

Dubuque County Zoning Commission Minutes of October 12, 2021

Chairperson Sam Boyes called the meeting to order at 6 p.m.

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

Jerry Sigwarth and Cathy Caitlin entered the meeting at 6:05 p.m.

2. PUBLIC HEARING:

ZC#10-21-21 Chapter 1-Zoning Ordinance Amendments

Ms. Boyes said she would like to go through the amendments briefly touching on each area and if anyone has anything they want to talk about they will do that.

Ms. Henry said these are the changes that the Zoning Board has already gone over and approved. Ms. Boyes went through all the changes with the Board.

PART 1 INTRODUCTION

1-1 **AUTHORITY.** These regulations are adopted under the authority granted by Chapter 335 of the Code of Iowa (Chapter 358A in editions prior to 1993 Code of Iowa), and in accordance with a comprehensive plan.

1-2 **DEFINITIONS.** For the purpose of this Ordinance all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word “shall” is mandatory, while the word “may” is permissive; the singular number shall include the plural and the plural singular; the word “building” shall include the word “structure”. [Amended November 3, 1997]

1-2. **NEW “Accessory Use or Structure”** A use or structure subordinate to the principal uses of the building on the lot, and serving the purpose customarily incidental to the use of the principal building.

1-2. **“Administrative Officer”** The person or persons designated by the Board of Supervisors to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said Ordinance.

1-2. **“Agriculture”** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal poultry husbandry, and the necessary accessory uses for packing, treating or storing the product; provided, however, that the operation of such shall be secondary to that of normal agriculture activities. [Amended October 20, 2014]

- 1-2. **"Aliquot Part"** A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter shall be considered an aliquot part of a section. [Amended October 20, 2014]
- 1-2. **NEW "Alley"** A public way, affording a secondary means of access to abutting property.
- 1-2. **"Animal Hospital"** A building or portion thereof designed or used for the care, observation or treatment of domestic animals.
- 1-2. **"Animal Shelter"** A facility which is used to house or contain dogs or cats or other domestic animals, and which is owned, operated or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.
[Added December 9, 1991][Amended November 3, 1997]
- 1-2. **NEW "Apartment"** - See Dwelling, Multi Family
- 1-2. **"Arterial Street"** A public street or highway used or intended to be used primarily for the continuity of travel by through traffic. Arterial streets and highways shall include freeways and expressways as well as highways and parkways. [Amended November 3, 1997]
- 1-2. **NEW "Assisted Living"** A provision of housing with services which may include but not limited to health related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a home like environment.
- 1-2. **"Basement"** That portion of any structure located partly below the average adjoining lot grade.
- 1-2. **"Bed and Breakfast Home"** A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two (2) guest families are lodged at the same time and which, while it may advertise and accept reservation, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests. (137F.1 (1), Code of Iowa) [Added December 9, 1991]
- 1-2. **"Bed and Breakfast Inn"** A private residence with a full-time resident owner or manager which provides lodging and meal for overnight guests only and has no more than nine (9) sleeping rooms available. Each guest sleeping room shall be at least one-hundred twenty square feet (120 sq. ft.) in area. [Added December 9, 1991]
- 1-2. **"Boarding House"** A building or dwelling in which five (5) or more persons either individually or as families are housed or lodged for hire with or without meals. A rooming house shall be deemed a boarding house.

