohibit earth-sheltered subterranean dwellings.

F. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard and except for the ordinary projections of sills, belt course, cornices, and ornamental features projecting not to exceed twelve (12) inches.

G. For the purpose of side yard requirements, a two-family group house or multiple dwelling shall be considered as one building occupying one lot.

H. Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located but such buildings shall not exceed the number of feet of building height permitted in such districts.

I. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period the work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.

J. More than one (1) industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract in a district permitting these uses, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings nor shall there be any change in the intensity of use regulations.

K. A vacation or recreational cabin may be located in the floodplain along any river or stream in Buchanan County, provided that the yards and building height comply with the regulations for the "A-1" or "A-2"Agricultural Districts.

L. Where more than thirty percent (30%) of the frontage in a block has been built up with buildings having a front yard, then the building line of the buildings to be erected shall conform to the natural building line of the block as determined by the existing buildings. However, no building need set back more than fifty (50) feet.

M. The Board of Adjustment shall review, may modify, and may, by special exception, issue a permit for the following uses, subject to the provisions of Section XXIII(F) of this Ordinance. Said use may be located in any zoning district but otherwise restricted by other provisions of this Ordinance:

1. Municipal, county, state or federal government buildings;
2. Commercial, amusement or recreational development for temporary periods;
3. Temporary, portable asphalt or concrete paving plants for short-term projects.

Section XXII. (22) Zoning Compliance Permits and Occupancy Permits

A. Zoning Compliance Permits Required:

Zoning Compliance Permits shall be required in accordance with the following, except that no permit shall be required for agricultural uses in accordance with Section II of this Ordinance.

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a Zoning Compliance Permit is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance;

2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, unless such changes are in conformity with the provisions of this Ordinance and a permit is issued therefore by the Zoning Administrator;

3. Nothing in this section shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property;

4. In accordance with this section, Zoning Compliance Permits shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving in, or the

structural alteration of a building or structure. Zoning Compliance Permits shall be issued to complying applicants after application is made. The appropriate records and copies of permits shall be maintained as a matter of public record;

5. A Zoning Compliance Permit shall become null and void one (1) year after the date on which it is issued unless within such one (1) year period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

B. Zoning Compliance Permit Application Procedure:
Applicants for a Zoning Compliance Permit shall be required to provide the following:

1. A sketch, drawing, or plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon or used, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and a vicinity map of the lot to be built upon or used.

2. Such information as may be necessary to provide for the enforcement of this Ordinance.

C. Occupancy Permits:
Prior to being occupied, a building or use must receive an occupancy permit from the Zoning Administrator. Said permit verifies compliance with county ordinances allows the property owner to inhabit, occupy, and use the property as indicated.

Section XXIII. (23) Administration and Enforcement

A. Organization:
The administration of this Ordinance is vested in the following five (5) offices of the government of Buchanan County: County Board of Supervisors, Planning and Zoning Commission, Board of Adjustment, Zoning Administrator, and Secretary to the Planning and Zoning Commission and Board of Adjustment.

B. Basis of Regulations:
Regulations are made in accordance with the Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

C. Board of Supervisors:

1. Jurisdiction. The Board of Supervisors of Buchanan County, Iowa, shall discharge the following duties under this Ordinance:

   a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance;

   b. Appoint members of the Board of Adjustment as provided for in this Ordinance;

   c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance;

   d. Receive and decide upon all recommendations concerning amendments, supplements, and

changes presented by the Planning and Zoning Commission;

e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance;

f. Conduct public hearings, as necessary;

g. Decide all matters upon which it is required to pass under this Ordinance, or by Statute or Regulation.

D. Board of Adjustment:

1. Creation: The Board of Adjustment, as established under applicable provisions of the Iowa State Statutes, is the Board of Adjustment referred to in this Ordinance.

2. Appointment: Terms-Removal. The Board shall consist of five (5) members, who are eligible electors, and are to be appointed by the Board of Supervisors for a term of five (5) years. Members of the Board of Adjustment shall be persons residing within the county, but outside the corporate limits of any city. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member affected.

