

## CARROLL COUNTY, IOWA, ORDINANCE NO. 14

**AN ORDINANCE** establishing zoning regulations for the unincorporated territory of Carroll County, Iowa, and providing for the administration, enforcement, and amendments thereof, in accordance with the provisions of Chapter 335, Code of Iowa, and for the repeal of the existing zoning regulations.

**Section 1 REPEAL OF CONFLICTING ORDINANCES:** The Carroll County Zoning Ordinance published prior to this ordinance are hereby repealed in their entirety. Furthermore, all other ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**Section 2 SEVERABILITY:** If, for any reason, any part, section, subsection, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 3 EFFECTIVE DATE:** This Ordinance shall be in force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED **March 15, 1999**. Amended **July 9, 2001** (14.05.020.02 & 14.06.020.04). Amended **August 25, 2003** (14.04.170, 14.15.020.03, 14.06.010.10, 14.07.010.04, & 14.08.010.05). Amended **August 22, 2005** (14.13.020.04; 14.06.020.05; 14.02.351; 14.15.060; 14.04.080; 14.04.090; 14.06.020; 14.11.030; 14.12.040; 14.13.030; 14.13.050; 14.15.020; 14.02.460; 14.15.040) Amended **April 10, 2006** (14.15.040.04.12; 14.15.040.04.13; 14.15.040.07) Amended **September 11, 2006** (14.15.040.04.12(3); 14.15.040.04.13(1); 14.15.040.07.01; 14.16.020.02) Amended **May 4, 2009** (14.02.050; 14.02.065; 14.02.145; 14.02.155; 14.02.160; 14.02.185; 14.02.255; 14.02.360; 14.03.020; 14.04.020; 14.05.010; 14.06.010; 14.15.040.01, .02.7, .03.1, .03.7; 14.16.010.04; 14.17.070; 14.18.010.02; 14.18.010.06; 14.19.020; 14.19.040; 14.19.060) Amended **March 19, 2012** 14.02.469.1; 14.02.153; 14.02.260; 14.04.080; 14.06.020.07; 14.11.010.09) Amended **December 02, 2013** 14.02.122; 14.02.123; 14.02.143; 14.02.302; 14.02.469; 14.06.020.07; 14.06.020.08; 14.09.010.02; 14.10.020.05; 14.11.010.09; 14.11.010.10) Amended **February 17, 2015** 14.06.020.09, 14.06.020.10. Amended **October 24, 2016** 14.02.395.01-.26; 14.05.020.05 & .06; 14.05.030.04; 14.05.030.09 - .10; 14.06.030.06; 14.07.020.05; 14.07.030.03; 14.08.020.04; 14.09.020.03; 14.09.025.01; 14.10.020.06; 14.10.025.01 & .02; 14.11.020.05 & .06; 14.11.025.01; 14.12.025.01; 14.15.070 Entire Section.

October 24, 2016 AMENDMENT ROLL CALL VOTE:

Eugene Meiners - Aye; Marty Danzer - Aye; Dean Schettler - Aye; Mark Beardmore - Aye; Neil Bock - Aye

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Neil Bock, Chairman

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Attest: Kourtney Irlbeck, Auditor

## CARROLL COUNTY, IOWA, ORDINANCE #14

### ZONING ORDINANCE

#### Chapter 14.01 General Information

- 14.01.010 Title** - The regulation shall be known as the Carroll County Zoning Ordinance.
- 14.01.020 Application** - This regulation shall apply to the unincorporated territory of Carroll County, Iowa except those areas covered by a 28E intergovernmental agreement between the county and a city government.
- 14.01.030 Purpose** - The zoning regulations and districts as herein established have been made in accordance with a comprehensive plan and policies to promote, in accordance with present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Carroll County, Iowa.

- 14.01.040 Farms Exempt** - Except to the extent required to implement section 335.27, (Code of Iowa) no ordinance adopted under this Chapter applies to land, *farm* houses, *farm* barns, *farm* outbuildings, or other *buildings* or structures, which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, *building*, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.
- 14.01.050 Flood Plain:** All structures and uses within a flood plain shall be regulated by the Floodplain Ordinance adopted by the Carroll County Board of Supervisors.
- 14.01.060 Interpretation:** In interpreting and applying the provisions of this Regulation, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, order, comfort, prosperity, or general welfare. It is not intended by this regulation to interfere with, or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Regulation imposes a greater restriction upon the use of *buildings* or premises or upon height of *buildings*, or requires larger open spaces than are imposed or required by other resolutions, ordinances, rules, regulations, or by easements, covenants, or agreement, the provisions of this Regulation shall govern. If, because of error or omission in the Zoning District Map, any property in the jurisdiction of this Regulation is not shown as being in a zoning district, the classification of such property shall be considered A-1 Agricultural until changed by amendment.

## Chapter 14.02 Definitions

- 14.02.010 CONSTRUCTION OF TERMS:** For the purpose of this Ordinance, certain terms and words are hereby defined. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance.
- .01 TENSE: Words used in the present tense include the future tense.
  - .02 NUMBER: Words used in the singular include the plural, and words in the plural include the singular.
  - .03 SHALL AND MAY: The word “shall” is mandatory; the word “may” is permissible.
  - .04 GENDER: The masculine shall include the feminine and the neuter.
  - .05 PERSON: The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
  - .06 USED OR OCCUPIED: The word “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.
  - .07 HEADINGS: In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.
  - .08 REFERENCE TO CODE OF IOWA: Reference numbers are to the Code of Iowa sections in effect on the date of adoption of this ordinance. These references are for convenience only.
- 14.02.020 Accessory Use or Structure-** A use or a structure subordinate to the principal use or *building* on the same lot and serving a purpose customarily incidental thereto.
- 14.02.030 Acreage** - A tract of land upon which there is or at one time was a *farm dwelling* and its related *outbuildings*, but which has not been reclaimed for row crop or grazing *agriculture*. To be classified as an *acreage*, some evidence (such as *buildings*, shelter belts, etc.) must remain of the parcel’s past status as a *farmstead*.
- 14.02.040 Agriculture** - The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock.
- 14.02.050 Agricultural Related Business** - Businesses that are related to the production, transportation, storage and processing of agricultural products such as grain elevators, grain and/or livestock trucking, corn or soybean processing centers, implement dealers/salvage, veterinary clinics, and livestock buying/selling terminals. Also included are agricultural input businesses such as anhydrous storage and distribution facilities, seed storage and distribution facilities and similar uses.

- 14.02.060 Airport** - Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for *airport buildings* or other *airport* facilities or rights-of-way, together with all *airport buildings* and facilities located thereon.
- 14.02.065 Airport Airspace** - The airspace surrounding a public airport which contains restrictions as to the height or type of development that may be permitted.
- 14.02.070 Airport Commission** – The regulatory authority controlling the height of construction activities in and around a municipal airport.
- 14.02.080 Alley** - A public or private way less than 21 feet in width affording secondary means of access to abutting property.
- 14.02.090 Antenna** - Any structure or device used to collect or radiate telecommunications signals.
- 14.02.100 Automobile Repair** - - General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; upholstery, replacement of parts and motor service to passenger automobiles and trucks; overall painting or paint shop; vehicle steam cleaning.
- 14.02.110 Basement** - A story having part but not more than 50% of its height below the average grade of the adjoining ground (as distinguished from a “cellar”). A basement shall be counted as a story for purpose of height measurement.
- 14.02.115 Blade** - An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- 14.02.120 Board of Health** – The Carroll County Board of Health.
- 14.02.122 Brewery** – An independent brewery with an annual beer production of more than 15,000 barrels (17,000 hectoliters) of beer per year. (12-02-2013)
- 14.02.123 Brewpub** – A restaurant-brewery that sells 25% or more of its beer on site. (12-02-2013)
- 14.02.130 Building** - Any structure for the shelter or enclosure of persons, animals or chattels.
- 14.02.140 Cellar** - A story having 50% or more of its height below the average grade of the adjoining ground. A *cellar* shall be counted as a story, for purposes of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
- 14.02.143 Cider** – The fermentation of apple, berry, pear, or other juice yielding an alcoholic or non-alcoholic beverage. (12-02-2013)
- 14.02.145 Crops** - For purposes of applying this ordinance, “crops” shall include but not be limited to barley, buckwheat, corn, flax, forage, fruits, honey, legumes, milk, millet, oats, popcorn, rye, sod, sorghum, soybeans, sunflowers, syrup, vegetables, wheat, and grasses used for forage or silage. Crops include products grown as part of tree farms, orchards, or nurseries (excluding greenhouses and nurseries, retail) that do not always produce annual income, but require annual operating decisions about maintenance or improvement.
- 14.02.150 Dwelling** - A building or portion thereof occupied or intended to be occupied exclusively for residence purposes, but not including a tent.
- 14.02.153 Easement of Access** - An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private street. No more than two (2) lots may be accessed exclusively by easement (3-19-12)
- 14.02.155 Engaged in Agriculture** – For purposes of applying this ordinance, “engaged in agriculture” shall include but not be limited to any of the following:

- a) Inspect agricultural operations periodically and furnish at least half the direct cost of the operations.
- b) Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation.
- c) Perform physical work which significantly contributes to the agricultural operation.

- 14.02.160 Essential Services** - The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or towers.
- 14.02.170 Family** - One or more persons related by blood, marriage or adoption, together with domestic servants, and roommates, maintaining a common household in a dwelling.
- 14.02.180 Farm** - A tract of land including any buildings located thereon such as farm houses, barns, out buildings, and other structures for use for agricultural purposes and includes, but is not limited to, the raising, harvesting, drying, or storage of crops; the care and feeding of livestock; the handling or transportation of crops or livestock; and the proper treatment or disposal of wastes resulting from livestock.
- 14.02.185 Farm House** – For the purposes of applying this ordinance, “farm house” shall include but not be limited to a house located on land operated as an agricultural unit which is or will be occupied by a person engaged in agriculture on the same unit, or a person retired from agriculture that was performed on that unit of which the house is a part. The house and the land comprising the agriculture unit does not necessarily need to be contiguous. “Farm House” shall also included structures attached to or incidental to the use of the dwelling.
- 14.02.190 Garage, Private** - A detached accessory building or portion of a principal building used for the storage of self- propelled passenger vehicles or trailers of the occupants of the premises.
- 14.02.200 Height** - In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof. In case of a tower, the vertical distance measured from the base of the structure to the highest point of the structure.
- 14.02.210 Highway or Primary Thoroughfare** - An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the Transportation Plan as officially adopted and amended from time to time by the Regional Planning Commission and the County Board of Supervisors.
- 14.02.220 Home Occupations** . Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building and there is no variation from the residential character of the main building or accessory building. Customary incidental home occupations such as handicraft; dressmaking; millinery and preserving; beauty shop; barber shop; dancing or music school; computer programming or assembly; professional, medical or financial services; or similar activities carried on solely by resident occupants subject to the following provisions:
- .01 That no more than one building is used for such purposes by any resident family.
  - .02 There shall be no exterior advertising other than identification of the home occupation by a sign which shall be located outside the public right-of-way and shall not exceed sixteen (16) square feet in area which shall not be illuminated.
  - .03 There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance at or beyond the property line.

