

Dubuque County Zoning Commission

Minutes of August 17, 2021

Vice-Chairperson Kathleen Scherrman called the meeting to order at 6 p.m.

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Cathy Caitlin and Kathleen Scherrman. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Jerry Sigwarth, Kevin Soppe and Ken Runde. Members absent: Sam Boyes and Ron Breitbach. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Amy Schmerbach.

2. APPROVAL OF MINUTES: A motion was made by Mr. Runde, **seconded by Ms. Caitlin and passed unanimously to approve the minutes of the July 20, 2021 meeting. Vote: 5-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Country View Estates-Final Plat

Plat Survey of Lot 1 thru Lot 10 of Country View Estates comprised of the S ½ of the SW ¼ of the NE ¼, the SE ¼ of the NE ¼, except Lot 1, Lot 1 of Lot 1 and Lot 2 of Lot 1 in the NE ¼ of the SW ¼, Lot 1 and Lot 2 in the NW ¼ of the SE ¼ and Lot 2 of Lot 1 in the NE ¼ of the SE ¼ all in Section 7, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Ronald & Jessalynn Breiner and is located .19 miles northwest of the City of Dubuque along Hales Mill Road with a total of 83.708 acres surveyed. The property is zoned R-2, Single Family Residential and C-1, Conservancy. The purpose of the plat is to create a residential subdivision.

The survey creates 10 lots. Lots 1 thru 8 are a minimum of 1 acre in size and each lot shall have its own individual septic system. Lot 7 has an existing home that will remain in the subdivision. Lot 9 has a total of 24.105 acres and will remain in agricultural use. Lot 10 has a total of 46.693 acres surveyed and it will remain in agricultural use until the crops are removed and it will be the future site of expansion of the subdivision.

The property has provided a Declaration of Covenants, Conditions and Restrictions that will be handled by the Ridge View Acres Homeowners Association Inc. Lots 1 thru 8 and Lot 10 have an approved residential entrance permit #21-03 off of Hales Mill Road. Lot 9 has an existing field entrance off of Hales Mill Road.

There will be two (2) shared wells. Well #1 will serve Lots 1, 2, 3, 7 and 8. Well #2 will serve Lots 4, 5, and 6 with the potential of serving two additional lots in the next phase of development. The Dubuque Water Department would recommend service lines from water main to building structures to be copper with a control valve (curb stop and box) near the right of way line. A copy of the water utility plan showing the water distribution piping from water wells and individual water services lines was submitted for review and was approved by the Dubuque Water Department.

The survey creates a 66' wide right of way private access easement that will be utilized as a public utility easement and storm water conveyance easement. The site grades and Storm Water

Pollution Prevention Plan (SWPPP) are detailed under the SWPPP for the entire 83.648 acres. Lots 1 thru 7 and Lot 9 have a Storm Water Drainage and Infiltration Easement. The final plat has provided an engineered road plans including a site improvement plan, storm water calculation with plans showing infiltration of a 1 ¼' rainfall for the entire subdivision, grading plans and erosion control measures and covenants addressing well and septic maintenance, road & storm water Best Management Practices (BMP'S) maintenance by the Association.

Storm Water Infiltration Basins will be constructed on Lots 3, 4, 5, 8, 9 and 10 in relation to the primary structures as a requirement of the Dubuque County Storm Water Ordinances. The total square footage of each basin is identified on the drainage summary report and the improvement plans for this development. The final placement and installation of the storm water infiltration basins will be the responsibility of the developer. Any modifications to the size and/or location of the basins constructed by the developer must be approved by the developer and the Dubuque County Watershed Department. The maintenance of the storm water infiltration basins will be specified in the covenants associated with this development. Storm Water Management Basins, Storm Water Management and Infiltration Basins being used on this development must be completed by the Developer and maintained by the Home Owner's Association in conformance with the Dubuque County Storm Water Ordinance.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N., Farley. Mr. Schneider said this plat is the final version of the preliminary plat that was presented at an earlier meeting. He said the lot layout has not changed, the storm water easements have not changed, and the utility easements are in the same location as well as the streets. He said the storm water calculations and design was accepted by the Soil and Water Department.