- 1-2. **NEW “Buildable Area”** The portion of a lot remaining after required yards have been provided.
- 1-2. **NEW “Building”** A structure built and maintained for the support, shelter, or enclosure of persons, animals, or property of any kind.
- 1-2. **“Building, Accessory”** See Accessory **Use or Structure**. [Amended November 3, 1997]
- 1-2. **NEW “Building Height”** The vertical distance from the average ground level at the front wall of the building to the highest point of the underside of the ceiling beams for a flat roof, or to the declivity of a mansard roof, or to the mean height level between the eaves and the ridge for a gable, hip, or gambrel roof.
- 1-2. **“Building Line”** An imaginary line parallel to the front lot line but measured from the right of way line of the adjacent road, street or access easement over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
- 1-2. **“Building, Principal”** A building, including covered porches, carports and attached garages, in which is conducted the principal use of the lot on which it is situated.
- 1-2. **“Capped Basement”** The basement portion of a residence, the upper part of which is not yet completed, which has been adapted for temporary habitation. [Amended November 3, 1997]
- 1-2. **“Child Care Center, Licensed”** A facility providing child care or preschool services for children that requires State of Iowa licensure. [Amended April 2, 2010]
- 1-2. **“Child Care, In Home”** The care or supervision of a child in a single family residential home by a person other than the child’s parent/guardian or custodian for periods of less than 24 hours per day per child on a regular basis. In Home Child Care does not include a Licensed Child Care Center but does include Child Development Homes registered under Section 237A.3A of the Code of Iowa. [Amended April 12, 2010]
- 1-2. **“Co-Location”** Locating wireless telecommunications equipment from more than one provider on a single site. [Added June 8, 2001]
- 1-2. **“Commercial Breeding Business”** A land use with related structures where pigs, cattle, horses, fowl or any other domesticated or fur bearing animals are bred and raised, exclusive or nearly exclusive of any other use of the property on which the breeding operation is located. This shall not include an operation where the animals normally graze in pasture rather than being confined to buildings or pens.
- 1-2. **“Commercial Feeding Business”** A land use with related structures where pigs, cattle, horses, fowl or any other domesticated or fur bearing animals are fed and raised from the younger stage to a marketable state, size or condition, exclusive or nearly exclusive of any other use of the property on which the feeding and raising operation is located. This shall not include an operation where the animals normally graze in pasture rather than being confined to buildings or pens.

- 1-2. **NEW** “**Condominium**” A multiple-family dwelling as defined herein whereby the title to each unit is held in separate ownership, and the real-estate on which the units are located is held in common ownership solely by the owners of the units with each having and undivided interest in the common real-estate.
- 1-2. **NEW** “**Condominium Association**” See Homeowners Association.
- 1-2. **NEW** “**Convenience Store**” A retail store (~~Delete: containing less than 2,500 square feet of gross floor area~~) engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop and go customers.
- 1-2. **NEW** “**Daycare**” See Child Care Center, Licensed.
- 1-2. **NEW** “**Daycare, Adult**” A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of the 24 hour day.
- 1-2. “**Distillery or Brewery**” A facility where liquor, spirits, beer or similar alcoholic beverage is manufactured, bottled and stored. [Amended November 19, 2012]
- 1-2. **NEW** “**Dormitory**” A building used as group living quarters for a student body or religious order as an accessory use to a college, university, boarding school, convent, monastery or similar institutional use.
- 1-2. **NEW** “**Dwelling**” A building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined by state law, but not including commercial uses such as hotels, motels, motor lodges, tourist homes/houses, tents, trailers and RV’s.
- 1-2. **NEW** “**Dwelling Unit**” One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a (~~Delete: weekly~~), monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, toilet, and sleeping facilities.
- 1-2. **NEW** “**Dwelling, Single-Family**” A detached residential building designed for or occupied by one family.
- 1-2. **NEW** “**Dwelling, Single-Family Attached**” See Townhouse.
- 1-2. **NEW** “**Dwelling, Two-Family**” A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family and separate utilities.
- 1-2. **NEW** “**Dwelling, Multiple-Family**” A building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family and separate utilities.

- 1-2. **NEW "Dwelling, Zero-Lot Line"** A residential dwelling unit designed for occupancy for one family only, which physically adjoins one other matching residential single family dwelling unit across an abutting side lot line, with each unit occupying its own parcel.
- 1-2. **"Efficiency"** A dwelling unit consisting of one principal room with no separate sleeping rooms.
- 1-2. **"Essential Services"** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, ~~(Delete: police call boxes)~~, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- 1-2. **NEW "Family"** – any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption plus not more than three additional people not so related, except for foster children and persons with disabilities.
- 1-2. **"Farm"** An area used for the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk, the production of fruit or other horticultural crops, and the production of timber or forest products as long as there is a tree farm certification, timber management plan and/or past timber sales or sales of related timber or forest products. It includes breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine and honey bees. All of these farm uses must be for the purpose of selling such animals or products for a profit in the marketplace. The term "farming" includes the operating of such an area for one or more of the above uses, with the necessary accessory uses for treating or storing the product; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities. Farming does **not** include the raising of plants and/or animals primarily for the purpose of personal use and enjoyment of the owners or occupants of the subject property; ~~(Delete: and not for the purpose of selling such animals, plants or products for profit in the marketplace)~~ auction sales yards; recreational facilities including game preserves or hunting preserves; nor areas used primarily for residential or recreational purposes. Nursery products (if grown inside a building), sod farming, dog kennels are all considered to be commercial uses and are not considered farming in regard to this ordinance. Farming also does not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm products or services, if that is the only farming activity taking place on the property. [Amended November 3, 1997, October 20, 2014]
- 1-2. **NEW "Fence"** A freestanding structure designed to restrict movement across a boundary.
- 1-2. **"Frontage"** The portion of a lot which lies adjacent to an established street or road right of way, either public or private and from which the property derives its primary means of