- .04 The activity shall only employ residents of the dwelling.
- .05 The use shall be clearly incidental and secondary to the use of the dwelling purposes and shall not change the character thereof.
- .06 There shall not be any activity so as to cause parking and/or traffic problems annoying to the public, nor causing additional maintenance for public road crews. A home occupation shall provide additional off-road parking areas as required.
- .07 The above listed characteristics shall not be construed to restrict rummage or garage sales or the sale of garden produce on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for the display of produce grown on the premises.
- .08 The Board of Adjustment may grant special exemptions for the type of allowed use, the use of additional buildings, employment of individuals not living in the residence, or for signs which are larger than those allowed in 14.02.220.02 or are illuminated or both, provided that the proposed special exception will not create a nuisance for surrounding residents.

**14.02.230 Junk and/or Auto Salvage Yard** - An open area or fenced-in enclosure, where used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junk and/or auto salvage yard includes an automobile salvage yard where two or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, *building* or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition, but does not include uses established entirely within enclosed buildings.

Where permitted by zoning district regulation, salvage shall either be located within a rear yard or fully enclosed within a building. In addition, junk and/or auto salvage yards located within one thousand (1000) feet of a state, federal or county highway or road shall obtain a current "Recycler's License" from the Iowa Department of Transportation. Junk yards located over one thousand (1000) feet from a state, federal or county highway shall be screened from view from a public street by the same screening regulations as provided by the Iowa Department of Transportation when granting a "Recycler's License."

- 14.02.240 Junk Vehicle** - Any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage according to the provisions of the County Treasurer, or any other vehicle or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1, Code of Iowa. The presence of two (2) or more junk vehicles on the same lot shall cause the lot to be classified as a junkyard.
- 14.02.250 Land Use Plan** - The comprehensive long-range plan for the desirable use of land in the county, as officially adopted and as amended from time to time by the Planning and Zoning Commission and Board of Supervisors; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing county needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public *buildings* or public uses.
- 14.02.255 Livestock** – For purposes of applying this ordinance, "livestock" shall include but not be limited to animals or fowl which are being produced primarily for sale or use as food or food products, such as cattle, pigs, sheep, goats, poultry, birds, fish, horses, donkeys, mules, and farm deer.
- 14.02.260 Lot** - A parcel of land, abutting or have unrestricted access by perpetual easement of access on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a *building* and its accessory *buildings*, is sufficient to provide the yards and courts required by the regulations. (3-19-12)
- 14.02.270 Lot, Corner** - A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- 14.02.280 Lot Area** - The horizontal area within the lot lines of the lot.

- 14.02.290 Lot Depth** - The mean horizontal distance between the front and rear lot lines.
- 14.02.300 Lot Width** - The mean horizontal distance across the lot between side lot lines at the *building* line measured at right angles to the depth.
- 14.02.302 Microbrewery** – A brewery that produces less than 15,000 barrels (17,000 hectoliters) of beer per year with 75% or more of its beer sold off site. (12-02-2013)
- 14.02.310 Mobile Home Dwelling** - A mobile home dwelling is a detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking or assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A recreation travel trailer is not to be considered as a mobile home.
- 14.02.320 Motor Fuel Station** - A place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.
- 14.02.330 Nonconforming Use** - A building, structure or premises lawfully occupied at the time of the enactment of the regulations by a use that does not conform with the provisions of the regulations for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.
- 14.02.340 Non-Farm Dwelling** - A residential *dwelling* in the unincorporated areas of the County occupied by parties not involved in agricultural production.
- 14.02.350 Parking Area, Accessory** - An area of one or more parking spaces located on the same property as the *building*, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.
- 14.02.351 Recreation, Commercial.** Commercial recreational activities include but are not limited to, race tracks, strips or trails used for racing of horses or other animals, automobiles, motorcycles or other motorized vehicles, and amusement parks, including incidental retail sales of merchandize or vending of food on-site.
- 14.02.360 Rural Enterprise** – A small business which is clearly incidental and secondary to the use of the premises for *dwelling*. The rural enterprise shall only be allowed in the unincorporated areas of the County, but not located in the boundaries of the-unincorporated villages including but not limited to Mt. Carmel, Maple River or Roselle. The Rural Enterprise shall employ no more than nine (9) full or part-time employees.
- 14.02.370 Scenic Route** - The roadway and adjacent corridor as viewed from a road or *highway* designated as a Scenic Route by the State of Iowa and/or the Regional Planning Commission.
- 14.02.380 Sign** - Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency.
- 14.02.390 Sign, Gross Surface Area Of** - The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- 14.02.395 Solar Related Definitions**
01. Active 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.

02. Building-integrated Solar Energy Systems - An active 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.
03. Concentrating solar power (also called concentrated solar power, concentrated solar thermal, and CSP) systems 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.
04. Grid-intertie Solar Energy System - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
05. 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.
06. Off-grid Solar Energy System - A photovoltaic 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.
07. 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.
08. Photovoltaic System - An active solar energy system that converts solar energy directly into electricity.
09. 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 principal use.
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 Farm - A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.
15. Solar Garden – A commercial solar-electric (photovoltaic) array that provides electric power to a cluster of households (such as a subdivision) or businesses residing or located offsite from the location of the solar energy system.
16. Solar Resource - A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.
17. Solar Collector - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
18. 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.
19. 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.
20. Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
21. 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.
22. 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.

23. 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.
24. Solar Hot Water System (also referred to as Solar Thermal) - A system that includes a solar collector and a 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.
25. Solar Mounting Devices - Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
26. Solar Storage Unit - A component of a solar energy device that is used to store solar generated electricity or heat for later use.
- 14.02.400 Story** - That portion of a *building* included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a *building* exceeds 12 feet, each 12 feet or fraction thereof of the total *building* height shall be considered a separate full story of fractional story respectively, except the first story which may be 15 feet high.
- 14.02.410 Story, Half** - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his *family*, shall be deemed a full story.
- 14.02.420 Street, Road** - Any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the regulations; and any such public way created after enactment of the regulations, provided it is 66 feet or more in width.
- 14.02.430 Structural Alteration** - Any change in the supporting members of a *building* including but not limited to bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
- 14.02.440 Structure** - Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.
- 14.02.445 Sub-station** - An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.
- 14.02.450 Telecommunications** - The transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
- 14.02.460 Tower** - Any guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a *building* or other permanent structure, containing one or more *antennas* or wind energy generating unit.
- 14.02.465 Tower Foundation** - The tower support structure, below grade, that supports the entire weight of the wind turbine.
- 14.02.466 Total Height** - The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
- 14.02.467 Wind Farm** - One or more wind turbine generators which are connected to the transmission of a local distribution grid. Wind farms shall include but not limited to wind turbine generators, operations and maintenance buildings, meteorological towers, collector grids, roads and substations.
- 14.02.468 Wind Turbine Generator (WTG)** - A wind turbine generator is a device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid.



- 14.02.469 Wind Tower** - The tubular structure, above grade, that supports the nacelle and rotor assembly.
- 14.02.469.1 Winery or Cider Mill** – Establishments or places of business engaged in the production of wine or cider for commercial sale including usual related customary services such as tasting rooms, retail sale of related goods and special event hosting. (3-19-12) (12-02-2013)
- 14.02.470 Yard, Front** - An open space extending the full width of the lot between a *building* and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.
- 14.02.480 Yard, Front, Least Depth** - The shortest distance, measured horizontally between any part of a *building*, other than such parts as hereinafter excepted, and the front lot line.
- 14.02.490 Yard, Rear** - An open space extending the full width of a lot between a *building* and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 14.02.500 Rear Yard, Least Depth** - The shortest distance, measured horizontally, between any part of a *building*, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line shall be considered the rear lot line.
- 14.02.510 Yard, Side** - An open space extending from the front yard to the rear yard between a *building* and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
- 14.02.520 Side Yard, Least Width** - The shortest distance, measured horizontally, between any part of a *building*, other than such parts as hereinafter excepted, and the nearest side lot line.
- 14.02.530 Zoning Administrator** - The individual appointed by the Board of Supervisors of Carroll County, Iowa to administer and enforce the provisions of this Ordinance.

### **Chapter 14.03 Districts and Maps**

- 14.03.010** For the purpose of the regulations, the following districts are designated:

|       |  |
|-------|--|
| “PR”  | Public Recreation Districts                    |
| “A-1” | Agricultural Districts                         |
| “R-1” | One and Two- <i>Family</i> Residence Districts |
| “R-4” | Multi- <i>Family</i> Residence Districts       |
| “B-1” | Business Districts                             |
| “I-S” | Interchange Service District                   |
| “I-1” | Light Industrial Districts                     |
| “I-2” | General Industrial Districts                   |
| “UT”  | Urban Transition Districts                     |

- 14.03.020** The boundaries of these districts are hereby established as shown on a map entitled “Zoning Map,” which accompanies and is hereby made a part of this ordinance. The district boundary lines on said map are intended to follow lot lines, the centerlines of roads, the centerlines of roads projected, railroad right-of-ways, or the corporate limit lines, all as they existed at the time of enactment of the regulations; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

If the Zoning Map is maintained as a paper hard copy, the Zoning Map may be identified by the signature of the Chairperson of the Board of Supervisors and the signature of the Zoning Administrator under the following words: "This is to certify that this is the Zoning Map of Carroll County, Iowa", together with the date of adoption of this Chapter.

If the Zoning Map is maintained in electronic format, the Zoning Administrator shall be the custodian of the electronic format Zoning Map. The Zoning Administrator may depict the Zoning Map, in total or in part, in various formats and scales as appropriate to the need.

- 14.03.030** Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the regulations, the use authorized on and the other district requirements applying to the less restricted portion of such lot shall be considered as extending to the entire lot provided that where the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.
- 14.03.040** Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Subsection 14.18.

## **Chapter 14.04 General Provisions**

- 14.04.010 Zoning Affects Every Structure and Use** - Except as hereinafter provided, no *building*, structure or land shall hereafter be used and no *building* or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.
- 14.04.020 A building permit** shall be obtained prior to erection, construction, re-construction, or relocation of any building, structure, or tower. A building permit shall not be required if the building or structure is being remodeled on the inside only, and the outside dimensions of the building or structure are not altered. A building permit shall not be required if the structure is less than 100 square feet in size in the A-1 District but these structures shall meet setback requirements.
- 14.04.030 Permit Fees:** A fee shall be charged for building permits as determined by the County Board of Supervisors. No permit fee shall be required for *farm* land, *farm* houses, *farm* barns, *farm* out buildings or other buildings, structures or erections, which are primarily adapted, by reason of nature and area for use for agricultural purposes while so used.
- 14.04.040 A "Certificate of Exemption"** shall be obtained for all *farm* houses, *farm* barns, *farm* out buildings, or other buildings, structures or erections, which are primarily adapted by reason of nature and area for use for agricultural purposes.
- 14.04.050 Accessory Use Permits required:** Home occupations and Rural Enterprises shall be permitted as an accessory use under the regulations of the district. A permit must first be obtained by application to the Zoning Administrator. In the case of a Rural Enterprise Permit, the permit must be renewed annually to certify the number of employees of the business. The Board of Supervisors shall set the fee for such permits. The Zoning Administrator may grant such a permit if it is reasonable to conclude from the evidence that the home occupation or Rural Enterprise proposed will meet the standards set out in the preceding paragraphs. The Zoning Administrator may, if warranted by the evidence, request that the Board of Adjustment imposes as additional conditions, such measures as may be deemed necessary to protect the legitimate use and enjoyment of neighboring properties. If a written complaint is filed with the Zoning Administrator by a property owner adjacent to the property, a public hearing before the Board of Adjustment shall be required to determine the continuance of the home occupation or Rural Enterprise.
- 14.04.060 Continuing Existing Uses** - Any *building*, structure, or use lawfully existing at the time of enactment of the regulations may be continued, except certain nonconforming uses as provided in Section 14.04.070. Nothing in the regulations shall prevent the strengthening or restoring to a safe condition any part of any *building* or structure declared unsafe by the Building Official.
- 14.04.070 Nonconforming Uses** - Except as hereinafter provided under Subsection 14.04.070.05.