Ms. Caitlin said she wanted to make sure that they were not taking into consideration the unsigned Restrictive Covenants that were presented with this case. Ms. Henry said the Board was given them only for their information and they are not voting to approve the covenants only the subdivision.

A motion was made by Mr. Sigwarth, **seconded by Mr. Runde to approve the plat. The motion passed unanimously. Vote 5-0.**

b) Plat of Survey of Schmitt Estates-Final Plat

Plat of Survey of Lot 1 thru Lot 4 of Schmitt Estates comprised of Lot 1 of Lot 1 of Lot 1 and Lot 2 of Lot 1 of Lot 1 in the SE ¼ of the NE ¼ Section 10, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Dennis & Carol Schmitt and is located .11 miles west of the City of Dubuque along Robin Hood Drive and Kennedy Road with a total of 21.29 acres surveyed. The property is zoned A-1, Agricultural and R-3, Single Family Residential. The purpose of the plat is to separate 2.5 acres to allow the construction for two (2) new homes for family members and to allow an existing home lot to conform to the current county guidelines.

The survey creates 4 lots. Lot 1 has a total of 2.66 acres surveyed with a home & building that will remain in current ownership and residential use. Lot 2 has a total of 16.12 acres surveyed and it will remain in current ownership and agricultural use. Lot 3 has a total of 1.25 acres

surveyed and it will be sold to a family member for a future home site. Lot 4 has a total of 1.26 acres surveyed and it will be sold to a family member for a future home site.

Lot 1 will use an existing 20' wide access easement of Kennedy Road. Lot 2 thru Lot 4 will use an approved residential entrance off of Robin Hood Drive on permit #21-34 by a 66' wide private access and public utility easement.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N., Farley. Mr. Schneider said Lot 3 & 4 are being created for future homes of the Schmitt's children and Lot 1 was made bigger to accommodate the one acre requirement and lot 2 is the remainder of the property.

Mr. Runde asked if Robin Hood Dr. was going to be extended to the end of Lot 3. Mr. Schneider said the road in front of Lot 3 & 4 will be a private road but still part of Robin Hood Dr. Ms. Caitlin asked if there was another petition from the neighbors that the Board did not receive. Ms. Henry said no they had not received anything new.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 7-0.**

ZC#08-17-21 Thomas J Budde Revocable Family Trust A-1 Agricultural to A-2 Agricultural Residential

This case was requested to be withdrawn by the surveyor and property owner to allow for reconfiguration.

4. REZONING CASES: None

5. OLD BUSINESS:

ZC#05-10-21 Dennis & Carol Schmitt A-1 Agricultural to R-3 Single Family Residential, ZC#07-15-21 Larry & Sharon Spoerl and Tami LeClere A-1 Agricultural to A-2 Agricultural Residential and ZC#07-16-21 Thomas & Molly Brehm and John Hogan A-1 Agricultural to A-2 Agricultural Residential were all approved by the Board of Supervisors.

6. NEW BUSINESS:

Zoning Code Update

Ms. Henry said that she and Ed Raber worked on the attached draft of a Solar Ordinance. She said Dubuque County does not have one at this time so they looked at other counties in Iowa to see what their solar ordinance included. She read through the Definitions and asked the Board if this is what they want it to say and if they wanted to make any changes.

Ms. Caitlin said she didn't like the word "not intended" in the definition of Residential/Small-Scale Solar Energy System and feels it would restrict people from using solar at their home. Mr. Raber explained that this means the intended purpose of a residential solar system is to generate enough electricity for their home and if the owner generates more than they need they can put it back on the grid.

Mr. Runde said he has a solar panels at his home and sometimes he does generate more than he needs and sells it back to the utility company but his intended purpose is to generate enough for his home.

Ms. Caitlin said they should add the language “net annual generators” to this paragraph. The Board agreed to add this.

Ms. Henry asked if there were any other changes that the Board wanted to make. No one spoke. She moved on to the Utility-Scale Solar Energy Systems.

Ms. Caitlin asked for more information on the Concentrating Solar Power Systems and why the need to be prohibited. Ms. Scherrman said she looked this up these are they are used for other reasons but not to generate power. Ms. Henry said she would do more research and send it out to the Board to review.

