

CHAPTER IV: SUPPLEMENTARY CONDITIONS

4.1 GENERAL CONDITIONS. The following provisions shall apply to all districts except as otherwise stated:

4.1.1 Visibility at Intersection. On a corner lot in any district, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two and one half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within:

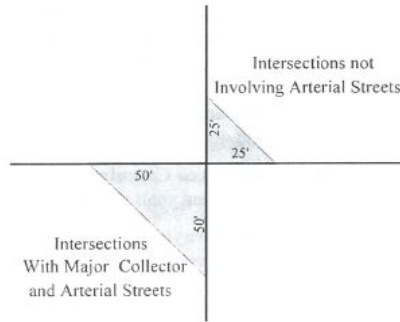
- A. for intersections of two local streets, the triangular area formed by connecting the right-of-way lines, at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines, and measured along the right-of-way lines; or
- B. for intersections involving one or more collector or arterial streets, the triangular area formed by connecting the right-of-way lines of the intersecting streets at points which are fifty (50) feet from their point of intersection.
- C. The County Engineer may allow modifications to the distance required at intersections if the safety of pedestrians, bicyclists and motorist is ensured.

4.1.2 Use of Public Right-of-Way. No portion of the public road assessment, street or alley right-of-way shall be used, or occupied for storage, display, parking or loading space required by this ordinance, or any other purpose that would obstruct the use or maintenance of the public right-of-way.

4.1.3 Building to Have Access. Every building hereafter erected shall be on a lot or parcel having frontage on a graveled or paved public street or road, or on a graveled or paved private road or recorded access easement, such public or private access being reasonably accessible to emergency response vehicles including but not limited to fire pumper and tank trucks and ambulances. This access restriction does not include access which may be temporarily blocked by flooding. (Amended 11/22/2000-Ord 2000-05),(Amended 2/2/2009-Ord 2009-01)

Zoning Compliance Permits shall not be issued for structures abutting a half street and located on that side from which the required dedication has not been secured.(Amended 11/22/2000-Ord 2000-05)

Visual Sight Triangles
(distances from right-of-way)



4.1.4 Existing Farm Dwellings. Nothing in this ordinance shall require any person or persons occupying a farm dwelling, principal or secondary, at the date of passage of this ordinance to vacate the dwelling or involuntarily sever it from the remainder of the farm. If the dwelling is voluntarily severed from the farm to be used and maintained as a non-farm residence by the occupant or for sale or lease to others, it shall be divided pursuant to Iowa law. The surveyed lot shall be no larger than necessary, with a minimum area of two (2) acres, to include the typical farm buildings and accessory work area. However, the Administrator may grant approval for certain of these typical farm buildings to remain as part of the farm and not be included with the severed dwelling if all the following conditions are met:

- a. An Agricultural Warning Notice, approved as to form by the County Attorney and prepared by Planning & Zoning Staff, is recorded with the plat and included as part of the deed of the home to be separated from the farm.
- b. Notification of the request shall be sent to all property owners within 500 feet of the subject property as well as all sitting members of the Board of Adjustment. If the Planning & Zoning Office receives written opposition to the request within 14 days of the date of mailing, the decision to not include the typical farm buildings with the home must be made by the Board of Adjustment as an application for Special Exception as provided in Section 3.6.1 or 3.6.2 of this Ordinance.

At the Administrator's discretion, a decision to not include the typical farm buildings with the home may be made by the Board of Adjustment as an application for Special Exception as provided in Sections 3.6.1 and 3.6.2 of this Ordinance.

Once the dwelling is split off, neither the new lot nor the remaining farmland of the farmer may be subsequently platted into small lots for any use other than farming, unless the land is rezoned and/or subdivided pursuant to County regulations. (Amended 5/18/09-Ord 2009-08) (Amended 8/8/2016-Ord 2016-02)

4.1.5 Floodplain Regulations. Clinton County has adopted flood plain regulations as a supplement to this ordinance. All development within floodway and floodplain areas shall comply with this ordinance and in addition to the adopted floodplain regulations.

4.1.6 Driveway Standards. The minimum driveway spacing standards shall comply with Exhibit 4.1.6.



Exhibit 4.1.6: Driveway Standards

Road Classification	Minimum Separation Between Driveways	Minimum Separation Between Driveways and Intersecting Streets
Local Street	No minimum	75 ft.
Minor Collector	200 ft.	150 ft.
Major Collector	300 ft.	150 ft.
Arterial	1,000 ft.	300 ft.

- A) Access separation between driveways shall be measured from centerline to centerline.
- B) Access separation between a driveway and intersecting street shall be measured from the centerline of the driveway and the nearest point of curvature of the intersecting street.
- C) Where channelized turns are provided for intersecting streets or driveways, the County Engineer shall determine the appropriate separations.

4.1.7 Alcohol Sales. Sales of alcoholic beverages shall not be allowed on property owned and/or leased and controlled by, or on behalf of, Clinton County or its subsidiaries. (Amended 4/4/2005-Ord 2005-02)

4.1.8 One Dwelling per Lot or Parcel. Except as otherwise specifically authorized in this Ordinance, only one Single Family Dwelling is permitted on each Lot or Parcel. (Amended 5/18/2009-Ord 2009-08)

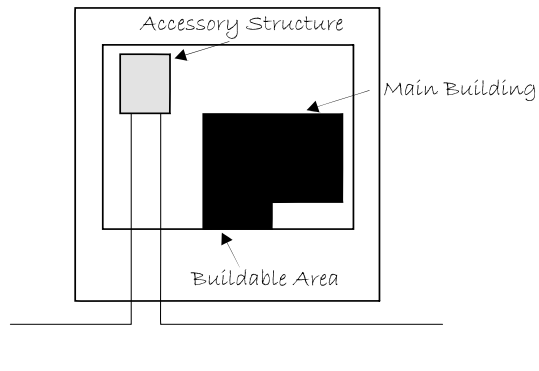
4.2 SPECIFIC USE STANDARDS.