- .01 Any nonconforming *building* or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot, or other act of God, may be reconstructed and used as before if it is completed within 12 months of such calamity, unless damaged more than 50% of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the regulations.
- .02 No *building*, structure or premises where a nonconforming use has been or may be discontinued for more than one year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- .03 Any nonconforming use of land not involving any structure, and any nonconforming outdoor advertising sign or outdoor advertising structure may be continued for a period not to exceed three years after enactment of the regulations, whereupon such nonconforming use shall cease or structure shall be removed.
- .04 Any *building* or structure devoted to a nonconforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the regulations, whereupon such nonconforming use shall cease and thereafter such *building* or structure shall be removed or changed to a conforming use.
- .05 The foregoing provisions under Subsections 14.04.070.01, .02, .03, and .04, insofar as these limit reconstruction or require certain uses to cease or *buildings* or structures to be removed or changed, shall not be applicable where any such *building*, structure or use would be conforming under the Land Use Plan as defined in Section 14.02.250.

**14.04.080 Street Frontage - Minimum Requirement** - No lot created after the adoption of the regulations shall contain any building used as a dwelling unless it abuts at least 20 feet on a street or have unrestricted access by perpetual easement of access. No more than two (2) lots may be accessed by easement. (3-19-12)

**14.04.090 Lot Area Requirements. Existing Lots of Record** - In any district where *dwellings* are permitted, a one-family detached *dwelling* may be constructed on any lot of official record at the time of enactment of the regulations, the owner of which does not own any adjoining property, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located or requirements as may be modified by the Board of Adjustment as set forth hereinafter under Section 14.18. However, no lot of any size may be built upon unless the County *Board of Health* approves the method of sewage disposal and source of water supply. Permitted accessory buildings may be constructed on any lot of official record at the time of enactment of the regulations provided that setback requirements are met according to district regulations.

**14.04.100 Number of Uses on One Lot** - No lot shall contain more than one principal use.

**14.04.110 Required Yard Cannot be Reduced or Used by Another Building**

- .01 No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the regulations, and if already less than the minimum required by the regulations, it shall not be further reduced. No required open space provided about any *building* or structure shall be included as part of any open space required for another *building* or structure.
- .02 The space occupied by a required private *garage* or parking area shall be considered the same as any required open space provided about a principal *building*, and such space shall not be reduced or included as any part of any required open space for another *building* or structure.

**14.04.120 Conversion of Dwellings** - The conversion of any *building* into a *dwelling*, or the conversion of any *dwelling* so as to accommodate an increased number of *dwelling* units or families, shall be permitted only within a district in which a new *building* for similar occupancy would be permitted under the regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per *dwelling* unit, dimensions of yards and other open space, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

**14.04.130 Minimum Ground Floor Area for Dwellings**

- .01 A one-story *dwelling* shall contain not less than 600 square feet of usable ground floor area, exclusive of open porches, *garages* or steps.
- .02 A 1 ½ or two-story *dwelling* shall contain not less than 600 square feet of ground floor area, exclusive of open porches, *garages* or steps.

**14.04.140 Traffic Visibility Across Corner Lots** - In any district on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the “corner” so as to interfere with traffic visibility across the corner.

**14.04.150 Essential Services** - *Essential services* shall be permitted as authorized and regulated by law and other regulations of the county, it being the intention hereof to exempt such *essential services* from the application of the regulations.

**14.04.160 Shooting Ranges** - Before a person improves a property acquired to establish, use, and maintain a shooting range by the erection of a *building*, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the County Zoning Commission. (Reference: Section 657.9, Code of Iowa)

**14.04.170** The minimum lot dimensions, setback requirements, and maximum building height restrictions shall be as described as follows:

| TABLE 14.04.170<br>ZONING DISTRICT BULK REGULATIONS<br>(IN FEET, UNLESS NOTED OTHERWISE) <sup>a</sup> |   |                   |                      |                           |                   |                                  |                     |
|---|---|-------------------|----------------------|---------------------------|-------------------|----------------------------------|---------------------|
| Zoning District   | LOT DIMENSIONS  |                   | SETBACK REQUIREMENTS |                           |                   | MAXIMUM BUILDING HEIGHT          |                     |
|   | Minimum Lot Area  | Minimum Lot Width | Minimum Front Yard   | Minimum Side Yard         | Minimum Rear Yard | Primary Structure                | Secondary Structure |
| P-R   | N/A   | 100               | 60                   | 20                        | 20                | 2 ½ Stories or 30'               | 30                  |
| A-1   | 5 Acres <sup>c</sup><br>½ Acre <sup>d</sup>   | 100               | 60                   | 20                        | 20                | 2 ½ Stories or 30'               | 30                  |
| R-1   | 10,000 Ft. <sup>2</sup> . <sup>e</sup><br>18,000 Ft. <sup>2</sup> . <sup>f</sup><br>2 Families <sup>g</sup><br>Exemption <sup>h</sup> | N/A               | 35                   | 7.5                       | 15                | 2 ½ Stories or 30'               | 25                  |
| R-4   | 10,000 Ft. <sup>2</sup> or<br>5,000 Ft. <sup>2</sup> per<br>Family  | N/A               | 35                   | See Footnote <sup>i</sup> | 35                | 6 Stories or<br>75' <sup>k</sup> | 25                  |
| B-1   | 10,000 Ft. <sup>2</sup>   | N/A               | 25                   | 10                        | 25                | 3 Stories or 40'                 | 40                  |
| I-S   | 10,000 Ft. <sup>2</sup>   | N/A               | 40                   | 10 <sup>1</sup>           | 25                | 3 Stories or 40'                 | 40                  |

|     |   |     |    |                 |                 |     |     |
|-----|---|-----|----|-----------------|-----------------|-----|-----|
| I-1 | 5,000 Ft. <sup>2</sup>  | N/A | 40 | 20              | 20              | N/A | N/A |
| I-2 | 40,000 Ft. <sup>2</sup>   | N/A | 60 | 30 <sup>j</sup> | 30 <sup>j</sup> | N/A | N/A |
| U-T | The Carroll County Zoning Commission upon consultation with the adjoining municipality shall determine allowable uses, lot sizes and setbacks. The Commission shall make efforts to set lot sizes and set backs to be compatible with the adjoining municipalities requirements for similar uses. |     |    |                 |                 |     |     |

- a. Measured at Building Line
- b. Measured from edge of Right-of-way
- c. 5 Acre Requirement on Residential construction on an unimproved parcel of land
- d. ½ Acre minimum on Residential construction where either of the following exist:
  - .01 The parcel to be created has an existing residence (either occupied or unoccupied) as of the date of adoption of the comprehensive plan and meets all other requirements of the Zoning Ordinance. The county Zoning Administrator must make a finding that this condition exists based on a visual inspection of the property. If the residence is a manufactured home it must meet the same standards as a site-built single family for foundation system, set back and minimum square footage as of the date of adoption of the comprehensive plan.
  - .02 The parcel to be created includes existing non-dwelling buildings or vegetation (trees and shrubs) which make it uneconomical to convert to the production of agricultural products. The county Zoning Administrator must make a finding that this condition exists based on a visual inspection of the property. In such a case, no more than 1 acre of tillable land may be included in the new parcel to be created.
- e. if the home is supplied with a public water system but an individual sewerage system
- f. if the home is supplied by a private well and individual sewerage system.
- g. Each structure containing more than one family shall be located on a lot or lots having an area of 10,000 square feet for each family. Larger lots may be required where results of percolation tests indicate the need for a larger disposal field. Such tests shall be submitted to the County Board of Health prior to construction
- h. All structures in existence in the Residential District as of April 11, 1994 are exempt from the minimum lot size requirements.
- i. 1 & 2 Stories = 8'; 3 & 4 Stories = 15'; 5 & 6 Stories = 20'; Above 6 Stories = one foot may be added to the height permitted for each one foot that the building is set back from the required yard lines.
- j. Except when abutting Residential District, then 60' minimum
- k. One foot may be added to the height permitted for each one foot that the building is set back from the required yard lines
- l. For a corner lot, or a double frontage lot, the yard abutting a public street shall be considered a front yard for setback purposes

## Chapter 14.05 “PR” Public Recreation Districts

### 14.05.010 Permitted Principal Uses

- .01 *Agriculture* and agricultural *buildings*. Such uses are not subject to the provisions of Section 14.05.040
- .02 Public parks, playgrounds, and recreational areas.
- .03 *Essential services* as defined in Section 14.02.160.
- .04 *Single Family Dwellings* owned and maintained by the County Conservation Commission
- .05 Maintenance, repair, and storage facilities used in conjunction with public parks, playgrounds, and recreational areas.

### 14.05.020 Special Uses When Authorized by Board of Adjustment

- .01 Sanitary land fills, in accordance with county and state regulations except that no sanitary land fill shall be operated within 1,320 feet of any “R” District.
- .02 The removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for a state, county, or private projects where the material is not being sold or removed from the property where it originates.
  - 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:
      - aa. Location of proposed site.

- bb. Land use pattern including all building locations and historical sites.
- cc. Surface drainage patterns. (USGS Topographical Map)
- (2) Plans for the site require:
  - aa. Points of ingress and egress to State and County Roads.
  - bb. Proposed spoil mounds, tree and berm screen locations.
  - cc. Soil embankments for noise, dust, and visual barriers, and heights of spoil mounds.
- (3) Plan of operation providing a general description of operation including:
  - aa. Type of material to be removed.
  - bb. Estimated amount of aggregate to be removed.
  - cc. Method of extraction, including types of equipment, use of blasting materials.
  - dd. Supplementary processes, drying, grading, mixing or manufacturing.
  - ee. Source of water, if final plan shows use of water. Impact on neighboring wells.
  - ff. Method of disposition of excess water during operation.
  - gg. Noise levels and methods of control.
- b. Performance Standards:
  - (1) Operations. Extractive operations shall meet all development and performance standards of all applicable local, state, and federal regulations.
  - (2) Setbacks. Setbacks of 100 feet are required from the lot line and/or road right-of-way surrounding the subject property to any excavation, quarry wall, or storage area on the subject property. Setback distance from a neighboring residence is to be no less than 600 feet. In the event a special exemption is needed, please consult the County Zoning Administrator. All special exemptions are subject to the approval of the County Board of Adjustment, and the County Engineer.
  - (3) Grading. All excavations shall be graded in accordance with state regulations.
  - (4) Drainage shall be provided, either natural or artificial, so that disturbed areas shall not collect nor permit stagnant water to remain other than in the excavation pit.
  - (5) Access. Truck and/or rail access to any excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
  - (6) Planting. Plantings shall conform to state reclamation regulations.
- .03 Privately operated country clubs, golf courses, marinas or docking facilities, guest ranches, swimming clubs, riding stables, lakes, resorts, and similar recreational uses provided that any principal or accessory *building* in connection therewith shall be located above flood hazard elevation and not less than 200 feet from any lot in an "R" District.
- .04 Outdoor Rifle or Skeet Shooting Ranges according to the provisions of Section 14.04.160.
- .05 Utility Scale Solar Installations as described in Section 14.15.070.02
- .06 Solar Gardens as described in Section 14.15.070.02