Ms. Caitlin said they should include who is responsible for paying for the Decommissioning and Site Reclamation. Ms. Henry said they can add something to be more specific.

Ms. Caitlin asked about letter (r) number 4 regarding the notification of the land owner and wanted to know why the Candidate Conservation Agreement or Habitat Conservation Plan under the Endangered Species Act are included in this. Mr. Raber said he would do more research and find out exactly what this meant.

Ms. Henry asked if anyone had any other questions over this part of the ordinance. She explained that anything highlighted in yellow was for the Auditor to number.

Ms. Caitlin said it would be a good idea to talk to some of the surrounding solar companies and see what they think of this ordinance. Ms. Henry said they can speak at the public meeting if they want. Mr. Runde thought it was a good idea to get the companies opinions.

Mr. Sigwarth left the meeting at 6:53 p.m.

Ms. Henry said when they get more information they could send it out to these companies and get some feed-back from them. Mr. Raber suggested they start by letting Alliant Energy and Maquoketa Valley get the information first because they are the ones that go out and contract the work for the solar arrays.

They moved on to the Manufactured Housing Developments and Mobile Home Parks, Mobile Homes and Recreational Vehicle Parks. (see attached)

Ms. Henry said there is an old ordinance for this but it is very out dated. She said they did some research and tried to see what they would want in the ordinance if a new manufactured housing development or mobile home park. She said this would not include tiny homes but would like to address them later.

Ms. Scherrman and Ms. Caitlin said it would be a good idea to have the definitions of a manufactured home, a mobile home and recreational vehicles at the beginning of this ordinance. Ms. Scherrman and Ms. Caitlin said maybe the tiny homes should be part of this ordinance. Ms. Henry said there is a lot of research that needs to be done for these before they add it.

Mr. Raber said this is an ordinance for the parks not each individual homes.

Ms. Henry said they referred to other counties to find out what they included in their ordinance. She said they researched all the requirements and regulations that the County and State have for the mobile home parks. She said they referred to those requirements in this ordinance so that in the future if someone wants to develop a mobile home park they will have to meet the current standards.

When discussing the yard requirements, Ms. Henry said they should make the lot requirements big enough that if someone wants to build a garage they have room.

Ms. Henry said the County Engineer looked over the pavement widths and said these would be acceptable standards.

Ms. Henry said they added the variances because Dubuque County has many hills and rocky areas that could make it difficult to meet the setbacks.

Ms. Henry said when talking about the parking spots they took out the words “hard surface” and added “dust free and dense surface” so they wouldn’t require them to be cement or black top. She said the definition of hard surface in Dubuque County is either black top or concrete. She asked the Board what they thought.

Mr. Runde did not think they should allow the parking spots to be gravel.

Ms. Caitlin said she thinks most people that live in mobile home parks do not have much money and maybe they do not want to require the hard surface to keep the cost down.

Mr. Soppe said there would not be much dust created from a parking space because you only pull a vehicle in and out of that spot.

Ms. Caitlin suggested the parking spots should be made of a smooth dense surface.

The Board decided to require the parking spots to be a smooth hard surface.

Ms. Caitlin left the meeting at 7:55 p.m.

Ms. Henry said she talked to the Brian Preston in Conservation Department and they recommended requiring a dump station in the Recreational Vehicle Parks.

Ms. Henry asked if anyone had any other questions or suggestions. No one spoke. She said she will make the changes the Board wants and bring them back for them to review.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Soppe, seconded by Mr. Runde to adjourn the meeting. The motion passed unanimously. Vote: 3-0. The meeting ended at 8:05 p.m.

ORDINANCE DRAFT
AN ORDINANCE ADOPTING AN UTILITY-SCALE SOLAR ENERGY SYSTEMS
ORDINANCE

Whereas, Dubuque County desires to regulate utility-scale solar energy systems within Dubuque County.

NOW, THEREFORE, BE IT HEREBY ADOPTED by the Dubuque County Board of Supervisors:

Section 1. Adoption. The Dubuque County Code of Ordinances, Title III: Property/Land Use and Development is amended by the adoption of the following chapter:

CHAPTER IX. UTILITY-SCALE SOLAR ENERGY SYSTEMS

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

SECTION 1. DEFINITIONS.

