

GRUNDY COUNTY, IOWA, DEVELOPMENT ORDINANCE

ORDINANCE NUMBER 2023-4

AN ORDINANCE REPEALING ORDINANCE NUMBER 2009-5, THE GRUNDY COUNTY DEVELOPMENT ORDINANCE AND ANY AMENDMENTS THERETO; AND ENACTING IN LIEU THEREOF A NEW ORDINANCE ENTITLED THE GRUNDY COUNTY, IOWA DEVELOPMENT ORDINANCE, ORDINANCE NUMBER 2023-4

THE GRUNDY COUNTY PLANNING & ZONING COMMISSION:

Public Hearing on: July 26, 2022

Recommended for Adoption on: July 26, 2022

THE GRUNDY COUNTY BOARD OF SUPERVISORS:

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EFFECTIVE DATE:

Upon Publication

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NOTICE

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

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PURPOSE AND OBJECTIVES

This Ordinance is adopted in accordance with the Grundy County Comprehensive Land Use Plan, 2004, as amended, and as permitted and specifically authorized in Chapters 352, Land Preservation and 335, County Planning and Zoning, Code of Iowa, and 354, Division and Subdivision of Land, as amended.

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

This Ordinance is also intended to meet the objectives of Chapter 354 of the Code of Iowa, which governs the subdivision and platting of land in the County.

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

As is noted, this will be accomplished by using the Grundy County Comprehensive Plan, 2004, as amended, as a guide along with this Development Ordinance so that land shall be conserved for the production of food, fiber, livestock and supporting other agricultural uses, thus assuring the preservation of agriculture as a major factor in the economy of this county and state.

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

SECTION I.
TITLE

This Ordinance shall be known and may be cited and referred to as the "Grundy County, Iowa, Development Ordinance.

SECTION II.
SPECIAL EXEMPTIONS

A. Agricultural Exemption

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

1. Application. It shall be the responsibility of any person or group claiming that property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.
2. Limitation. This exemption shall not apply to any structure, buildings, dam, obstruction, deposits or excavation in or on the floodplains of any river or stream.
3. Voluntary Compliance. It shall be the policy to seek voluntary compliance of the provisions of this Ordinance for agricultural uses, specifically, the minimum yard requirements of the applicable zoning district.

SECTION III.
INTERPRETATION OF STANDARDS

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

SECTION IV.
IOWA OPEN MEETINGS LAW

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

SECTION V.
DEFINITIONS

- A. For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural, the singular. The word "shall" is mandatory; the word "may" is permissive; the word "person" includes a firm, association,

organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

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

1. Abandoned Sign: "Abandoned sign" means an advertising device, which includes the structure, that has been allowed to become in a state of disrepair or which advertises a business or service no longer in existence.
2. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.
3. Acquisition Plat: The graphical representation of the division of land or rights in land, created as a result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
4. Administrative Officer: The individual designated by this Ordinance to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance. This person may also be referred to as the "Zoning Administrator".
5. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, apiculture, horticulture, floriculture, viticulture, fish farm, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory or interrelated agricultural uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
6. Agricultural Area: An area meeting the qualifications of section 352.6 and designated under section 352.7 of the Code of Iowa.
7. Agricultural Plat: A subdivision which contains, lots, parcels, sites, units, plots or interests to be used for agricultural, shall submit a plat of survey pursuant to Chapter 354, Code of Iowa.
8. Aliquot Part: A fractional part of a section within the United States public land survey system. Only the fraction parts one-half (1/2), one-quarter (1/4), one-half (1/2) of one-quarter (1/4), or one-quarter (1/4) of one-quarter (1/4) shall be considered an aliquot part of a section.
9. Alley or Lane: A public or private way not more than thirty (30) feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
10. Apartment House: See Dwelling, Multiple.
11. Auditor's Plat: A subdivision plat required by either the County Auditor or the County Assessor, prepared by a surveyor under the direction of the County Auditor.
12. Automobile Salvage Yard: See Junk Yard.
13. Basement / Cellar: That portion of a building having more than one-half (1/2) of its height below grade. A basement / cellar is not included in computing the number of stories for the purpose of height measurement.
14. Bed and Breakfast: An owner-occupied dwelling unit that contains no more than four guest rooms

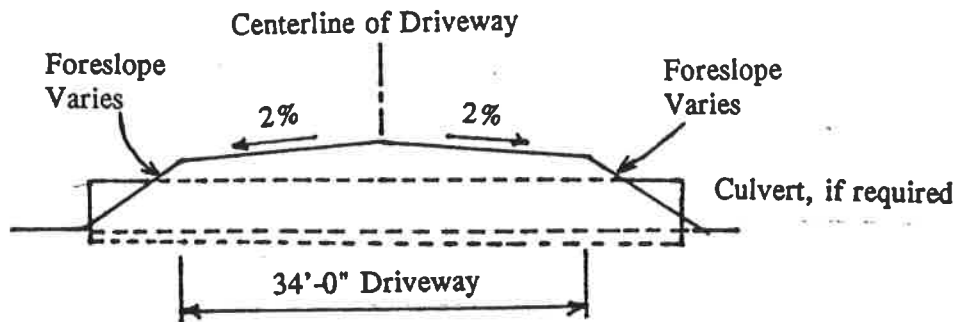
where lodging, with or without meals, is provided for compensation. For the purposes of this Ordinance, a Bed and Breakfast shall be considered a home occupation.

15. Billboard: "Billboard" as used in this Ordinance shall include all structures regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
16. Block: The property abutting on one side of the street and lying within the two nearest intersecting streets, an unsubdivided acreage or railway right-of-way. An area of land within a subdivision that is entirely bounded by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
17. Board/Board of Supervisors: The Board of Supervisors of Grundy County, Iowa.
18. Boarding House: A building other than a hotel, where for compensation, meals and lodging are provided for three (3) or more persons.
19. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
20. Building, Height of: The vertical distance from the average natural grade to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
21. Building Line: Building lines shall be shown on all lots whether intended for residential, commercial, or industrial use. Such building lines shall not be less than required by the Zoning Ordinance of Grundy County, Iowa.
22. Building Official: The agent so designated by the Board of Supervisors.
23. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
24. Business or Commercial: When used in this title, refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices, recreational, or amusement enterprises.
25. Cabin: See "Vacation or Recreational Cabin".
26. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purposes of this Ordinance, a carport attached to a principal building shall be considered part of the principal building and subject to all yard requirements herein.
27. Clinics: A building or buildings used by physicians, lawyers, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.
28. Commission/Planning and Zoning Commission: The Grundy County Planning and Zoning Commission.
29. Common Sewer System: A central sewer collecting system available to each platted lot and

discharging into a treatment plant, lagoon or other systems which are approved by the Grundy County Sanitarian under direction of the Grundy County Board of Health. The design and location of a sewer system must be approved by the County Board of Health. The above definition is not to be construed to mean individual household, private sewage disposal systems.

30. Common Water System: A central water supply system available to each platted lot approved by the County Department of Health.
31. Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract.
32. Corn Suitability Rating (CSR): An index for ranking the productivity of soils and their suitability for row-crop production in Iowa.
33. County: Grundy County, Iowa.
34. Court: An open unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
35. Cul-de-sac: A street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-a-round.
36. Day Nursery, Nursery School, or Day Care (Public): Any agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight for six (6) or more children of pre-school age, for compensation.
37. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
38. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
39. District: A geographic section or sections of the county within which the use and occupancy of are controlled by this Ordinance.
40. Division: Dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public highway easement, shall not be considered a division for the purposes of this Ordinance.
41. Driveway: A public access to either a private or public street, road, alley, highway, or freeway. A typical driveway cross-section is shown in Figure 1. A private access shall meet, or exceed, the current Grundy County driveway policy.

Figure 1: Typical Driveway Cross-Section*



Note: Verify foreslope requirements with the County Engineer.

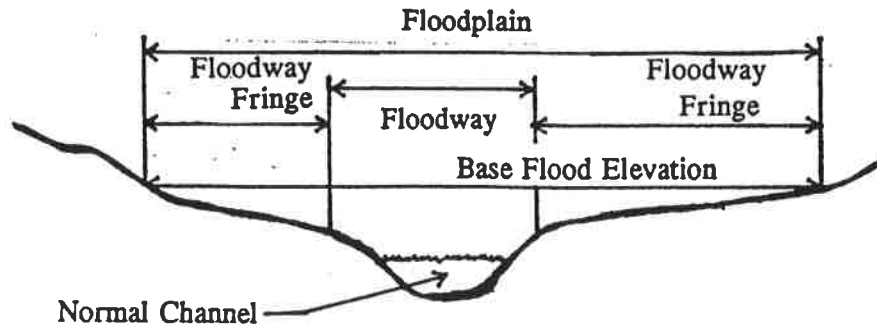
* Or current standard available in the Grundy County Engineer's Office.

42. Dump: A premises used for the disposal of "clean type" of fill material, such as dirt, rocks, and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.
43. Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
44. Dwelling, Condominium: A multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
45. Dwelling, Multiple: A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
46. Dwelling, Row: Any one of three (3) or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
47. Dwelling, Single-Family: A detached residence designed for or used exclusively and occupied by one family only.
48. Dwelling, Two-Family: A residence designed for or used exclusively and occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
49. Dwelling, Unit: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
50. Earth Home: An earth home is a structure that is below the ground on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be construed or confused with the definition of a basement or cellar.
51. Easement: A grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easements which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

52. Engineer: An engineer is a registered civil engineer authorized and licensed to practice engineering in the State of Iowa.
53. Factory-Built Structure: Any structure which is, wholly or in substantial part, made fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance factory-built homes include mobile homes, manufactured homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
54. Factory-Built Housing: A factory-built structure designed for long-term residential use. For the purposes of these regulations, factory-built housing consists of two types: Mobile Homes and Manufactured Homes.
55. Family: One or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.
56. Farm: An area comprising thirty-five (35) contiguous acres, exclusive of streets and roads, or more which is used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. Division of said area by road does not render property non-contiguous.
57. Farmstead: The buildings and adjacent service areas of a farm, including sites where the buildings have been removed provided the land has not been cultivated.
58. Farm Operation: A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the marketing of products at roadside stand or farm markets, the creation of noise, odor, dust, fumes, the operation of machinery and irrigation pumps, ground and aerial seeding and spraying, the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides, and the employment and use of labor.
59. Farm Products: Those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.
60. Feed Lot/Confinement Operation: An animal feeding area on which the principal use is the confinement of livestock, primarily for the purposes of concentrated feeding and growth prior to slaughter or the sale of products derived from such animals. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
61. Fill: The placing, storing, or dumping of any material such as earth, clay, sand, rubble, or concrete upon the surface of the ground which results in increasing the surface elevation.
62. Flood: A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff of surface waters from any source.
63. Flood Fringe: Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities (see Figure 2).
64. Floodplain: Any land area susceptible to being inundated by water as a result of a flood (see Figure 2).

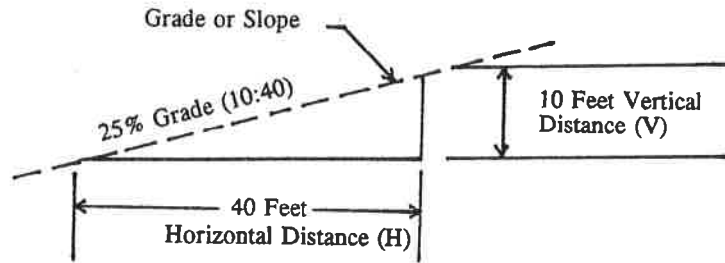
65. Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and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

Figure 2: Floodplain Cross Section



66. Floor Area: The sum of gross horizontal areas of all floors of a building.
67. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
68. Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
69. Garage, Private: An enclosed structure intended for the parking of the private motor vehicles of the families residing upon the premises.
70. Garage, Public: Any building or premises except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.
71. Garage, Storage: Any building or premises used for housing only of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
72. Gasoline Filling Station or Convenience Store: Any building or premises used for the retail sale of products for the propulsion of motor vehicles and may include such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.
73. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building (see Figure 3).

Figure 3: Grade or Slope



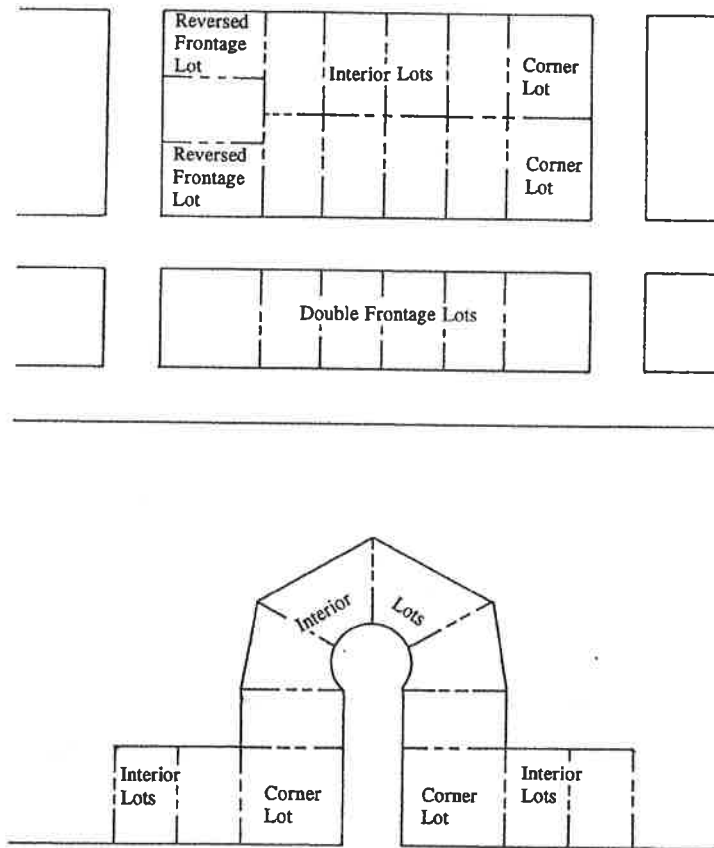
$$\text{SLOPE CALCULATION} = V / H$$

74. Grain Elevator: A structure or group of related structures whose primary purpose is, but not limited to, the receiving, selling, processing, storage, drying and transporting of bulk grain.
75. Group Home: A group home, or family home, means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 in the Iowa Code to provide room and board, personal care, habitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, a group home or family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa.
76. Hazardous Waste: A hazardous waste as defined in Chapter 455B.411, Code of Iowa, as amended or designated as such by the Federal Environmental Protection Agency.
77. Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.
78. Home Occupation: A gainful occupation or profession conducted entirely within an enclosed dwelling unit which is clearly incidental and secondary to residential occupancy and does not change the character thereof.
79. Home Industry: Any gainful occupation or profession conducted entirely within an enclosed accessory building(s) and/or dwelling unit which is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
80. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.
81. Improvements: Addition of any facility or construction on land necessary to prepare land for building sites including road paving, drainageways, sewers, water mains, wells, and other works and appurtenances.

82. Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.
83. Junk or Salvage: Scrap copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous materials.
84. Junk or Salvage Yard: Any area where junk, discarded or salvaged material or equipment is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase, or storage or used furniture and household equipment, used cars in operable condition, or salvaged materials incidental and necessary to manufacturing operations. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been licensed or are not capable of operating under their own power, or for their intended use, or from which parts have been removed for reuse, salvage or sale, shall constitute prima facie evidence of a junk yard.
85. Kennel, Dog (Commercial): Any parcel of land on which four (4) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
86. Kennel, Dog (Private): Any parcel of land on which four (4) or more dogs are kept, however, this shall not include breeding, grooming, boarding or other activities associated with the care of dogs other than the owner's dogs.
87. Livestock: Cattle, horses, sheep, swine, poultry or any other animal or fowl which are being produced primarily for commercial purposes.
88. Lot: Means a tract of land represented and identified by number or letter designation on an official plat.
89. Lot, Area: Total horizontal area within lot lines.
90. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection (see Figure 4).
91. Lot, Depth of: The mean horizontal distance between the front and rear lot lines.
92. Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot (see Figure 4).
93. Lot, Interior: A lot other than a corner lot (see Figure 4).
94. Lot, Lines: The lines bounding a lot.
95. Lot Line, Front: The line separating the lot from the street on which it fronts.
96. Lot Line, Rear: The lot line opposite and most distant from the front lot line.
97. Lot Line, Side: Any lot line other than a front or rear lot line.
98. Lot of Record: A lot the contract or deed to which has been recorded in the office of the Recorder of Grundy County, Iowa, prior to April 17, 1978.

99. Lot, Reversed Frontage: A corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear (see Figure 4).
100. Lot, Width: The width of a lot measured at the building line and at right angles to its depth.