#### **14.05.030 Permitted Accessory Uses**

- .01 Real estate signs of a temporary nature not exceeding two in number per lot nor larger than 12 square feet and set back 20 feet from any roadway.
- .02 Signs not exceeding sixteen (16) square feet in area indicating the brand of seed or type of fertilizer being used.
- .03 Signs not exceeding 20 square feet in area pertaining to a permitted recreation use or area of scenic beauty provided such signs for privately owned recreation uses or areas of scenic beauty shall be set back at least 30 feet from any right-of-way and there shall be a distance of 300 feet between all such signs. Signs for publicly owned recreational uses or areas of scenic beauty may be placed in the right-of-way as applicable by state or federal law.
- .04 Non-Utility Scale Solar Energy Systems as described in Section 14.15.070.01

#### **14.05.040 Lot Area, Setbacks and Height Regulations** See Table 14.04.170.

## Chapter 14.06 “A-1” Agricultural Districts

### 14.06.010 Permitted Principal Uses

- .01 *Agriculture* and agricultural *buildings*. Such uses are not subject to the provisions of Section 14.06.040
- .02 Cemeteries of 5 acres or more in size.
- .03 Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any “R” District.
- .04 Any *building* or structure occupied or used for nursery, elementary, junior high or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line.
- .05 Sale of nursery and greenhouse products.
- .06 Railroad rights-of-way and trackage, not including switching, storage, terminal facilities or freight yards.
- .07 Single *family* detached *dwellings*.
- .08 Transformer stations and booster or pressure regulating stations, without service yard or storage.
- .09 Essential Services as defined in section 14.02.160.
- .10 Private Garages and parking areas

### 14.06.020 Special Uses When Authorized by Board of Adjustment

- .01 *Agricultural Related Businesses*
- .02 *Airports* and landing fields.
- .03 Municipal Sewage Treatment Facilities
- .04 The removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for a state, county, or private projects where the material is not being sold or removed from the property where it originates with the conditions and requirements as described in 14.05.020.02.
- .05 Commercial Recreation Uses following the procedures outlined in 14.15.060.
- .06 Stockyards, livestock truck washes, and/or rendering plants.
- .07 Winery (3-19-12) or Cider Mill (12-02-2013)
- .08 Microbrewery (12-02-2013)
- .09 Outdoor shooting ranges used for shooting sports including but not limited to shotgun, black powder, rifle, handgun and archery sports according to the provisions of Section 14.04.160 (02-17-2015)
- .10 Privately operated country clubs, golf courses, marinas or docking facilities, guest ranches, hunting clubs, swimming clubs, riding stables, lakes, resorts, and similar recreational uses provided that any principal or accessory building in connection therewith shall be located above flood hazard elevation and not less than 200 feet from any lot in an “R” District. (02-17-2015)
- .11 Utility Scale Solar Installations as described in Section 14.15.070.02
- .12 Solar Garden

### 14.06.030 Permitted Accessory Uses

- .01 “PR” District Accessory Uses.
- .02 Private *garages* or parking areas.
- .03 Living quarters of persons employed on the premises.
- .04 *Home Occupations* and/or *Rural Enterprises*
- .05 Towers as authorized in section 14.15.040
- .06 Non-Utility Scale Solar Energy Systems as described in Section 14.15.070.01

### 14.06.040 Lot Area, Setbacks and Height Regulations See Table 14.04.170.

## Chapter 14.07 “R-1” One and Two Family Residence Districts

**14.07.010 Permitted Principal Uses**

- .01 Single *family* residences.
- .02 Two-*family* residences.
- .03 Essential Services as defined in section 14.02.160.
- .04 Private Garages and parking areas

**14.07.020 Special Uses When Authorized by Board of Adjustment**

- .01 Transformer stations and booster or pressure regulating stations, without service yard or storage.
- .02 Mobile homes parks subject to the following conditions:
  - .1 The mobile home park shall be located on a parcel of ground at least five acres in size and each boundary line of the park shall be at least 200 feet from any residential structure located outside the park unless separated therefrom by a natural or artificial barrier.
  - .2 The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  - .3 Each mobile home space shall be large enough to provide a distance of 10 feet between any trailer or structure on the space and the lot line, a front yard of 15 feet and a rear yard of 10 feet.
  - .4 All mobile home spaces shall abut upon a driveway of not less than 20 feet in width which shall have unobstructed access to a public street.
  - .5 Overall density shall not be greater than the lot area per *family* specified within the district.
  - .6 All driveways and walkways in the park shall be hard surfaced and lighted at night.
  - .7 Each park shall provide service *buildings* to house such toilet, bathing and other sanitary facilities and such laundry facilities as may be prescribed.
  - .8 An electrical outlet supplying at least 110 volts shall be provided for each trailer space.
  - .9 Adequate sanitary facilities and supply of potable water shall be provided to each mobile home space.
- .03 Residence development projects.
- .04 Other compatible uses as determined by the Board of Adjustment after consultation with the Planning and Zoning Commission.
- .05 Solar Gardens as described in Section 14.15.070.02

**14.07.030 Permitted Accessory Uses**

- .01 *Home Occupations*
- .02 A sign or signs appertaining to a mobile home park on the premises, not exceeding in the aggregate 50 square feet in area.
- .03 Non-Utility Scale Solar Energy Systems as described in Section 14.15.070.01

**14.07.040 Lot Area, Setbacks and Height Regulations** See Table 14.04.170.**14.07.050 Exemption** - All structures in existence in the Residential District as of April 11, 1994 are exempt from the minimum lot size requirements.

## Chapter 14.08

### “R-4” Multi-Family Residence Districts

**14.08.010 Permitted Principal Uses**

- .01 Any use or structure permitted and as regulated in Section 14.07.010, except as hereinafter modified.
- .02 *Dwellings* for any number of families.
- .03 Boarding and lodging houses.
- .04 Essential Services as defined in section 14.02.160.
- .05 Private Garages and parking areas

**14.08.020 Special Uses When Authorized by Board of Adjustment**



- .01 Any use as regulated in Section 14.07.020, except as hereinafter modified.
- .02 Office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.
- .03 Physicians' and dentists' offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like, offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.
- .04 Solar Gardens as described in Section 14.15.070.02

**14.08.030 Permitted Accessory Uses** "R-1" Residence District accessory uses.

**14.08.040 Lot Area, Setbacks and Height Regulations** See Table 14.04.170.

**14.08.050 Additional Requirements:** No lot shall be built upon or used for the above purposes unless a sewage disposal system and a safe water supply approved by the County *Board of Health* and the State Department of Health are provided to each lot by the owner or developer.

## **Chapter 14.09**

### **"B-1" Business Districts**

**14.09.010 Permitted Principal Uses**

- .01 Any use or structure permitted and as regulated in Section 14.08.010, except for single *family detached dwellings* or as hereinafter modified.
- .02 Any retail business establishment including but not limited to: auto accessory stores, auto and *farm* implement sales, bakery shops, candy and ice cream shops, department stores, drug stores, dry goods stores, electrical appliance sales and repair, florist shops, food stores, furniture stores, hardware stores, liquor stores, motor fuel stations, variety stores, wearing apparel shops, taverns, theaters, air conditioning and heating sales and service shops, automobile motor repair and service shops, plumbing shops, heating and roofing supply shops, restaurants, brewpubs and drive-ins. (12-02-2013)
- .03 Any service establishment, such as a bank or other financial enterprise, barber or beauty shop, business or professional office, clothes cleaning or laundry pick-up station, funeral home, theater and self-service laundry.
- .04 Any recreation use, such as bowling alleys, billiard and pool rooms, dance halls, and gymnasiums.
- .05 Meeting and lodge halls, fraternal organizations and clubs.
- .06 Hotels and motels including dining and meeting rooms.
- .07 Wholesale businesses.
- .08 Public parking lots, customer and other accessory parking areas subject to the applicable provisions of Section 14.15.010.
- .09 Other business, professional or service establishments.
- .10 Essential Services as defined in section 14.02.160.

**14.09.020 Permitted Accessory Uses**

- .01 "R-4" Residence District accessory uses.
- .02 Other accessory uses customarily incidental to a permitted principal use including signs integral with or attached flat against a *building*.
- .03 Solar Gardens as described in Section 14.15.070.02

**14.09.025 Special Uses when Authorized by the Board of Adjustment (B-1 District)**

- .01 Solar Gardens as described in Section 14.15.070.02

**14.09.030 Lot Area, Setbacks and Height Regulations** See Table 14.04.170.

## Chapter 14.10 “I-S” Interchange Service Districts

### 14.10.010 Permitted Principal Uses

- .01 Motels or hotels.
- .02 Restaurants.
- .03 Automobile service stations.
- .04 Truck service facilities
- .05 Essential Services as defined in section 14.02.160.

### 14.10.020 Permitted Accessory Uses

- .01 Food and beverage Automats.
- .02 Dormitories and sleeping facilities for truck operators.
- .03 Cocktail lounges.
- .04 Any similar use customarily carried on as a part or accessory to an Interchange Service area, which in the judgment of the Board of Adjustment will not be detrimental to the public health or safety.
- .05 Brewpub (12-02-2013)
- .06 Non-Utility Scale Solar Energy Systems as described in Section 14.15.070.01

### 14.10.025 Special Uses when Authorized by the Board of Adjustment (I-S District)

- .01 Utility Scale Solar Installations as described in Section 14.15.070.02
- .02 Solar Gardens as described in Section 14.15.070.02

### 14.10.030 Location of Interchange Service Area Each service area shall be located at the interchange of two intersecting *highways* or *highway* and paved county road so as to serve interchange and *highway* users.

### 14.10.040 Lot Area, Setbacks and Height Regulations See Table 14.04.170.

### 14.10.050 Entrance and Exit

- .01 No vehicular entrance to or exit from property abutting shall be within 125 feet of the entrance roadway to or exit roadway from such interchange.
- .02 Each service area shall be provided with an entrance and exit for vehicular traffic not less than 40 feet in width at the property line.

## Chapter 14.11 “I-1” Light Industrial Districts

### 14.11.010 Principal Uses

- .01 Warehouse type *building* for commercial or industrial storage, completely enclosed within a *building* except as provided in 14.11.030.05.
- .02 Lumber and building supply yards.
- .03 Plumbing, heating, and air conditioning shops.
- .04 *Automobile Repair* shops.
- .05 Carpenter and Cabinet shops.
- .06 Any business, professional, retail, or service establishment permitted in the “B-1” District.
- .07 Other compatible uses as determined by the Board of Adjustment after consultation with the Planning and Zoning Commission.
- .08 Essential Services as defined in section 14.02.160.
- .09 Winery (3-19-12) or Cider Mill (12-02-2013)
- .10 Brewery (12-02-2013)

**14.11.020 Special Uses when authorized by the Board of Adjustment**

- .01 Multi-family dwellings.
- .02 Boarding, lodging and rooming houses.
- .03 Hotel/Motel
- .04 Sexually Oriented Businesses
- .05 Utility Scale Solar Installations as described in Section 14.15.070.02
- .06 Solar Gardens as described in Section 14.15.070.02

**14.11.025 Permitted Accessory Uses (I-1 District)**

- .01 Non-Utility Scale Solar Energy Systems as described in Section 14.15.070.01

**14.11.030 Minimum requirements** Any junkyard shall be enclosed by means of a fence or wall for the purpose of providing visual privacy. Said fence or wall shall be constructed of masonry or concrete, wood, or chain link fencing designed to be opaque.**14.11.040 Lot Area, Setbacks and Height Regulations** See Table 14.04.170.