4.2.1 Accessory Uses and Structures

- A. **Accessory Structures.** No accessory building shall be erected in any required front setback area and no separate accessory buildings shall be erected within five (5) feet of the rear yard or side yard lot line. Accessory buildings shall not occupy more than thirty (30) percent of the rear or side yard. Accessory buildings located closer than ten (10) feet to a principal structure shall be considered part of the principal structure. (Amended 8/10/2016-Ord 2016-03)
 - 1. In a residential or agricultural zoning district an accessory building or structure is a subordinate or incidental structure, attached to or detached from the principal building, which is not used for commercial purposes except as provided for home occupations or farm use. (Amended 8/10/2016-Ord 2016-03)



2. In non-residential zoning districts an accessory building or structure is a subordinate building or structure, the use of which is secondary to and supportive of the principal building. (Amended 8/10/2016-Ord 2016-03)
3. All non-agricultural structures are subject to the bufferyard requirements found in Chapter VII of this Ordinance. (Amended 8/10/2016-Ord 2016-03)



B. Standards for Accessory Structures in Residential Zoning Districts.

Accessory buildings may be allowed in residential zoning districts pursuant to the following conditions:

1. Detached accessory structures shall be prohibited from being placed in front of the principal building and shall be placed in the rear yard, except that a detached private garage not larger than 800 square feet may be located in front of the principal residence.
2. The minimum required side setback for the principal building shall be observed for accessory buildings; and
3. Accessory buildings adjacent to a side street on a corner lot shall have a side yard not less than that of the primary structure.

C. Accessory Dwellings. A secondary farm dwelling may be allowed as an accessory use to the principal dwelling unit, provided that the unit:

1. may be constructed only in the Agricultural and Residential zoning districts;
2. must be built to serve as living quarters for the owner or spouse, a full-time employee of the farm operation, or the mother, father, or children of the owner or spouse.



3. more than one secondary farm dwelling, or any accessory dwelling that does not comply with the limitations of Section 4.2.1.C.2, shall require issuance of a special exception use permit pursuant to Section 9.3.4;
4. shall be located within 250 feet of the primary farm dwelling;
5. shall be a permanent structure anchored to a permanent foundation;
6. may not be sold separately from the sale of the entire property, including the principal dwelling unit;
7. shall comply with all required building setbacks for the principal residential use;
8. shall be provided an additional parking space.

4.2.2 Home Occupations

- A. Purposes.** The purposes of these home occupation regulations, standards and requirements are:
1. to permit and regulate the conduct of home occupations as an accessory use to a dwelling unit, whether owner or renter occupied;
 2. to ensure that such home occupations are compatible with, and do not have a deleterious effect on adjacent and nearby residential properties and uses;
 3. to adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects of home occupations;
 4. to allow residents of the community to utilize their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
 5. to enable the fair and consistent enforcement of these home occupation regulations; and
 6. to promote and protect the public health, safety and general welfare.
- B. Generally.** No home occupation, except as otherwise provided herein, may be initiated, established, or maintained in the County except in conformance with the regulations, administrative procedures and standards set forth in this Chapter.
- C. Home Occupation Standards.** Home occupations are authorized if they comply with the performance standards set forth herein and the performance standard established in Exhibit 4.2.2.



1. All home occupations shall be undertaken and carried out in conformance with all other applicable county statutes, codes, ordinances or regulations.
2. Home occupations may only be operated by a full-time resident of the property in which the activity occurs.
3. The home in which the occupation occurs shall retain a residential appearance. The outside appearance of the residence may not be modified to call attention to the home occupation.
4. Any signage used to advertise the home occupation shall comply with the provisions of Chapter VIII.
5. Noise levels from the home occupation that are detectable at the property line shall not exceed those generated by the primary use.
6. Public facilities and utilities shall be adequate to safely accommodate any equipment used in conjunction with the home occupation.
7. Off-street parking spaces shall be provided as required for the residential use, plus one space for each allowed employee and one space for each client allowed to visit at a given time.
8. No home occupation shall be conducted within a required building setback.
9. On lots smaller than ten (10) acres, no vehicles shall be parked and no equipment or materials shall be stored for using heavy equipment or materials or trucks exceeding a eight (8)-ton capacity.
10. In residential districts, no mechanized equipment may be used in conjunction with the home occupation except within a completely enclosed structure. Use of power equipment in open garages or on patios is prohibited.
11. No materials, including equipment being repaired or used in conjunction with the home occupation, shall be stored outdoors.
12. Storage of dangerous, combustible or volatile materials to be used in conjunction with the home occupation shall not be permitted in residences.

D. Exempt Home Occupations. All home occupations listed below shall be subject to all applicable home occupation regulations and standards of this Chapter, *but shall not be required to obtain a home occupation permit*, provided that all persons engaged in such activities reside on the premises and the following conditions are satisfied:



1. artists, sculptors, composers not selling their artistic product to the public on the premises;
2. craft work, such as jewelry-making and pottery with no sales permitted on the premises;
3. home offices with no client visits to the home permitted;
4. telephone answering and message services with no non-resident employees;
5. day care for 6 or fewer children, other than the occupants' own children;
6. sale of seed for farm use.

Exhibit 4.2.2: Home Occupation Performance Standards.

Performance Standard*	Zoning District			
	A-1	AR-1	R-1	R-2
Location of Operations				
must be in residence or accessory structure	✓	✓	✓**	✓**
must be in residence				✓
Customers				
limited to 1 client vehicle at a time				✓
limited to 2 client vehicles at a time	✓	✓	✓	
limited to one client visit per day				✓
limited to five client visits per day			✓	
limited to ten client visits per day	✓	✓		
limited to 7:30 a.m. to 7:00 p.m.	✓	✓	✓	✓
Shipping Deliveries (excluding US mail)				
limited to 2 per day	✓	✓	✓	✓
Vehicular Size Limits				
no equipment or delivery vehicles shall exceed a 8 ton capacity			✓	✓
Maximum Area for Home Occupation				
10 percent of residential floor area				✓
25 percent of residential floor area			✓	



Performance Standard*	Zoning District			
	A-1	AR-1	R-1	R-2
2,500 square feet	✓	✓	✓**	
Animals				
No animals as part of business			✓	✓
Small animal grooming or training, but no boarding	✓	✓		
Non-Resident Employee Limits				
non-resident employees not allowed				✓
up to one non-resident full time equivalent (FTE) allowed.			✓	
up to 2 non-resident full time FTEs allowed.	✓	✓		
* Performance standards only apply in districts where a ✓ occurs				
** For lots or parcels smaller than 5 acres the home occupation shall not be conducted in an accessory structure.				