Figure 4: Examples of Lot Definitions

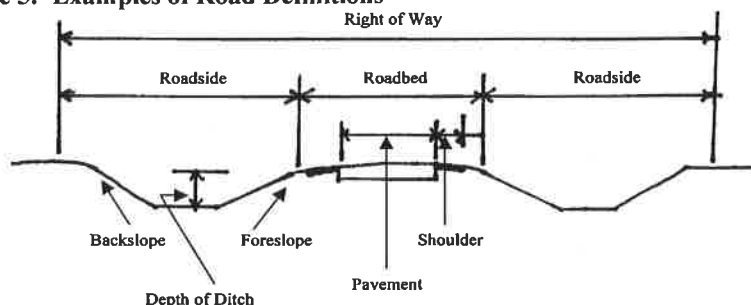


101. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
102. Manufactured Home: A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, a manufactured home built after June 15, 1976, shall bear the seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974. For the purpose of these regulations, manufactured home shall be subject to the same standards as site-built dwellings.
103. Metes and Bounds Description: The method used to describe a tract of land that uses distance and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to survey monuments or physical features of the land.

104. Mobile Home: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this Ordinance shall be construed as permitting a mobile home in other than an approved location, as specified in this Ordinance.
105. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which two (2) or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
106. Motel, Auto Court, Motor Lodge: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
107. New Construction (New Buildings, New Mobile Home Parks): Those structures or development for which the start of construction commenced on or after the effective date of this Ordinance.
108. Nonconforming Use: The lawful use of any building or land that was established prior to or at the time of passage of this Ordinance or amendments thereto which does not conform after the passage of his Ordinance or amendments thereto with the use regulations of the district in which it is situated.
109. Nursing or Convalescent Home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.
110. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, junk, solid waste, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
111. Occupancy Permit: A certificate issued by the County Building Inspector, stating that the building and use comply with the provisions of the Uniform Building Code.
112. Official Plat: Either an Auditor's plat or a major or minor subdivision plat that meets the requirements of the Code of Iowa and has been filed for record in the offices of the County Recorder, County Auditor, and County Assessor.
113. One Hundred (100) Year Flood: A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.
114. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
115. Parcel: A part of a tract of land.
116. Parking Lot: A parcel of land devoted to unenclosed parking spaces.

117. Parking Space: An area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be a surface material approved by the County Engineer.
118. Pavement or Paving: The pavement structure, or the upper surface of a pavement structure, or the materials of which the pavement structure is constructed.
119. Permanent Real Estate Index Number: A unique number of combination of numbers assigned to a parcel of land pursuant to Section 441.29 of the Code of Iowa
120. Plat: A map, drawing, or chart, on which the subdivider's plan of the subdivision is presented and which he submits for approval and intends in final form to record.
121. Plat, Final: The final map or plan of record of a subdivision and any accompanying material, as described in Section XXII(G).
122. Plat, Preliminary: The proposed map or plan of record of a subdivision and any accompanying material, as described in Section XXII(F).
123. Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.
124. Principal Use: The main use of land or structures as distinguished from an accessory use.
125. Public Utilities: Public or quasi-public distributing or operating equipment for related services for telephone, electricity, cable television, gas, sewer and water. For purposes of this Ordinance, a private, common water system and a common sewer system may be considered a public utility when a public or quasi-public system is not available and when the creating parties agree.
126. Recreational vehicle: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
127. Resubdivision: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line, or if such a change affects any map or plan legally recorded prior to the effective date of this Ordinance.
128. Right-of-Way: The land area the right to possession of which is secured or reserved by the contracting authority for road purposes (see Figure 5).
129. Road: All property intended for use by vehicular traffic, dedicated or intended for public or private road, street, alley, highway, freeway or roadway purposes or to public easements therefore.
130. Roadbed: The area of the roadway between the tops of foreslopes (see Figure 5).
131. Roadline: A dividing line between a lot, tract or parcel of land and a contiguous road.
132. Roadside: The area within the right-of-way and outside the shoulder lines of a roadbed (see Figure 5).

Figure 5: Examples of Road Definitions

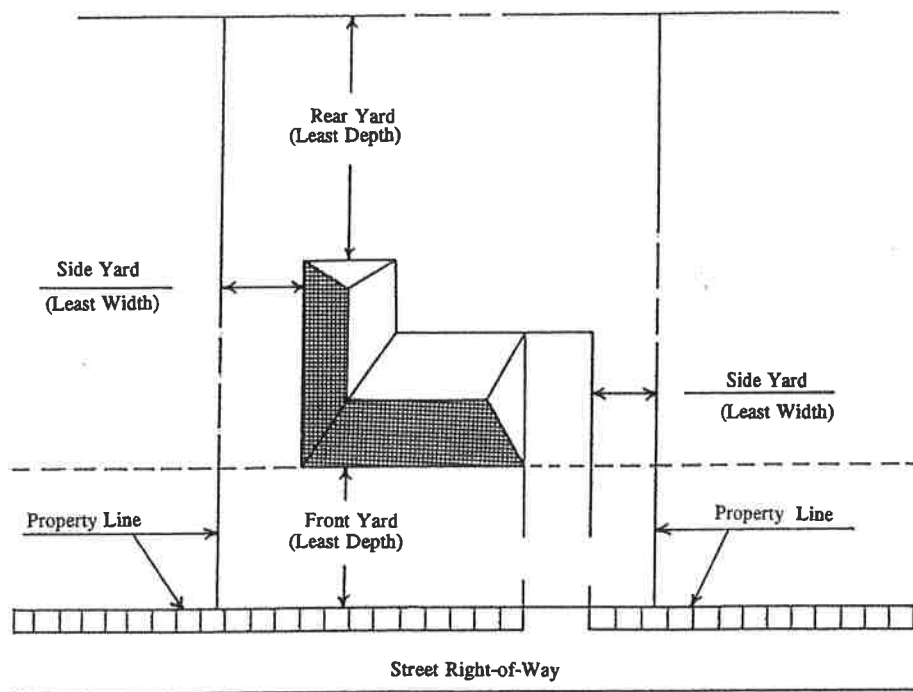


133. Roadside Stand: A temporary structure used seasonally for the sale of homegrown agricultural products.
134. Rooming or Lodging House: A building or place where lodging or boarding is provided for compensation for three (3) or more, but not exceeding twenty (20) individuals, not open to transient guests, in contrast to hotels open to transients.
135. Sanitary Land Fill: Land utilized for disposing of solid or hazardous wastes in accordance with the rules and regulations of the Department of Environmental Quality.
136. Shoulder: That portion of the roadbed contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
137. Sign: "Sign" means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. "Sign" includes "billboard" but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. Nor does it include any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.
138. Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign is a sign attached flat against a building or structure, or projecting out from a building or structure or erected upon the roof of a building or structure.
139. Sign, Free Standing or Post: Any sign that is not attached to a building erected or affixed in a rigid manner to any pole or post, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
140. Sign, Illuminated: A sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign, including but not limited to neon and exposed lamp signs.
141. Sign, Off-Site: A sign other than an on-site sign.
142. Sign, On-Site: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises.
143. Stable, Private: A building or structure used or intended to be used for housing only of horses belonging to the owner of the property for non-commercial purposes.

144. Stable, Public and Riding Academy: A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
145. Stable, Riding Club: A building or structure used or intended to be used for the housing only of horses by a group of persons for noncommercial purposes.
146. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
147. Story, Half: A space under a sloping roof which has the line of intersecting of roof decking and wall face not more than four (4) feet above the top floor level.
148. Street, Road, Drive, Alleys, or Entrance (Private): All property intended for use by vehicular traffic, but not dedicated to the public nor controlled and maintained by a political subdivision.
149. Street, Road, Alleys, Drive or Entrance (Public): All property intended for use by vehicular traffic which has been dedicated to the public or deeded to a political subdivision.
150. Street, Road, Alleys, Drive or Entrance (Secondary Road System): All property intended for use by vehicular traffic which has been dedicated to the public and meets requirements of the Code of Iowa and has been accepted into the county system by the Board of Supervisors.
151. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.
152. Structural Alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
153. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures includes buildings, billboards, and poster panels.
154. Subdivider: The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.
155. Subdivision: Means a tract of land divided into three or more lots or parcels.
156. Subdivision, Non-residential: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.
157. Subdivision Agent: Any person who represents, or acts for or on behalf of a subdivider or developer, in selling, leasing or developing, or offering to sell, lease or develop any interest, lot, parcel, unit, site or plat in a subdivision.
158. Subdivision Plat: The geographical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.
159. Surveyor: A registered land surveyor authorized and licensed to practice surveying in the State of Iowa, pursuant to Chapters 355 and 542B of the Code of Iowa.
160. Tract: An aliquot part of a section, a lot within an official plat, or a government lot.

161. Trailer or Mobile Home: See "Mobile Home."
162. Trailer or Mobile Home Park: See "Mobile Home Park or Trailer Park."
163. Transmitting and Receiving Station/Tower: A tower or antenna, whether guyed or of monopole or lattice-type design, or equipment and associated facilities constructed to transmit and or receive signals for the purpose of providing communication services for commercial use. The base of these stations or towers shall be at least the height of the tower or station from any lot line.
164. Travel Trailer: A vehicle customarily used for vacation or recreational purposes defined and licensed in accordance with Section 321.1 (39)(b), Code of Iowa.
165. Vacation or Recreational Cabin: A structure consisting of not more than four (4) sleeping rooms, kitchen and living area used as a temporary residence, not to exceed six (6) months at a time, for recreational purposes.
166. Vehicle & Motor Vehicles: Any property that is required to be licensed and registered or inspected and is governed by the rules of the Department of Motor Vehicles or Department of Transportation including but not limited to cars, motorcycles, ATV's, semi-trailers, travel trailers, trailers of any sort or anything intended for the transport of personal property.
167. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.
168. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building (see Figure 6). For the purposes of this Ordinance, "front" is determined by the street where the address is derived.
169. Yard, Rear: A yard extending across the full width of lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches (see Figure 6). On both corner lots and interior lots the opposite end of lot from the front yard.
170. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building (see Figure 6).

Figure 6: Yard Definitions



171. Zoning Administrator: The administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in this Ordinance.

SECTION VI.
ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

A. Establishment of Districts

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

- "A-1" Agricultural District
- "A-2" Agricultural District
- "R-1" Single Family Residence District
- "R-2" Suburban Residence District
- "R-3" Multiple Residence District
- "C" Commercial District
- "C-M" Commercial-Manufacturing District
- "M" Manufacturing District

B. District Boundaries and Official Zoning Maps

The boundaries of these districts are indicated upon the Official Zoning Maps of Grundy County, Iowa, which maps are made a part of this Ordinance by reference. The said Official Zoning Maps of Grundy County, Iowa, and all the notations, references and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said maps were all fully described herein. The said Official Zoning Maps shall be on file in the office of the Zoning Administrator of Grundy County, Iowa, and shall bear the signature of the Chairman of the Board of Supervisors attested by the County Auditor, under the certification that these are the Official Zoning Maps referred to in Section VI of this Ordinance. The Official Zoning Maps shall show all amendments or changes and shall indicate the date of each amendment or change. It shall be the responsibility of the Zoning Administrator to see that the Zoning Maps are kept current at all times.

C. Interpretation of District Boundaries

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

1. The district boundaries are either street line or alley lines unless otherwise shown, and where the districts designated on the maps accompanying and made a part of this Ordinance are bounded approximately by street lines or alley lines, the street lines or alley lines shall be construed to be the boundary of the district, street and alley right-of-way not included in zoned areas.
2. Where boundaries are indicated so they approximately follow lot lines and are not more than twenty (20) feet distance there from, such lot lines shall be interpreted to be the boundary of the district.
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
4. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.

5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
6. Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines.
7. Where no other indication of the district boundary is made and no dimensions are shown, the location of the boundary shall be determined by the use of the scale appearing on the maps.
8. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Map; and, as such, said maps or portions of said maps need not be published.
9. As a last resort, the Board of Adjustment may, per Section XXIV(H)(1), interpret district boundaries.

SECTION VII.
GENERAL REGULATIONS AND PROVISIONS

A. Disincorporation or Severance

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

B. Conformance Required

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

C. Farmstead

Within an agricultural district, a farmstead by definition in existence on April 17, 1978, the date Appendix A of the Grundy County Code of Ordinances was adopted, may be severed from the farm. A minimum of two (2) acres but less than four (4) acres, exclusive of streets and roads, per each dwelling unit of the farmstead is required with front yard, side yard, and rear yard requirements applicable to the zoning district in which it is located.

D. Required Yard Per Building

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

E. Road Vacation

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

F. One Principal Building Per Lot

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

G. Requests for Rezoning

All petitions for rezoning, special permits, variance, etc., must be in writing stating the exact legal description of land involved, the purpose for which the land is to be used, the disruption expected to be incurred on the area's natural setting, and the methods to be implemented to lessen the severity of disruption on the area. Said petitions must be received by the Zoning Administrator twenty (20) working days prior to a stated or special meeting of the Zoning Commission. A preliminary plat plan shall be submitted with a petition for rezoning for subdivisions.

H. Water Supply and Sewage Disposal

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

I. Street Frontage Required

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

J. Accessory Buildings

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

An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard and shall not exceed eighteen (18) feet in height, however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard.

K. Corner Lots

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

L. Front Yard

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

M. Required Yard Cannot Be Reduced

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

N. Building Lines on Approved Plats

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

O. Pending Applications for Compliance permits

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

P. Lot Area Computation

In all districts, lot area requirements shall be computed exclusive of street, road, alley, waterway, or highway right-of-way.

Q. Gasoline Filling Stations or Convenience Stores

No gasoline filling station, convenience store, or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street, of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

No gasoline filling station, convenience store, or public garage shall be permitted where any fuel filling appliance is located within twelve (12) feet of any street line or within twenty-five (25) feet from any "R" district except where such appliance is within a building.

R. Dwelling Standards

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

1. The dwelling shall be affixed to a permanent foundation system, in accordance with the Uniform Building Code standards;
2. The minimum average dimension of the width and of the length of the main body of the dwelling unit shall not be less than twenty (20) feet.

S. Home Occupation Standards

The following standards and criteria shall apply to home occupations:

1. Clearly incidental and secondary to the use of the dwelling unit as a residence;
2. Conducted entirely within an existing dwelling unit;
3. Conducted by a member(s) of the family residing within the dwelling unit and no more than two (2) non-resident employees;

4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the County Health Department;
6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements;
 - a. Contains only the name of the occupant and the nature of the occupation.
 - b. Shall not contain more than sixteen (16) square feet and shall be no more than six (6) feet high or no more than six (6) feet in width.
 - c. Shall not be illuminated.
 - d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.
8. Shall obtain and possess a valid home occupation permit;
 - a. An initial permit may be issued by the Zoning Administrator, after consideration. The Applicant may appeal the Zoning Administrator's denial to the Board of Supervisors.
 - b. Thereafter, a home occupation permit must be renewed annually unless the permit-holder violates any of the conditions defined in Section S(8)(c) below. The Zoning Administrator shall be authorized to renew said permits.
 - c. A home occupation permit may be revoked by the Zoning Administrator. The Applicant may appeal a revocation to the Board of Supervisors, for any of the following reasons: complaints against the use arise during the course of the year; the permit-holder violates this Ordinance; the permit-holder violates any Grundy County ordinance or state or federal statute; or the permit-holder violates any of the conditions of the home occupation permit.

T. Home Industry Standards

The following standards and criteria shall apply to home industries:

1. Clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property;
2. Conducted entirely and confined within an accessory building(s) located upon the property;
3. Conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than two (2) non-resident employees;
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation;
5. Water, sewer, and waste disposal systems shall be subject to approval of the County Health Department;

6. Customer parking shall be provided and be as inconspicuous as possible on the premises;
7. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements.
 - a. Contains only the name of the occupant and the nature of the occupation.
 - b. Shall not contain more than sixteen (16) square feet and shall be no more than six (6) feet high or no more than six (6) feet in width.
 - c. Shall not be illuminated.
 - d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.
8. Shall obtain and possess a valid home industry permit;
 - a. The initial permit may be issued by the Zoning Administrator after consideration. The Applicant may appeal the Zoning Administrator's denial to the Board of Supervisors.
 - b. Thereafter, a home industry permit must be renewed annually unless the permit-holder violates any of the conditions defined in Section T(8)(c) below. The Zoning Administrator shall be authorized to renew said permits.
 - c. A home industry permit may be revoked by the Zoning Administrator. The Applicant may appeal a revocation to the Board of Supervisors, for any of the following reasons: complaints against the use arise during the course of the year; the permit-holder violates this Ordinance; the permit-holder violates any Grundy County ordinance or state or federal statute; or the permit-holder violates any of the conditions of the home industry permit.

U. Bulk Requirements

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

Minimum bulk requirements are listed in the following Table.