3. Powers and Duties: The Board of Adjustment is hereby vested with the following powers and duties:

a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance;

b. To hear and pass on all applications for special exceptions, in the manner prescribed in this Ordinance;

c. To hear and pass on all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein;

d. To carry out those duties required by Statute or Regulation.

4. Meetings and Rules: The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. Meetings requiring action will require that the Board hold at least one (1) public hearing, notice of which shall be given by official newspaper(s) not less than four (4) nor more than twenty (20) days before the date of the hearing. As a courtesy, property owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, 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 public record and be filed in the office of the Zoning Administrator.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the

applicant on any special exception matter upon which it is required to pass under this title, or to effect any variation in application of this title.

5. Finality of Decisions of the Board of Adjustment: All decisions and findings of the Board of Adjustment on appeals applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

E. Appeals:

1. Appeals of Staff Interpretations and Decisions:
Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by a decision of the Zoning Administrator or official in enforcement of this Ordinance. Such appeal shall be taken to the Board within a reasonable time, as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of record on application of notice to the Zoning Administrator and due cause shown.

The Board shall hold one (1) public hearing and shall give a reasonable time for the hearing on the appeal. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in an official newspaper(s) of general circulation in the County. As a courtesy, property owners within five hundred (500) feet of the property for which the appeal is being requested shall be notified as a courtesy as well. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to Buchanan County to cover the publishing and administration costs of said request, per the adopted fee schedule established in this Ordinance.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Zoning Administrator. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

2. Appeals of Board of Adjustment Decisions:
Any person or persons, or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the state.

F. Special Exceptions:

1. Special Exceptions Process:

a. Purpose: The development and administration of this Ordinance is based upon the division of the County into Zoning Districts, within which Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular District or Districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such use exceptions fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest;
2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

b. Initiation of Special Exceptions: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.

c. Application for Special Exception: A written application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or date prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

d. Hearing on Application: Upon receipt in proper form of the application and statement referred to, the Planning and Zoning Commission and Board of Adjustment shall each hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in an official newspaper(s) of general circulation in Buchanan County. As a courtesy, property owners within five hundred (500) feet of the property for which the appeal is being requested shall be notified as a courtesy as well. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. Before an application is filed with the Planning and Zoning Commission and Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.

e. Authorization: For each application for a special exception the Zoning Administrator shall prepare and file with the Planning and Zoning Commission and Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest. The Planning and Zoning Commission shall consider the matter first by conducting a hearing and making a recommendation to the Board of Adjustment prior to the Board rendering a decision.

f. Standards: No special exception shall be granted by the Board of Adjustment unless such Board shall make written findings of fact:

1. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

2. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;

3. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

6. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment; and

7. That the special exception shall conform to the Buchanan County Comprehensive Plan.

g. Conditions and Guarantees: Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions, consistent with Subsection XXIII (N) below, and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.

h. Denial and Revocation of Special Exception:

1. Denial of Special Exception. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

2. Revocation of a Special Exception. In any case where special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

G. Variances:

1. Purpose and Findings of Fact: The Board of Adjustment, after a public hearing as outlined below, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

2. Application for Variance: A written application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require. The application shall be accompanied by such plans and/or date prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the variance is sought and stating the grounds on which it is requested.

3. Hearing on Application: Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Buchanan County. As a courtesy, property owners within five hundred (500) feet of the property for which the appeal is being requested shall be notified as a courtesy as well. Failure of a surrounding. property owner to receive a courtesy notice shall not stay the review and consideration process. Before the application is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.

4. Standards for Variance: The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section unless there is evidence presented to it in each specific case that:

   a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

   b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from a literal enforcement of the Ordinance;

   c. Special conditions and circumstances do not result from the actions of the applicant;

   d. 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.