E. Prohibited Home Occupations. The following types of activities are expressly prohibited as home occupations in all residential and agricultural zoning districts unless expressly permitted within that zoning district: (Amended 5/21/03-Ord 2003-03)

1. animal hospital, stable or kennel.
2. auto body work, painting or similar uses.
3. dispatching of any on-site commercial vehicles.
4. gymnastics facilities or studios.
5. health care facilities.
6. medical offices for doctors and dentists.
7. registered day care facilities, unless specifically permitted by the applicable zoning district regulations.
8. restaurant or other commercial food service open to the public.
9. retail sales of products or goods, unless produced on the premises.
10. shops for contractors and tradesmen, such as electricians, plumbers and carpenters on parcels smaller than five (5) acres.
11. trash hauling operations.
12. tattoo, body piercing or massage services.



- F. Nonconforming Home Occupations.** All existing home occupations which are either expressly prohibited or which are not in conformity with one (1) or more of the standards or requirements set forth in this Chapter shall be removed, or modified to become conforming, upon the occurrence of any of the following events:
1. the home occupation or the dwelling itself becomes unsafe or presents a safety hazard; or
 2. the home occupation is abandoned or discontinued for a period of one (1) year or longer; or
 3. the dwelling in which the home occupation is conducted is destroyed, or damaged by more than 50% of its area.
- G. Unsafe Home Occupations.** If, in the opinion of the Administrator, any home occupation has become dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Administrator, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to Section 10.1.

4.2.3 Animal Exhibits and Zoos. Animal exhibits and zoos may be permitted subject to issuance of a conditional use permit, and provided that the following conditions are satisfied:

- A.** The application for a conditional use permit shall contain or be accompanied by the following information:
1. Copies of all Federal and State permits that are required by law;
 2. A complete and detailed description and diagram of the confinement space proposed for each animal;
 3. A list of the animal species to be displayed at the facility;
 4. Written proof that a veterinarian licensed as such by the State of Iowa has committed to the owner to provide care to the animal and to advise the owner regarding its care;
 5. Proof of insurance, together with an underwriting memorandum stating knowledge of the exposure that will protect the public against bodily injury



or death caused by the animal, providing for limits of \$1,000,000 per person, per occurrence and for notice to the Administrator within 30 days of its cancellation or renewal; and

6. In addition to other standards for the granting or denial of a conditional use permit, a permit may be denied for failure to satisfy any submittal requirement and for failure to provide a safe and sanitary confinement space for each animal.

B. The animal exhibit or zoo shall be located on a parcel of land not less than ten (10) acres in size.

C. The animal exhibit or zoo shall not be located within twelve hundred (1,200) feet of any residential zoning district or any existing dwelling, other than a dwelling to be used by the caretaker of the animal exhibit or zoo.

D. The following screening and landscape buffering shall be provided between any animal cages or other structures and any adjacent residential or agricultural district or dwelling:

1. A landscaped opaque wall or fence at least six (6) feet in height; and

2. A natural, wooded or planted bufferyard of at least fifty (50) feet in width for each twenty-five (25) animals of greater than forty (40) pounds in body weight. For purposes of this section, the bufferyard shall include at least four (4) trees and 16 shrubs for every 1,000 square feet of required landscape area.

E. The behavior of the type and/or number of animals owned or maintained by the applicant shall not infringe on the enjoyment of any existing adjacent residential use in terms of noise, odor, safety or aesthetics.

F. The applicant shall register exotic or wild animal(s) with the County Sheriff's Department, as required by State law.

G. Permission for this use may be revoked by the County Board of Supervisors if the animal(s) become(s) a nuisance or a danger to any person, or if any condition of approval of the permit is violated, or if any other law or lawful rule is violated, or if the health, safety, and welfare of the public are threatened.

H. Access to the facility must be provided from a paved arterial or major collector street.

I. A copy of the bill of sale or receipt for the purchase of each animal;

4.2.4 Bed and Breakfast Establishments. In all districts in which bed and breakfast homes or bed and breakfast inns are permitted, the following standards shall apply:

A. All applicable local, state and federal requirements shall be satisfied.



- B. Cooking facilities shall not be permitted in individual guest rooms.
- C. In addition to required residential parking, one off-street parking space shall be provided for each guest room.
- D. In A-1 and AR-1 zoning districts, common dining areas for bed and breakfast inns may be leased for social events, if authorized as part of the conditional use permit.
- E. In residential zoning districts, common dining areas shall not be leased for social events.
- F. Bed and breakfast inns shall have direct access to a paved major collector or arterial street.

4.2.5 Child Care. In all residential districts child care homes with 6 through 12 children or for less than sixteen children as authorized in accordance with Section 237A.3 of the Iowa Code are permitted, provided such homes will be operated in a manner that is compatible with and not detrimental to, adjacent properties or the neighborhood in general, as evidenced by compliance with the following requirements:

A. General.

1. Applicant for a permit to establish a child care facility shall provide sufficient proof that the proposed use will comply with all State and County regulations.
2. Identification from a public street by signage, graphics, display, or other visual means shall be limited to a total area of 4 square feet.
3. Compliance with all applicable building and fire safety regulations.
4. Outdoor play space: 100 square feet per child excluding children in cribs. The area shall be fenced, which shall be built and maintained to a minimum of four (4) feet in height. No play areas shall be permitted in the front setback. Parking areas may not be counted toward play space.
5. Indoor space: at least 35 heated square feet per child. The heated space shall not include hallways and bathrooms, closets, utility rooms, and offices.
6. A child care facility shall be located on a site that will accommodate and provide space for an off-street passenger loading zone to provide for the safe delivery and pick-up of passengers and does not impede the flow of traffic on adjacent streets, in addition to applicable parking requirements.