Table 1. Bulk Requirements

"A-1" Agricultural & "A-2" Agricultural Districts	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Farm Dwelling	--	35 Acres	330 Feet	50 Feet	25 Feet	50 Feet
Single Family Dwelling	--	35 Acres "A-1" and 2 Acres in "A-2"	200 Feet	50 Feet	25 Feet	50 Feet
Single Family Dwelling on a Farmstead	--	2 Acres	200 Feet	50 Feet	25 Feet	50 Feet
WECS Uses	See requirements outlined in subsection V below.					
Other Permitted Structures	--	1 Acre	150 Feet	50 Feet	50 Feet	50 Feet
Accessory Buildings	--	--	--	50 Feet	25 Feet ¹	50 Feet ¹
"R-1" Single-Family Residence District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family Dwelling	2.5 Stories or 35 Feet, whichever is lower.	20,000 Square Feet	100 Feet	30 Feet	10% of lot width	30 Feet
Other Permitted Structures		--	--	35 Feet	10% of lot width	35 Feet
Accessory Buildings	18 Feet	--	--	50 Feet	25 Feet ¹	50 Feet ¹
"R-2" Suburban Residence District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family Dwelling	2.5 Stories or 35 Feet, whichever is lower	2 Acres	150 Feet	50 Feet	25 Feet	50 Feet
Other Permitted Structures		--	--	30 Feet	10 Feet	30 Feet
Accessory Buildings	1 Story or 18 Feet, whichever is lower.	--	--	--	10 Feet ¹	10 Feet ¹

"R-3" Multiple Residence District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Single Family Dwelling	3 Stories or 45 Feet, whichever is lower, except additional height for additional stories may be added at a rate of 2 Feet in height for each Foot that the structure is setback from the required yard lines	8,000 Square Feet	70 Feet	30 Feet	10% of lot width	30 Feet
Two Family Dwelling		9,000 Square Feet	80 Feet	40 Feet	10% of lot width	30 Feet
Multiple Family Dwelling		10,000 Square Feet	85 Feet	20 Feet	8 Feet	35 Feet
<u>Mobile Home Park</u> Individual Unit Requirements		<u>2 Acres</u> 3,000 Square Feet	<u>100 Feet</u> 25 Feet	<u>25 Feet</u> 10 Feet	<u>20 Feet</u> 10 Feet	<u>40 Feet</u> 10 Feet
Other Permitted Structures		1 Acre	100 Feet	25 Feet	20 Feet	40 Feet
Accessory Buildings	1 Story or 18 Feet, whichever is lower.	--	--	25 Feet	10 Feet ¹	30 Feet ¹

"C" Commercial District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Permitted Structures	2 Stories or 35 Feet, whichever is lower	--	--	25 Feet	10 Feet	25 Feet
Accessory Buildings		--	--	25 Feet	10 Feet ¹	25 Feet ¹
"C-M" Commercial-Manufacturing District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Principal and Conditional Uses	4 stories or 64 feet, whichever is lower	--	--	25 feet	10 feet	25 feet
Permitted Structures	4 stories or 64 feet, whichever is lower	--	--	25 feet	10 feet	25 feet
Accessory Buildings	4 stories or 64 feet, whichever is lower	--	--	25 feet	10 feet	25 feet
"M" Manufacturing District	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard
Principal and Conditional Uses	3 Stories or 48 Feet, whichever is lower	--	100 Feet	15 Feet	30 Feet	15 Feet

NOTES:

LOT AREA REQUIREMENTS SHALL BE COMPUTED EXCLUSIVE OF STREET, ROAD, ALLEY, WATERWAY, OR HIGHWAY RIGHT-OF-WAY.

¹ ACCESSORY BUILDINGS TO BE PLACED IN THE REAR YARD MAY REDUCE THE MINIMUM SIDE AND REAR YARD REQUIREMENTS TO FOUR (4) FEET

V. Wind Energy Conversion System Regulations

A. Purpose

This establishes regulations for the installation and operation of Wind Energy Conversion Systems (WECS) within Grundy County.

B. Definitions

1. WECS: Wind Energy Conversion System: An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
2. Aggregated Project: Aggregated projects are those which are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
3. Commercial WECS: A WECS of equal to or greater than one hundred (100) kilowatts in total name plate generating capacity.
4. Non-Commercial WECS: A WECS of less than one hundred (100) kilowatts in total name plate generating Capacity.
5. Fall Zone: The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
6. Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
7. Meteorological Tower: For the purposes of this Wind Energy Conversation System Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to site WECS. Meteorological towers do not include towers and equipment used by airports, the Iowa Department of Transportation, or other similar applications to monitor weather conditions.
8. Micro-WECS: A WECS of one (1) kilowatt nameplate generating capacity or less and utilizing supporting towers of forty (40) feet or less.
9. Nacelle: Contains the key components of the wind turbine, including the gearbox, yaw system, and electrical generator.
10. Property line: The boundary line of the area over which the entity applying for a WECS permit has legal control for the purposes of installation of a WECS. This control may be attained through fee title ownership, easement, or other appropriate contractual relationship between the project developer and landowner.
11. Rotor diameter: The diameter of the circle described by the moving rotor blades.

12. Substations: Any electrical facility designed to convert electricity produced by wind turbines to a voltage greater than thirty-five thousand (35,000) volts (35 kilovolts) for interconnection with high voltage transmission lines shall be located outside of the road right of way.
13. Total height: The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
14. Tower: Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
15. Tower height: The total height of the WECS exclusive of the rotor blades.
16. Transmission Line: Those electrical power lines that carry voltages of at least sixty-nine thousand (69,000) volts (69 kilovolts) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
17. Public conservation lands: Land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, State Scientific and Natural Areas, Federal Wildlife Refuges and Waterfowl Production Areas. For the purposes of this section public conservation lands will also include lands owned in fee title by non-profit conservation organizations. Public conservation lands do not include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
18. Wind Turbine: A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

C. Procedures

1. Rezoning or map amendment shall be applied for and reviewed under the procedures established in Section X (A) 11; XXIV (L); and XXIV (M) of this Ordinance, except where noted below.
2. The application for all WECS shall include the following information:
 - a. The name(s) and address of the project applicant.
 - b. The name of the project owner.
 - c. The legal description of the site where development is planned.
 - d. A preliminary description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 - e. Preliminary site layout, including the location of property lines, wind turbines, electrical wires, interconnection points with the electrical grid, and all related accessory structures. The site layout shall include distances and be drawn to scale.
 - f. Documentation of land ownership, land ownership agreements, or legal control of the property.

3. The building permit (after zoning approval) for the Commercial WECS shall also include:
 - a. Final site plan.
 - b. Final legal description.
 - c. Engineer's certification.
 - d. The latitude and longitude of individual wind turbines.
 - e. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other WECS within ten (10) rotor diameters of the Proposed WECS.
 - f. Location of wetlands, scenic, and natural areas [including bluffs] within one thousand three hundred twenty (1,320) feet of the proposed WECS. [dependent on DNR/Code]
 - g. An acoustical analysis of the area measured from each adjoining property line of the site(s).
 - h. Federal Aviation Administration (FAA) Permit Application.
 - i. Location of all known Communications Towers within two (2) miles of the proposed WECS.
 - j. Decommissioning Plan.
 - k. Description of potential impacts on nearby WECS and wind resources on adjacent properties.
4. Aggregated Project Procedures: Aggregated Projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, reviews, and as appropriate, approvals. Permits will be issued and recorded separately. Joint applications will be assessed fees as one project.

D. District Regulations

1. WECS may be permitted as a Principal Permitted Use in the "A-2" Agricultural District, as set forth in Section X of this Ordinance, so long as bulk requirements and setback requirements are addressed. Said bulk requirements are shown in Table 3 below.
2. Setbacks: Substations and Accessory Facilities:
 - a. Minimum setback standards for substations and feeder lines shall be consistent with the standards for essential services established in the Grundy County Zoning Ordinance.
 - b. Substation setbacks:
 1. Zero (0) feet; structure setback from road ROW; located wholly outside the right-of-way.
 2. Property lines zero (0) feet; structure setback from property lines; side yard.

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

	Wind Turbine – Non-Commercial Micro WECS	Wind Turbine – Non-Commercial WECS	Wind Turbine – Commercial WECS	Meteorological Towers
Property Lines	1.1 times the total height or the distance of the fall zone as certified by a professional engineer plus 10 feet.	1.1 times the total height or the distance of the fall zone as certified by a professional engineer plus 10 feet.	1.25 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Neighboring Dwellings ¹	1,000 feet. This setback requirement may be reduced by the Zoning Administrator subject to maintaining adequate health and safety requirements or waived by the dwelling occupant or owner.	1,000 feet.	Five (5) times the total height of the WECS from any neighboring dwelling	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Road Rights-of-Way ²	The distance of the fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The distance of the fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.	1.1 times the height may be reduced for minimum maintenance roads or a road with an average daily traffic count of less than 10.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.
Other Rights-of-Way (Railroads, power lines, etc.)	The lesser of 1.1 times the total height or the distance of the fall zone, as certified by a professional engineer plus 10 feet.	The lesser of 1.1 times the total height or the distance of the fall zone, as certified by a professional engineer plus 10 feet.	The lesser of 1.1 times the total height or the distance of the fall zone, as certified by a professional engineer plus 10 feet.	The fall zone, as certified by a professional engineer 10 feet or 1.1 times the total height.
Public conservation lands managed as grasslands	NA	NA	600 feet	600 feet
Wetlands	NA	NA	NA	NA
Other Structures	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1.1 times the total height.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height.
Other Existing WECS	NA	NA	To be determined through cup review base on: relative size of the existing and proposed WECS, alignment of the WECS relative to the predominant winds, topography, extent of the wake interference impacts on existing WECS, other setbacks required waived for multiple turbine projects including aggregated projects.	The fall zone, as certified by a professional engineer plus 10 feet or 1 times the total height. Extent of wake interference impacts on existing WECS shall be considered.

¹ The setback for dwellings shall be reciprocal in that no dwelling shall be constructed within the distance equal to five (5) times the total height of a commercial wind turbine, unless a release of liability is received from the WECS.

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

E. Requirements and Standards

1. Safety Design Standards

- a. Engineering Certification: For all WECS, the manufacture's engineer or another qualified engineer shall certify that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.
- b. Clearance: Rotor blades or airfoils must maintain at least thirty (30) feet of clearance between their lowest point and the ground.
- c. Warnings: For all Commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage.

2. Height Standard

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

3. Meteorological towers may be guyed.

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

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

6. Other Signage: All signage on site shall comply with Article VII (V) (Wind Energy Conversion System Regulations and Section XX (Outdoor Advertising Signs and Billboards) of this Ordinance. The manufacturer's or owner's company name and/or logo may be placed upon the nacelle of the WECS.

7. Feeder Lines: All communications and feeder lines, equal to or less than thirty-four and one-half (34.5) kilovolts in capacity, installed as part of a WECS shall be buried where reasonably feasible. Feeder lines installed as part of a WECS shall not be considered an essential service. This standard applies to all feeder lines subject to Grundy County Ordinances.

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

9. Impacts on Public Infrastructure: Reimbursement of all costs related to excessive wear and tear to any public infrastructure such as but not limited to county roads and bridges, and to any highway system, storm water management related improvements and/or public utilities that are caused by the construction, maintenance, or removal of any WECS shall be reimbursed to the affected local government. A determination shall be made by the Zoning Administrator after consultation with the County Engineer or applicable official to establish if excessive wear and tear or damage has occurred and to estimate the costs of repair for said work. Any damages to any haul routes, as determined by the County Engineer, shall be

reimbursed to the local government affected and shall be billed to the corporation or company owning said WECS to be paid within forty-five (45) days of issuance and may be subject to late charges, interest or penalties as allowed by law.

Also, all haul routes shall be reviewed and approved by the County Engineer on use of any county roads prior to construction, maintenance or removal of any WECS. In order to review proposed haul routes and/or work locations, WECS owner(s) and/or their contractors shall contact the County Engineer a minimum of one (1) month prior to starting any work in the county.

10. Discontinuation and Decommissioning:

- a. A component of a Commercial WECS shall be considered a discontinued use after one (1) continuous year of being non-operational, unless a plan is approved by the Grundy County Board of Supervisors outlining the steps and schedule for returning the component to service; or upon revocation of the WECS permit. Once declared to be a discontinued use, the component shall be subject to removal pursuant to this section.
- b. Each project shall have a Decommissioning plan developed by the applicant and approved by the Grundy County Board of Supervisors. Such plan shall contain the following:
 - i. A description of the project components and a sequence and description of the activities required to remove the same in compliance with this section, including restoration of the land to conditions in place prior to the original construction, to be completed within 180 days of decommissioning.
 - ii. A report prepared by a qualified third-party (to be approved by the Grundy County Board of Supervisors in advance) setting forth the procedures and estimated net costs associated with the removal of the components (other than feeder lines) to a depth of six (6) feet from the original grade and the accompanying restoration of the surface.
 - iii. Cash, an irrevocable letter of credit, or performance bond running in favor of Grundy County in an amount no less than the total estimated net removal/restoration costs as determined by said report. Said security shall be in place at the time the project is completed and shall remain in effect until decommissioning is completed. No such security shall be cancelable without notice to the Zoning Administrator and approval by the Grundy County Board of Supervisors. Each year, the permit holder shall provide proof that such security is in effect at the same time as the annual report is due to the County Assessor for purposes of the real estate tax assessment.
 - iv. The report prepared under section b). above shall be updated and provided to the County at least every three (3) years, and upon any proposed transfer of the WECS permit. Should any update indicate a change in the decommissioning costs, the security required under section 3). above shall be adjusted accordingly.
 - v. No transfer/assignment of any Commercial WECS permit shall be affective without a corresponding transfer/assignment of the obligations and financial security required under the decommissioning plan, as approved by the Grundy County Board of Supervisors.

- c. Upon completion of decommissioning activities, the County Engineer and permit holder will verify that all planned activities have been completed per the decommissioning plan, or notes made with regard to items not completed. Records of completed activities will be retained by the County Engineer's office for five (5) years. Items left in place contrary to the decommissioning plan will be recorded in the form of an easement with the County Recorder's office. Any concrete turbine bases with a greater than two (2) cubic feet in the soil, regardless of depth shall be recorded in the abstract for the land to ensure that future property owners or perspective buyers are aware of the presence of such structures.
11. Ancillary Agreement/Procedures: In addition to the Review and Approval Process, issuance of a Commercial WECS permit is strictly conditioned on the applicant executing the following agreements. The Zoning Administrator shall verify that all such agreements/plans have been signed/approved by both parties and that such agreements/plans are on file with the County Recorder prior to transmission of approved permits to the applicant.
- a. Grundy County Road Use and Repair Agreement signed by the applicant and approved by the Grundy County Board of Supervisors.
 - b. Grundy County Public Drainage System Protection Agreement signed by the applicant and approved by the Grundy County Board of Supervisors.
 - c. Abandonment/Decommissioning Plan signed by the applicant and approved by the Grundy County Board of Supervisors.
 - d. An Emergency Response Plan provided by the applicant and approved by the Grundy County Board of Supervisors. Said plan shall contain response procedures to be followed in the event of a fire, liquid leakage, blade fracture, collapse, personal injury, or other emergency at a project. The plan shall contain 24-hour emergency contact information for the project. The permit holder is required to ensure that the Zoning Administrator is provided any updates that may be issued from time to time.
 - e. Notices and manuals specified and provided, shall be retained by the Zoning Administrator for awareness and use of county agencies and local emergency management responders.
 - f. Permit holder shall ensure that the Zoning Administrator is provided a copy of updates to the items provided that may be issued from time to time by the manufacturers.
12. Transferability of the Commercial WECS Permit
- a. Only the holder of the Commercial WECS Permit (Permit Holder) shall own the Project, and such holder shall be the entity responsible for compliance with all requirements of this Ordinance. The permit holder shall be responsible to maintain all Components of the Commercial WECS in good repair, and in compliance with this Ordinance and the Ancillary Agreements listed in part 11). of this Section.
 - b. No Commercial WECS Permit shall be transferred or assigned, voluntarily or involuntarily, without the written approval of the Grundy County Board of Supervisors, of which consent may be withheld unless and until the Board is satisfied that a proposed transferee has the financial and operational responsibility to assume all obligations required of the permit holder under this Ordinance and Ancillary Agreements. Requests for approval of a Commercial WECS Permit transfer shall be directed to the Zoning Administrator.

- c. Recipients of any such permit transfer shall affirm their responsibilities as Permit Holder in a signed letter to the Grundy County Board of Supervisors and sign new agreements that area materially the same or provide a notarized letter stipulating their acknowledgement of their acceptance of the responsibilities in the original Agreements, which shall be specifically referenced, as a component of transfer.