Solar Energy System	A system that converts energy from sunlight into electricity or an additional energy source such as heat.
Residential/Small-Scale Solar Energy System	A solar energy system that is installed at a residence or business to meet the electrical demands at that location. These systems are typically intended to offset electricity use for the owner and are not intended to be net generators of electricity.
Concentrating Solar Power (CSP)	A system that generates solar power by using mirrors or lenses to concentrate a large area of sunlight onto a receiver.
Utility-Scale Solar Energy System	A group of interconnected solar panels/arrays that convert sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity. This definition does not apply to consumer scale solar installations that are constructed primarily to provide power for use on-site.
Easement or Lease	A legal agreement for the use of property for a specified purpose.

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.

Interconnection Link between a generator of electricity and the electrical grid.

Module An individual unit composed of multiple photovoltaic (PV) cells, with multiple modules used in a solar energy system.

Mounting The method of anchoring solar energy system modules to the ground or a building.

Non-Participating Landowner Any landowner that has not signed a lease agreement for an easement or lease with the project owner or developer, often adjacent to or near the project.

Operator The entity or individual that operates a solar energy system.

Owner The entity or individual that has ownership over a solar energy system.

Substation A subsidiary station of electricity generation, transmission and distribution system where voltage is transformed from high to low or the reverse using transformers.

System Height The height of a solar energy system, usually referring to ground mounted systems. Total system height is the measurement from the ground to the top of the mounting or modules associated with a system.

Transmission Lines Power lines used to carry electricity from collection systems or substations over long distances.

SECTION 2. UTILITY-SCALE SOLAR ENERGY SYSTEMS

2.1 General Requirements.

- a. **Concentrating Solar Power (CSP) Systems.** Concentrating Solar Power Systems shall be prohibited.
- b. **Site Plan.** A site plan shall be submitted and reviewed prior to approval of a Utility-Scale Solar Energy System.
- c. **Special Use Permit Required.** A Utility-Scale Solar Energy System is a Special Permitted Use in the A-1, Agricultural District and a permitted use in the M-1, Light Industrial and M-2, Heavy Industrial Districts.

- d. **Additional Information.** In addition to all submittal requirements of a site plan and Special Use Permit application (where required), the application for a utility-scale solar installation shall include the following information on the site plan or in narrative form, supplied by utility-scale solar energy system owner, operator or contractor installing the structures
1. Number, location and spacing of solar panels/arrays.
 2. Planned location of underground or overhead electric lines.
 3. Project development timeline which indicates how the applicant will inform adjacent property owners, persons in possession (tenants) and interested stakeholders in the community.
 4. Interconnection plan.
 5. Operation and maintenance plan.
 6. Decommissioning plan.
 7. Site and structure requirements.

For projects 25 MW or larger, the Application of Certificate, required by the Iowa Utilities Board, will be considered acceptable to meet the above additional requirements. In cases where a Special Use Permit is required, the current application to the Board of Adjustment shall still be required.

- e. **Setbacks.** Setbacks for all structures (including solar arrays) shall be the same as what is required for residences in the A-1 Agricultural District unless the Board of Adjustment finds that less is warranted. All structures shall observe listed setbacks in the M-1 and M-2 Districts. No setbacks are required where a property line is shared by two participating landowners. Mandated setback distances may be waived with the consent of participating landowners and adjacent property owners.
- f. **Screening.** A landscape buffer may be required to be installed and maintained during the life of the operation if a Special Use Permit is required. Determination of screening requirements will be made by the Board of Adjustment as part of the review and approval process and will be based on adjacent or nearby surrounding land uses and topography.
- g. **Utility connections.** Reasonable efforts shall be made to place all connections within the solar installation underground, depending on appropriate soil conditions, shape and topography of the site, distance to the connection, or other conditions or requirements. All components used for the collection, conversion, and storage of energy shall be contained within the leased and fenced project area, excluding overhead and underground transmission lines.