- B. Family Day Care Home.** A family day care home, providing child day care to more than 6 and fewer than 12 children as authorized by State law, shall be registered and licensed, by the State and County, as applicable and required by law. Any family day care home providing care to more than five (5) non-resident children in a residential area shall be required to obtain a Special Exception permit. (Amended 1/16/02-Ord 2002-02)



C. Child Day Care Center. A child day care center serving 12 or more children as defined by State law, shall be registered and licensed, by the State and County, as applicable and required by law, and comply with the following conditions:

1. shall provide space for an off-street passenger loading zone and circular drive to provide for the safe delivery and pick-up of passengers, in addition to applicable parking requirements.
2. shall provide a Type B bufferyard along all property lines abutting any residential use, pursuant to Section 7.2.

4.2.6 Group Living. Access and off-street parking for group dwellings shall be provided subject to the requirements of Chapter VI.

A. Group Home.

1. A group home is a residential care facility, providing 24-hour care, in a protected living arrangement, for not more than six (6) residents with physical or mental disabilities.
2. The group home shall be approved or licensed by the State and County, as applicable and required.

B. Group Quarters.

1. Group quarters are a building or structure used as a place of residence by more than six (6) unrelated persons who share the living accommodations and do not occupy independent dwelling units. The provisions of this section do not apply to group homes as described above.
2. Group quarters shall:
 1. Be designed for and limited to residents with minimal needs for supervision or medical care, if located in a residential district;
 2. Be located so that emergency vehicles do not need to drive on minor residential streets to access such facilities;

C. Nursing Homes and Convalescent Hospitals.

1. These uses shall be located on roadways designated as a collector or arterial.
2. Building coverage shall not exceed forty percent (40%) of the lot or parcel.
3. Seventy (70) square feet of open space, which may be utilized for recreational use or landscape areas, shall be provided for each bed.
4. For the purposes of determining bufferyard requirements pursuant to Section 7.2.3 these uses shall be considered commercial uses.



4.2.7 Gun Clubs, Firing Ranges, Skeet Shooting and Related Uses.

- A. All indoor firing ranges** shall be located at least two hundred (200) feet from any residential district or dwelling, and within a completely enclosed structure, designed to significantly prevent the escape of sound from the property.
- B. All outdoor firing ranges**
 - 1. Shall be located at least twelve hundred 1,200 feet from a residence or any residential district, and on a site of at least ten (10) acres.
 - 2. A solid fence, wall, berm or shield shall be provided behind all shooting areas, and be reviewed by the County Sheriff's Department.
 - 3. Facilities shall be designed to prevent projectiles from escaping the property.
 - 4. The location and type of facility shall be reviewed by the County Sheriff's Department.
 - 5. Access and off-street parking shall be provided subject to the requirements of Chapter VI.
 - 6. A Type E Bufferyard shall be provided along all abutting property lines of outdoor facilities, pursuant to Section 7.2.
 - 7. Hours of operation for outdoor facilities shall be limited to 9:00 am to 9:00 pm.

4.2.8 Manufactured Home Parks. Manufactured home parks shall only be allowed within a Planned Unit Development District and shall have a maximum density of eight (8) manufactured homes per acre. The following standards shall also apply:

- A.** All manufactured home spaces shall abut on a hard-surfaced roadway of not less than twenty-four (24) feet in width which shall be adequately lighted and drained and which shall have fully paved access to a paved public street or highway.
- B.** No manufactured home or structure shall be closer than twenty-five (25) feet to any property line of the manufactured home park nor closer than twenty (20) feet to another manufactured home or any building in the park except where manufactured homes are parked end to end, the end clearance shall be at least fifteen (15) feet.
- C.** No additions shall be built onto any manufactured home other than a porch or entry-way. Additions shall not extend closer than fifteen (15) feet to the nearest manufactured home and its additions.
- D.** All buildings and manufactured homes within the park shall be served with community or municipal water supply and sewage disposal systems approved by the County and State Health Departments.



- E. Two (2) off-street parking spaces shall be provided for each manufactured home site and one (1) space for every 200 square feet of floor area in administration and service buildings.
- F. All manufactured homes shall be skirted and anchored in a manner approved by the Administrative Officer.
- G. In evaluating the proposed development, the Planning & Zoning Commission and the Board of Supervisors shall evaluate, in addition to other considerations, the following:
 - 1. The effect of the proposed manufactured home park on adjacent property values.
 - 2. The consistency and compliance of the proposed manufactured home park with the provisions of applicable County and State regulations.
 - 3. The suitability of the site for the proposed use with special attention to topography, subsurface conditions and the availability of necessary utility service.
 - 4. The relation of the population density resulting from the proposed manufactured home park to the public interest.
 - 5. The use of sound planning and engineering practices.
 - 6. The availability of access from existing highways and the nature of the altered traffic pattern resulting from the manufactured home park.
 - 7. The availability of schools, police protection, fire protection and other public services.

4.2.9 Quarries, Mines & Landfills. When allowed quarries shall be subject to the following additional requirements:

A. Location.

- 1. **Landfills.** No landfill shall be located closer than 1,000 feet to any dwelling, park or school. Landfill areas shall be located at least 100 feet from the right-of-way line of any public road. The establishment of sanitary landfills or other uses potentially hazardous to the environment shall, where applicable, comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Chapter 455 B of the Code of Iowa.
- 2. **Mineral Extraction.** Mining and extraction of minerals or raw materials shall be located at least 100 feet from the right-of-way line of any public road; and such operation shall not be closer than 500 feet to any dwelling, park or school.