13. Miscellaneous

- a. Condemnation Waiver: Issuance of a Commercial WECS Permit shall be conditioned upon the Permit Holder's enforceable promise, supported by consideration of the issuance of the Commercial WECS Permit, that the Permit Holder shall never use, or seek to use, eminent domain to acquire any real property interests to construct or operate the project.
- b. County Recovery of Legal Fees: In any action brought by the County against any Permit Holder of a WECS Permit to enforce the provisions of this Ordinance, the County shall be entitled to recover its reasonable attorney fees and court costs as may be awarded by the decision-making tribunal.
- c. Severability Clause: If any of the provisions of this Ordinance are for any reason found to be illegal or void, then the lawful provisions of this Ordinance, which are separate from said unlawful provisions shall be and remain in full force and affect, the same as if the Ordinance contained no illegal or void provisions.
- d. Repealer: This Ordinance takes precedence over and precludes any previous copy or draft specified for Commercial WECS in the Grundy County Development Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

F. Other Applicable Standards

- 1. Noise: Noise shall not exceed sixty (60) decibels (dBA) from the exterior wall of the dwelling for which the measurement is being conducted.
 - a. Sound pressure may be exceeded for short term events (i.e., severe thunderstorms, high or severe winds) by an additional five (5) dB(A) for no more than three (3) consecutive minutes of any hour of the day.
 - b. Upon receipt of a noise complaint, the County shall notify law enforcement to attest to a violation. If it is determined by law enforcement and the Zoning Administrator that a violation is likely, a sound pressure test shall be completed by a qualified third-party professional with costs covered by the owner of the WECS. If the sound pressure level test indicates a violation, the owner shall cease operations until compliance is achieved.
- 2. Electrical codes and standards: All WECS and accessory equipment and facilities shall comply with the National Electrical Code and other applicable standards.
- 3. Federal Aviation Administration: All WECS shall comply with FAA standards and permits.
- 4. Insurance: Applicants shall provide evidence, in the form of certificate of insurance, with a minimum \$2,000,000 liability coverage per incidence, satisfactory to the county, showing liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.

5. Uniform Building Code: All WECS shall comply with the State Building Code adopted by the State of Iowa.
6. Interference: The applicant shall minimize or mitigate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals cause by any WECS. The applicant shall notify all communication tower operators within two miles of the proposed WECS location upon application to the county for permits. No WECS shall be constructed so as to interfere with County or Iowa Department of Transportation microwave transmissions. Any signal interference complaints associated with wind farm towers or related equipment shall be addressed in accordance with FCC rules and procedures.

VI. Solar Energy Standards

A. Purpose

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

B. Regulatory Framework

1. Large solar energy facilities (50 kW or greater) may only be permitted as a Principal Permitted Use in areas that are zoned "A-2" Agricultural Limited District, upon approval by the Board of Supervisors after recommendation of the County Planning and Zoning Commission.
2. Small solar energy facilities (50 kW or less) may be permitted in any zoning district as either a principal or accessory use. Small solar energy installations that are constructed as an accessory use to a principal permitted use, and meet the setback, height, and power output requirements of this section shall not require special exception approval and shall only require a building permit. All small solar power energy facilities that are constructed as a principal permitted use, or small solar power energy facilities that do not meet height, or power requirements of this section, shall require Special Exception Approval.
3. Small Solar Energy Installations (50 kW or less): are permitted accessory uses in all zoning classifications subject to certain requirements set forth in this ordinance. Solar energy systems that do not meet the standards listed below will require approval of a Special Exception permit.

C. Definitions

1. Building-Integrated Solar Energy Systems: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
2. Community Solar: A solar energy system developed by a municipality, utility, or other third party that typically allows community members to subscribe to the project. In Iowa, development of community solar projects is limited to utilities at this time.
3. Concentrating Solar Power (also called concentrated solar power, concentrated solar thermal, and CSP) are systems that: generate power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area. Electricity is generated when the concentrated

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

4. Feeder circuits/lines: A power line or network of lines used as a collection system that carries energy produced by a solar energy system to an interconnection point like a substation. Feeder circuits are most often placed underground.
5. Glare/glint: Light reflected off of a surface.
6. Grid-intertie Solar Energy System: A solar energy system that is connected to an electric circuit served by an electric utility company.
7. 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.
8. Off-grid Solar Energy System: A solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
9. 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.
10. Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.
11. 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.
12. 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.
13. Roof-Mount: a solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the structure they are mounted to.
14. 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.
15. 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.
16. 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.
17. 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.
18. Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

19. 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.
20. 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.
21. 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.
22. Solar Hot Water System: (also referred to as Solar Thermal) A system that includes a solar collector and heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
23. Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
24. Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

D. Regulatory Requirements

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, and shall not exceed ten (10) feet above roof height.
 - b. Ground or pole mounted solar energy systems shall not exceed fifteen (15) 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, except that it may be located in a required front yard when meeting a minimum 10-foot setback from all property lines.
 - 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 they system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - b. Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the required setback when oriented at minimum design tilt.
 - c. In the A-1
3. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access to ensure maximum sunlight upon which the panels are mounted.

4. Approved Solar Components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
5. Plan Approval Required. All solar energy systems shall require administrative plan approval by the zoning administrator. Plans shall be presented when a building permit is requested.
6. 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.
7. Compliance with State Electric Code. All photovoltaic systems shall comply with the Iowa State Electric Code.
8. Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Iowa State Plumbing Code requirements.
9. 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.
10. Solar Access. Grundy County allows for solar resources.
11. Solar Farm/Gardens or Utility scale solar installations.
 - a. Concentrating solar power (CSP) systems or plants that use mirrors to concentrate the energy from the sun to drive traditional steam turbines or engines to create electricity shall be prohibited.
 - b. A site plan shall be submitted and reviewed prior to the approval of a solar farm/garden or utility scale solar installations larger than 50 kW, and shall require A-2 zoning classification and approval by the Grundy County Board of Supervisors after recommendation of the County Planning and Zoning Commission.
12. The application for a solar garden or utility scale solar installation larger than 50 kW shall include the following information on the site plan or in narrative form, supplied by the solar farm/garden or utility scale solar installation owner, operator or contractor installing the structure(s):
 - a. Number, location and spacing of solar panels/arrays.
 - b. Planned location of underground or overheated 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.

E. Site and Structure Requirements

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

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 Supervisors 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 for solar farm/garden or projects over 50 kW and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, drainage, 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. Aviation Protection. For solar farms located within 1,000 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
7. Compliance with local, state and federal regulations. Solar Farm/Garden and Utility scale solar installations and smaller solar installations shall comply with applicable local, state and federal regulations.
8. Appurtenant structures. All appurtenant structures shall be subject to bulk and height regulations of structures in the underlying zoning district.
9. Special Flood Hazard Area (SFHA) Regulations. Utility scale solar installations are considered to be maximum damage potential structures and facilities for purposes of SFHA regulations.
10. Signage. Warning signs, or manufacturer's, operator's or installer's identification signage, may be displayed.
11. Fencing/security. A non-scalable security fence, not less than eight (8) feet in height equipped with an approved anti climb fence topper, shall be installed along all exterior sides of the solar energy installations larger than 50 kW 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.
12. For solar energy installations over 50 kW, a certificate of insurance with a minimum of \$2,000,000 liability coverage per incidence, per occurrence shall be required for the life of the facility. Each renewal period will require a copy of certificate of insurance be provided to Grundy County. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the permitted use.
13. For solar energy installations over 50 kW, the County will require an irrevocable line of credit, bond, or cash escrow, held in trust in favor of Grundy County, to recover the costs associated with the removal of a solar installation and appurtenant facilities. The amount of irrevocable letter of credit, bond, or cash escrow shall be set by the Board of Supervisors prior to approval and shall remain in effect until released by Grundy County. The issuer of the irrevocable letter of credit or bond shall be suitable to the County.

- a. In the event of any exception to this requirement, the equitable owner and/or deed holder of the property shall bare the physical and financial responsibility of decommissioning and removal of Commercial WECS and accessory facilities.

F. 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. For solar system installations producing 50 kW or greater, 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 landowner or tenant must notify the County when the project is discontinued.

SECTION VIII.
NATURAL RESOURCE PROTECTION AND PRESERVATION

A. Intent

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

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

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

B. Significant Lands

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

1. Identification:

- a. Agricultural Lands of Highly Productive Soils: Shall be defined as a parcel of land where more than twenty-five (25) percent of its area consists of agricultural lands of productive soils (having a corn suitability rating that has been rated at seventy-five (75) or above). Determination regarding corn suitability ratings and other soil characteristics shall be referenced from the official Soil Survey of Grundy County, Iowa, published by the United States Department of Agriculture Soil Conservation Service, March 1977.

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

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

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

2. Permitted and Conditional Uses:

- a. Agricultural Lands of Highly Productive Soils: Subject to Section II, Special Exemption and Section IX, Use Regulation for "A-1" Agricultural District
- b. Other Significant Lands: Lands as designated upon the established priority list approved by the Grundy County Board of Supervisors, as amended, shall be preserved in their natural, undisturbed state and are not to be used for economic gain, including but not limited to using land for development, the storage of equipment, machinery or crops.

3. Performance Standards:

Shall be applicable to the appropriate section(s) of the Ordinance.

4. Incentives for Preservation:

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

SECTION IX.
USE REGULATION FOR "A-1" AGRICULTURAL DISTRICT

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

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

A. Principal Permitted Uses

1. Agricultural and incidental agricultural related uses.
2. Feedlots and confinement facilities for livestock.
3. Specialized animal farms including but not limited to fowl, rabbits, mink, chinchilla, and bees.
4. Specialized horticultural operations including orchards, viticulture, truck gardens, Christmas tree farms, floriculture, wholesale nurseries, raising of tree fruits, nuts and berries, sod, private or wholesale greenhouses, and vegetable raising.
5. Stables (private) provided they are located at least fifty (50) feet from all boundary lines of the property on which located.
6. Forest, forest preserves and environmentally significant lands.
7. Hiking and horseback riding trails.
8. Public utility structures and equipment necessary for the operation thereof.
9. Parks, recreation areas, wildlife preserves, and game refuges owned by governmental agencies.
10. Structures or methods for the conservation of soil.
11. Single family dwellings situated or constructed upon a tract containing a minimum of 35 acres.
12. A single-family dwelling, in addition to the principal farm dwelling, provided that the owner/occupant is actively engaged in the farming operation and is a member of the farm owner's immediate family. Only one lot that is a minimum of one (1) acre, but less than ten (10) acres, for this purpose shall be separated from a farm and at least 35 acres shall remain after the transfer with the farm. This provision shall be authorized only after the recommendation of the County Planning and Zoning Commission and approval of the County Board of Supervisors.
13. Single family dwellings in existence on April 17, 1978.
14. Single-family dwellings provided they are constructed or reconstructed upon building sites, farmsteads, or lots of record that existed on April 17, 1978 and that contain a minimum of two (2) acres, but less than ten (10) acres.

15. Any use erected or maintained by a public agency.
16. Mobile homes, in accordance with Section XIX of this Ordinance.
17. Kennels, private, located at least fifty (50) feet from all boundary lines of the property on which located.
18. Private airport grass (non-pavement) landing strips and associated facilities, in conjunction with agriculture. This provision shall be authorized only after the recommendation of the County Planning and Zoning Commission and approval of the County Board of Supervisors.
19. Seed and feed dealerships provided, however, there is no evidence of showroom or other commercial activities.
20. Home occupations and Home industries.
21. Churches or other places of worship, including parish houses and Sunday School buildings; Schools, both public and private educational institutions, preschools, and day nursery or care facilities.
22. Wind Energy Conversion Systems (WECS) under 100 Kilowatts (KW).
23. Transmitting, receiving stations, and towers that are less than two hundred feet (200) in height, the base of which shall be at least the height of the tower from any lot line.

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above uses.
2. Roadside stands, offering for sale any agricultural products or other products produced on the premises.
3. Church directional signs.
4. Small scale solar energy installations under 50 Kilowatts (Kw).

C. Special Exceptions

In accordance with Section XXIV of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

1. Special Event Center
2. Wineries/Tasting Rooms
3. Outdoor Concert Venue
4. Outdoor recreational events including but not limited to:
 - a. Obstacle course/mud run
 - b. Fitness/wellness events
 - c. Food/vendor fairs

D. Height Regulations

Shall be those specified in Section VII, subsection "U".

E. Water and Sewer Systems

Subject to approval of the County Department of Health.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "A-1" Agricultural Districts

Shall be those specified in Section VII, subsection "U".

SECTION X.
USE REGULATION FOR "A-2" AGRICULTURAL DISTRICT

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

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

A. Principal Permitted Uses

1. Any use permitted in the "A-1" Agricultural District.
2. Stables, public and riding academies, clubs, and other structures for housing horses. Any such structure shall be located at least fifty (50) feet from all boundary lines of the property on which located.
3. Grain elevators with usual accessory structures.
4. Cemeteries, including mausoleums and crematories, provided that any mausoleum and crematory shall be distant at least two hundred (200) feet from adjacent property and street and highway lines.
5. Institutions of a religious, charitable, philanthropic or similar nature.
6. Veterinary clinics, but not nearer than six hundred and sixty (660) feet from any zoned residential district, incorporated boundary line or dwelling other than the lessee or owner of the site.
7. Private, recreational areas, including parks, playgrounds, golf courses and country clubs, boy scout, girl scout, service and church camps, hunting and fishing clubs, private gun clubs and skeet shooting ranges and similar uses. This provision shall not be construed to mean automobile race tracks, drag strips, go-cart tracks, and/or activity areas for motorcycles, mini bikes, and snowmobiles, miniature golf courses, drive-in theaters, and similar commercial uses.
8. Private commercial campgrounds.
9. Single-family dwellings.
10. Transmitting, receiving stations, and towers two hundred feet (200) or more in height, the base of which shall be at least the height of the tower from any lot line.
11. Wind Energy Conversion Systems (WECS) over 100 Kilowatts (KW).
12. Large scale solar energy operations over 50 Kilowatts (Kw).

B. Accessory Uses

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

C. Special Exceptions:

In accordance with Section XXIV of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

1. Commercial extraction uses, to include the removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for state, county, or private projects where material is not being sold or removed from the property where it originates.
2. Special Event Center
3. Wineries/Tasting Rooms
4. Outdoor Concert Venue
5. Outdoor recreational events including but not limited to:
 - a. Obstacle course/mud run
 - b. Fitness/wellness events
 - c. Food/vendor fairs

D. Height Regulations

Shall be those specified in Section VII, subsection "U".

E. Water and Sewer Systems

Subject to approval of the County Department of Health.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "A-2" Agricultural District

Shall be those specified in Section VII, subsection "U".

SECTION XI.
USE REGULATION FOR "R-1" SINGLE FAMILY RESIDENCE DISTRICT

Intent: The "R-1" Single Family Residence District is intended and designed to provide for single-family dwellings in conjunction with agriculture at a low density, where common utilities are not available and on-site facilities must be utilized. It is further the intent of this district to be applied to land in predominantly agricultural areas for rural residential use, in accordance with the policies of the Grundy County Comprehensive Plan.

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

A. Principal Permitted Uses

1. Single-family dwellings.
2. Public utility structures and equipment necessary for the operation thereof.
3. Schools, both public and private educational institutions, preschools, and day nursery or care facilities.
4. Home occupations.
5. Group homes.

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above uses.
2. Roadside stands, offering for sale any agricultural products or other products produced on the premises.
3. Home industries.
4. Small scale solar energy operations under 50 Kilowatts (Kw).

C. Special Exceptions

In accordance with Section XXIV of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations

Shall be those specified in Section VII, subsection "U".

E. Water and Sewer Systems

Subject to approval of County Department of Health.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "R-1" Single Family Residence District

Shall be those specified in Section VII, subsection "U".

G. Sign and Parking Regulations

See Sections XX and XVIII, respectively.

SECTION XII.
USE REGULATION FOR "R-2" SUBURBAN RESIDENCE DISTRICT

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

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

A. Principal Permitted Uses

1. Single-family dwellings.
2. Schools, both public and private educational institutions, preschools and day care or nursery facilities.
3. Churches or other places of worship, including parish dwelling and accessory buildings.
4. Public or private community parks and playgrounds, but not to include commercial recreation.
5. Public utility structures and equipment necessary for the operation thereof.
6. Home occupations.
7. Group homes.

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above uses.
2. Church bulletin boards.
3. Church directional and community recognition signs.
4. Home industries.
5. Small scale solar energy installations under 50 Kilowatts (Kw).

C. Special Exceptions

In accordance with Section XXIV of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations

Shall Be those specified in Section VII, subsection "U".

E. Water and Sewer Systems

Shall require both a common water and common sewage treatment system, subject to approval by the County Department of Health.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "R-2" Suburban Residence District

Shall be those specified in Section VII, subsection "U".

G. Sign and Parking Regulations

See Sections XX and XVIII, respectively.

SECTION XIII.
USE REGULATION FOR "R-3" MULTIPLE RESIDENCE DISTRICT

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

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

A. Principal Permitted Uses

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

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above uses.
2. Small scale solar energy installations under 50 Kilowatts (Kw).

C. Special Exceptions

In accordance with Section XXIV of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations

Shall be those specified in Section VII, subsection "U".

E. Water and Sewer Systems

Shall require both a common water and a common sewage treatment system, subject to approval by the County Department of Health.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "R-3" Multiple Residence District

Shall be those specified in Section VII, subsection "U".

G. Sign and Parking Regulations

See Sections XX and XVIII, respectively.