access. For purposes of this ordinance, frontage as required for construction shall be measured at the "Building Line"; (~~Delete: however, no lot shall have less than twenty-four (24) feet of frontage at the right of way line of such street or road).~~

[Amended December 9, 1991] [Amended April 10, 1995]

1-2. **NEW "Garage"** A structure or building or portion thereof in which one or more vehicles may be parked or stored. For purposes of this code, garages include carports.

1-2. **"Garage, Private"** Any building or premises used for housing motor-driven vehicles, and at which automobile fuels are not sold and motor driven vehicles are not equipped, repaired, hired or sold except for the owner's personal use. [Amended November 3, 1997]

1-2. **NEW "Gas Station"** A building and/or premises where gasoline, oil and minor auto accessories, and convenience items may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services other than the sale of gasoline, see service station.

1-2. **"Government Lot"** – A tract, within a section, which is normally described by a lot number as represented and identified on the township plat of the United States public land survey system. [Amended October 20, 2014]

1-2. **"Guyed Tower"** A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors. [Added June 8, 2001]

1-2. **"Hog Confinement Operation"** A business in which hogs, swine or other related or similar animals are raised indoors for the purpose of eventual slaughter and marketing by a packing company. [Added November, 1997]

1-2. **"Home Occupation"** Any occupation or profession carried on by a member of the immediate family residing on the premises; in connection with which there is used no sign other than a name plate not more than two square feet (2 sq. ft.) in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; in which no person is employed other than a member of the immediate family residing on the premises; in which no goods are sold except those prepared on the premises, and in which no mechanical equipment is used except such as is permissible for purely domestic or house hold purposes. [Added December 9, 1991]

1-2. **NEW "Homeowners Association"** A private, nonprofit corporation or association of homeowners in a fixed area, established for the purpose of owning, operating and maintaining various common properties and facilities.

1-2. **"Household Occupation"** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) percent of the area of any floor, uses only household equipment and no stock in trade is kept or sold except that made on the premises. A household occupation includes such uses as baby-sitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods. Residences of doctors of medicine practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other

recognized professions used to conduct their professions where the office does not exceed five hundred (500) square feet or twenty five (25) percent of the floor area, whichever is greater, as determined by the Dubuque County Assessor, of the residence and only one nonresident person is employed. [Amended November 3, 1997]

1-2. **"Junk Yard"** An open area where used, waste or secondhand materials are bought, sold, exchanged, stored, baled, packed, assembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. The term includes a vehicular wrecking yard, but does not include uses carried on entirely within enclosed buildings.

1-2. **NEW "Kennel"** Any building or portion thereof where dogs, cats, or other household domestic animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale.

1-2. **"Kennel, Boarding"** A place or establishment other than a pound or animal shelter where dogs or cats or other domestic animals not owned by the proprietor are sheltered, fed and watered in return for a consideration. [Added December 9, 1991][Amended November 3, 1997]

1-2. **"Kennel, Breeding"** A kennel which has as its primary function the breeding of dogs or cats or other domestic animals or the leasing of such animals with the intention of breeding in return for a consideration. [Added December 9, 1991]

1-2. **"Kennel, Commercial"** A kennel which performs grooming, boarding, or training services for dogs or cats or other domestic animals in return for a consideration. [Added December 9, 1991][Amended November, 1997]

1-2. **"Lattice Tower"** A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment. [Added June 8, 2001]

1-2. **NEW "Lot"** A parcel or tract of land with established, recorded boundaries and legal description which may be sold, conveyed, or transferred based on such legal description.

1-2. **NEW "Lot Area"** The total horizontal area included within the boundaries of the lot lines of a lot.