5. Further Requirements:

   a. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

   b. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the surrounding landowners, or otherwise detrimental or contrary to the public welfare;

   c. The Board of Adjustment shall make a finding that granting a variance will be in conformance with the Buchanan County Comprehensive Plan;

   d. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with Section XXIII (N) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under this Ordinance;

   e. Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District;

   f. If a variance is sought to permit building within four (4) feet or less of a property line, the request must be accompanied by a certified survey.

H. Other Powers of the Board of Adjustment:
The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

1. Interpretation of District Map: Where the application of the rules for interpretation of district boundaries contained in this Ordinance leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment 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 this Ordinance;

2. Temporary Uses and Permits: Unless the Zoning Administrator is authorized to do so, the Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided said issuance safeguards the public health, safety, convenience, and general welfare of the County.

I. Planning and Zoning Commission:

1. Creation: The Planning and Zoning Commission of Buchanan County, as established under the applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance.

2. Membership: The Planning and Zoning Commission shall consist of nine (9) members, who are eligible electors, and are to be appointed by the Board of Supervisors for a term of five (5) years. Members of the Planning and Zoning Commission shall be persons residing within the county, but outside the corporate limits of any city. Vacancies shall be filled by the Board of Supervisors for only the unexpired term of the member affected. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the Board of Supervisors.

   Immediately following their appointment, the members of the Planning and Zoning Commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent with County Ordinances and state laws. The Commission shall keep written records of its proceedings which shall be open at all times to public inspection.

3. Powers and Duties: The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:

   a. Make such surveys, studies, maps, plans, or charts of the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Board of Supervisors, and may publish its studies and recommendations;

   b. Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the County, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the County;

   c. Make careful and comprehensive studies of present conditions and future growth of the County with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development;

   d. Hold at least one (1) public hearing before the adoption of any such Comprehensive Plan, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. The adoption of the plan shall be by resolution of the Commission carried by the affirmative vote of a simple majority of the members;

e. Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Planning and Zoning Commission disapproves the proposed change it may be adopted by the Board of Supervisors only by the affirmative vote of at least two-thirds (2/3) of the Board of Supervisors members;

f. Recommend to the Board of Supervisors changes in the zoning regulations or districts;

g. File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the Board of Supervisors;

h. Expend all sums of money appropriated, and expend all gifts, donations or payments received by the county for county plan purposes;

i. Contract debts within the limits of income for the present year;

j. Hold at least one (1) public hearing prior to any action item, pertaining to this Ordinance, that is to be reviewed by the Board of Supervisors, notice of which shall be given by an official newspaper(s) not less than four (4) nor more than twenty (20) days before the date of the hearing. A formal recommendation from the Planning and Zoning Commission to the Board of Supervisors shall then be made. As a courtesy, landowners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. Before an application is filed with the Planning and Zoning Commission, the applicant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator;

k. Review and provide recommendations on all special exception permit applications, per Section XXIII(F), prior to Board of Adjustment consideration.

J. Zoning Administrator:

1. The position of Zoning Administrator shall be appointed by the Board of Supervisors. The Zoning Administrator or designee shall administer and enforce the provisions of this Ordinance and shall have the following powers and duties in connection therewith:

   a. Issue all approved and/or compliant permits and certificates required by this Ordinance;

   b. Upon finding that any of the provisions of this Ordinance are being violated, shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the necessary action to correct it. The Administrator or designee shall order discontinuance of the illegal use of land, buildings or structures; the removal of illegal buildings or structures, or of additions, alteration or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions;

   c. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this Ordinance;

   d. Act as the Secretary to the Planning and Zoning Commission and Board of Adjustment.

2. All departments, officials, and public employees of Buchanan County who are vested with the duty or authority to issue permits shall insure conformance to the provisions of this Ordinance and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

3. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of the Zoning Administrator to any other officer of employee of the County, or of any city, town, or governmental subdivision within the County, or may combine the powers and duties of this office with any other office or position.