SECTION XIV.
USE REGULATION FOR "C" COMMERCIAL DISTRICT

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

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

A. Principal Permitted Uses

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

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

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

Business or professional offices, such as the following:

1. Accountants
2. Architects
3. Artists
4. Church offices
5. Civil engineers
6. Collection agency
7. Credit bureau
8. Dental offices
9. Entertainment bureau
10. Insurance
11. Lawyers
12. Medical offices
13. Nurses registry
14. Psychologists
15. Public stenographers
16. Real estate
17. Any similar business or professional office use deemed appropriate after review and approval of the Planning and Zoning Commission, per Section XXIV(L) of this Ordinance.

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above uses.
2. Interior storage of merchandise incidental to the principal use.
3. Small scale solar energy installations under 50 Kilowatts (Kw).

C. Special Exceptions

In accordance with Section XXIV of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

D. Height Regulations

Shall be those specified in Section VII, subsection "U".

E. Water and Sewer Systems

Subject to approval of the County Department of Health.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "C" Commercial District

Shall be those specified in Section VII, subsection "U".

G. Sign and Parking Regulations

See Sections XX and XVIII, respectively.

SECTION XV.
USE REGULATION FOR "C-M" COMMERCIAL-MANUFACTURING DISTRICT

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

In the "C-M" Commercial-Manufacturing District, the following provisions, regulations, and restrictions still apply.

A. Principal Permitted Uses

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

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above uses.
2. Interior storage of merchandise incidental to the principal use.
3. Small scale solar energy installations under 50 Kilowatts (Kw).

C. Special Exceptions

In accordance with Section XXIV of this Ordinance none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

1. Clothes dry cleaning and/or dyeing establishment.
2. Sales auction (automotive, livestock or furniture and/or appliances).
3. Public airport.
4. Gasoline or service station or Convenience Store, but does not include body repair or used parts wrecking and storage.
5. Any similar commercial/manufacturing use deemed appropriate after review and approval of the County, per Section XXIV(L) of this ordinance.

D. Height Regulations

1. Shall be those specified in Section VII, Subsection "U", excluding transmitting and receiving stations and towers.

E. Water and Sewer Systems

Subject to approval of County Health Department.

F. Minimum Lot Area, Lot Frontage, and Yard Requirements for "C-M" Commercial-Manufacturing District

Shall be those specified in Section VII, subsection "U".

G. Sign and Parking Regulations

See Sections XX and XVIII, respectively.

SECTION XVI.
USE REGULATION FOR "M" MANUFACTURING DISTRICT

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

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

A. Principal Permitted Uses

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

B. Accessory Uses

1. Accessory buildings and uses customarily incidental to any of the above uses.
2. Small scale solar energy installations under 50 Kilowatts (Kw).

C. Special Exceptions

In accordance with Section XXIV of this Ordinance, none of the following uses shall be established or reconstructed, structurally altered, enlarged or moved unless the Board of Adjustment approves the issuance of a special exception permit.

1. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than one hundred degrees (100°) Fahrenheit.
2. Milk distributing station other than a retail business conducted on the premises.
3. Sales auction (automotive, livestock, or furniture and / or appliances).
4. Tire shop, including vulcanizing and re-treading.
5. Public airport.
6. Asphalt plants.
7. Coal, coke, wood, and other raw material storage yards.
8. Commercial extraction uses, to include the removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for state, county, or private projects where material is not being sold or removed from the property where it originates.
9. Concrete mixing and concrete products manufacturing.
10. Rental of equipment commonly used by contractors.
11. Blacksmith or Cooperage works.
12. Enameling, lacquering, or japanning.
13. Bulk storage and pumping of agricultural chemicals and fertilizers.
14. Foundry casting lightweight metals to include smelting of tin, copper, zinc, or iron ores.
15. Gasoline or service station or Convenience Store, but does not include body repair or used parts wrecking and storage.
16. Hide tanning.
17. Junk, salvage, or scrap metal yards. Junk, metal or rags, storage or baling, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or solid fence, not less than six (6) feet in height, completely obscuring the activity. Such junk yards must comply with the fifty (50) foot setback requirements for all junk and scrap metal and must screen such material from any road.
18. Laboratories, experimental, or testing.
19. Locker plant and storage for retail sales only.
20. Manufacture, storage, refining, extraction, and pumping of chemicals, fertilizers, or petroleum products.
21. Manufacture of cosmetics and pharmaceutical products.
22. Manufacture or assembly of electrical appliances, devices and motors.
23. Manufacture of insulation.
24. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay.
25. Printing and/or publishing houses.
26. Rendering facilities, or its products, refining and wholesale storage.
27. Signs, manufacture and repair of electric, metallic, billboard sized signs.
28. Slaughter houses, meat packing and processing plants, and stock yards.
29. Commercial or wholesale seed processing and storage.
30. Sawmill, planning mill, including manufacture of wood products.
31. Cement, lime, gypsum, or plaster of Paris manufacture.
32. Explosive manufacture or storage.
33. Data Processing Center
34. Any similar manufacturing or industrial use deemed appropriate after review and approval of the County, per Section XXIV(L) of this Ordinance.

D. Height Regulations

Shall be those specified in Section VII, subsection "U".

E. Water and Sewer Systems

Subject to the approval of the County Department of Health.

F. Minimum Lot Area, Lot Frontage and Yard Requirements for "M" Manufacturing District

Shall be those specified in Section VII, subsection "U".

G. Sign and Parking Regulations

See Sections XX and XVIII, respectively.

SECTION XVII.
NONCONFORMING USES

A. General Intent

Within the districts established by the April 17, 1978, Ordinance, or amendments that may have been or be adopted, there exists lots, structures, buildings, and uses of land that were lawful on April 17, 1978, but which would be prohibited, regulated or restricted under the terms of that Ordinance or future amendments.

1. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which substantial improvements have been made.
3. Any use in existence at the time of adoption of this Ordinance which was not an authorized "nonconforming use" under the previous zoning Ordinance shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

B. Nonconforming Use of Land

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

1. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of the parcel, or land, in question than was occupied at the effective date of adoption or amendment of this Ordinance.
2. If any such nonconforming use of land ceases for a period of more than one (1) year, any subsequent use of such land shall conform to the district regulations for the district in which such land is located, unless an extension is granted by the Commission.
3. No such nonconforming use shall be moved in whole, or in part, to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of the Ordinance.

C. Nonconforming Use of Structures

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

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

2. Any nonconforming use of a structure may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of a similar nature within the same or a more restricted classification.
4. When a nonconforming use of a structure, building or premises (including mobile homes) is discontinued or abandoned for one (1) year, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless an extension is granted by the Commission.

D. Nonconforming Structures

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structures be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

E. Nonconforming Lots of Record

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

F. Nonconforming Status Exemption

The following exemptions shall apply to any use that would be deemed nonconforming by the provisions of this section, subject to the following provisions:

1. In an "A-1" Agricultural District existing dwellings, including mobile homes, that were lawful prior to the adoption of this Ordinance or amendments thereof that would be declared nonconforming. Such dwellings and customary accessory buildings shall qualify for an exemption which shall permit said use to be enlarged, extended, reconstructed, replaced, or structurally altered.
2. Any use for which a special permit has been issued.

G. Repairs and Maintenance

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

H. Certification of Nonconforming Uses

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

I. Moratorium on Applied Regulations

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

SECTION XVIII.
PROVISIONS FOR AUTOMOBILE PARKING

- A. In the "C" Commercial and "M" Manufacturing and "C-M" Commercial-Manufacturing Districts in connection with every industrial, commercial, business, trade, institutional, recreational, or similar uses, off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule; however, no parking area required hereunder shall be less than one thousand (1,000) square feet in area except in the case of dwellings and retail stores and shops under one thousand (1,000) square feet. A parking space shall contain not less than one hundred eighty (180) square feet plus necessary maneuvering for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unloading, shall not encroach upon any public right-of-way. Parking spaces for other than residential use shall be of a surface material approved by the County Engineer.
- B. Where a parking lot does not abut on a public or private street, road, alley, or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than twenty (20) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided however, such easement of access or access drive shall not be located in any agricultural or residence district, except where serving a permitted use in an agricultural or residence district.
- C. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
1. No part of any parking space shall be closer than five (5) feet to any established highway, road, street, or alley right-of-way line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screen planted.
 2. All required off-street parking areas located along a hard surface road shall be surfaced with asphalt, cement, or gravel. The top layer of gravel shall be sized no larger than $\frac{3}{4}$ of an inch. The surface shall be graded and drained so as not to cause undue hardship to neighboring properties.
 3. Any lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any "R" District.
- D. In any "R" Residence District abutting a "C" Commercial, "M" Manufacturing or "C-M" Commercial-Manufacturing District, off-street parking lots shall be permitted in accordance with the following requirements:
1. Said off-street parking lot shall not extend further than two hundred (200) feet into an "R" Residence District or to the nearest street, whichever is closer.
 2. Off-street parking lots located in an "R" Residence District shall provide front and side yards in accordance with the district in which it is located. Provided further that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area. Provided further that where a contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line.
 3. Off-street parking lot in any "R" Residence District shall provide a permanent fence of shrubbery screen on all side yards of the abutting "R" Residence District. Such screen to be located in the provided side yard.

4. Off-street parking lots on any "R" Residence District shall be developed with an all weather, dust free surface. Such surfacing shall be approved by the County Engineer. Provided further that such parking lots shall be maintained in an orderly manner free from refuse or debris.
5. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.

Table 3. Parking Requirements

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

SECTION XIX.
REQUIREMENTS FOR LOCATION OF MOBILE HOMES
AND MOBILE HOME PARKS

- A. Mobile homes to be used for dwelling purposes shall be placed only in mobile home parks except as may be herewith set forth. A mobile home park may be established in only designated districts provided a permit is secured as set forth herein.
- B. Permit: It shall be unlawful for any person to maintain or operate a mobile home park within the unincorporated areas of Grundy County unless such person shall have first obtained a special permit therefore as set forth in the Ordinance.
- C. Application for Permit: Any person desiring to operate a mobile home park shall first file application for approval of site location with the County Zoning Commission. Applications shall be in writing, signed by the applicant, and shall contain the name and address of the applicant, the location and legal description of the site, and a site plan, and shall have attached thereto the written consent of seventy-five (75) percent of the property owners within two hundred (200) feet of any part of the premises to be occupied for such use, exclusive of any public street or highway right-of-way.
- D. After consideration of the application, the County Zoning Commission shall submit its recommendations to the Board of Supervisors and said Board shall then grant or deny the application.
- E. After approval of the site has been obtained and before issuance of a permit for construction, the applicant must file with the Administrative Officer of the County Zoning Commission proof of compliance with all requirements of the Department of Health of the State of Iowa.

Required as proof of such compliances shall include the following:

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

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

F. Mobile Homes Located Other than in Mobile Home Parks

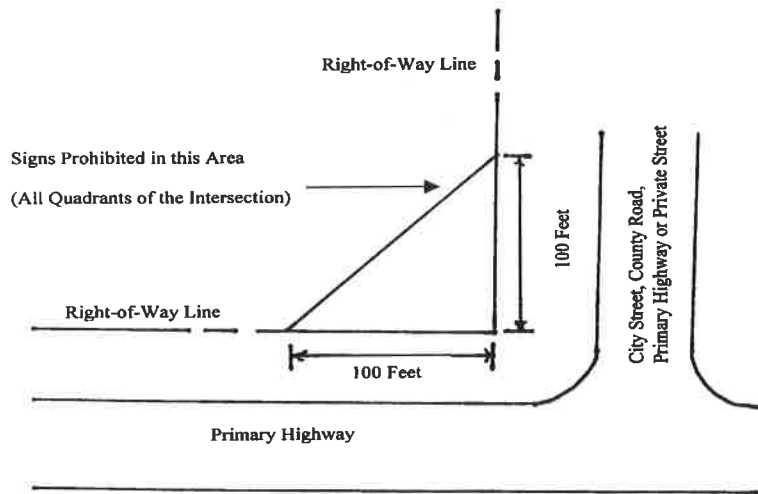
- 1. A mobile home may be placed on a farm as the principal dwelling unit. Also, one (1) mobile home may be placed on a farm in addition to an existing permanent dwelling, provided the occupant of said mobile home is a member of the immediate family of the property owner and actively engaged in the conduct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

2. A special use permit for mobile homes used as temporary living quarters during construction of a principal dwelling may be issued by the Administrative Officer after approval of the County Zoning Commission. The Commission shall determine the expiration date of the permit.
3. A mobile home may be used as a temporary office upon obtaining a permit from the Zoning Administrator. Said permit shall be authorized for a period not exceeding one hundred eighty (180) days.
4. Nothing in this Ordinance shall be construed as permitting a mobile home to be used for commercial, storage, or other uses except for human habitation.

SECTION XX.
OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

- A. Outdoor advertising signs and billboards shall comply with all State and Federal regulations.
- B. No outdoor advertising sign or billboard shall be permitted within a triangular corner lot when the sides are formed by the lines of streets intersecting at an angle of less than sixty degrees (60°) and a line joining points on such lines one hundred (100) feet distant from their point of intersection.

Figure 7: Sight Distance at Intersections



- C. On parcels abutting "R" Residential Districts:
1. No sign or billboard shall face the front or side lot line of said residential lot.
 2. No sign or billboard shall be located within one hundred (100) feet of said residential lot.
- D. No sign or billboard which faces any public parkway, public square or entrance to any public park, public or parochial school, church or cemetery or similar institution shall be permitted within three hundred (300) feet thereof.
- E. Commercial, Commercial-Manufacturing and Manufacturing Districts
1. In the "C" Commercial and "M" Manufacturing and "C-M" Commercial-Manufacturing Districts, where permitted, billboards shall be set back from any proposed or existing right-of-way line of any county road, street or highway as shown on the official adopted street plan, at least as far as the required front yard depth for a principal building in such districts. This is not to include business identification, directional, and other incidental signs otherwise permitted under the provisions of this Ordinance.
 2. Outdoor advertising signs and billboards in accordance with the following considerations:

- a. Where the total contiguous area of the "C" and "C-M" District in which the proposed outdoor advertising sign or billboard is to be located is less than ten (10) acres in area, exclusive of road right-of-ways and alleys.
 - b. That no sign shall be permitted where the majority of buildings in a block or section are exclusively residences on both sides of the street.
 - c. Upon recommendation of the Commission and approval from the Board of Supervisors.
- 3. Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District; however, this does not apply to the side of the building which is opposite that side adjoining the "R" District.
 - 4. One "post sign;" provided, however, that said "post sign" shall not have a surface area greater than thirty-two (32) square feet on any one side thereof and not more than two (2) sides of said "post sign" shall be used for advertising purposes. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
 - 5. Any exterior or roof sign, provided such sign shall not project more than fifteen (15) feet above the roof line.

F. Home Occupation and Home Industry Signs

- 1. Only two (2) identification signs may be displayed, one of which may be an off-premise sign, subject to the following requirements.
 - a. Contains only the name of the occupant and the nature of the occupation.
 - b. Shall not contain more than sixteen (16) square feet and shall be no more than six (6) feet high or no more than six (6) feet in width.
 - c. Shall not be illuminated.
 - d. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

SECTION XXI.
EXCEPTIONS AND VARIATIONS OF THE USE, HEIGHT,
AND AREA REGULATIONS

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

- A. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to height not exceeding sixty (60) feet and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from side and rear yard lines heretofore established an additional foot for each two (2) feet of building height above the height limit otherwise imposed in the district in which the building is located.
- B. Single-family and two-family dwellings may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.
- C. Chimneys, cooling towers, grain silos, elevators, bulkheads, fire towers, monuments, wind generators, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers or necessary mechanical apparatus, may be erected to any safe height not in conflict with existing or hereafter adopted regulations of Grundy County, Iowa.
- D. Accessory buildings may be built in a required rear yard, but shall not occupy more than thirty (30) percent of the rear yard.
- E. No basement shall be occupied for dwelling purposes unless at least one (1) story of the house above the basement has been completed. This variation is not to be construed to prohibit earth-sheltered subterranean dwellings.
- F. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard and except for the ordinary projections of sills, belt course, cornices, and ornamental features projecting not to exceed twelve (12) inches.
- G. For the purpose of side yard requirements, a two-family group house or multiple dwelling shall be considered as one building occupying one lot.
- H. Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located but such buildings shall not exceed the number of feet of building height permitted in such districts.
- I. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period the work is under way, but such temporary buildings shall be removed upon the completion of the construction work as determined by the Administrative Officer.
- J. More than one (1) industrial, commercial, multiple dwelling or institutional building may be erected upon a single lot or tract in a district permitting these uses, but the yards and open spaces required around the boundaries of the lot or tract shall not be encroached upon by any such buildings nor shall there be any change in the intensity of use regulations.

- K. A vacation or recreational cabin may be located in the floodplain along any river or stream in Grundy County, provided that the yards and building height comply with the regulations for the "A-1" or "A-2" Agricultural Districts.
- L. Where more than thirty (30) percent of the frontage in a block has been built up with buildings having a front yard, then the building line of the buildings to be erected shall conform to the natural building line of the block as determined by the existing buildings. However, no building need set back more than fifty (50) feet.
- M. The Board of Adjustment shall review, may modify, and may, by special permit, issue a special exception to the following uses, subject to the provisions of Section XXIV(F) of this Ordinance. Said use may be located in any zoning district but otherwise restricted by other provisions of this Ordinance:
 - 1. Municipal, county, state or federal government buildings.
 - 2. Commercial, amusement or recreational development for temporary periods.
 - 3. Temporary, portable asphalt or concrete paving plants for short-term projects.