- h. **Grading plan.** A grading plan shall be submitted and shall include all proposed changes to the landscape of the site (e.g., clearing, grading, topographic changes, tree removal, etc.)
- i. **Glare minimization.** All solar panels shall 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.
- j. **Compliance with local, state and federal regulations.** Utility-scale solar installations shall comply with applicable local, state and federal regulations.
- k. **Appurtenant structures.** All appurtenant structures shall be subject to bulk and height regulations of structures in the applicable zoning district except where otherwise approved.
- l. **Floodplain considerations.** Utility-scale solar installations are considered to be maximum damage potential structures and facilities for purposes of the floodplain district regulations. Utility-scale solar installations are discouraged within the 1% Special Flood Hazard Area (100 year floodplain), but may be allowed subject to provisions of the Dubuque County Floodplain Management Ordinance.
- m. **Fencing/Security.** An NEC compliant security fence must be installed along all exterior sides of the utility-scale solar energy system 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.
- n. **Signage.** Signage with the following information shall be maintained at all locked entrance locations:
 - 1. A visible "High Voltage" warning sign;
 - 2. Name(s) and phone number(s) for the electric utility provider;
 - 3. Name(s) and phone number(s) for the site operator;
 - 4. The facility's 911 address, GPS coordinates; and,
 - 5. A lockbox with keys as needed.
- o. **Operation and maintenance plan.** The applicant shall submit a plan for the operation and maintenance of the solar installation, which shall include measures for maintaining safe access to the installation, storm water and

erosion controls, as well as general procedures for operation and maintenance of the installation.

- p. **Soil erosion and sediment control considerations.** The applicant agrees to conduct all roadwork and other site development work in compliance with a national pollutant discharge elimination system (NPDES) permit as required by the state department of natural resources and comply with requirements as detailed by local jurisdictional authorities during the plan submittal. If subject to NPDES requirements, the applicant must submit the permit for review and comment and an erosion and sediment control plan before beginning construction. The plan must include both general "best management practices" for temporary erosion and sediment control both during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to prevent sediment laden run-off into waterways.
- q. **Storm water management considerations.** For the purposes of pollutant removal, storm water rate and runoff management, flood reduction and associated impacts, the applicant shall provide a detailed analysis of pre- and post-development storm water runoff rates for review by local jurisdictional authorities. This requirement may be met by providing a copy of the applicant's Storm water Pollution Prevention Plan prior to the start of construction.
- r. **Ground cover and buffer areas.** Ground around and under solar arrays and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:
 - 1. Top soil shall not be removed during development, unless part of the remediation effort.
 - 2. Soils shall be planted and maintained in perennial vegetation to prevent erosion, manage run off and build soil. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.

3. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, County Soil and Water Conservation Service or Natural Resource Conservation Service.
4. Notification of the landowner, farm tenant and adjoining landowner shall be required and approval of the landowner secured prior to the company enrolling the land in a **Candidate Conservation Agreement or Habitat Conservation Plan under the Endangered Species Act**. The notification should include information about the size of the buffer areas to adjacent properties, a summary of the agreement or plan, and where the landowner, tenant or adjoining landowner may obtain more information.
- s. **Maintenance, repair or replacement of facility.** Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to emergency response officials. Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.
- t. **Access Required.** The Zoning/Building Official and any other necessary personnel may enter the property for which a Special Use Permit or Building Permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance or code. Failure to provide access shall be deemed a violation of this ordinance.

2.2 Infrastructure Protection and Road Use Agreements.

A pre-construction plan will be developed between the system owner, operator or contractor and Dubuque County that addresses potential impacts to roads and other infrastructure from solar project construction as well as post construction review to identify impacts and provide for repairs, prior to issuance of the building permit. All routes on County roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either ingress or egress shall be shown. Prior to issuance of a building permit, the developer must complete and provide a pre-construction baseline survey/assessment to determine existing road conditions for assessing potential future damage due to developmental-related traffic. Prior to the issuance of the building permit, the developer shall provide a road repair plan to ameliorate any and all damage, installation, or replacement of roads that might be required by the developer. Prior to the issuance of the building permit, the developer shall provide a letter of credit or surety bond in an amount and form approved by the appropriate road authority (s) when warranted. The provisions of this section shall be subject to approval by the Dubuque County Engineer.