- B. Reclamation Plan.** The application for the use shall include a plan for restoration procedures and methods to insure financing of the restoration of each cell once the use ceases. The reclamation plan shall include the following:
1. phasing and schedule of work to be conducted;
 2. phasing and schedule of reclamation to be conducted;
 3. materials to be used in the reclamation;
 4. the effect of the operations and reclamation on surface and subsurface hydrology and drainage patterns;
 5. plans for future use of the land; and
 6. a discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Master Plan designation.
- C. Operations.** The applicant for a quarry, mine or landfill shall provide the following information
1. a transportation study demonstrating truck routing and proposing mitigation measures for off site street damage and traffic impacts; and
 2. a fugitive dust mitigation plan.
- D. Performance Guarantee.** The Board of Adjustment as part of the Special Exception review may require the applicant to post a bond or other security with the County to ensure the completion of the reclamation plan. (Amended 1/16/02-Ord 2002-02)
- E. Landscaping and Screening Requirements.** A type E bufferyard shall be established in conformance with Section 7.2. A fence at least 6 feet high must be provided on the interior side of the bufferyard. The fence shall be screened by a high hedge. In addition, gates with fencing at least 6 feet high shall be provided across all entrances. The property owner shall maintain the fencing and gates in good repair.
- F. Prohibited Activities.** Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited. The tops and toes of cut and fill slopes must remain outside the required setback. Structures, exterior storage, and parking areas for trucks or equipment are not allowed within the required setbacks. Required setbacks includes all setbacks approved by the State for Mining uses.
- 4.2.10 Recreational Vehicle and Trailer Parks.** Any person, firm or corporation can maintain, conduct or operate a private trailer camp within an AR-1 or C-1 district subject to issuance of a conditional use permit and the following conditions;



- A. Required Plans.** Each application for a conditional permit from the Administrator shall be accompanied by a plat plan, road layout and plan of proposed sanitary facilities.
- B. Parking.** A trailer at any camp shall not be parked within 100 feet of the traveled portion of any public highway.
1. Minimum lot for each individual trailer shall be at least 40 feet wide by at least 60 feet deep.
 2. Minimum lot area for a trailer camp shall be five acres.
 3. Minimum 10 foot side yards shall be maintained on each individual trailer lot.
 4. The minimum distance between a trailer in a camp and any residence, church, school or public library shall be 500 feet.
- C. Roads within Trailer Camp.** All trailer lots shall be grouped in blocks abutting roads of not less than 26 feet in width, giving easy access to and from such lots. Such roads shall be properly surfaced and maintained by permittees with adequate grading and drainage to prevent ruts, depressions and flying dust.
- Road lighting to the satisfaction of the administrator shall be provided and maintained by the permittee. Construction of all roads shall be approved by the County Engineer.
- D. Water Supply.** An adequate supply of potable water from a source approved by the Health Officer shall be provided to each space.
- E. Sanitary and Sewage Facilities.**
1. A central sewage system or individual septic tanks shall be installed for water closets and showers. Such system or individual tanks shall conform to local and state health codes and shall be approved by local and/or state inspectors.
 2. Adequately lighted and ventilated toilet rooms for each sex shall be provided within a distance of 200 feet of any space.
 3. There shall be provided in every toilet room, or within 10 feet of the entrance thereof, proper facilities for washing hands.
 4. One shower shall be provided for every 6 trailer lots up to 50, and one shower for each 12 trailers over 50.
 5. The floors of all water closets or compartments shall be constructed and maintained in waterproof condition by using cement, concrete, tile or other type of waterproof material.



- F. Garbage and Rubbish.** A central collection point or disposal system shall be maintained subject to the approval of the Health Officer.
1. Where a central system is not provided, metal or plastic containers with tight fitting covers, appropriately labeled, shall be provided by the permittee for garbage and rubbish.
 2. All containers for garbage and rubbish shall be emptied each week and refuse removed from the premises and disposed of in a sanitary manner approved by the Health Officer.
- G. Grading and Drainage.** All trailer lots and abutting roads or driveways shall be kept free from heavy or dense growth of brush or weeds and from any poisonous or obnoxious weeds, and so graded as to insure rapid drainage.
- H. Registration of Guests.** There shall be kept in the office of the permittee a register upon which, at arrival, the owner or person in control of the automobile and trailer, or house car, shall register his or her name and address and all persons using same, the date of arrival, the state license plate number of the car, together with the name of the state issuing such license.

The permittee at each trailer camp shall each day be responsible for entering the departure of trailers and guests in the register and for keeping such register in a legible form to indicate at all times the trailer count, and population of the camp. The register shall be available at all times for inspection by representatives of the police and health officers.

- I. Limitation of Trailers.** No person, firm or corporation permitted to operate a trailer camp shall allow the parking of trailers to an excess of the number specified in the application and permit under which the trailer camp is operated. Except for a single residence for the camp supervisor or caretaker, no trailer or camp may be permitted for longer than 14 days.

4.2.11 Storage Units. In all districts in which storage units are permitted or are subject to issuance of a Special Exception permit, the following conditions shall apply (Amended 1/16/02-Ord 2000-02)

~~**A. Fencing and Screening.**~~

- ~~1. A barrier must be provided around the perimeter of any storage unit development located outside of a Commercial or Manufacturing District. If required, the barrier shall be located at the setback line and shall be in conformance with applicable provisions of Sections 7.2 of this Code.~~ (Amended 11/22/2000-Ord 2000-05)
- ~~2. The barrier shall be a minimum of six (6) feet in height.~~
- ~~3. Signs shall not be placed upon, attached to, or painted on said barrier, except on-site advertising pursuant to Chapter VIII.~~ (Amended 6/24/06-Ord 2006-06)

- B. Bufferyards.** All setbacks shall be landscaped in conformance with Section 7.2 of this Code and shall provide appropriate visual screening and/or buffering for adjacent properties. All plantings shall be maintained in good condition by the property owner.
- C. Commercial Activity Prohibited.** The sale of any item from or at a storage unit is prohibited.
- D. Repair of Autos, Boats, Motors, and Furniture Prohibited.**

 - 1. Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank is prohibited within any structure designated as a storage unit.
 - 2. All storage unit contracts shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
- E. Storage Only.**

 - 1. In A-1 zoning district, no business activity other than rental of storage units shall be conducted on the premises.
 - 2. No outside storage will be permitted except the storage of vehicles within approved areas designated for such storage.
- F. Accessibility.** Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles.
- G. Height.** Building height shall not exceed eighteen (18) feet.
- H. Off-street Parking and Driveways Standards.**

 - 1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
 - 2. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional parking area may be provided for recreational vehicle storage in the M-1 district, provided that it is adequately screened in conformance with Section 7.2 of this Code.