SECTION XXII.
SUBDIVISION REGULATIONS

A. Purpose

To provide procedures and guidance for the approval of subdivisions, resubdivision, or dedications in the unincorporated areas of Grundy County; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system, and for the purpose of improving the health, safety, and general welfare of the citizens; and repealing all other ordinances or resolutions in conflict herewith. This Ordinance is permitted and specifically authorized in Chapter 354, Platting - Division and Subdivision of Land, Code of Iowa, as amended.

B. Title

This Section shall be known and may be cited and referred to as the "Grundy County, Iowa, Subdivision Ordinance or Regulation".

C. Definitions

See Section V.

D. General Provisions

1. Application. This Ordinance shall apply to all plats, replats, and divisions of land into parcels, any of which are less an aliquot part one-quarter ($\frac{1}{4}$) of one-quarter ($\frac{1}{4}$) section, and lying in the unincorporated area of Grundy County, Iowa, including the subdivision of land within two (2) miles of any city. The provisions of this Ordinance shall apply to the division of any lot or parcel of land entered of record in the office of the County Recorder as a single lot or parcel after the effective date of this Ordinance.
2. Plats within Two Miles of a City or Town. For preliminary and final plats of land within two (2) miles of a city or town which has adopted ordinances regulating divisions of land within and outside of the city's boundaries, up to a limit of two (2) miles, the plats shall be filed with the municipality in accordance with the provisions of Sections 354.9 and 354.10 of the 2021 Code of Iowa or its successor, prior to or at the same time as filing with the County. Approval by one (1) political entity does not automatically constitute approval by the others unless the political entities have so agreed.
3. Subdivision Classification. Any proposed subdivision or re-subdivision shall be classified as a minor subdivision or major subdivision by the Zoning Administrator. To aid in this, the subdivider shall submit in writing or other appropriate documentation the principle features of access, relationship and location of existing roads, proposed water and sanitary sewer systems, public utilities and improvements, the number and location of the proposed lots and other pertinent data or information. Any subdivision may be classified as a major subdivision at the subdivider's request.
4. Zoning. The property to be subdivided must be appropriately zoned, or in process of being appropriately zoned, in order to request review and consideration of a subdivision by the County.
5. Review. All subdivision plats shall be submitted to the Zoning Administrator for review according to

the process established in this Ordinance prior to recording. The Zoning Administrator shall refer one (1) copy each to the: Board of Supervisors, Planning Commission, County Auditor, County Assessor, County Attorney, County Engineer, County Environmental Health, and the Iowa Department of Transportation, if adjacent to a state highway. Each of the aforementioned offices shall examine the plat as to its compliance with the ordinances and regulations of Grundy County, as well as the State of Iowa, and submit their findings and/or conditions or requirements to the Zoning Administrator as soon as is possible, but within ten (10) calendar days of receipt of the copy.

6. Agricultural Subdivision: A subdivision that meets the following criteria:

- a. All new parcels shall front on or have direct access from an existing street.
- b. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed subdivision.
- c. All new parcels are intended to be used for agricultural purposes and shall continue to be used consistent with the agricultural exemptions of Section 335.2, Code of Iowa, as amended, and shall bear the following legend on the recorded plat, "This plat is for agricultural purposes only and is intended for agricultural uses in conformity with Section 335.2 of the Code of Iowa, as amended." NOTE: This platting is for agricultural or environmental purposes only and is not intended for development except in conformance with zoning regulations.
- d. No new parcel shall conflict with any provisions or portion of the Grundy County Development Ordinance or its subdivision regulations.
- e. The subdivision contains no new development lots.
- f. The subdivision lies wholly within the A-1 Agricultural Zoning District.
- g. An agricultural plat may include a lot containing the farmstead being split from the farm and shall not include any division that creates or expands a non-conforming use.
- h. Grundy County Planning and Zoning staff shall review an agricultural plat, prior to its recording. If the plat is within a 2-mile jurisdictional area of a city, the sub-divider shall contact that city for its processing requirements, unless the City so waives.

E. Subdivision Design Standards

The standards and details of design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood, and shall conform with design standards as approved by the Board of Supervisors.

General requirements:

1. Land suitability

No land shall be subdivided for residential purposes which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological

formations, unsatisfactory topography or other features likely to be harmful to the health, safety or general welfare unless such unsuitable conditions are corrected to the satisfaction of the County.

- a. If a subdivision is found to be unsuitable for any of the reasons cited in this section the Planning and Zoning Commission shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Planning and Zoning Commission may re-affirm, modify or withdraw its determination of unsuitability.

2. Streets

- a. Private Streets. Private streets, not dedicated to and accepted by the County, are discouraged. However, private streets shall be built to Grundy County standards in accordance with the Grundy County engineer, if they are ever to be dedicated to the County. If private streets are utilized, they shall be platted as such and be under the control of the subdivision, homeowners association, and/or subdivider. Private streets shall be required to meet emergency management and services recommendations.
- b. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater right-of-way width, but not less than sixty-six (66) feet in width, and in similar alignment, unless variations are recommended by the Planning and Zoning Commission (see Section XXII(E)(5)).
- c. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Planning and Zoning Commission OR Board of Supervisors. In a case where a street will eventually be extended beyond the plan but is temporarily dead ended, an interim turn-a-round shall be required.
- d. Street Intersections. Street intersections shall be as near to right angles as possible.
- e. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than five hundred (500) feet and shall be provided at the closed end with a turn-a-round having a street property line diameter of at least one hundred (100) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-a-round shall be a minimum of sixty-six (66) feet. The property line at the intersection of the turn-a-round and the lead-in portion of the street shall be rounded at the radius of not less than thirty (30) feet. A paved cul-de-sac without curb and gutter shall have a minimum paved diameter of seventy (70) feet with a minimum shoulder width of four (4) feet of rock. A paved cul-de-sac with concrete curb and gutter shall have a minimum paved diameter of seventy-eight (78) feet measured from the back of curb to back of curb.
- f. Street Names. All newly platted streets shall be named in a manner consistent with the present street name system and should be consistent with the Grundy County E-911 naming and numbering system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended though the various portions be at a considerable distance from each other, shall bear the same name. New street names shall be subject to the recommendation by the Planning and Zoning Commission and approval of the Board of Supervisors so as to avoid duplication or similarity of names.
- g. Physical and Cultural Features. In general, streets shall be platted with appropriate regard

for topography, creeks, wooded area, and other natural features which would lend themselves to attractive treatment.

- h. Half Streets. Dedication of half streets will be prohibited unless there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Planning and Zoning Commission.
- i. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.
- j. Easements.
 - (1) Easements for utilities, when necessary, shall be provided along rear or side lot lines or along alleys. The width of such easement shall be not less than ten (10) feet in total width.
 - (2) Whenever a subdivision is traversed by a water course, channel, drainageway or stream, a stormwater easement or drainage easement may be required. The width of such easement shall be adequate for the anticipated drainage but not less than thirty-five (35) feet and shall be shown on the plat.
 - (3) Any lot which has no frontage upon a public or private street shall be provided with an easement for access to a public or private street. The width of such easement shall not be less than thirty (30) feet.
 - (4) Easements to the County for road purposes shall not be allowed.
- k. Neighborhood Plan. If any overall plan has been made by the commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
- l. Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Planning and Zoning Commission may require a sketch of the prospective future system of the unsubmitted part. The street system of the part submitted shall be correlated with the street system of the part not submitted.
- m. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited accessway, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:
 - (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.
 - (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
- n. Street Right-of-Way Width. The width of minor or residential streets shall not be less than sixty-six (66) feet.

- [illegible]

5. Improvements

If the proposed subdivision is within two (2) miles of an incorporated city that has subdivision regulations, then the city's requirements shall prevail. If said incorporated city does not have subdivision regulations, or the proposed subdivision is greater than two (2) miles from an incorporated city, then the county's requirements shall prevail.

a. Streets and roads

In addition to Section XXII(E)(2), all streets or roads intended to be dedicated to public use and accepted into the County secondary road system shall meet the following criteria:

- (1) All streets shall be put to grade and standard cross-section according to the plans approved by the County Engineer and Board of Supervisors prior to construction. Either a rural (see Figure 9) or urban (see Figure 10) type cross-section may be used. Both plan and profile view details shall be drawn to a scale of one inch equals one hundred feet (1"=100') horizontal and one inch equals ten feet (1"=10') vertical.
- (2) Paved streets without curb and gutter that incorporate open ditches as a means of stormwater drainage shall have a minimum surfaced width of twenty-four (24) feet with a minimum shoulder width of four (4) feet of rock (see Figure 9). Paved streets with concrete curb and gutter shall have a minimum width of thirty-one (31) feet measured from the back of curb to back of curb (see Figure 10).
- (3) All streets shall be paved with one of the following in accordance with specifications approved by the Board of Supervisors and County Engineer:
 - a) Class B Portland cement concrete paving with a minimum six (6) inch thickness with a two (2) percent crown measured from the centerline of the street to the gutter or shoulder of the road. Coarse aggregate in concrete mixture shall be Class 2 durability, or better.
 - b) Asphalt concrete paving with a minimum seven (7) inch thickness, as follows, with a two (2) percent crown measured from the centerline of the street to the gutter or shoulder of the road.
 - (i) Surface course: three (3) inches of Type B asphalt concrete. A minimum mixture size of one-half (0.5) inch in diameter shall be required.
 - (ii) Base course: four (4) inches of asphalt treated base or four (4) inches of Type B asphalt concrete.
 - (iii) Sub-base course: four (4) inches of soil aggregate sub-base.
 - c) Other alternative construction materials and specifications acceptable to the Board of Supervisors and County Engineer.
 - d) All construction and materials shall conform to the current Iowa Department of Transportation standard specifications and special provisions.

- (4) Advance notice of construction is required.
- (5) All designs, materials, inspection, results, and procedures shall be certified to the County Engineer by a duly registered engineer.
- (6) A maximum of thirty-five (35) dwelling units, including mobile homes, per driveway shall be allowed.
- (7) All driveways shall be paved according to these specifications.
- (8) All new major subdivisions shall be accessed by a paved access or road, the cost of which shall be the sole responsibility of the developer and shall be inspected and certified by the County Engineer.

b. Utility service systems

- (1) Public sanitary sewers and water systems shall be installed within the street or right-of-way or established easements as required by the State and local ordinances.
- (2) Gas mains shall be installed within the street right-of-way or an established easement.
- (3) Electric and telephone lines shall be installed within the street right-of-way or established easements.
- (4) All utility service systems shall be subject to approval by the County Engineer and Board of Supervisors.
- (5) All utility service systems placed within County right-of-way will require an approved permit from the County Engineer prior to installation.

c. Storm drainage

- (1) Adequate storm sewers and inlets shall be provided where necessary.
- (2) Natural waterways shall be maintained and protected.
- (3) All stormwater facilities shall be subject to approval by the County Engineer and Board of Supervisors.

d. Utility locations

The proposed location, alignment and sizes of all utilities, whether underground or overhead, and the type of street construction shall be shown on the preliminary plat. Approval of the plat will form the basis for final designs of all improvements.

All underground utilities to be located within the street right of way shall be constructed and service provided to each lot before paving of the street.

e. Traffic control devices and signs

Street signs that conform to the Manual on Uniform Traffic Control Devices (MUTCD) shall be installed by the developer at all intersections.

f. Mailboxes, newspaper boxes, and their supports

All mailboxes, newspaper boxes, and their supports shall be constructed or erected according to Grundy County Engineer and United States Postal Service standards. The following provisions are required (See Figure 8).

- (1) The front face of the mailbox shall be located at the shoulder line.
- (2) The support post shall be in the foreslope with the inside edge of the post six (6) inches outward from the shoulder line.
- (3) The support post(s) shall be no larger than six (6) inch by six (6) inch (6"X6") wood post or four (4) inch diameter pipe.
- (4) The height of the mailbox shall be in accordance with United States Postal Service requirements.

g. Parking

All parking improvements shall be constructed according to Section XVIII of this Ordinance.

Figure 8. Mailbox Turnout

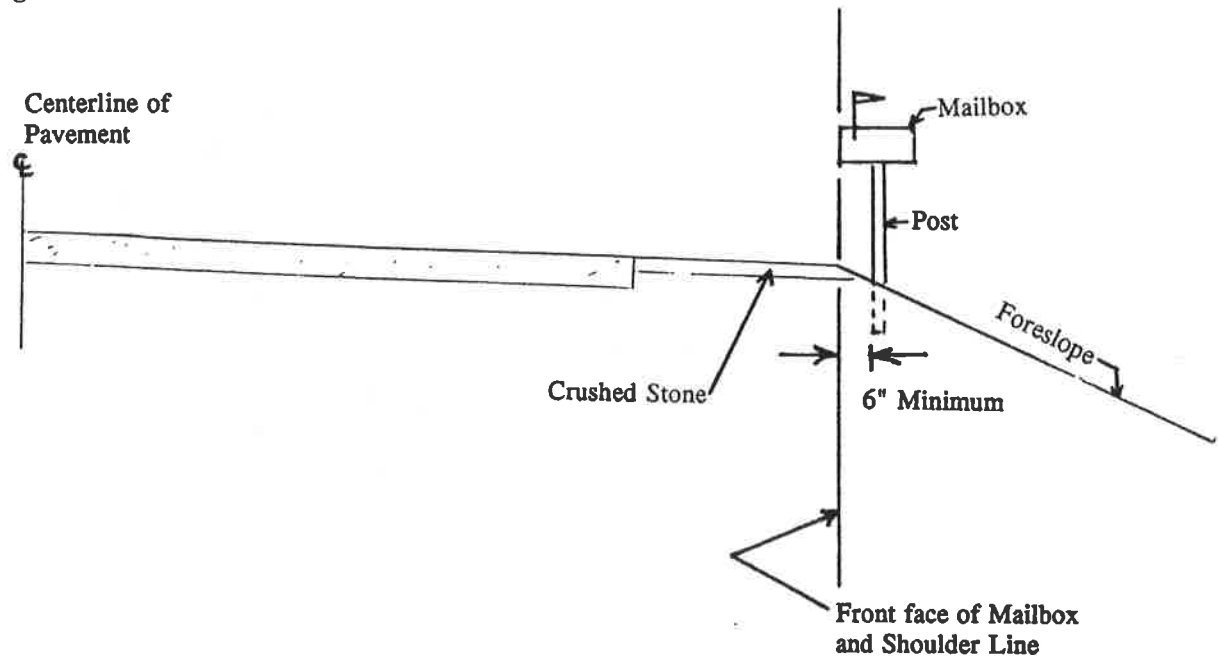


Figure 9. Typical Rural Road Cross-Section (Pavement with Open Ditches).

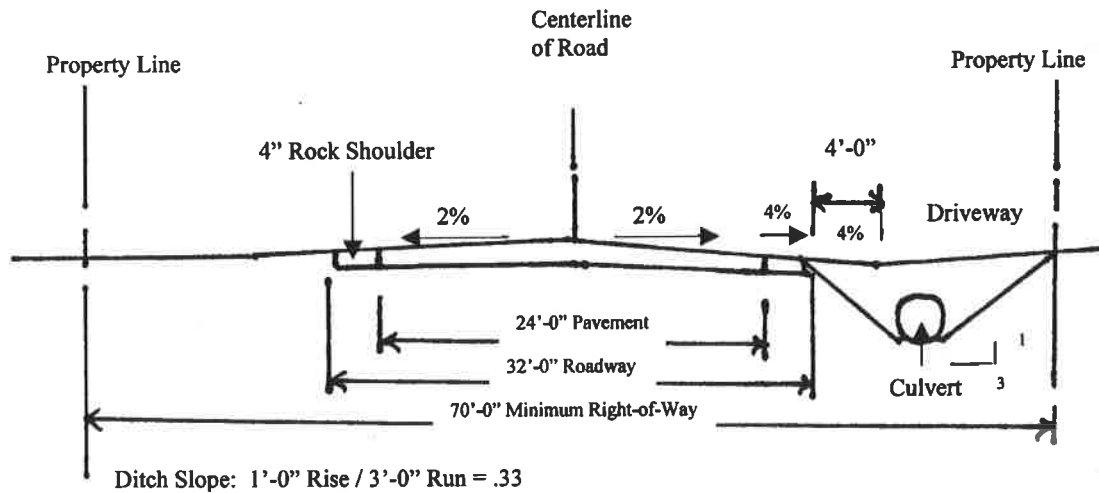
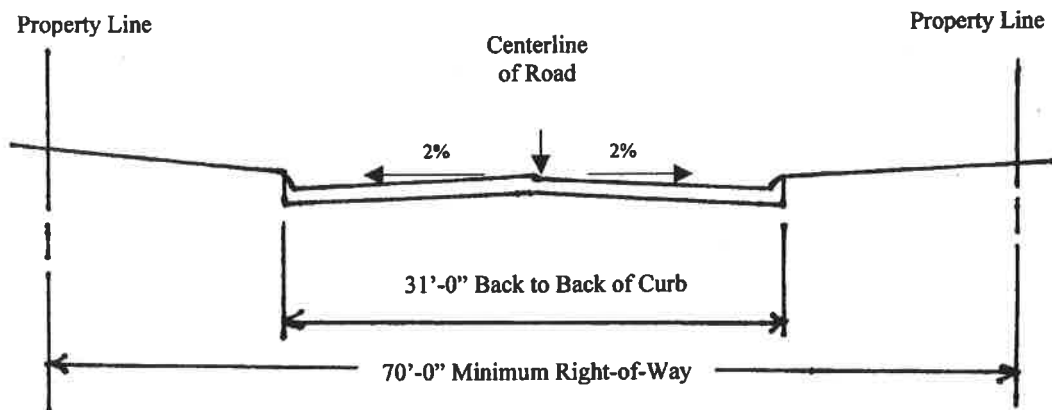


Figure 10. Typical Urban Road Cross-Section (Pavement with Curb and Gutter).