K. Secretary of the Planning and Zoning Commission and the Board of Adjustment:

1. Jurisdiction. The Secretary of the Planning and Zoning Commission and the Secretary of the Board of Adjustment shall be the Zoning Administrator.

   a. The Secretary of the Planning and Zoning Commission shall attend all meetings of the Commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the Commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the Commission;

   b. The Secretary of the Board of Adjustment shall attend all meetings of the Board, take full and necessary reports and documents for and on behalf of the Board, and perform such other duties and functions as may be necessary for the orderly recording of the business of the Board.

L. Amendments to this Ordinance:

1. Procedure. The regulations, restrictions, zoning designation and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearings first before the Planning and Zoning Commission and then the County Board of Supervisors. The notice of the time and place of the hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice. As a courtesy, property owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action, if said action pertains to a specific site. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. Property owners will not be individually notified regarding text amendments or when a new or replacement Ordinance or Official Zoning Map is to be adopted. Before a rezoning or zoning map amendment will be considered, an application is filed with the Planning and Zoning Commission, the applicant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator. Following the hearings, the County Board of Supervisors shall conduct the necessary readings regarding the Ordinance amendment, as outlined in the Code of Iowa.

   In case the Planning and Zoning Commission does not approve the change, or, in the case of a protest filed with the Board of Supervisors against such change signed by the owner of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one (1) lot or not to exceed five- hundred (500) feet therefrom, or of those directly opposite thereto, extending the depth of one (1) lot or not to exceed five hundred (500) feet from the street frontage of such opposite lots, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of all members of the Board of Supervisors.

   As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs or mitigate real or perceived negative impacts that are or may be directly caused by the requested change in zoning district. Said conditions must be consistent with Section XXIII (N) of this Ordinance.

M. Applications for Rezoning (Zoning Map Amendments) or Zoning Ordinance Text Amendments: Applications shall contain the following items:

a. The name of the applicant/owner;
b. The legal description and local address, if available, of the property to be rezoned;
c. The present zoning classification and the zoning classification requested for the property;
d. The existing use and proposed use of the property;
e. The names and addresses of the property owners within five hundred (500) feet of the property in question;
f. A statement of the reasons why the applicant feels the present zoning classification should be changed;
g. A plat, or copy thereof, showing the locations, dimensions, and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features;
h. Assurances that all applicable fees are paid;
i. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Maps; and, as such, said maps or portions of said maps need not be published;
j. The signature of the property owner.

N. Potential Conditions: Upon consideration of the factors listed in Sections XXIII (F), (G) and (L) above, the Board of Supervisors and Board of Adjustment may attach such conditions to the granting of special exceptions, variances, and zoning ordinance text or map amendments, as it deems necessary to further the purpose of this Ordinance. Violations of any imposed conditions shall be considered violations of this Ordinance. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities;
2. Limitation on periods of use and operation;
3. Imposition of operational controls, sureties, and deed restrictions;
4. Landscaping;
5. Architectural design;
6. Type of construction;
7. Construction commencement and completion dates;
8. Lighting;
9. Size and number of signs;
10. Higher performance standards;
11. Road dedication;
12. Certified survey maps;
13. Ground cover;
14. Diversions;
15. Silting basins;
16. Terraces;
17. Streambank protection;
18. Planting screens;
19. Operational control;
20. Improved traffic circulation;
21. Highway access restrictions;
22. Increased yards;
23. Additional parking;

Furthermore, any development permitted within a floodplain may include such conditions, but not necessarily be limited to:

1. Requirements for construction of channel modification, dikes, levees, and other protective measures,

provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this Ordinance;

2. Floodproofing Measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Supervisors or Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:

   a. Anchorage to resist flotation and lateral movement;
   b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
   c. Reinforcement of walls to resist water pressures;
   d. Use of paints, membranes, or mortars to reduce seepage of water through walls;
   e. Addition of mass or weight structures to resist flotation;
   f. Installation of pumps to lower water levels in structures;
   g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters;
   h. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures;
   i. Construction to resist rupture or collapse caused by water pressure or floating debris;
   j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures;
   k. Location of all electrical equipment and circuits in a manner which will assure they are not subject to flooding.