1-2. **NEW "Lot, Corner"** A lot abutting upon two or more streets at their intersection. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

1-2. **NEW "Lot Coverage"** That portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.

1-2. **NEW "Lot Depth"** - The mean horizontal distance between the front and rear lot lines.

1-2. **NEW "Lot, Flag"** A lot that has access to a public right-of-way by means of a narrow strip of land.

- 1-2. **NEW “Lot Frontage”** All sides of a lot abutting a street and measured along the front property line as it abuts the street right of way or roadway easement line.
- 1-2. **NEW “Lot, Interior”** A lot other than a corner lot with only one frontage on a street.
- 1-2. **NEW “Lot Line”** The property bounding line of a lot.
- 1-2. **NEW “Lot Line, Front”** The property line abutting a street right-of-way or roadway easement line.
- 1-2. **NEW “Lot Line, Rear”** A lot line not abutting a street which is opposite and generally most distant from the front lot line.
- 1-2. **NEW “Lot Line, Side”** Any lot line not a front lot line or rear lot line.
- 1-2. **NEW “Lot, Through” and “ Lot, Double Frontage”** A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
- 1-2. **NEW “Lot Width”** The width of a lot measured at the building line (frontage line) and at right angles to its depth.
- 1-2. **NEW “Manufactured Home”** A factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by HUD, and was constructed on or after June 15, 1976.
- 1-2. **NEW “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 also include any such vehicle with motive power not registered as a motor vehicle in the Iowa. A mobile home is factory-built housing on a chassis. A mobile home shall not be constructed to be a travel trailer or other form of recreational vehicle. A mobile home shall be constructed 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. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this Code shall be construed as permitting a mobile home in other than a mobile home park, unless such mobile home is classified as a manufactured home.
- 1-2. **NEW “Mobile Home Park”** A parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term “mobile home park” does not include sales lots on which new or used mobile homes are parked for the purposes of storage, inspection, or sale.

- 1-2. **"Mobile Home Space or Mobile Home Lot"** A parcel of ground within a mobile home park designed for the accommodation of one mobile home.
- 1-2. **NEW "Modular Home"** A factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner.
- 1-2. **"Monopole Tower"** A telecommunication tower consisting of a single vertical structure not supported by radiating guy wires or ground anchors. [Added June 8, 2001]
- 1-2. **"Motel"** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- 1-2. **NEW "Nonconforming Building"** – a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
- 1-2. **NEW "Nonconforming Use"** A use lawful when established but which does not conform to subsequently established zoning or zoning regulation.
- 1-2. **NEW "Nursing or Convalescent Home"** An establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.
- 1-2. **"Parking Lot"** A parcel of land devoted to unenclosed parking spaces or to a partially or totally enclosed building, when such building's primary purpose is to provide off-street parking.
- 1-2. **"Parking Space"** An area enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
- 1-2. **"Pet Shop"** An establishment where any dog, cat, rabbit, rodent, non-human primate, fish other than live bait, bird or other vertebrate animal is bought, sold, exchanged or offered for sale. [Added December 9, 1991]
- 1-2. **"Pound" or "Dog Pound"** A facility for the prevention of cruelty to animals operated by the state, municipal corporation or other political subdivision of the state for the purpose of impounding or harboring seized stray, homeless, abandoned or unwanted dogs, cats or other domestic animals; or a facility operated for such purpose under a contract with any municipal corporation or incorporated society. [Amended December 9, 1991] [Amended November, 1997]
- 1-2. **"Private Radio Operator"** Amateur or hobby radio operators who use communications equipment for personal, private and not-for-profit purposes. [Added June 8, 2001]