4.2.12 Single Family Residential Design Standards

- A. **Applicability.** The following regulations apply to the construction or placement of a single family home, manufactured home or modular home on a private lot outside a manufactured home park. Regulations apply to all types of homes unless otherwise noted. No mobile home may be used as permanent dwelling in the County.
- B. **Development Standards.** Any home on an individual lot shall conform to the minimum building setback standards, side and rear yard requirements, standards for enclosures, access, vehicle parking, and square footage standards and requirements established for the district.
- C. **Foundation.** All dwellings shall be attached to a permanent perimeter foundation leaving no uncovered open areas excepting vents and crawl spaces, except that the Administrator shall allow the use of stucco or similar skirting for manufactured homes designed to be supported and anchored to internal supports pursuant to state law.
- D. **Manufactured Homes.**
 - 1. All wheels, hitches, axles, transporting lights and removable towing apparatus shall be permanently removed prior to installation of the home.
 - 2. All manufactured homes shall be anchored to the foundation pursuant to Uniform Building Code guidelines. Anchor design shall be approved by the Administrator prior to installation and shall comply with all requirements of the State.
- E. **Pitched Roof.** Homes shall have a pitched roof, with a slope of not less than a two (2) inch vertical rise for each twelve (12) inches of horizontal run.
- F. **Siding.**
 - 1. The dwelling shall be covered by an exterior material of a color, material and appearance that is compatible with those of existing single-family dwellings including, but not limited to, the following:
 - a. residential horizontal aluminum lap siding;
 - b. residential horizontal vinyl lap siding;
 - c. cedar or other wood siding;
 - d. wood grain, weather resistant, press board siding;
 - e. brick, stone or masonry siding; or
 - f. other siding materials which are determined by the Administrator to be aesthetically compatible with the above-referenced materials.
 - 2. Flat or corrugated sheet metal shall not be used for exterior siding material.



3. The exterior covering material shall extend to the top of the perimeter foundation.

- G. Minimum Dimensions.** Except as otherwise provided by State law, a dwelling unit shall have a floor area of at least 640 square feet and at least 75% of its narrowest dimension shall have a minimum width of 20 feet.
- H. Design Modifications.** Exceptions to these single family residential design standards may be authorized through a special exception use permit when the Board finds that the exception will enhance the architectural character of the home and be compatible with adjacent development.

4.2.13 Telecommunications Towers and Antennas.

- A. Purpose.** To establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications as provided for in the federal Telecommunications Act of 1996 and any other communication towers which meet the structural criteria listed in this ordinance.
- B. Special Exception.** A telecommunications tower may be permitted as a Special Exception use upon determination that all of the applicable conditions in this section are met. Special Exception Use applications are submitted to the Clinton County Board of Adjustment for action. No additional permits are required for placement of additional equipment on existing towers.
- C. Permitted Locations.** Telecommunications towers are permitted as a Special Exception use in the Prime Agricultural (A-1), Agricultural-Recreational(AR-1), Suburban Residential (R-1), Highway Commercial(C-1), General Commercial(C-2), Limited Industrial(M-1) and General Industrial(M-2) Zoning Districts. Telecommunication towers are not permitted in the Urban-Residential(R-2) Zoning Districts.
- D. Application Requirements.** The applicant for a Special Exception for construction of a telecommunications tower or placement of commercial telecommunications tower on an existing structure other than a tower previously permitted shall file an application with the County Zoning Administrator accompanied by a fee as approved by resolution of the Board of Supervisors. 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 adjacent parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;



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:
 - a. A description of the tower, including a description of the design characteristics and material.
 - b. 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."
 - c. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
1. If applicant is other than the site owner, written authorization from the site owner for the application.
2. Identification of the owners of all antennas and equipment to be located at the site;
3. Pursuant to Subsection E(1), 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; (Amended 5/21/03-Ord 2003-03)
4. Evidence that a valid FCC license for the proposed activity has been issued;
5. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts (areas);
6. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
7. Evidence that necessary FAA approval has been obtained;
8. Evidence that the applicable conditions of Section E of this ordinance have been met; (Amended 5/21/03-Ord 2003-03)
9. Additional information as required to determine that all applicable conditions of this ordinance have been met.

E. Applicable Conditions. Any applicant must show that all of the following applicable conditions are met:



1. Co-location. 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 separate tower is not allowed if collocation can be found upon an existing or alternative tower structure which meets the engineering requirements of an applicants' cellular network or other broadcasting needs within a 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. All towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, grey or black.
5. For telecommunications 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 telecommunications tower.
7. For free-standing or guyed telecommunications towers, setbacks on all sides shall be a distance equal to 1/2 the height of the tower. For monopole towers, the setback shall be equal to the height of the tower.
8. The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of six feet in height, or conifer plantings around an unscreened fence.
9. Upon completion, a sign at the entrance to the tower site shall identify a name and phone number of whom to contact in case of emergency.



- F. **Inspection.** At least every 24 months, every telecommunications tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association(EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of such inspection record shall be provided to the County.
- G. **Abandonment.** In the event the use of any telecommunications tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date 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 cost against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.

4.2.14 Temporary Uses. This section allows short-term and minor deviations from the requirements of the zoning code for uses which are temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.

- A. **Manufactured home use during construction.** Manufactured homes, travel trailers or recreational vehicles may be used for a residence while a permitted permanent residence is being constructed. Manufactured homes may remain on the site until the completion of the construction, or for not more than 18 months, with an option of applying for an extension of up to 6 months. A permanent foundation is not required for temporary use of a manufactured home. The manufactured home shall be removed within 1 month of completion of permanent residence.
- B. **Sales.** The following uses may be established without a permit subject to the following conditions:
 - 1. **Christmas Tree Sales.** Limited to a period of time not to exceed 45 days. This use may include a portable structure no larger than 120 square feet or a recreational vehicle for use as a sales office that shall be removed at the end of the 45 days.
 - 2. **Seasonal Greenhouses (accessory to established business).** Limited to only commercial zone districts for a period of time not to exceed six (6) months per calendar year. A maximum of one (1) building shall be allowed and may cover a maximum of 2,000 square feet. The structure shall be portable and completely removed at the end of the permit period.
 - 3. **Seasonal Sale of Agricultural Products.** These sales are limited to a



period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure shall be portable and completely removed at the end of the 4-month period.