## Chapter 14.12

### “I-2” General Industrial Districts

**14.12.010 Principal Permitted Uses**

- .01 The manufacturing, assembling, compounding, packaging, processing, or treatment of products or raw materials.
- .02 The storage of raw materials to be used in production, goods in process, or manufactured items.
- .03 Warehouse *buildings* and commercial or industrial storage *building*.
- .04 Cartage and express facilities or railroad and truck freight terminals.
- .05 Public utility and public service installations and facilities including repair and storage facilities.
- .06 Asphalt (hot-mix) plants, bulk plants, and concrete plants.
- .07 Large equipment sales and repair.
- .08 All principal uses of the “I-1” District.
- .09 All other medium and heavy industrial uses as determined by the Commission.
- .10 Essential Services as defined in section 14.02.160.

**14.12.020 Special Uses When authorized by the Board of Adjustment**

- .01 Sanitary Landfills
- .02 Sewage lagoons
- .03 Stockyards, livestock truck washes, and/or rendering plants.
- .04 Open storage of new or used *building* supplies and materials.
- .05 Junk yards and automotive wrecking yards.
- .06 All special uses of the I-1 District.

**14.12.025 Permitted Accessory Uses (I-2 District)**

- .01 All Permitted Accessory Uses of the I-1 District

**14.12.030 Lot Area, Setbacks and Height Regulations** See Table 14.04.170.**14.12.040** Any junkyard shall be enclosed by means of a fence or wall for the purpose of providing visual privacy. Said fence or wall shall be constructed of masonry or concrete, wood, or chain link fencing designed to be opaque.

## Chapter 14.13 “UT” Urban Transition Districts

### 14.13.010 Permitted Principal Uses:

- .01 Agriculture (A-1)
- .02 Essential Services as defined in section 14.02.160.

### 14.13.020 When Authorized by the Board of Supervisors and the adjoining municipal authority:

- .01 Residential
- .02 Business
- .03 Industrial Districts.
- .04 Commercial Recreation Uses

**14.13.030 Lot sizes and setbacks** shall be determined by the Carroll County Zoning Commission consistent with the use of the land. When it is desirable to enhance development, sizes and setbacks may conform to the municipality minimum standards upon consultation with the adjoining municipality. The Commission shall make efforts to set lot sizes and set backs to be compatible with the adjoining municipalities requirements for similar uses.

**14.13.040 Addendum.** Any district requirements or definitions differing from Sections 14.07, 14.08, 14.09, 14.10, 14.11 and 14.12 for each individual community are made a part of this Ordinance as an Addendum.

**14.13.050** The default land use designation in the Urban Transition District is Agricultural. The Zoning District designation as Urban Transition (UT) does not change when a request to change land use to residential, commercial or industrial is approved by the Board of Supervisors. The Board may approve the change in land use after consultation with the adjoining city government, and notification of adjacent property owners. Only the allowed use for the property under consideration will change.

## Chapter 14.14 Planned Developments

**14.14.010 Minimum Area** - The owner of a tract of land located in any district at or near a proposed residence development project as shown on the adopted Land Use Plan may submit a preliminary plan for the use and development thereof to the Planning and Zoning Commission. Said tract of land shall be 10 acres or more in size.

**14.14.020 Applicant-Ability to Perform** - In accepting such a plan for review, the Planning and Zoning Commission shall be satisfied that the applicant is financially able to carry out the proposed project; that construction will start within 18 months of the approval of the project and necessary zoning district change; and that said project will be completed within a reasonable time as determined by the Commission.

**14.14.030 Commission Findings** - It shall be the duty of the Commission to investigate and ascertain whether the location, size and other characteristics of the site, and the proposed plan comply with the following conditions:

- .01 That the *buildings* are to be used only for residential purposes and the customary accessory uses, such as private *garages*, storage spaces, recreational and community activities.
- .02 That land not used for lots and streets shall be designated and remain as open space.
- .03 That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.
- .04 That the plan provides for a development consisting of one or more groups of *dwellings* or *buildings* of integrated and harmonious design, together with adequate and properly arranged facilities and landscaping. The project shall be arranged in an attractive and efficient manner

and fit harmoniously into and have no adverse effects upon the adjoining or surrounding properties.

- .05 That the project will be consistent with the intent and purpose of the regulations to promote public health, safety and general welfare.

**14.14.040 Standards Applicable** - The following regulations shall apply to a residence development project:

- .01 Number of Units - The number of units permitted on any tract of land shall be determined by dividing the total area of the development by the minimum permitted lot size in the district.
- .02 Tract Coverage - The ground area occupied by all *buildings* shall not exceed in the aggregate 20% of the total area of the tract or site.
- .03 *Building Height* - No principal structure shall exceed 2-1/2 stories or 35 feet in height and no accessory *building* shall exceed 15 feet in height.
- .04 Yards - No structure shall be less than 30 feet from any dedicated public right-of-way. There shall be not less than 20 feet of distance between principal *buildings*. Rear yards shall be not less than 100 feet in depth.
- .05 Parking - At least one off-street parking space shall be provided for each unit in the development. Common parking areas shall be properly located and screened.
- .06 Signs - Not more than one sign designating the name of the development shall be permitted on the tract. Such sign shall not exceed 25 square feet. Nameplates not to exceed one square foot shall be permitted.
- .07 Utilities - All methods of sewage disposal shall be approved by the County *Board of Health* and/or the State Department of Natural Resources. Measures shall be taken to assure that no pollution of surface or underground water shall occur. The method of supplying water to the development shall be approved by the County *Board of Health* and/or the State Department of Natural Resources. All utility lines shall be placed underground.

**14.14.050 Final Development Plan** - Upon determination by the Commission that the proposed residence development project as shown in the preliminary plan appears to conform to the requirements herein and all other applicable requirements of the regulations, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes or modifications required by the Commission, along with an application for change of zoning.

**14.14.060 Recommendations to the Board of Supervisors** -If the final development plan is found to comply with the requirements herein and other applicable provisions of the regulations, the Commission, after public hearing on both the development plan and application for a zoning district change, shall submit said plan, its report and recommendation to the County Board.

**14.14.070 Rezoning** - The County Board may modify the plan, consistent with the intent and meaning of the regulations, and may rezone the property for development in substantial conformity with the final plan, as approved by the County Board.

**14.14.080 Adjustments** - Recommended by Commission -After the final development plan has been approved by the County Board and in the course of carrying out the plan, adjustments or rearrangements of *buildings*, yards, heights, recreation areas, streets or open spaces may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and the regulations, such adjustments or rearrangements may be authorized by the Planning and Zoning Commission and accepted by the County Board.

## Chapter 14.15 Special Provisions

**14.15.010 Off - Street Parking Area and Loading Spaces**

- .01 In all districts, in connection with every *building* or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such *building* at least one off-street loading space accessible from an *alley*, easement of access, or, when there is no such *alley* or easement of access, from a street, plus one additional such loading space for each 10,000 square feet or major fraction thereof of

gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of a required rear yard, or, with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.

- .02 In all districts except off-street accessory parking areas, in the open or in a *garage*, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of “R” and “I-S” Districts and for *dwellings* in other districts, shall be on the premises intended to be served; and in the case of “B-1” or “I-1” and “I-2” Districts, and in connection with uses other than *dwellings*, such areas shall be on the premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.
- .03 Number of Parking Spaces Required
- .1 Automobile or Machinery Sales and Service Garages - 1 for each 1,000 square feet of floor area plus 1 for each full-time employee.
  - .2 Banks, Business and Professional Offices - 1 for each 200 square feet of floor area.
  - .3 Bowling Alleys - 6 for each alley.
  - .4 Churches and Schools - 1 for each 4 seats in principal auditorium.
  - .5 Convenience Stores-Drug, Grocery, Hardware, and similar stores - 1 for each 300 square feet of floor area devoted to sales plus 1 for each full-time employee.
  - .6 Dance Halls and Assembly Halls without fixed seats - 1 for each 50 square feet of floor area used for assembly or dancing.
  - .7 Drive-In Eating Establishments - Not less than ½ of the total ground area be devoted exclusively to parking and access ways.
  - .8 *Dwellings* - Single-Family Detached - 2 for each *dwelling* unit. All Other - 1 ½ for each *dwelling* unit.
  - .9 Food Pick-up Establishments - Minimum of 1 plus 1 for each 100 square feet of floor area.
  - .10 Funeral Homes, Mortuaries - 6 per chapel room or parlor or 1 per 50 square feet of rooms used for services, whichever is greater.
  - .11 Hospitals, Nursing Homes and similar care centers - 1 for each 5 beds plus 1 for each 2 doctors and employees.
  - .12 Manufacturing Plants, Research or Testing Laboratories, Bottling Plants - 1 for each 3 employees on maximum working shift.
  - .13 Medical or Dental Clinics - 1 for each 200 square feet of floor area plus 1 for each full-time employee and 1 for each doctor.
  - .14 Motels or Motor Hotels - 1 for each unit, plus 1 for each 2 employees on maximum shift.
  - .15 Motor Fuel Stations - 1 for each employee on duty plus 2 for each service bay.
  - .16 Service Establishments - Barber Shops - 2 for each chair plus 1 for each 2 employees on maximum shift.
  - .17 Coin-Operated Laundries and/or Dry Cleaning Establishments - 1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees on maximum shift.
  - .18 Restaurants - 1 for each 3 seats plus 1 for each 2 employees on maximum shift.
  - .19 Shoppers’ Goods-Appliance, and Household Equipment, Furniture and similar stores - 1 for each 500 square feet of floor area plus 1 for each full-time employee.
  - .20 Taverns or Bars - 1 for each 2 seats plus 1 for each 2 employees on maximum shift.
  - .21 Theaters - 1 for each 4 seats.
  - .22 Wholesale Establishments - 1 for each 4 employees on maximum work shift.
  - .23 In the case of any use which is not specifically mentioned herein, the provisions for a similar use which is mentioned shall apply.
- .04 Units of Measurement
- .1 Parking Space - Each parking space rectangular in shape shall not be less than 8 ½ feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.
  - .2 Loading Space - Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.
  - .3 Floor Area - In the case of merchandising or service types of uses, “floor area” shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or restrooms, utilities, or dressing rooms.
  - .4 Hospital Bassinets - In hospitals, bassinets shall not be counted as beds.

- .5 Benches in place of Public Assembly -In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under the ordinance.
- .05 Development Standards - Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the County Engineer, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises.
- .06 Exceptions - The Board of Adjustment may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction or waiver.

#### **14.15.020 Garages, Motor Fuel Stations, and Car Washes**

- .01 No *building*, structure or premises shall be used, erected or altered which is intended or designed to be used as a public *garage*, *automobile repair* shop, motor fuel station or car/truck wash having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; no shall any part of such public *garage*, *automobile repair* shop, motor fuel station, or car/truck wash be located within 100 feet of any *building* or grounds of any of the aforesaid public or institutional uses.
- .02 Reserved
- .03 Auto/Truck repair businesses permitted under a "Rural Enterprise" permit shall be subject to the following conditions:
  - .1 No more than twenty (20) unlicensed or inoperable vehicles will be allowed to be stored outside of a building on the property at one time
  - .2 A visual barrier must be erected to block the view of the unlicensed or inoperable vehicles from public view. If such barrier is to be erected along a public road, approval must be obtained from the County Engineer in order to prevent problems with blowing snow or visibility.
  - .3 All junk vehicles must be removed if the repair business is no longer in operation.