F. Preliminary Plat Requirements and Procedures (Major Subdivision)

1. Pre-preliminary plan and conference

Each proprietor of land wishing to subdivide is required to meet with County Officials, including the office of the: County Engineer, Auditor, Environmental Health Administrator, and Recorder before preparing the preliminary plat in order to become familiar with County regulations affecting the territory in which the proposed subdivision lies. A pre-preliminary plat may be presented at that time.

2. Number of copies

Whenever the proprietor of any tract or parcel of land within the unincorporated area of the County wishes to subdivide or plat the same, the proprietor shall cause to be prepared a preliminary plat of said subdivision, and shall submit six (6) copies of said preliminary plat and supportive information to the Zoning Administrator for preliminary study and approval. The preliminary plat shall be submitted to the Administrator by the proprietor a minimum of twenty-one (21) days prior to Planning and Zoning Commission consideration.

3. Referral of preliminary plat

The Zoning Administrator shall refer one (1) copy each to the members of the Planning and Zoning Commission, County Auditor, County Engineer, County Sanitarian/County Board of Health, the Natural Resources Conservation Service, the Board of Supervisors, and to any City within two (2) miles of the subdivision for their comments and recommendations. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of Grundy County and submit their findings to the Zoning Administrator as soon as possible, but within thirty (30) days.

4. Contents of preliminary plat

Preliminary plats shall contain, include, or show the following requirements.

- a. Name of subdivision, date, an arrow indicating the northern direction, and the legal description of the property being platted.
- b. Plats shall be drawn on sheets not larger than twenty-four (24) inches by thirty-six (36) inches. One (1) copy shall be scaled to fit on an eleven by seventeen (11X17) inch piece of paper. The scale of the plat, preferably one inch equals one hundred feet (1"=100'), shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one (1) sheet shall show match lines and references.
- c. Name and address of recorded owner and developer, if different than the owner.
- d. Name and address of developer's engineer or surveyor, as well as the seal and certificate thereof.
- e. Existing buildings, railroads, utilities, and other rights-of-way.
- f. Location, names and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided.
- g. Location and names of adjoining subdivisions as well as a list of property owners within five hundred (500) feet of the property to be subdivided.
- h. Proposed lot lines with approximate dimensions and the square foot area of each lot.
- i. Areas dedicated for public use, such as schools, parks and playgrounds.
- j. Contour lines shown at intervals of two (2) feet.
- k. Building setback lines.

- l. Boundaries of the proposed subdivision shall be indicated by a heavy black line.
 - m. Existing and proposed zoning of the proposed subdivision, as well as the existing zoning of the adjoining property or properties.
 - n. Proposed utility service:
 - (1) Source of water supply.
 - (2) Provision for sewage disposal, stormwater drainage, and flood control, if applicable.
 - o. A vicinity sketch at a legible scale showing the relationship of the Plat to its general surroundings.
 - p. Lots shall be numbered in a way that is acceptable to the County Auditor's office.
 - q. Present and proposed easements showing widths and purposes of said easements.
 - r. If applicable, the regulatory flood elevation data; limits of the one hundred-year floodplain boundaries, original and revised, must be shown.
 - s. Environmental studies may be required if a proposed subdivision is located in, or near, a "Flood-Prone Area", as defined herein.
6. Review by the Planning and Zoning Commission
- a. Upon receipt of the report of the various offices referred to above, as soon as possible, but not more than sixty (60) days after initial receipt of the plat by the Zoning Administrator, the Planning and Zoning Commission shall review said plat, consider said reports, negotiate with the subdivider on changes deemed advisable and the kind and extent of improvement to be made, and take action upon the preliminary plat as originally submitted or modified. If a subdivision is not recommended for approval, the Planning and Zoning Commission shall give written reasons therefore. The preliminary plat may require more than one (1) Planning Commission review.
 - b. Before approving a preliminary plat, the Planning and Zoning Commission may in its discretion hold a public hearing, notice of which shall be given by publication in a local newspaper at least four (4), but not more than twenty (20), days before said public hearing.
 - c. If a public hearing is scheduled, as a courtesy and to the best ability of the County, property owners within five hundred (500) feet shall be notified of said public hearing.
 - d. The Commission will provide a recommendation regarding the plat to the Board of Supervisors.

7. Review by the Board of Supervisors

- a. Upon receiving a recommendation from the Planning and Zoning Commission, the Board of Supervisors shall then take action upon the preliminary plat, certifying its approval or disapproval. In case of disapproval, it shall give written reasons therefore. If approved, the preliminary plat shall be certified by resolution.
- b. The approval of the preliminary plat by the Board of Supervisors does not constitute acceptance of the subdivision, but shall authorize the developer to proceed with the preparation of the final plat.
- c. The approval of a preliminary plat by the Board of Supervisors shall be valid for a period of one (1) year from the date of such approval, except upon application for and approval of an extension of such period of validity, by the Board of Supervisors.

8. Improvements

- a. All standards and improvements described in Section XXII(E)(5) shall be installed at the cost of the developer in accordance with the approved plans and specifications after acceptance of the preliminary plat by the Board of Supervisors. All improvements shall be inspected by the developer's engineer and County Engineer and certified to the Board of Supervisors with the cost of said inspection by the County Engineer being reimbursed to the County by the developer. With regard to the Board of Supervisors accepting dedication of roads or streets, the Board shall not accept a road in a subdivision of less than ten (10) lots unless or until structures have been constructed on all of the lots. For subdivisions of ten (10) or more lots, the Board shall not accept a road unless or until three-fourths ($\frac{3}{4}$) of the lots have structures constructed on them.
- b. Subdivisions may be developed in phases, provided phasing of improvements is acceptable to the County Engineer and Board of Supervisors.
- c. Prior to acceptance of the final plat by the Board of Supervisors, the developer shall enter into an agreement with the Board of Supervisors to ensure the completion of the improvements within a specific time period. The agreement shall specify the improvements to be constructed, the schedule for completion of construction (each phase not to exceed three (3) years) and shall be accompanied with a performance bond, corporate surety bond, cash, or other surety approved by the County Attorney in an amount equal to one hundred (100) percent of the estimated cost of said improvements.
- d. The owner and subdivider of the land being platted shall be required to provide to the County property maintenance bonds, or other means satisfactory to the County Engineer and County Attorney, so as to ensure that for a period of two (2) years from the date of acceptance and completion of any improvement, the owner and subdivider shall be responsible to maintain the improvements in good repair.

G. Final Plat Requirements and Procedures (Major Subdivision)

1. Number of copies

Within one (1) year of approval of the preliminary plat, or extension thereto, by the Board of Supervisors, the subdivider shall submit eight (8) copies of the final plat for review, one (1) copy of

which shall be full-size (scalable) and the remaining may be reduced in size, to the Zoning Administrator for preliminary study and approval. The final plat shall be submitted to the Administrator a minimum of twenty-one (21) days prior to Planning Commission consideration. Final plat review shall not begin until, or unless, all copies of the final plat and accompanying materials have been submitted.

2. Referral of final plat

The Zoning Administrator shall refer one (1) copy each to the County Auditor, County Recorder, County Assessor, County Engineer, County Sanitarian/County Board of Health, the Natural Resources Conservation Service, and to any City within two (2) miles of the subdivision for their comments and recommendations, if required by the City. Each of the aforementioned offices shall examine the plat as to its compliance with the laws and regulations of Grundy County and submit their findings to the Zoning Administrator as soon as possible, but within thirty (30) days.

3. Contents of final plat

Final plats shall contain, include, or show the following requirements

- a. Name of subdivision and developer, as well as proof of ownership.
- b. Plats shall be drawn on sheets not larger than twenty-four (24) inches by thirty-six (36) inches, or a sheet size acceptable by the County Recorder. One (1) copy shall be scaled to fit on an eleven by seventeen (11X17) inch piece of paper. The scale of the plat, preferably one-inch equals one hundred feet (1"=100'), shall be clearly stated and graphically illustrated by a bar scale on every plat sheet. Larger subdivisions that require more than one (1) sheet shall show match lines and references.
- c. An arrow indicating the northern direction.
- d. Curve data including delta angle, length of arc, degree of curve, and the length and direction of the chord.
- e. Boundary lines of subdivided area with accurate distances, bearings, and boundary angles. The unadjusted error of closure shall not be greater than one (1) in ten thousand (10,000) for subdivision boundaries and shall not be greater than one (1) in five thousand (5,000) for an individual lot. The areas of irregular lots within the plat shall be shown and may be expressed in either acres to the nearest one-hundredth acre, or square feet to the nearest ten (10) square feet.
- f. Exact name, location, width, and designation of all streets within the subdivision. Additionally, alleys, parks, open areas, school property, other areas of public use, or areas within the plat that are set aside for future development shall be assigned a progressive letter and have the proposed use clearly designated.
- g. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer, and such drainage or access easements as are deemed necessary for the orderly development of the land encompassed within the plan. All such easements relative to their usage and maintenance shall be approved by the Planning and Zoning Commission prior to the recording of the plat.

- h. Building setback lines with dimensions.
 - i. Legal description of the property being subdivided.
 - j. Lot numbers.
 - k. Certificate of Survey.
 - l. Description and location of all permanent monuments set in the subdivision, including ties to original Government corners.
 - m. A table listing coordinate values for all property corners (based on the Iowa State Plane System, Northern Zone).
4. Accompanying material
- a. Any restrictive covenants or deeds of dedication shall be submitted for review and recommendation by the County Attorney.
 - b. A dedication or easement to the County for any property intended for public use.
 - c. A proposed schedule of improvements to be made.
 - d. A complete abstract and title and an attorney's opinion showing that fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond, per the Code of Iowa.
 - e. A statement from the County Treasurer that the property in question is free of taxes.
5. Review by the Planning and Zoning Commission
- The Planning and Zoning Commission shall review the final plat in the same manner that they addressed preliminary plats, Section XXII(F), and forward its recommendation to the Board of Supervisors.
6. Action by the Board of Supervisors
- a. Upon receipt of the final plat and the required documents from the Commission, the Board will consider the recommendations of the reviewing offices. If approved, the final plat shall be certified by resolution. In case of disapproval, the Board shall give written reasons, therefore.
 - b. The Board may refuse to approve any plats for proposed subdivisions which include improvements or facilities that are subject to regulations and ordinances of the County Sanitarian/County Board of Health unless such improvements or facilities have been approved by that Department. The Board may disapprove a final plat for lots to be served by residential on-site sewage treatment systems which includes any lot having an area less than the minimum area required by such applicable regulations and ordinances. In case of disapproval, it shall give written reasons therefore.

- c. The passage of a resolution by the Board accepting the plat shall constitute final platting approval of the area shown on the final plat. The subdivider or owner shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the County shall recognize the plat as being in full force and effect. In addition six (6) copies of the approved final plat and adopting resolution as well as one (1) copy of the completed plat proceedings with restrictive covenants shall be submitted to the Zoning Administrator by the developer or their agent.

H. Minor Subdivision Requirements and Procedures

1. If classified as a "minor plat" by the Administrator, eight (8) copies of the proposed minor subdivision plat shall be prepared and submitted to the Administrator. Said plat shall contain such information as required by this Ordinance or as may be specified by the Administrator.
2. If the Administrator shall determine that the "Minor Subdivision Plat" contains sufficient data and elements to furnish a basis for review, including those elements required in Sections XXII(G)(3) and XXII(G)(4) of this Ordinance, then the Administrator shall forward copies of the submitted plat to the Board of Supervisors, County Engineer, County Board of Health, County Auditor, County Assessor, County Attorney and to such other agencies or persons as may be appropriate and necessary. The developer or their agent shall provide one (1) copy of the minor plat to any City within two (2) miles of the subdivision for their comments and recommendations. Minor plat review shall not begin until, or unless, all copies of the final plat and accompanying materials have been submitted.
3. Review. Within ten (10) working days following receipt of an application by the Administrator:
 - a. The County Engineer shall notify the Zoning Administrator that access onto the County road will, or will not be granted and that other improvements do, or do not, conform to current standards.
 - b. The County Board of Health shall notify the Administrator that the land so proposed to be subdivided is or is not suitable for the utilization of on-site sewage disposal systems or that sanitary sewers or other alternative systems of sewage disposal comply with all applicable Grundy County and State of Iowa standards, and that the proposed or existing system of water supply complies with applicable Grundy County and State of Iowa standards.
 - c. Other agencies or persons shall notify the Administrator upon factors deemed appropriate and necessary.
4. The Board of Supervisors shall act upon the Minor Plat not more than sixty (60) days after the initial receipt by the Administrator. The Administrator may schedule a public hearing on the subdivision request with the Board of Supervisors, if it is deemed appropriate.
5. The Board of Supervisors may approve or disapprove of the subdivision request, or they may refer the request to the Planning Commission for their recommendation prior to considering the minor plat. If approved by the Board, the minor plat shall be certified by resolution. In the event that a minor subdivision plat is not approved, the Board of Supervisors shall state in writing how the proposed plat is objectionable. The applicant has the right to appeal, within twenty (20) days to district court, the failure of the Board to issue final approval of the minor plat as provided in this Ordinance.

6. The passage of a resolution by the Board of Supervisors accepting the plat shall constitute final approval for the area shown on the Minor Plat. The proprietor shall cause such plat to be recorded as required by Chapter 354, Code of Iowa, before the County shall recognize the plat as being in full force and effect. The proprietor shall record the plat within sixty (60) days after Board approval and shall be responsible for all recording costs. In addition, eight (8) copies of the approved Minor Plat and adopting resolution as well as one (1) copy of the completed plat proceedings with restrictive covenants shall be submitted to the Administrator by the proprietor.
7. Limitations: This section shall not be applicable to a parcel of land of any size which has previously had a subdivision severed from it since the effective date of this Ordinance. For definition purposes of this section only, a parcel of land shall mean any sized contiguous piece of property under same ownership as shown on the Grundy County Auditor's plat books as of the effective date of this Ordinance.

H. Places

Where it is desired to subdivide a parcel of land, which because of its size or location, does not permit a normal lot or street area, there may be established a "place". Such a place may be in the form of a court, non-connecting street or other arrangement, provided, however, that proper access shall be given to all lots from a dedicated place (street or court). If any dead-end place, court or cul-de-sac is more than two hundred fifty (250) feet in length, it shall terminate in an open space, preferably circular, having a minimum radius of sixty (60) feet. Except in unusual instances, no dead-end street or place shall exceed six hundred (600) feet in length.

I. Issuance of Compliance Permits and Certificates of Occupancy

1. No Certificate of Occupancy for any building in a subdivision shall be issued prior to the completion of the improvements in a manner which shall be adequate for vehicular access by the prospective occupant and by law enforcement and fire equipment.
2. No Compliance Permits shall be issued in the subdivision prior to the time that the streets and easements affecting such lot are brought to the grade established in the construction plans.
3. No Compliance Permit shall be issued for the final ten (10) percent of lots, or the final five (5) lots of a subdivision, whichever is greater, until all public improvements required by the Board of Supervisors for the plat have been fully completed and dedicated to the County.

J. Vacation of Plats, Streets, and Other Public Lands

Prior to consideration by the Board of Supervisors, all vacations of plats, streets, and other public lands shall be reviewed by the Planning and Zoning Commission. A recommendation from the Planning and Zoning Commission shall be forwarded to the Board of Supervisors.

1. Vacation of Plats. The owners of lots within an official plat who wish to vacate any portion of the official plat shall file a petition with the Planning and Zoning Commission for review and recommendation. After review by the Commission, the petition and recommendation are filed with the Board of Supervisors, and they shall set a time and place for a public hearing on the petition. Written notice of the public hearing shall be provided to property owners within five hundred (500) feet of the area to be vacated. If a portion of the official plat adjoins a river or state-owned lake, the Iowa Department of Natural Resources shall be served written notice of the proposed vacation. Notice of the proposed vacation shall be published twice, with fourteen (14) days between

publications, stating the date, time, and place of the public hearing.