- C. **Natural disasters and emergencies.** Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.
- D. **Special Events and Activities.** Special events and activities conducted on public property such as school sites and County parks shall be exempt from the provisions of this chapter of the Code.
- E. **Travel Trailer and Recreational Vehicles.** Such vehicles only shall be used for vacation or recreation purposes and not used as a place of human habitation for more than 180 days in any 12 month period.

4.2.15 Swap Meets and Flea Markets. Flea markets include periodic public sales of goods offered by individual sellers. The conduct of a garage sale for more than eight (8) days in any calendar year shall be considered a flea market, even if only one individual seller is involved. All flea markets shall be subject to the following regulations:

- A. **Location.** Flea markets and swap meets shall be located on a hard surface roadway designated as a collector or arterial street. The event shall be conducted entirely on private property, with the consent and approval of the property owner.
- B. **Structures.** Any structure used in conjunction with the event shall meet all applicable zoning, health, safety and building code requirements. Any temporary structure used shall be promptly removed upon the cessation of the event.
- C. **Promotion.** No more than one (1) banner shall be displayed, and which shall be displayed for a maximum of 15 days. All other signage requirements are subject to Section 8.2.
- D. **Other Requirements.** The flea market or swap meet shall be conducted at all times in compliance with all applicable federal, state, and local laws, regulations, permits and licenses.

4.2.16 Commercial WECS (C-WECS). (Amended 9/8/08-Ord 2008-02) The requirements of this Ordinance shall apply to all C-WECS proposed after the effective date of this Ordinance. C-WECS for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, that any such pre-existing C-WECS, which does not provide energy for a continuous period of twelve (12) months, shall meet the requirements of this Ordinance prior to recommencing production of energy.



Also, no modification or alteration to an existing C-WECS shall be allowed without full compliance with this Ordinance.

A. General Requirements for C-WECS.

1. **Color and Finish.** Wind Turbines shall be painted a non-reflective color. Blades may be black in order to facilitate de-icing. Finishes shall be matte or nonreflective. At C-WECS sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the C-WECS to the natural setting and existing environment.
2. **Tower configuration.** All wind turbines, which are part of a C-WECS, shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed.
3. **Lighting.** C-WECS sites shall not be artificially lighted, except to the extent required by the FAA or other applicable authority. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations. Red strobe lights are preferred for night-time illumination to reduce impacts on migrating birds. Red pulsating incandescent lights should be avoided. Exceptions may be made for meteorological towers, where concerns exist relative to aerial spray applicators.
4. **Signage.** All signage on site shall comply with Chapter 8, Signs, of this Ordinance. The manufacturer's or owner's company name and/or logo may be placed upon the compartment containing the electrical generator, of the C-WECS. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the C-WECS sites.
5. **Feeder Lines.** All communications and feeder lines, equal to or less than 34.5 kV in capacity, installed as part of a C-WECS shall be buried.
6. **Waste Disposal.** Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site in a time period as established by the Clinton County Health Department and disposed of in accordance with all applicable local, state and federal regulations.
7. **Minimum Ground Clearance.** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.
8. **Signal Interference.** The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS.



9. **Federal Aviation Administration.** All C-WECS shall comply with FAA standards and permits.
10. **Electrical Codes and Standards.** All C-WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable Standards.
11. **Setbacks.** The following setbacks and separation requirements shall apply to all Wind Turbines and meteorological towers; provided that the Board of Adjustment may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby. All other structures shall comply with the applicable setbacks as allowed by the base zoning district.
 - a) **Inhabited Structures.** Each wind turbine and meteorological tower shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its total height or (b) one thousand, two hundred (1,200) feet.(Amended 7/6/09-Ord 2009-10)
 - b) **Property Lines.** At no time shall any part of the wind turbine and meteorological tower overhang an adjoining property without securing appropriate easements from adjoining property owners.
 - c) **Public Right-of-Way.** Setbacks from public right-of-way, railroads, powerlines and structures shall be a minimum of 1.1 times the height of the tower and rotor.
 - d) **Communication and Electrical Lines.** Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1.1 times its total height, determined from the existing power line or telephone line.
12. **Noise.** Audible noise due to C-WECS sites operations shall not exceed fifty (50) dBA for any period of time, when measured at any dwelling, school, hospital, church or public library existing on the date of approval of any Special Exception Use permit from the property line.(Amended 7/6/09-Ord 2009-10)
 - a) In the event audible noise due to C-WECS operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in this subsection shall be reduced by five (5) dBA.
 - b) In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole



number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

- c) In the event the noise levels resulting from the C-WECS exceed the criteria listed above, a waiver to said levels may be granted by the Board of Adjustment provided that the following has been accomplished:
 - (i) Written consent from the affected property owners has been obtained stating that they are aware of the C-WECS and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - (ii) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement shall be recorded in the Office of the Clinton County Recorder which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

13. Safety.

- a) All wiring between Wind Turbines and the C-WECS substation shall be underground. If the developer can demonstrate the need for an overhead line and the acceptance of landowners for this line, such option may be approved conditionally by the Clinton County Board of Adjustment.
- b) Wind Turbine and meteorological towers shall not be climbable up to 15 feet above ground level.
- c) All access doors to Wind Turbine and meteorological towers and electrical equipment shall be locked when not being serviced.
- d) Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and C-WECS entrances.



- e) For all C-WECS, the manufacturer's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the C-WECS is within accepted professional standards, given local soil and climate conditions.
 - f) For all guyed towers, visible and reflective objects, such as plastic sleeves, reflectors or tape, shall be placed on the guy wire anchor points and along the outer and innermost guy wires up to a height of eight (8) feet above the ground. Visible fencing shall be installed around anchor points of guy wires. The property owner must sign a notarized acknowledgement and consent form allowing construction of the turbine and guyed wires without fencing as required in this Ordinance to be presented to the Board of Adjustment.
14. Exceptions to this section may be made for meteorological towers, where concerns exist relative to aerial sprayer applicators.