Section XXIV. (24) Violation and Penalty

A. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building, structure or land in violation of any regulation in or any provisions of this Ordinance, or any amendment or supplement thereto adopted by the Board of Supervisors of Buchanan County. Any person, firm or corporation violating any regulation or any provision of this Ordinance, or any amendment or supplement thereof, shall be deemed a separated County infraction.

   Enforcement of this provision shall be pursuant to Section 331.307 of the Code of Iowa, Acts of the 71st General Assembly, and the "Administrative Rules for Citing County Infraction", or any amendments thereof. Seeking a civil penalty does not preclude seeking alternative relief from the court in the same action, including criminal prosecution.

B. In addition, any person, firm or corporation violating any regulation or any provision of the Ordinance, or of any amendment or supplement thereto, may also be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of at least Seven Hundred Fifty Dollars ($750.00) per day but not more than One Thousand Dollars ($1,000.00) per day or by imprisonment of not more than thirty (30) days. Each day said violation continues shall be considered a separate offense.

C. In case any land, building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, or used in violation of this Ordinance or any amendment or supplement thereto, the Board of Supervisors, the County Attorney, or the County Zoning Administrator or designee may institute injunction, mandamus, abatement, or any other appropriate action, abate or remove such lawful location, erection, construction, reconstruction, enlargement.

D. Notwithstanding penalties imposed by the Court, the penalties set for a county infraction are a civil offense punishable by the maximum penalty, as set in the Code of Iowa.

E. Failure to obtain the proper permits, including zoning and flood plain permits, special exceptions, variances, prior to erection, construction, reconstruction, enlargement change, or use of any building, structure, or land; and/or prior to commencement of development, as defined in Section V, Definitions, will result in a penalty. The penalty shall be equal to the amount of the required permit application fee(s), as established by resolution of the Board of Supervisors in addition to the normal permit fees.

F. Violation of the Home Occupation and Home Industry Standards, defined in Section VII (T)(8) and VII(U)(8), may subject to revocation. The property owner will be notified by letter of any violation of the Home Business Standards. The property owner shall have thirty (30) days to abate the violation or further enforcement action will occur through the issuance of a Notice of Violation and enforcement proceedings. Once a Notice of Violation has been issued, and if compliance is achieved, the home business will be subject to an annual or semi-annual inspection with conditions as needed as follow-up to the inspection. If a Notice of Violation is issued to an approved home business, all home business activity must cease until the property has achieved compliance. If the home business continues to operate while under violation, it shall be deemed a County infraction, punishable as such under the Buchanan County Code of Ordinances and the Code of Iowa.

G. Any development that occurs without the proper permits will be issued a Stop Work Order and fines will be incurred.

Section XXV. (25) Enforcement and Fees

A. Enforcement:
The Board of Supervisors shall appoint an Zoning Administrator, and it shall be the duty of said officer to enforce this Ordinance. Such Zoning Administrator may be a person holding other public office in the County, or in a city or other governmental subdivision within the County. The Board of Supervisors is authorized to pay to such officer out of the general fund such compensation as it shall deem fit.

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

B. Fees:
Fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted by resolution by the County Board of Supervisors. A copy of the Schedule of Fees shall be on file in the Zoning Administrator's office. The following fees will be charged by the County:

1. Rezoning (Zoning Map Amendment) application fee;
2. Variance application fee;
3. Special exception application fee;
4. Zoning compliance permit application fee;
5. Home occupation and home industry permit fees;
6. Appeal of Staff Interpretation.

Section XXVI. (26) Repealer and Validity

A. Repealer:
All ordinances, including Chapter 50, of Title VI of the Buchanan County Code of Ordinances, and all amendments thereto, and resolutions, or any part thereof, in conflict with all or any part of this Ordinance are hereby repealed.

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