The official plat or portion of the official plat shall be vacated upon recording of all of the following documents:

- a. An instrument signed, executed, and acknowledged by all the property owners and mortgagees within the area of the official plat to be vacated, declaring the plat to be vacated. The instrument shall state the existing lot description for each property along with an accurate description to be used to describe the land after the lots are vacated.
 - b. A resolution by the Board of Supervisors approving the vacation and providing for the conveyance of those areas included in the vacation which were previously set aside for dedicated or public use.
 - c. A certificate of the County Auditor that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference to the vacated lots.
2. Vacation of Streets and Other Public Lands. The County may vacate a part of an official plat that had been conveyed to the County or dedicated to public which is deemed by the Planning and Zoning Commission and Board of Supervisors to be of no benefit to the public. The County shall vacate by resolution following a public hearing or by ordinance and the vacating instrument shall be recorded. The County may convey the vacated property by deed or may convey the property to adjoining property owners through the vacation instrument. If the vacating instrument is used to convey property then the instrument shall include a list of adjoining property owners to whom the vacated property is being conveyed along with the corresponding legal description of each parcel being conveyed. A recorded vacation instrument which conforms to this Section is equivalent to a deed of conveyance and the instrument shall be filed and indexed as a conveyance by the County Recorder and County Auditor. A vacation instrument recorded pursuant to this subsection shall not operate to annul any part of an official plat except as provided for in Section XXII(J)(1).
3. Sections XXII(J)(1) shall be adhered to unless otherwise specified by the Code of Iowa.

K. Fees

Non-refundable fees pertaining to permits and actions required by this Ordinance shall be in accord with the Schedule of Fees, as adopted by resolution by the Board of Supervisors. Said fees shall include, but not be limited to, the following:

1. Major Subdivisions.
2. Vacation of Plats, Street, and Other Public Lands. This fee shall not be administered and collected if the dedication or vacation is processed in the form of a plat and major subdivision fees are paid in lieu thereof.
3. Recording Fees, per a schedule on file in the County Recorder's Office.

A copy of the Schedule of Fees shall be on file with the Zoning Administrator.

L. Waivers and Exceptions (For this Section Only)

Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded

by such development or unusual conditions that the strict application of the requirements contained in this Section would result in substantial hardships or injustices, the Board of Supervisors upon recommendation of the Planning and Zoning Commission, may vary or modify such requirements to allow the subdivider to develop his property in a reasonable manner with due regard for the public welfare so that the interests of the County and surrounding area are protected and the general intent and spirit of this Ordinance is preserved.

M. Enforcement

1. After the date of adoption of this Ordinance, no plat or any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.
2. No road hereafter created in the unincorporated area of Grundy County shall become a part of any road system as defined in Chapter 306 of the Code of Iowa; and no improvements shall be made by Grundy County, nor shall Grundy County incur any expense for maintenance or repair of roads or other facilities on land that has been subdivided after the date of adoption of this Ordinance unless such road or other facility shall have been first approved by the Board of Supervisors in accordance with the provisions of this Ordinance and the dedication thereof accepted as a public road or improvement.
3. Grundy County shall not issue building or repair permits for any structure located on a lot in any subdivision developed after the date of adoption of this Ordinance that is located within the County unless the plat of such subdivision has been first approved in accordance with the provisions contained herein.

SECTION XXIII.
COMPLIANCE PERMITS

A. Compliance Permits Required

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

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a Compliance Permit is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.
2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, unless such changes are in conformity with the provisions of this Ordinance and a permit is issued therefore by the Zoning Administrator.
3. Nothing in this section shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.
4. In accordance with this section, Compliance Permits shall be obtained from the Zoning Administrator before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Compliance Permits shall be issued to complying applicants after application is made. The appropriate records and copies of permits shall be maintained as a matter of public record.
5. A Compliance Permit shall become null and void twelve (12) months after the date on which it is issued unless within such twelve (12) month period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

B. Compliance Permit Application Procedure

Applicants for a Compliance Permit shall be required to provide the following:

1. A sketch, drawing, or plat, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon or used, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and a vicinity map of the lot to be built upon or used.
2. Such information as may be necessary to provide for the enforcement of this Ordinance.

SECTION XXIV.
ADMINISTRATION AND ENFORCEMENT

A. Organization

The administration of this Ordinance is vested in the following four (4) offices of the government of Grundy County: County Board of Supervisors, Planning and Zoning Commission, Board of Adjustment, and the Zoning Administrator.

B. Basis of Regulations

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

C. Board of Supervisors

1. Jurisdiction. The Board of Supervisors of Grundy County, Iowa, shall discharge the following duties under this Ordinance:
 - a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
 - b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
 - c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
 - d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
 - e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
 - f. To decide all matters upon which it is required to pass under this Ordinance, or by Statute or Regulation.

D. Board of Adjustment

1. Creation. The Board of Adjustment, as established under applicable provisions of the Iowa State Statutes, is the Board of Adjustment referred to in this Ordinance.
2. Appointment-Terms-Removal. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years. A majority of the members of the Board of Adjustment shall be persons residing within the county but outside the corporate limits of any city. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for

cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member affected.

3. Powers and Duties. The Board of Adjustment is hereby vested with the following powers and duties:
 - a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
 - b. To hear and pass on all applications for special exceptions, in the manner prescribed in this Ordinance.
 - c. To hear and pass on all applications for variances from the terms provided in the Ordinance in the manner prescribed and subject to the standards herein.
 - d. To carry out those duties required by Statute or Regulation.
4. Meetings and Rules. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this article. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. Meetings requiring action will require that the Board hold at least one (1) public hearing notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. Land owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each agenda item requiring action, or if absent, or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be filed in the office of the Zoning Administrator.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in application of this title.

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

E. Appeals

1. Appeals of Staff Interpretations and Decisions

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

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

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

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

2. Appeals of Board of Adjustment Decisions

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

F. Special Exceptions

1. Special Exceptions.

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

of the public need for the particular use at the particular locations. Such use exceptions fall into two categories:

1. Uses publicly operated or traditionally affected with a public interest, and
 2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- b. **Initiation of Special Exceptions.** Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.
- c. **Application for Special Exception.** A written application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by such plans and/or date prescribed by the Board of Adjustment and shall include a statement indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
- d. **Hearing on Application.** Upon receipt in proper form of the application and statement referred to, the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in Grundy County. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the County the fees as specified in the Schedule of Fees on file at the office of the Zoning Administrator.
- e. **Authorization.** For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
- f. **Standards.** No special exception shall be granted by the Board of Adjustment unless such Board shall make written findings of fact:
1. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 2. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 3. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
 6. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment; and
 7. That the special exception shall conform to the Grundy County Comprehensive Plan.
- g. Conditions and Guarantees. Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions, consistent with Subsection XXIV (N) below, and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being complied with.
- h. Denial and Revocation of Special Exception.
1. Denial of Special Exception. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
 2. Revocation of a Special Exception. In any case where special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void.

G. Variances (For all Sections of this Ordinance, except Section XXII)

1. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing as noticed under Section XXIV (F)(1)(d), may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. Application for Variance. A written application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information as the Board of Adjustment may, by rules, require.
3. Standards for Variance. The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section unless there is evidence presented to it in each specific case that:
 - a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this

Ordinance. In other words, an unnecessary hardship would result from a literal enforcement of the Ordinance.

- c. Special conditions and circumstances do not result from the actions of the applicant.
- d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

4. Further Requirements.

- a. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- b. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the surrounding landowners, or otherwise detrimental or contrary to the public welfare.
- c. The Board of Adjustment shall make a finding that granting a variance will be in conformance with the Grundy County Comprehensive Plan.
- d. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with Section XXIV (N) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under this Ordinance.
- e. Under no circumstances shall the Board of Adjustment grant a variance to allow for use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
- f. If a variance is sought to permit building within four (4) feet or less of a property line, the request must be accompanied by a certified survey.

H. Other Powers of the Board of Adjustment.

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

- 1. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in this Ordinance leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.
- 2. Temporary Uses and Permits. The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this Ordinance, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

I. Planning and Zoning Commission

- 1. Creation. The Planning and Zoning Commission of Grundy County, as established under the

applicable provisions of the Iowa State Statutes, is the Planning and Zoning Commission referred to in this Ordinance.

2. **Membership.** The Planning and Zoning Commission shall consist of seven (7) members to be appointed by the Board of Supervisors for a term of five (5) years. Members shall reside within the county but outside the corporate limits of any city. Vacancies shall be filled by the Board of Supervisors for only the unexpired term of the member affected. All members of the Commission shall serve without compensation except for actual expenses, which shall be subject to the approval of the Board of Supervisors.

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

3. **Powers and Duties.** The Planning and Zoning Commission shall hold the following powers and discharge the following duties under this Ordinance:
 - a. Make such surveys, studies, maps, plans, or charts of the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring to the attention of the Board of Supervisors, and may publish its studies and recommendations.
 - b. Review all plans, plats, or re-plats or subdivision or re-subdivision of land embraced in the County, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the County.
 - c. Make careful and comprehensive studies of present conditions and future growth of the County with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the County and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
 - d. Hold at least one (1) public hearing before the adoption of any such comprehensive plan, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. The adoption of the plan shall be by resolution of the Commission carried by the affirmative vote of a simple majority of the members.
 - e. Consider any proposed amendments or modifications of the adopted Comprehensive Plan. If the Planning and Zoning Commission disapproves the proposed change it may be adopted by the Board of Supervisors only by the affirmative vote of at least two-thirds (2/3) of the Board of Supervisors members.
 - f. Recommend to the Board of Supervisors changes in the zoning regulations or districts.
 - g. File recommendations, within thirty (30) days, in connection with any proposed changes in the zoning regulations or districts made by the Board of Supervisors.
 - h. Expend all sums of money appropriated, and expend all gifts, donations or payments received by the county for county plan purposes.
 - i. Contract debts within the limits of income for the present year.

- j. Hold at least one (1) public hearing prior to any action item, pertaining to this Ordinance, that is to be reviewed by the Board of Supervisors, notice of which shall be given by local newspaper not less than four (4) nor more than twenty (20) days before the date of the hearing. A formal recommendation from the Planning and Zoning Commission to the Board of Supervisors shall then be made. Land owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action and public hearing.
- k. Review and provide recommendations on all conditional use permit applications, per Section XXIV, prior to Board of Adjustment consideration.

J. Zoning Administrator

- 1. The position of Planning and Zoning Administration shall be appointed by the Board of Supervisors. The Planning and Zoning Administrator or designee shall administer and enforce the provisions of this Ordinance and shall have the following powers and duties in connection therewith:
 - a. Issue all permits and certificates required by this Ordinance.
 - b. Upon finding that any of the provisions of this Ordinance are being violated, shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator or designee shall order discontinuance of the illegal use of land, buildings or structures; the removal of illegal buildings or structures, or of additions, alteration or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
 - c. Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this Ordinance.
- 2. All departments, officials, and public employees of Grundy County who are vested with the duty or authority to issue permits shall insure conformance to the provisions of this Ordinance and shall issue no permit for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.
- 3. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of the Planning and Zoning Administrator to any other officer or employee of the County, or of any city, town, or governmental subdivision within the County, or may combine the powers and duties of this office with any other office or position.

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

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

other duties and functions as may be necessary for the orderly recording of the business of the Board.

L. Amendments to this Ordinance

1. Procedure. The regulations, restrictions, zoning designation and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed, but no such amendments shall be made without public hearings first before the Planning and Zoning Commission and then the County Board of Supervisors. The notice of the time and place of the hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general local circulation, but in no case shall the public hearing be held earlier than the next regularly scheduled Board of Supervisors meeting following the published notice. Land owners within five hundred (500) feet of the property in question shall be notified by mail about the proposed action. Following the hearings, the County Board of Supervisors shall conduct the necessary readings regarding the Ordinance amendment, as outlined in the Code of Iowa.

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

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

M. Applications for Rezoning

Applications shall contain the following items:

- a. The name of the applicant/owner.
- b. The legal description and local address, if available, of the property to be rezoned.
- c. The present zoning classification and the zoning classification requested for the property.
- d. The existing use and proposed use of the property.
- e. The names and addresses of the property owners within five hundred (500) feet of the property in question.
- f. A statement of the reasons why the applicant feels the present zoning classification should be changed.
- g. A plat, or copy thereof, showing the locations, dimensions, and use of the applicants property and all property within five hundred (500) feet thereof, including streets, alleys, railroads, and other physical features.

- h. Assurances that all applicable fees are paid.
- i. Publication of the legal description of the property or properties zoned or rezoned shall constitute an official amendment to the Official Zoning Maps; and, as such, said maps or portions of said maps need not be published.
- j. The signature of the property owner.

N. Conditions

Upon consideration of the factors listed in Sections XXIV (F), (G) and (L) above, the Board of Supervisors and Board of Adjustment may attach such conditions to the granting of special exceptions, variances, and amendments, as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

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

20. Improved traffic circulation.
21. Highway access restrictions.
22. Increased yards.
23. Additional parking.

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

1. Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this Ordinance.
2. Floodproofing Measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:
 - a. Anchorage to resist flotation and lateral movement.
 - b. Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
 - c. Reinforcement of walls to resist water pressures.
 - d. Use of paints, membranes, or mortars to reduce seepage of water through walls.
 - e. Addition of mass or weight structures to resist flotation.
 - f. Installation of pumps to lower water levels in structures.
 - g. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
 - h. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures.
 - i. Construction to resist rupture or collapse caused by water pressure or floating debris.
 - j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures.
 - k. Location of all electrical equipment and circuits in a manner which will assure they are not subject to flooding.

SECTION XXV.
VIOLATION AND PENALTY

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

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

- B. In addition, any person, firm or corporation violating any regulation or any provision of the Ordinance, or of any amendment or supplement thereto, may also be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of at least Seven Hundred Fifty Dollars (\$750.00) per day but not more than One Thousand Dollars (\$1,000.00) per day or by imprisonment of not more than thirty (30) days. Each day said violation continues shall be considered a separate offense.
- C. In case any land, building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, or used in violation of this Ordinance or any amendment or supplement thereto, the Board of Supervisors, the County Attorney, or the County Planning and Zoning Director or designee may institute injunction, mandamus, abatement, or any other appropriate action, abate or remove such lawful location, erection, construction, reconstruction, enlargement.
- D. Notwithstanding penalties imposed by the Court, the penalties set for a County infraction are Seven Hundred Fifty Dollars (\$750.00) per day for the first offense and One Thousand Dollars (\$1,000.00) per day, for the second offense and for each subsequent offense.
- E. Failure to obtain the proper permits, including zoning and flood plain permits, prior to erection, construction, reconstruction, enlargement change, or use of any building, structure, or land; and/or prior to commencement of development, as defined in Chapter 2, Definitions, will result in a penalty. The penalty shall be equal to the amount of the required permit application fees as established by resolution of the Board of Supervisors and normal permit fees shall also apply.
- F. Violation of the Home Business Standards, defined in Chapter 19, Home Business, may subject the Home Business Permit to revocation. The property owner will be notified by letter of any violation of the Home Business Standards. The property owner shall have thirty (30) days to abate the violation or further enforcement action will occur through the issuance of a Notice of Violation and enforcement proceedings. Once a Notice of Violation has been issued, and if compliance is achieved, the home business will be subject to an annual or semi-annual inspection with conditions as needed as follow-up to the inspection. If a Notice of Violation is issued to an approved home business, all home business activity must cease until the property has achieved compliance. If the home business continues to operate while under violation, the property owner shall be subject to a fine of Seven Hundred Fifty Dollars (\$750.00) per day.
- G. Any development that occurs without the proper permits will be issued a Stop Work Order and fines will be incurred.

SECTION XXVI.
ENFORCEMENT AND FEES

A. Enforcement

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

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

B. Fees

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

1. Rezoning (Zoning Map Amendment) application fee.
2. Variance application fee.
3. Special exception application fee.
4. Compliance permit application fee.
5. Subdivision review fee.
6. Home occupation and home industry permit fees, both initial and renewal.

SECTION XXVII.
REPEALER AND VALIDITY

A. Repealer

All ordinances, including Ordinance Number 2009-5 and all amendments thereto, and resolutions, or any part thereof, in conflict with all or any part of this Ordinance are hereby repealed.

B. Validity

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

SECTION XXVIII.
EFFECTIVE DATE

This Ordinance, Ordinance 2023-4, as adopted, shall be in full force and effect upon publication.

The Grundy County Planning and Zoning Commission, after a public hearing, recommended this Ordinance for approval on July 26, 2022.

The Grundy County Board of Supervisors took the following action:

Public Hearing and First Consideration: February 7, 2023
Second Public Hearing and Consideration: March 21, 2023
Second Consideration: March 27, 2023
Third Consideration: April 3, 2023

Passed and adopted this 3rd day of April, 2023.



Chairperson
Grundy County Board of Supervisors

ATTEST:



Grundy County Auditor