2.3 Decommissioning and Site Reclamation Plan.

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.

The applicant shall provide the basis for estimates of net costs for decommissioning the site (decommissioning costs less salvage value). The cost basis shall include a mechanism for calculating adjusted costs over the life of the project.

Restoration or reclamation activities shall include, but not be limited to, the following:

1. Restoration of the pre-construction surface grade and soil profile after removal of structures, equipment, graveled areas and access roads.
2. Re-vegetation of restored soil areas with crops, native seed mixes, plant species suitable to the area, consistent with the county's weed control plan.

For any part of the energy project on leased property, the plan may incorporate agreements with the landowner regarding leaving access roads, fences, gates or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land. Any use of remaining structures must be in conformance with the regulations in effect at the time.

After the utility-scale solar installation is in service, following a continuous one-year period in which no electricity is generated, or if substantial action on the project is discontinued for a period of one year, the permit holder will have one year to complete decommissioning of the utility-scale solar installation.

Decommissioning shall be completed in accordance with the approved decommissioning plan. The owner or operator of the system must notify the County when the project is discontinued.

Section 2. Amendments. The Dubuque County Code of Ordinances, Title III Property/Land Use and Development, Chapter II Zoning Ordinance is amended by adoption of the following new subsections:

Article III, Section 3: 3.31 Utility-Scale Solar Energy Systems Article X,

Section 2: 2.8 Utility-Scale Solar Energy Systems

Section 3. Severability. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the regulations as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall take effect upon its publication as required by law.

Section 5. Conflict with Provisions. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Part 6-Draft

MANUFACTURED HOUSING DEVELOPMENTS AND MOBILE HOME PARKS, MOBILE HOMES, AND RECREATIONAL VEHICLE PARKS

1. **Manufactured Housing Developments and Mobile Home Parks** shall be located in the “R-4” Zoning District and is intended and designed to provide for planned manufactured housing developments, including related recreational, commercial, and other service facilities. The standards are intended to encourage quality manufactured housing developments while promoting affordable housing and to integrate these developments into the surrounding area.
2. Manufactured Housing Developments and Mobile Home Parks , in accordance with the provisions of this section, the regulations of the Dubuque County Board of Health, and applicable State statutes, but not including manufactured housing sales and display areas. No part of any development shall be used for nonresidential purposes except such uses that are required for the direct servicing and well-being of its residents and for the management and maintenance of the development. This shall in no way prohibit the sale by the owner of a manufactured home located on a stand and connected to the pertinent utilities. For the purposes of this section, whenever the term “manufactured home” is used it includes “mobile home,” as defined.
3. **Permitted Accessory Uses**. The following are permitted accessory uses:
 - A. Subordinate buildings or structures that are in addition to or supplement the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, garages, carports, and porches.
 - B. Common facility service buildings or community buildings intended exclusively for the use of the manufactured housing development’s residents, including recreational vehicle and boat storage area, laundry facilities, sanitary facilities, recreational facilities, storm shelter facilities, or non-automotive commercial uses supplying essential goods or services.
 - C. Management buildings, maintenance buildings, one dwelling unit to be occupied by the owner or administrator of the development, and other uses similar in nature.
4. **Area and Yard Requirements**.
 - A. Minimum Area.

The minimum area for a manufactured housing development shall be three (3) acres.

B. Lot Area. Minimum requirements are:

- (1) Single wide unit – 5,000 square feet.
- (2) Double wide unit (exceeding 19 feet wide) – 6,000 square feet.

C. Front Yard.

- (1) Each lot shall have a front yard setback of not less than 10 feet in depth measured from the front edge of the interior street to the closest point of the lower face of the manufactured home, excluding hitch or tongue.
- (2) The minimum front setback for detached garages and accessory buildings shall be 24 feet measured from the front edge of the interior street.

D. Rear Yard.

- (1) Each lot shall have a rear yard of not less than 10 feet in depth.
- (2) An accessory building may be placed in the rear yard provided it has a setback of not less than three feet in depth from the rear lot line.