- 1-2. **"Quarry"** An area used for the extraction, crushing, shaping, manufacturing or stockpiling of rock, stone, gravel, sand or other similar materials used for construction, fill or decorative purposes. [Added December 9, 1991]
- 1-2. **NEW "Recreational Vehicle Park"** A tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by residential vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
- 1-2. **NEW "Recreational Vehicle (RV)"** A vehicular unit designed for recreational camping or travel under its own power or designed to be mounted or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, and camping trailer.
- 1-2. **"Recycling Center"** A place for the reclamation, recycling or reprocessing of used, waste or second hand materials. (See also Junkyard). [Added December 9, 1991]
- 1-2. **"Roadside Stand"** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.
- 1-2. **"(Change "Trailer" to "RV") and Tent Camps"** An area or premises on which is provided the required space for the accommodation of tents, travel trailers or camping trailers for (Change: "transient" to "temporary") occupancy only.
- 1-2. **NEW "Service Station"** A building and premise where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.
- 1-2. **NEW "Setback"** The distance required between a property line or roadway easement line and the buildable area on a lot.
- 1-2. **NEW "Setback, Front"** A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages.
- 1-2. **NEW "Setback Line, Building"** A line which defines the required minimum distance between a building or structure and the right of way or roadway easement line. The front setback line shall be parallel with the right of way or roadway easement line. Corner lots and double frontage lots shall have a front setback along both street frontages.
- 1-2. **NEW "Setback, Rear"** A line which defines the required minimum distance between a building or structure and the property line opposite the right of way line or roadway easement line. The rear setback line shall be parallel with the rear property line except for corner lots and double frontage lots.

- 1-2. **NEW "Setback, Side"** A line which defines the required minimum distance between a building or structure and an interior property line, extending between the front and rear setback lines. The side setback line shall be parallel with the nearest interior property line. For purposes of accessory buildings and structures, the side setback shall be extended to the rear property line.
- 1-2. **"Signs"** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- 1-2. **"Sign, Off-Premise"** A sign which displays general advertising about products or services available at locations other than at the sign site. [Amended April 20, 1987] [Amended November 3, 1997]
- 1-2. **NEW "Special Use Permit"** – A permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon, or required by said permit.
- 1-2. **"Stable, (DELETE: Private)"** A principal building and/or use in which horses are kept for remuneration, hire or sale. [Amended November, 1997].
- 1-2. **"Street"** A public right-of-way which affords a primary means of access to abutting property.
- 1-2. **"Street Line"** A dividing line between a lot, tract or parcel of land and an adjacent street right-of-way.
- 1-2. **NEW "Structure"** Anything constructed or built above ground, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including but not limited to buildings, mobile homes, (Delete: walls, fences), billboards, poster panels, above ground storage tanks, and similar uses.
- 1-2. **NEW "Structure, Temporary"** A building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.
- 1-2. **"Structural Alteration"** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders or any substantial change in the roof or in any exterior walls.
- 1-2. **"Summer Cottage"** A single family dwelling, intended for seasonal use only, not to be occupied for more than six months out of any calendar year. Summer cottages may not be located on a parcel on which another residential structure is located. All summer

cottages must meet state and county requirements relating to water supply and wastewater treatment. [Amended May 17, 2004]

- 1-2. **“Telecommunication Tower”** Any structure that is designed and constructed primarily for the purpose of supporting one or more devices used in the transmission or reception of microwave energy, analog data transfer techniques, radio frequency energy, and other digital data transfer techniques, including self-supporting lattice towers, guyed towers, or monopole towers. The term also includes radio and television transmission towers, microwave towers, cellular telephone towers, alternative tower structures, and other similar structures. The term includes the structure and any support thereto. [Added June 8, 2001]
- 1-2. **“Telecommunication Tower Height”** The vertical distance measured from the ground level at the base of the tower to the highest point on the tower, including any antenna mounted on the tower. If the support structure is on a sloped grade, then the average between the highest and lowest grades at the base shall be used in calculating the antenna height. [Added June 8, 2001]
- 1-2. **“Telecommunication Tower Structure Site”** A tract or parcel of land that contains the wireless communication tower structure, accessory building(s), and parking, and may include other uses associated with, and ancillary to, the normal operations of wireless communication and transmission. [Added June 8, 2001]
- 1-2. **“Temporary Building”** A mobile home, trailer, truck, van or other vehicle or structure designed to be easily moved or dismantled and which is used on a site as an office or storage facility for a contractor, builder or other person or firm engaged in the construction of a permanent structure, facility or public improvement. Such temporary building shall be placed on site no more than thirty (30) days before construction commences and shall be removed no more than thirty (30) days after construction is completed and under no circumstances shall be allowed to remain on site for longer than two (2) years unless an extension shall be granted by the Board of Adjustment. [Added December 9, 1991]
- 1-2. **“Temporary Mobile Home”** A mobile home which is used for habitation for a period not to exceed six (6) months while construction of a new or replacement dwelling is taking place or while the proper foundation, pad or substructure is being prepared to make the mobile home a permanent structure. [Added December 9, 1991]
- 1-2. **NEW “Townhouse”** A one-family dwelling unit, with a private entrance in a group of three or more units, which part of a structure whose dwelling units are attached horizontally in a linear arrangement, having a total exposed front and at least one other building wall exposed to allow for access, light, and ventilation.
- 1-2. **“Tract”** An aliquot part of a section or an undivided government lot. [Amended October 20, 2014]
- 1-2. **NEW “Use”** The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