B. Discontinuation and De-commissioning.

A C-WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Administrator outlining the steps and schedule for returning the C-WECS to service. All C-WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. Each C-WECS shall have a de-commissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life or upon becoming a discontinued use. The cost estimates shall be made by a professional engineer licensed in the State of Iowa. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the C-WECS and accessory facilities. The County reserves the right to verify that adequate decommissioning terms are contained in the landowner easement.

C. Avoidance and Mitigation of Damages to Public Infrastructure.

- 1. **Roads.** Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the C-WECS and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.
- 2. **Existing Road Conditions.** Applicant shall conduct a pre-construction survey, in coordination with the impacted local road authority(ies) to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public facility. The applicant is responsible for



on-going road maintenance and dust control measures identified by the Clinton County Engineer during all phases of construction.

3. **Drainage System.** The Applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the C-WECS.
4. **Required Financial Security.** The applicant shall be responsible for restoring or paying damages as agreed to by the applicable road authority(ies) sufficient to restore the road(s) and bridges to preconstruction conditions. Financial security in a manner approved by the Clinton County Attorney's Office shall be submitted covering 130% the costs of all required improvements. This requirement may be waived by the Board of Adjustment by recommendation from the Clinton County Engineer.

D. Submittal Requirements. In addition to the submittal requirements defined for Special Exception Permit applications, all applications for C-WECS must submit the following information (as applicable).

1. The names of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
6. Engineer's certification(s) as required in these supplemental standards.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other C-WECS within 10 rotor diameters of the Proposed C-WECS.
10. Location of wetlands, scenic, and natural areas [including bluffs] within 1,320 feet of the proposed C-WECS.



11. An Acoustical analysis.
12. FAA Permit Application.
13. Location of all known communications towers/facilities within 2 miles of the proposed C-WECS.
14. Decommissioning Plan.
15. Description of potential impacts on nearby C-WECS and Non C-WECS and wind resources on adjacent properties.
16. Identification of significant migratory patterns and nesting areas for birds within two (2) miles.

4.2.17 Non-Commercial WECS (NonC-WECS). (Amended 9/8/08-Ord 2008-02)

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

A. Non-Commercial WECS, are subject to the following standards:

1. **Tower Height:** No height limit is established for NonC-WECS, except any limit necessary to comply with other sections of this Ordinance and those imposed by FAA regulations.
2. **Setback:** No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site. The distance of the base of the tower from any property line shall be a minimum of 110% of the total height of the tower.
3. **Noise:** NonC-WECS shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

4. **Engineer Certification:** Applications for NonC-WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
5. **Compliance with FAA Regulations:** NonC-WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
6. **Compliance with National Electric Code:** Applications for NonC-WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
7. **Utility Notification:** No NonC-WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

4.2.18 Utility Scale Solar Installations. (Amended 10/3/16-Ord 2016-03)

The Purpose of this section is to encourage utility scale photovoltaic solar installations. Concentrating solar power (CSP) systems shall be prohibited.

- A. **Major site plan and Special Exception Use Permit required:** A site plan shall be submitted and reviewed as part of the approval of a utility scale solar installation. A utility scale solar installation shall require a Special Exception Use Permit.
- B. **Additional information:** In addition to all submittal requirements of a Special Exception Use Permit application, the application for a utility scale solar installation shall include the following information on the site plan or in narrative form, supplied by the utility scale solar installation owner, operator or contractor installing the structure(s):
 1. Number, location and spacing of solar panels/arrays.
 2. Planned location of underground or overhead electric lines.
 3. Project development timeline.
 4. Interconnection agreement.
 5. Operation and maintenance plan.
 6. Decommissioning plan.
- C. **Site and Structure Requirements**
 1. **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 required by the Board of Adjustment.

2. **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.
3. **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.
4. **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, tree removal, etc.).
5. **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.
6. **Compliance with local, state and federal regulations.** Utility scale solar installations shall comply with applicable local, state and federal regulations.
7. **Appurtenant structures.** All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.
8. **Floodplain considerations.** Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain district regulations.
9. **Signage.** No signs other than appropriate warning signs, or standard manufacturer's, operator's or installer's identification signage, shall be displayed.
10. **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.

D. **Operation and maintenance plan.** The applicant shall submit a plan for the operation and maintenance of the solar installation, which shall include measures for maintaining safe access to the installation, stormwater and erosion controls, as well as general procedures for operation and maintenance of the installation.

1. **Soil erosion and sediment control considerations.** The applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) permit as required by the Iowa Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general “best management practices” for temporary erosion and sediment control both during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to prevent sediment laden runoff into waterways.
2. **Stormwater management considerations.** For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed analysis of pre- and post-development stormwater runoff rates for review by local jurisdictional authorities.
3. **Ground cover and buffer areas.** Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
 - a. Top soils shall not be removed during development, unless part of a remediation effort.
 - b. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
 - c. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service, or Natural Resource Conservation Service.
4. **Cleaning chemicals and solvents.** During operation of the proposed installation, all chemicals or solvents used to clean photovoltaic panels should be low in volatile organic compounds and the operator should use recyclable or biodegradable products to the extent possible. Any onsite storage of chemicals or solvents shall be referenced.
5. **Maintenance, repair or replacement of facility.** Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to emergency response officials. Any retrofit, replacement or refurbishment of equipment

shall adhere to all applicable local, state and federal requirements.

E. Decommissioning and site reclamation plan.

1. 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.
2. The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.
3. Restoration or reclamation activities shall include but not be limited to the following:
 - a. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.
 - b. Re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area, consistent with the county's weed control plan.
 - c. For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at that time.
4. 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.

4.2.19 Non-Utility Scale Solar Installations (Amended 10/3/16-Ord 2016-03)

- A. Permitted Accessory Use.** Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.
1. **Height.** Active solar energy systems must meet the following height requirements:
 - a. 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.

- b. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
2. **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.
 - a. 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.
 - b. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
3. **Approved Solar Components.** Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
4. **Approval Required.** All solar energy systems shall require a Zoning Permit from the Clinton County Planning and Zoning office. Zoning approval does not indicate compliance with Building Code or Electric Code.
5. **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.
6. **Compliance with State Electric Code.** All photovoltaic systems shall comply with the Iowa State Electric Code.
7. **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
8. **Utility Notification.** All grid connected solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.