E. Separation Standards.

- (1) No part of any manufactured home or other structure shall be located within 30 feet of any public road right-of-way or within 15 feet of any exterior boundary of the development.
- (2) A minimum separation of 20 feet between homes shall be required.
- (3) A minimum separation of six feet between an accessory building and a home on an adjacent lot shall be required.

F. Lot Coverage. The maximum lot area to be covered by all structures shall not exceed 50 percent.

G. Maximum Height. No manufactured home or accessory building shall exceed 18 feet in height.

5. Off-Street Parking. Every lot will have a minimum of two (2) parking spaces. Parking spaces shall be provided with which shall be durable and well drained under normal use and weather conditions. No part of any parking stall shall be closer than five feet to any interior street line.
6. Visitor Parking. Visitor parking shall be provided in the amount of one space per four manufactured home lots, and located so as to be easily accessible to all homes within the development.
7. Manufactured Housing Developments and Mobile Home Parks Standards. The following are the minimum requirements for Manufactured Housing Developments and Mobile Home Parks:

A. Common Open Space. A minimum of 300 square feet for each lot shall be provided for one or more common open space areas that shall be easily accessible to all residents. The required area shall be computed in addition to the minimum lot area specified herein. At least 50 percent of the common open space shall be of a character suitable for active recreation and shall provide recreational equipment and facilities.

Recreational equipment and facilities may include playgrounds, ball fields, indoor recreation areas, swimming pools, hobby shops, and similar uses.

B. On-Site Wastewater Treatment and Water Utilities. On-site wastewater treatment and water facilities shall be provided for each home in accordance with all applicable State statutes and regulations. No manufactured home shall be occupied unless it is served by common on-site wastewater treatment and water supply. Any waste treatment lagoon or other common treatment facility constructed in conjunction with the development shall be located not less than 75 feet from any public road, interior street, or lot line. In the case of a lagoon, this distance shall be measured from the outside toe of the levee slope and be at least 250 feet from the nearest unit, structure, or open space area.

C. Home Site and Installations. Each home shall be installed on a site in accordance with the support and anchoring systems as prescribed by State statutes.

D. Skirting. Skirting of a permanent type material and construction shall be installed within 60 days of installation of the manufactured home to enclose the open space between the bottom of the home floor and the grade level. This skirting shall be maintained in an attractive manner consistent with the exterior of the home and to preserve the appearance of the development.

E. Streets.

(1) Pavement widths shall meet the following requirements:

- a. Two-way with no on-street parking: 20 feet minimum.
- b. Two-way with on-street parking one side: 28 feet minimum.
- c. Two-way with on-street parking both sides: 36 feet minimum.

(2) Street Improvements. All streets shall be designed to the following standards:

- a. Portland Cement Concrete: six inches;
- b. Asphaltic Cement Concrete: four and one-half-inch base course with a one and one-half-inch surface course.
- c. All construction work and materials incorporated into an approved development shall meet all requirements of the current Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation, and supplements thereto.

F. Lighting. Adequate lighting shall be provided for all streets, walkways, buildings, and other facilities subject to night-time use.

G. Storm Shelter Requirements. Every manufactured/mobile home community of 10 or more mobile home spaces shall be provided with above- or below-grade storm shelters which shall:

- (1) Have a minimum floor area of seven square feet for each manufactured/mobile home space or be in accordance with any state and or local laws and regulations for manufactured housing communities.
 - (2) Be designed by a structural engineer or architect licensed in the State of Iowa.
 - (3) Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
 - (4) Be located no further than 1,320 linear feet from the furthest manufactured/mobile home space in the manufactured/mobile home community.
8. Site Development Plan. Prior to the issuance of a permit for the construction or expansion of a manufactured housing development, a comprehensive site plan shall be submitted for review and approval of the Board of Adjustment. The Board of Adjustment may approve the plan or require such changes as are deemed necessary to carry out the spirit and intent of the Ordinance. The site plan shall be at a scale of not more than 100 feet to the inch, and shall show at a minimum the following:
- A. Name and address of the owner and developer and the title under which the proposed development is to be known. Also, north point, scale, date, name and address of the surveyor and engineer, as appropriate.
 - B. The complete legal description, including area, of the property to be developed.
 - C. A vicinity sketch at a scale of not more than 500 feet to the inch shall be shown on or accompany the site development plan. This sketch shall show how streets in the proposed development may connect with existing and proposed streets and roads in the surrounding area, and shall show the location of any nearby parks, schools, or other public facilities.
 - D. The location of property lines and boundary dimensions of the tract of land and all such surface and subsurface features as may affect the development of the land.
 - E. The number, location, and dimensions of all manufactured home lots, stands and parking areas.
 - F. The location and width of streets and walkways and proposed names for all streets in the development.
 - G. The location of recreation areas and facilities, including community buildings, playgrounds, ball fields, indoor recreation areas, swimming pools, hobby shops, and similar uses;
 - H. The location of storm shelter facilities.
 - I. The location and manner of lighting to be provided for all streets, walkways, buildings and other facilities subject to common use.