- 1-2. **NEW “Use, Nonconforming”** A building, structure, or land lawfully occupied by a use that does not conform to the form and function regulations of the zoning district in which it is situated.
- 1-2. **NEW “Use, Permitted”** Any land use allowed without condition within a zoning district.
- 1-2. **NEW “Use, Principal”** The primary use of land or structure.
- 1-2. **NEW “Use, Prohibited”** Any use of land, other than non-conforming, which is not listed as a permitted or conditional use within a zoning district.
- 1-2. **NEW “Use, (CHANGE “Conditional” to “Special”)** A use allowed by the district regulations, that would not be appropriate generally throughout the zoning district without regulations, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety and general welfare.
- 1-2. **NEW “Variance”** A relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the Zoning Board of Adjustment according to the provisions of this code.
- 1-2. **“Wind Energy Conversion System” (WECS)** All necessary devices that together convert wind energy into electricity, including the rotor nacelle, generator, WECS tower structure, electrical components, foundation, transformer and electrical cabling from the WECS tower to the substation. [Added August 28, 2006]
- 1-2. **“Wind Energy Conversion System (WECS) Total Tower Height”** The distance from the rotor blade at its highest point to the finished grade of the lot. [Added August 28, 2006]
- 1-2. **“Wind Energy Conversion System (WECS) Tower”** The support structure to which the nacelle and rotor are attached. [Added August 28, 2006]
- 1-2. **“Winery”** A facility where wine is manufactured, bottled and stored and a minimum of three (3) acres of vineyards or orchards must be located on site. [Amended November 19, 2012]
- 1-2. **“Wireless Telecommunications”** A Commercial Low Power Mobile Radio Service licensed by the Federal Communication Commission (FCC) in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups to geographic cells within a service area and which are capable of being reused in different cells within the service area. [Added June 8, 2001]
- 1-2. **NEW “Yard”** An open space which is unoccupied and unobstructed by any structure or portion thereof from the natural ground level to the sky, except as otherwise provided in this code.
- 1-2. **NEW “Yard, Front”** A yard extending across the full width of the lot measured between the principal building and the right-of-way line or roadway easement line.

- 1-2. **"Yard, Rear"** A yard extending across the full width of the lot and measured between the rear line of the lot and nearest point of the principal building. Accessory buildings or structures or non-building uses may be located within the rear yard.
- 1-2. **NEW "Yard, Side"** A yard between the side lot line and the nearest point on the principal building extending between the front yard and the rear yard. In the case of through lots, side yards shall extend between the front yards. In the case of corner lots, yards remaining after front yards have been established shall be considered side yards.

A motion was made by Mr. Sigwarth, seconded by Mr. Runde to approve Part 1-Introduction. The motion passed unanimously. Vote: 6-0.

PART 3 GENERAL PROVISIONS

- 1-21 COMPLIANCE. No building, structure or premises shall hereafter be erected, extended, converted, moved, rebuilt or altered except in conformity with all district regulations established by this Ordinance for the district in which it is located. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that work is under way, but such temporary buildings shall be removed upon completion of the construction work as determined by the Administrative Officer. This shall include trailers and mobile homes used as offices and for tool storage only.
- 1-22 PERMITS AND CERTIFICATES REQUIRED. All permits and certificates required by this ordinance must be in writing, issued by the Administrative Officer after a proper application and accompanied by the required fees. Fees shall be established by a resolution of the Board of Supervisors in an official schedule of fees for zoning and development services. [Amended May 10, 1999] [Amended June 8, 2001]