#### **14.15.030 Motels or Motor Hotels**

- .01 No vehicular entrance to or exit from any motel or motor hotel wherever such may be located shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.
- .02 The following regulations shall be compiled with:
  - .1 Any lot to be used for a motel or motor hotel shall be not less than 15,000 square feet in area and shall contain not less than 1,000 square feet of lot area per sleeping unit. All *buildings* and structures on the lot shall occupy in the aggregate not more than 25% of the area of the lot.
  - .2 All areas used for automobile access parking shall comply with the provisions of Subsection 13.05.
  - .3 All areas not used for access, parking, circulation, *buildings* and services shall be completely landscaped and the entire site maintained in good condition.
  - .4 No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

#### 14.15.040 Placement Of Towers And Antennas

- .01 PERMITTED USE. A tower may be permitted upon determination that all of the applicable conditions in this ordinance are met.
- .02 HEIGHT LIMITATIONS. Towers are a permitted conditional use in the following districts with the specified height limitations:
  - .1 Residential (R-1, R-2, R-4) Free-standing tower with height not exceeding 100 feet is a permitted conditional use; height exceeding 100 feet requires a special exception.
  - .2 Business & Interchange Service (B-1, I-S) Free-standing or guyed tower with height not exceeding 180 feet is a permitted conditional use; height exceeding 180 feet requires a special exception.
  - .3 Industrial (I-1, I-2) Free-standing or guyed tower with height not exceeding 360 feet is a permitted conditional use; height exceeding 360 feet requires a special exception.
  - .4 Agricultural (A-1) Free-standing or guyed tower with height not exceeding 500 feet is a permitted conditional use; height exceeding 500 feet requires a special exception.
  - .5 If a special exception for additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the county as a conditional use. Applicant must demonstrate that additional height above that permitted by this ordinance is necessary for service to residents of the county.
  - .6 Telecommunications towers erected on existing structures other than telecommunications towers shall be allowed in any district, provided the height of the tower does not exceed one-third of the height of the existing structure and the total of the existing structure and the tower does not exceed 200 feet.
  - .7 All tower height allowances outlined in the preceding sections are subject to approval from the municipal *Airport Commission*.
- .03 APPLICATION REQUIREMENTS. The applicant for a permit for construction of a tower or placement of a commercial telecommunications *antenna* on an existing structure other than a tower previously permitted shall file an application with the county zoning administrator accompanied by a fee of \$200. The application shall include the following documents:
  - .1 A site plan, drawn to scale, identifying the site boundary; tower location; tower height; guy wires and anchors; existing and proposed structures, including accessory structures; photographs or elevation drawings depicting design of proposed structures, parking, fences and landscape plan; and existing uses on abutting parcels. A site plan is not required if *antenna* is to be mounted on an approved existing structure; and latitude and longitude of each tower to be permitted.
  - .2 A current map showing locations of applicant's *antennas*, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the county:
  - .3 A report from a structural engineer containing the following:
    - (1) A description of the tower, including a description of the design characteristics and material;
    - (2) Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel *Antenna* Towers and *Antenna* Support Structures."
    - (3) The general capacity of the tower in terms of the number and type of *antennas* it is designed to accommodate
    - (4) Engineered collapse zone or designed fall distance (if applicable)
  - .4 If applicant is other than the site owner, written authorization from the site owner for the application:
    - (1) Identification of the owners of all *antennas* and equipment to be located at the site;
    - (2) Pursuant to Subsection 6(A), evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;
    - (3) Evidence that a valid FCC license for the proposed activity has been issued;



- (4) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
  - (5) A written agreement to remove the tower and/or *antenna* within 180 days after cessation of use;
  - (6) Additional information as required to determine that all applicable conditions of this ordinance have been met.
- .5 Documentation that the proposed tower site and height have been approved by the appropriate *Airport* Commission.
- .04 APPLICABLE CONDITIONS. Any applicant must show that all of the following applicable conditions are met:
- .1 Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A tower is not allowed if technically suitable space can be found on an existing telecommunications tower within one-half mile radius of the proposed new tower site.
  - .2 Applicant must show that the new tower is designed to accommodate applicant's future demand for additional *antennas*.
  - .3 Applicant must show that all applicable health, nuisance, noise, fire, *building* and safety code requirements are met.
  - .4 Reserved
  - .5 For towers on county property, applicant must file with the county zoning administrator a written indemnification of the county and proof of liability insurance or other proof of financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the county attorney. This information shall be updated annually by the applicant.
  - .6 Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height, shall apply to the tower.
  - .7 All towers up to fifty (50) feet in height shall be set back a distance equal to the total height of the tower from the road right-of-way. Towers in excess of fifty (50) feet in height shall be set back a distance equal to the manufacturer's designed fall distance. Documentation to said fall distance shall be submitted with the application. Setback requirements shall be measured from the base of the tower to the nearest boundary line of the tract of land on which it is located. If no documentation for the manufacturer's designed fall distance is provided, the minimum set back distance shall be equal to the total height of the tower.
  - .8 To limit climbing access to the tower, a fence six (6) feet in height with a locking portal, or an anti-climbing device may be required at the tower base.
  - .9 All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.
  - .10 The application shall provide covenants, easements, or similar documentation from the abutting property owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on site.
  - .11 The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
  - .12 The placement of all Wind Turbine Generators (WTG's) shall comply with the following:
    - (1) Setback distances with respect to property lines shall not apply to wind turbines located within a wind farm where the property lines nearest to any given wind turbine define and separate properties belonging to two or more participating landowners.
    - (2) With respect to a wind turbine all setback and separation distances shall be defined relative to the nearest surface of the wind turbine support tower as measured at the natural ground level.
    - (3) Notwithstanding any other consideration including calculated sound levels no commercial wind turbine shall be located at a distance less than 1000 Feet from the nearest occupied dwelling. Wind generator towers may be setback less than 1000 feet from a dwelling if the property owner signs a

waiver agreeing to the reduced setback distance. However, the wind generator tower shall not be located closer than the distance equal to the height of the tower.

- .13 The following setback and separation distances shall apply to Wind Turbine Generators.
- (1) Any wind turbine within a wind farm shall be located not less than 1000 feet, as measured from the nearest dwelling to the nearest wind turbine tower, from a dwelling. Wind generator towers may be setback less than 1000 feet from a dwelling if the property owner signs a waiver agreeing to the reduced setback distance. However, the wind generator tower shall not be located closer than the distance equal to the height of the tower.
  - (2) Any wind turbine within a wind farm shall be located not less than the Rotor Radius from the nearest non-dwelling, principal or secondary structure.
  - (3) Any wind turbine within a wind farm shall be located not less than the total height from a road right-of-way line.
  - (4) Any wind turbine within a wind farm may be located straddling the property lines separating two participating properties.
  - (5) Any wind turbine within a wind farm shall be located not less than the Rotor Radius from property lines abutting non-participating properties.
- .05 INSPECTIONS. At least every 24 months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel *Antenna* Towers and *Antenna* Support Structures." A copy of such inspection record shall be provided to the county.
- .06 ABANDONMENT. In the event the use of any tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the county zoning administrator. Upon such abandonment, the tower owner shall have an additional 180 days within which to (1) reactivate the use of the tower, or (2) dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.1

#### 14.15.050 Adult and Sexually-Oriented Business.

- .01 Intent. There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area, to insure the integrity of the County's residential neighborhoods and agricultural areas, and to protect the integrity of the County's churches, schools, parks and playgrounds, areas where juveniles often congregate
- .02 Definitions. As used in this section, the following definitions shall apply:
- .1 Adult bookstore or film store: An establishment having as a substantial portion of its stock in trade books, magazines, other periodicals, films, video tapes, video disks, or similar items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to, "specified sexual activities" or "specified anatomical areas" (as defined below).
  - .2 Adult cabaret: A bar, lounge, club or other establishment which may sell alcoholic or nonalcoholic beverages and/or food and which features as part of the regular entertainment topless or bottomless dancers, strippers, whether male or female, or similar entertainers whose acts are characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below). This definition shall include Adult Encounter Parlor, Adult Lounge, Adult Novelties, Adult Entertainment, and Adult Modeling studio.
  - .3 Adult mini-motion picture theater or drive-in: An enclosed *building* or open-air establishment with a capacity for fewer than fifty (50) persons in which a substantial portion of the material presented is distinguished or characterized by an emphasis on

- matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), for observation by patrons therein.
- .4 Adult motion picture theater or drive-in: An enclosed *building* or open-air establishment with a capacity of fifty (50) or more persons in which a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), for observation by patrons therein.
- .5 Emphasis: “Emphasis” or “emphasis on” means that the type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the matter specified is a substantial portion of such work or exhibition.
- .6 Established churches: Established places of meeting and/or worship at which non-profit religious services are regularly conducted and carried on.
- .7 Public and Private playground or park: Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, including day care centers, which are open to the general public for recreational or childcare purposes.
- .8 Regulated uses or Adult and Sexually-Oriented Business: Those uses specified and defined in subsections .1, .2, .3, and .4 of this subsection.
- .9 School: A public or private educational institution offering students a conventional academic curriculum, including pre-schools, kindergartens, elementary schools, middle schools, high schools, colleges and universities. Such term shall also include all adjacent properties owned and used by such schools for education research or recreational purposes.
- .10 specified sexual activities:
- (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of human masturbation, sexual intercourse or sodomy; and
  - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- .11 Specified anatomical areas:
- (1) Less than completely and opaquely covered:
    - i. human genitals;
    - ii. pubic region;
    - iii. buttock; or
    - iv. female breast below a point immediately above the top of the areola; or
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- .03 Spacing Requirement
- .1 A regulated use may not be established or continued in any Permitted district unless all other requirements of this Zoning Code pertaining to such districts and to *buildings* generally are met and unless the regulated use is at least:
- (1) One thousand (1,000) feet from any other regulated use;
  - (2) One Thousand (1,000) feet from any established church, public-or private school, public and private playground or park; and
  - (3) One Thousand (1,000) feet from any area zoned in a residential district.
- .2 For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the “regulated use” to the nearest property line occupied by any other regulated use or to the nearest property line of any established church or any residential district, playground, school or park.
- .04 Obscenities Not Permitted. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law, including Chapter 847, Iowa Statutes, relating to obscenity.
- .05 Other Uses “Moving To” Regulated Uses. Any use herein defined as a “regulated use” or an “adult and Sexually-oriented business” which is established in conformity with this section and other applicable laws and’ ordinances shall not be made unlawful if, subsequent to the establishment and operation of such “regulated use”, a church, school, playground, park or residential area is created or established within the distance limitations for the “regulated use” specified in this section.
- .06 Zoning Districts. All, Regulated uses, Adult and Sexually-oriented Businesses shall be a permissible use in I-1 or I-2 Districts only, and only upon issuance of a special use permit by the Board of Adjustment.