J. The location and size of existing and proposed water, sewer, gas, electric, cable TV, telephone and other utility lines, facilities and easements.

K. Approval by appropriate agencies of the plans for and specifications of the water supply and wastewater treatment facilities.

L. Approval of a Storm Water Management Plan in accordance with the Dubuque County Soil and Water Conservation District.

M. For areas to be phased in at a later date, the site development plan shall show a conceptual layout illustrating general street and lot arrangements, location of open space areas, etc. All required plans, specifications and approvals must be received prior to development of each subsequent phase. The minimum size for any construction phase within an approved manufactured home development shall be as follows:

(1) Phase 1 shall include a minimum of 25 percent of the number of manufactured home spaces indicated in the total plan approved, but in no event less than 10 spaces, and shall be completed within one calendar year from the date of commencement of construction.

(2) Each subsequent construction phase shall contain a minimum of 15 percent of the total number of mobile home spaces shown on the approved plan.

(3) Proportionate open space areas as required by the Ordinance shall be met for each construction phase.

O. Other information as identified by the Zoning Administrator for a complete analysis of the proposed application.

9. Variances. Whenever the tract proposed to be developed is of such unusual size, character, or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the Ordinance would result in substantial hardships or injustices, the Board of Adjustment may waive requirements to the end that the developer is allowed to develop the property in a reasonable manner; provided, however, all such variances granted hereunder shall be in harmony with the intended spirit of the Ordinance and granted with the view toward protecting the public interest and welfare. Application for such variances to the requirements of the Ordinance shall be made in writing by the developer at the time of filing of the site development plan, and shall specifically state the requirements and the sections of the Ordinance to be considered. In deciding whether to grant a variance, the Board of Adjustment shall consider all legal principles.

A. In no case shall any variance be more than a minimum easing of the requirements. In no case shall it have the effect of reducing the traffic capacity of any street or be in conflict with any ordinance.

B. Recommendation by the Board of Adjustment for approval of such variance must be the affirmative vote of the majority of the Board of Adjustment membership.

C. In recommending variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

10. Modifications. Minor modifications to the approved site development plan are permissible upon authorization by the Zoning Administrator.
 - A. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.
 - B. All other requests for modifications to the approved site development plan will be processed as new applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.
 - C. The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) to the Zoning Administrator, and the request shall specifically identify the modifications. The Zoning Administrator shall determine whether the proposed modification is minor.
 - D. Approval of all modifications must be given in writing.

11. **Recreational Vehicle Parks** shall be located in the "B-2" District subject to the following permit procedure:
 - A. Recreational Vehicle Parks shall have permanent bathroom facilities in accordance with the Dubuque County Public Health Regulations.
 - B. Recreational Vehicle Parks shall have a Dump Station that meets the Dubuque County Health Department requirements and any other State Department of Natural Resources Requirements.
 - C. Buildings associated with Recreational Vehicle Parks shall not be permanently occupied.
 - D. If incidental to the Recreational Vehicle Parks use, camp facilities may be used to provide meeting, recreational, or social facilities for a private association or group.
 - E. The applicant shall provide a severe weather plan.
 - F. Off- street parking shall be provided one (1) space per Recreational Vehicle.
 - G. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.
 - H. The application shall comply with all of Dubuque County Public Health, and the Dubuque County Emergency Management requirements and all other applicable federal, state and local regulations.