- .07 Signage. Notwithstanding any provision-of these Zoning Regulations, Building Code of any County ordinance or regulation, to the contrary, it shall be unlawful for any owner or operator of any Regulated use, Adult or Sexually-Oriented Business or any other person to erect, construct, or maintain any sign for the regulated establishment other than one 'primary sign' and one 'secondary sign', as provided herein
- .1 Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
- (1) not contain any flashing lights, moving parts or be constructed to simulate movement;
  - (2) be a flat plane, rectangular in shape;
  - (3) not exceed seventy-five (75) square feet in area; and
  - (4) not exceed ten (10) feet in height or ten (10) feet in length.
- .2 Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain-only:
- (1) the name of the regulated establishment  
and/or
  - (2) one or more of the following phrases:
    - (i) 'Adult Bookstore'
    - (ii) 'Adult Movie Theatre'
    - (iii) 'Adult Encounter Parlor'
    - (iv) 'Adult Cabaret'
    - (v) 'Adult Lounge,
    - (vi) 'Adult Novelties'
    - (vii) 'Adult Entertainment'
    - (viii) 'Adult Modeling Studio'
  - (3) Primary signs for Adult Movie Theatres may contain the additional phrase, 'Movie Titles Posted on Premises.
- .3 Each letter forming a word-on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such letter on the display surface of a primary sign shall be of a uniform and solid color.
- .4 Secondary signs shall have only one (1) display surface. Such display surface shall:
- (1) be a flat plane, rectangular in shape;
  - (2) not exceed 20 square feet in area;
  - (3) not exceed five (5) feet in height and four (4) feet in width; and
  - (4) be affixed or attached to any wall or door of the establishment; and
- .5 The provisions of item (1) of Subsection .1 and Subsections .2 and .3 shall also apply to secondary signs.

#### **14.15.060 Commercial Recreation Uses**

- .01 **CONDITIONAL USES.** A commercial recreation use may be permitted in an Agricultural District after consideration of the following information in a public hearing conducted by the Board of Adjustment.
- .1 Description of proposed Commercial Recreation Activity
  - .2 Impact on Prime Agricultural Land (including Corn Suitability Rating (CSR) of Proposed Soils), and livestock
  - .3 Anticipated Traffic Volumes (Impact on local roads, adjacency to hard surface roads)
  - .4 Availability of Emergency Services
  - .5 Noise impact on surrounding property owners, residents, and livestock
  - .6 Safety features of the proposed commercial recreation use (Protective fencing, berms, barriers, etc)
  - .7 Sanitary Services (permanent and Temporary waste disposal plans)
- .02 **APPLICATION REQUIREMENTS.** The applicant for a conditional use permit for construction of a commercial recreation use shall file a letter of application with the County Zoning Administrator accompanied by a fee of \$100. The letter of application shall include the following documentation:
- .1 A description of the proposed activity.
  - .2 A site plan, drawn to scale, identifying the site boundary; location of proposed tracks, trails, or other physical features of the proposed activity; existing and proposed

- structures, including accessory structures; parking, fences and landscape plan; and existing uses on abutting parcels.
- .3 A current map showing locations of surrounding properties and soil types including corn suitability ratings for the soils to be used in conjunction with the Commercial Recreation Use.
  - .4 If applicant is other than the site owner, written authorization from the site owner for the application:
    - (1) Identification of the owners/partners of the proposed Commercial Recreation Activity to be located at the site;
    - (2) Additional information as required to determine that all applicable conditions of this ordinance have been met.
  - .5 Describe anticipated traffic volumes that will be generated by the proposed activity. Any traffic control proposals including dust control and parking provisions.
  - .6 Provision of emergency services in the event of accident or injury.
  - .7 Describe the impact of noise on surrounding property owners and provisions to minimize the noise impact.
  - .8 Describe safety features proposed to protect the public from accident or injury such as fences, berms and other protective measures.
  - .9 Describe sanitary services to be available to the public for proper dispose of waste products and wastewater.
- .03 **ABANDONMENT.** In the event the use of the Commercial Recreation Use has been discontinued for a period of 275 consecutive days, the use shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the county zoning administrator. Upon such abandonment, the property owner shall have an additional 180 days within which to (1) reactivate the Commercial Recreation Use, or (2) dismantle and remove any structures associated with the use. If the structure/s is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.

#### **14.15.070 SOLAR ENERGY STANDARDS**

- .01 **Non-Utility Scale Solar Installations**
- .1 **Permitted Accessory Use.** Active solar energy systems shall be allowed as an accessory use in all zoning classifications subject to certain requirements as set forth below. Active solar energy systems that do not meet the standards below will require a special use permit.
    - 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. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building mounted mechanical devices or equipment.
      - (2) Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
    - B. **Set Back.** 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.
      - (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 the 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 side-yard setback or rear setback when oriented at minimum design tilt.
    - C. **Location.**
      - (1) **Building Integrated Photovoltaic Systems.** Building integrated or roof-mounted photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated

meets all required setback, land use or performance standards for the district in which the building is located.

- (2) Solar Energy Systems using ground-mounts shall be located in the side or rear yard in a Residential, Business, Interchange Service, or Industrial district.
  - D. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to the south-facing or flat roof upon which the panels are mounted.
  - E. 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 use permit.
  - F. Approved Solar Components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
  - G. Plan Approval Required. All solar energy systems shall require administrative plan approval by the zoning official.
    - (1) Plan Applications. Plan applications for solar energy systems shall be accompanied by drawings that must show the location of the system on the building or on the property for a ground-mount system, including the setback from property lines.
    - (2) Plan Approvals. Applications that meet the setback requirements of this ordinance, and do not require a special use permit, shall be granted administrative approval by the zoning official. Plan approval does not indicate compliance with Building Code or Electric Code.
  - H. 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 HVAC-related requirements of the Electric Code.
  - I. Compliance with State Electric Code. All photovoltaic systems shall comply with the Iowa State Electric Code.
  - J. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
  - K. Utility Notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- .2 Special Use. The county encourages the installation of productive solar energy systems and recognizes that a balance must be achieved between character and aesthetic considerations and the reasonable desire of building owners to harvest their renewable energy resources. Where the standards in 14.15.070.1.A, 14.15.070.1.B, or 14.15.070.1.C cannot be met without diminishing the minimum reasonable performance of the solar energy system, a special use permit may be sought from the Board of Adjustment.
- .3 Solar Access - Carroll County allows for solar resources to be protected consistent with Iowa Statutes.
- A. Solar Easements Allowed - Carroll 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. In situations where the easements are not voluntarily agreed to, the solar access regulatory board may determine whether or not granting an easement is appropriate, consistent with Iowa Statutes 564A.3.
  - B. Easements within Subdivision Process - Carroll County requires new major subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit.
- .02 Solar Gardens or Utility scale solar installations.
- .1 Concentrating solar power (CSP) systems shall be prohibited.
  - .2 A site plan shall be submitted and reviewed prior to the approval of a solar garden or utility scale solar installation, and shall require a Conditional Use Permit.

- .3 The application for a solar garden or utility scale solar installation shall include the following information on the site plan or in narrative form, supplied by the solar garden or utility scale solar installation owner, operator or contractor installing the structure(s):
- A Number, location and spacing of solar panels/arrays.
  - B Planned location of underground or overhead electric lines.
  - C Project development timeline which indicates how the applicant will inform adjacent property owners and interested stakeholders in the community.
  - D Interconnection agreement.
  - E Decommissioning plan.
- .4 Site and Structure Requirements
- A. **Setback.** Setbacks for all structures (including solar arrays) must adhere to the minimum principal 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 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 500 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, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
  - G. **Compliance with local, state and federal regulations.** Solar Garden and Utility scale 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. **Floodplain considerations.** Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain district 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 utility scale solar installation and be equipped with a minimum of one 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.
- .5 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. Following a continuous 1 year period in which no electricity is generated, or if substantial action on the project is discontinued for a period of 1 year, the permit holder will have 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.

## **Chapter 14.16**

### **Additional Requirements, Exceptions and Modifications**

#### **14.16.010 Height Limits - Height limitations stipulated elsewhere in this report shall not apply:**

- .01 To church spires, belfries cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limiting height of the *building*. However, if, in the opinion of the Building Official, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.
- .02 To places of public assembly such as churches, schools, and other permitted public and semi-public *buildings* not to exceed 6 stories or 75 feet, provided that for each foot by which the height of such *building* exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest *building* otherwise permitted in the district.
- .03 To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustment.
- .04 All structures with a height greater than 30 feet shall be reviewed by the Carroll Airport Commission.

#### **4.16.020 Front Yard Exceptions and Modifications**

- .01 Front Yard requirements Do Not Apply - To bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making an interior angle of 22 ½ degrees in the horizontal plane with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches, plantings, or similar features not over three feet high above the average finished grade and distant five feet from every lot line.
- .02 In any district where the average depth of two or more existing front yards on lots within 600 feet of the lot in question and within the same block front or 1,800 feet is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining.

#### **14.16.030 Side Yard Exceptions and Modifications**

- .01 Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an "I" or "B" District abuts a lot in an "R" District, the side yard shall be increased by three feet for each story that the *building* proposed on such lot exceeds the height limit of the said "R" District.
- .02 Side Yards Shall be Increased - In width by 4 inches for each foot by which the length of the side wall of the *building*, adjacent to the side yard, exceeds 40 feet in any "R-1" District, or 50 feet in any "R-4" District.
- .03 Side Yards May be Reduced - By 6 inches from the otherwise required least width of each side yard for each foot by which a lot of record at the time of enactment of the ordinance is narrower



than the lot width specified for the district in which the lot is located, in the case of *buildings* not higher than 2 ½ stories, and in case the owner of record does not own any adjoining property; provided, however and irrespective of the provisions of Subsection 14.361 that no side yard shall be narrower at any point than 6 feet.

- .04 Side Yards May be Measured to the Center Line of Adjoining *Alleys* - But in no case shall a *building* or structure for which a side yard is required be erected within 10 feet of such *alley*.
- .05 On a Corner Lot - The least width of a side yard along the side street lot line shall be equal to the required front yard along the side street.
- .06 Structures or Projections into Side Yards May be permitted as Follows - Fences, planting or walls not over five feet above the average natural grade. Fire escapes, three feet from side lot line. Bay and balconies not more than three feet from the *building*, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of 22 ½ degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed 1/3 of the length of the wall of the main *building*.
  - .1 Chimneys, flues, belt courses, leaders, sills, pilasters and lintels, ornamental features, cornices, eaves, gutters, and the like, into or over a required side yard not more than 1 ½ feet.
  - .2 Terraces, steps, uncovered porches, stoops, or similar features, not higher than the elevation of the ground story of the *building* and distant three feet from a side lot line.

#### **14.16.040 Rear Yard Exceptions and Modifications**

- .01 Rear Yards May be Reduced - By 6 inches from the required least depth for each foot by which a lot at the time of enactment of the regulations is less than 120 feet deep in the case of a *building* not higher than 2 ½ stories, and in case the owner of record does not own adjoining property to the rear; provided, however, that no required rear yard shall be less than 40 feet deep.
- .02 Rear Yards May be Measured to the Center line of Adjoining *Alleys* - But in no case shall a *building* or structure be erected within 20 feet of such an *alley*.
- .03 Structures or Projections into Rear Yards May be permitted as Follows - Fences, plantings or walls not over 5 feet above the average natural grade. Fire escapes, 6 feet. Bays and balconies, not more than 3 feet provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle of 22 ½ degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed ½ of the width of the rear wall.
- .04 Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, may extend into or over a required rear yard not more than 1½ feet.

### **Chapter 14.17 Enforcement**

- 14.17.010** It shall be the duty of the Zoning Administrator, with the aid of the County Sheriff, to enforce the regulations in accordance with the administrative provisions of the regulations.
- 14.17.020** Every application for a *building* or use permit shall describe the work to be completed in sufficient detail to provide the Zoning Administrator with the information necessary to determine compliance with the Zoning Ordinance. Such detail may include plans in duplicate and plot plan drawn to scale in ink or blue print, showing the actual shape and dimensions of the lot to be built upon, the exact location, size and height of the *building* or structure to be erected or altered, the existing and intended use of each *building* or part, the proposed number of families or housekeeping units, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of the regulations. One copy of such plans shall be signed and returned to the applicant when approved by the Zoning Administrator together with such permit as may be granted.
- 14.17.030** Prior to *building* construction, lot pins based on actual survey by a registered land surveyor may be required to be set and if disturbed by construction or grading shall be reset in proper location.
- 14.17.040** No permit fee shall be required for *farm* land, *farm* houses, *farm* barns, *farm* out *buildings* or other *buildings*, structures or erections, which are primarily adapted, by reason of nature and area for use for agricultural purposes while so used.

- 14.17.050** Each day of the existence of a condition in violation of this ordinance shall be a separate county infraction as provided for in Iowa Code Section 331.307 and punished by a civil penalty up to the maximum allowed by law. Any person, firm, corporation, partnership, or other legal entity who violates, omits, neglects or refuses to comply with this ordinance or establishes, suffers or permits a prohibited act shall be punished accordingly.
- 14.17.060** In case any *building*, tower, or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any *building*, structure or land is used in violation of the provisions of the regulations, the County Attorney, in addition to other remedies under the Code of Iowa is hereby authorized to institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
- 14.17.070** In all cases, if construction is started prior to obtaining a building or use permit, the applicant will be charge two-times the normal building permit fee. For agricultural uses started prior to obtaining a building permit a fee shall be charged equal to the standard building permit fee.

## **Chapter 14.18**

### **Board of Adjustment**

- 14.18.010** The Board of Adjustment consisting of five members shall be appointed by the Board of Supervisors and shall operate in accordance with the provisions of the, of the Code of Iowa. In compliance with Chapter 335.12 of the Code of Iowa, which says that the board of adjustment will adopt rules to carry out the provisions of the zoning ordinance, the following rules of procedure are to be followed:
- .01 Officers: The Board of Adjustment shall select from its membership a Chairperson and vice-chairperson who shall perform the usual duties pertaining to such offices.
  - .02 Selection: At the first regular meeting of each year the board will select its officers from its membership. All officers are eligible for re-election.
  - .03 Tenure: The chairperson and vice-chairperson shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office.
  - .04 Duties: The chairperson shall preside at all meetings and hearings of the board, shall decide all points of order or procedure, and shall appoint any committees that may be found necessary. The vice-chairperson shall assume the duties of the chairperson in the absence of the chairperson.
  - .05 Secretary: The Carroll County Zoning Administrator shall act as the board secretary. The secretary shall conduct all official correspondence subject to these rules at the direction of the board. , shall send out all notices required by these rules of procedure, keep the minutes of the board's proceedings, and keep a file on each case that comes before the board. For all appeals and applications, the secretary shall issue the proper forms; see that information maps and plats are compiled and ready for the board's review; notify any property owners and other interested parties by mail of the time and place of the hearing; and any other duties as determined by the board.
  - .06 Meetings: The annual meeting of the board will take place at the first regular meeting of each year. Regular meetings of the board of adjustment shall be determined at the annual meeting and shall be in effect until the next annual meeting or another regular date and time are selected by the board. The secretary shall give each member of the board at least 72 hours notice of such meeting by mail.
    - .1 Special Meetings: Special meetings may be called by the chairperson or at the request of three members of the board of adjustment. Notice of the special meeting shall be given by the secretary to the members of the board at least 48 hours prior to such meeting and shall state the purpose and time of the meeting.
    - .2 Quorum. A quorum of the board shall consist of three members.
    - .3 Public. All regular, special and subcommittee meetings; public hearings; records; and accounts shall be open to the public.
    - .4 Order of business. The secretary shall prepare an agenda for each meeting and send it to each board member as a part of the notification process 72 hours. The order of business shall be as follows:
      - (1) Roll call
      - (2) Reading the minutes of previous meeting

- (3) Communications
  - (4) Report of committees
  - (5) Unfinished business
  - (6) New business
  - (7) Adjournment
- .5 Voting. The concurring vote of three members of the board is required to reach a decision (no matter how many board members are present). Voting will be by roll call and will be recorded by yeas and nays. All members of the board, including the chairperson, are required to cast a vote for each motion. Minutes will show members absent for each vote. A member may abstain if he or she feels there is a conflict of interest, particularly if the conflict is of a financial nature. If a member elects to abstain from voting, he or she is required to state the reason for his or her abstention at the time of voting.
- .6 Unfinished business. When all appeals or applications cannot be disposed of on the day set (due to length of meeting or extenuating circumstances), the board may adjourn from day to day or until the next regular meeting as the board may decide.
- .7 Board action. The board may not vote on an appeal or application until all required information has been set forth on the forms and until the hearing has been conducted.
- .8 Parliamentary procedure. *Roberts Rules of Order, Revised*, will govern the board meetings.
- .07 Cases to be decided by the board. The following cases shall be made before the board of adjustment on forms provided by the board secretary:
- .1 Appeals, when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the zoning ordinance.
  - .2 Special exceptions to the terms of the zoning ordinance upon which the board is required to act under the ordinance.
  - .3 Variances to zoning district requirements where there are unusual conditions or circumstances that cause a hardship when the provisions of zoning are strictly applied.
- .08 Procedure for hearing cases. The following rules will apply to all appeals or applications before the board.
- .1 Appeals to the board may be taken by any person, group, or by any officer or department of Carroll County affected by any decision of the Zoning Administrator and by applicants for a special exception or variance.
  - .2 The Zoning Administrator shall tell the applicant or interested party why the Building permit was denied or why the application is necessary. He or she shall inform the applicant or interested party of the right to apply or appeal to the board and that it be made within (10) days. Such appeal shall be filed with the Zoning Administrator on the forms provided by the board of adjustment. The Zoning Administrator will transmit the completed appeal form along with all papers constituting the record upon which the board shall act.
  - .3 The applicant shall complete the required forms, providing all information requested by the form and any additional information as requested by the Zoning Administrator. A filing fee shall accompany the required forms. The fee shall be set by the County Board of Supervisors. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
  - .4 The board shall reject any such application or appeal that is not filed within (10) days of the Zoning Administrator's decision. Also, the secretary shall reject any such application or appeal unless the same are made on prescribed forms properly filled out, with all required data attached.
  - .5 An application or appeal filed according to the above procedure shall be given a case number within five (5) working days from the date filed. Applications or appeals will be assigned in the order in which they are received. Cases assigned to the board less than (10) days prior to the regular meeting will automatically be set for hearing on the subsequent regular meeting day.
  - .6 The secretary of the board shall notify the parties of interest and contiguous or adjacent property owners of record by mail of the time, place, and purpose of the public hearing, and give four but not more than 20 days public notice in a newspaper of general circulation.

- .7 Hearings shall be held by the board of adjustment at the Carroll County Courthouse and open to the public.
- .8 At the time of the public hearing the applicant may appear in his or her own behalf or be represented by agent or counsel. In the absence of any personal appearance on behalf of the applicant, the board will proceed to dispose of the matter on the forms and information provided before.
- .9 The order of the hearing shall be as follows:
- (1) The applicant's or appellant's side of the case
  - (2) Zoning Administrator's side of the case
  - (3) Interested property owners' opinions
  - (4) Applicant's rebuttal
- .10 After the hearing, the board shall deliberate the case. The board may ask its attorney for comments.
- .11 The applicant or appellant may withdraw his or her application or appeal at any time prior to the decision by the board of adjustment.
- .12 Final decision of any application or appeal shall be made in the form of a resolution by anyone on the board of adjustment. The resolution may affirm, modify, or reverse the refusal of a permit by the decision of the Zoning Administrator. In the case of an application for variance or special exception, the resolution shall set forth that the application is granted or denied and said resolution shall specifically set forth what variances or special uses are permitted and what conditions, if any, shall be complied with.
- .13 Within fifteen days after the hearing the board shall notify the parties of interest and the Zoning Administrator of its decision.
- .14 A rehearing of any decision of the board of adjustment may be made if the following occur: the motion to reconsider is made by a member of the board and carried by not less than four affirmative votes; new evidence is submitted that could not reasonably have been presented at the original meeting; at least 90 days have elapsed since the resolution was defeated; and the case is put on the agenda for a rehearing.
- .09 Records. The secretary shall keep books showing the status of all cases and minutes as part of the records of the board of adjustment. In addition, the secretary shall keep a file of all cases including forms and additional information as a part of the legal records.
- .1 All records of the board shall be public.
- .10 Informal Advice. The board will not consider a request (informal or not) for advice on theoretical or actual situations that potentially may later come before the board as an appeal or application.
- .11 Stay of Proceedings - An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the Board on application, after notice to the Zoning Administrator, or by a court of record.
- .12 Judicial Review - All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provisions of the Code of Iowa, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

## Chapter 14.19

### District Changes and Regulation Amendments

- 14.19.010** In accordance with the provisions of the Code of Iowa, the Board of Supervisors may from time to time amend or change by resolution the number, shape or area of districts established on the Zoning Map or the standards set forth in the regulations; but no such amendment or change shall become effective unless the resolution proposing such amendment or change shall first be submitted to the Zoning Commission for hearing and action. Said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report.
- 14.19.020** Before submitting its recommendations and report to the County Board, the Zoning Commission may hold a public hearing on the proposed amendment, supplement or change. It shall give notice of the time and place of such hearing by publication in the newspaper published in the county. The County's policy is to provide a courtesy mailing notice to all property owners directly involved, contiguous to or

directly across a road or alley from the area proposed to be altered within the time frame prescribed in the Code of Iowa.

- 14.19.030** Any person desiring a change in zoning of property may make application therefore, and in so doing shall accompany the petition for such change in zoning, or the resolution introduced for the purpose of changing such zoning with a fee as set by the Board of Supervisors toward the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
- 14.19.040** Within the time frame prescribed in the Code of Iowa prior to the public hearing the text of copy of the text of such resolution or petition, together with the maps or plans or copies thereof shall be on file, for public examination, in the office of the Zoning Administrator. No resolution, which differs from the recommendation made by the Zoning Commission, shall become effective except by the favorable vote of  $\frac{3}{4}$  of all members of the County Board.
- 14.19.050** In case of a protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20% or more of either the area included in such proposed change, or of the area immediately adjacent thereto and within 500 feet of the boundaries thereof, such amendment shall not be passed or become effective except by the favorable vote of 60 percent of all members of the County Board.
- 14.19.060** The failure to notify, as provided by this article, shall not invalidate a resolution, provided such failure was not intentional, and the omission of the name of any owner ~~or occupant of property~~ who may, in the opinion of the Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any resolution passed hereunder, it being the intention of this article to provide so far as may be for notice to the persons substantially interested in the proposed change that a resolution is pending before the Zoning Commission, proposing to make a change in zoning.