~~a — MORATORIUM FOR PERMITS AND REZONING IN THE
SOUTHWEST
ARTERIAL CORRIDOR~~

~~The administrative officer shall not issue any permit for any new construction or substantial enlargement, alteration, repair or remodeling of any structure, building or sign in the Southwest Arterial Corridor but not to include demolition, as delineated on the drawings and maps on file at the Dubuque County Zoning Office from the effective date of this Section to July 1, 2016, except where a vested right to the issuance of such permit accrued prior to the effective date of this section. In addition, said administrative officer nor the Board of Supervisors shall give final approval to any zoning reclassification (rezoning) request for property in the Southwest Arterial Corridor that lies within the county~~

~~limits of the county of Dubuque, as shown delineated on drawings on file in the County Zoning Office from the effective date of this section to July 1, 2016 except where a vested right to the issuance of said approval accrued to any person, firm or corporation as a matter of law prior to the effective date of this section. Notwithstanding the foregoing, the Administrative Officer and the County Board of Supervisors may approve a requested zoning upon a determination that the proposed rezoning will not negatively impact the acquisition of right-of-way along the preferred alignment of the Southwest Arterial Corridor. The County Board of Supervisors and administrative officer shall also consider any recommendation from the Southwest Arterial Technical Committee regarding potential negative impact, if any, that would result from approval of the requested re-zoning and the subsequent development of the parcel(s). [Amended August 2, 2010, June 6, 2011, July 30, 2012, June 17, 2013, June 16, 2014, August 10, 2016]~~

- 1-23 FRONTAGE REQUIRED. All lots shall abut a public dedicated street or road right-of-way unless otherwise provided in this Ordinance.
- 1-24 CORNER LOTS. Corner lots platted hereafter shall provide a side yard adjacent to the intersection which shall be equivalent to the front yard requirement of the lots to the rear of the corner lot, which front on the intersecting street or road.
- 1-25 PRINCIPAL RESIDENTIAL BUILDINGS. 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 (1) principal residential building on one lot unless otherwise provided for by this Ordinance.
- 1-26 HALF STREETS. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- 1-27 SEWER AND WATER. In all cases where a proposed building or proposed use will involve the use of sewerage facilities, and public sewer or public water supply is not available, the sewerage disposal or domestic water supply shall comply with the requirements of the State Plumbing Code and the County Board of Health and the application for a zoning certificate shall be accompanied by a certificate of approval from said Board of Health. Where a public sewer and public water supply is available, such public utilities shall be used. Where an existing system is in operation, or is to be provided for a planned development of 20 acres or more (residential, commercial or industrial); such sewer and water system may be used in lieu of a public system.

- 1-28 EXISTING RESIDENCE. Any residence existing prior to the adoption of this Ordinance shall be considered to be a conforming use in any industrial district.
- 1-29 CAPPED BASEMENTS. A "capped" basement is not to be used as living quarters except on a temporary basis not to exceed one (1) year and must comply with state laws.
- 1-30 ADDITIONS. Any additions 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 [within 6 months of unincorporation. A fee is not required for the amendment change.](#)
- 1-31 HEIGHT-AIR NAVIGATION OBSTRUCTIONS [Repealed November 3, 1997; see Section 1-17]
- 1-32 VARIANCES. All variances and special permits shall be recorded and certified in a form appropriate for recording in the Dubuque County Recorder's Office.

No zoning certificate shall be issued by the Zoning Administrator prior to recording. [Amended November 16, 1979]

1-33 through 1-40 Reserved.

PART 4 TRAFFIC, PARKING AND ACCESS

- 1-41 TRAFFIC VISIBILITY. [Amended December 9, 1991]
- 1-41.1 No obstruction, such as structures, parking or vegetation, shall be permitted in any district if the obstruction could block a driver's view of potentially conflicting vehicles. Obstructions shall not be permitted in clear sight triangles configured according to the current version of the American Association of State Highway and Transportation Officials (AASHTO) policy on geometric designs of highways and streets. Restricted clear sight triangles shall include both approach sight triangles and departure sight triangles as defined by the AASHTO policy. [Amended November 5, 2001]
- 1-41.2 Unless otherwise designated by the transportation plan, all State Highways and County Collector Highways shall be treated as arterials. [Amended November 5, 2001]
- 1-42 LOADING REQUIREMENTS. In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading

are completely off the public ways and so that all vehicles need not back onto any public way.

- 1-43 PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
- 1-43.1 Parking Stalls Required. In the case of structures or uses not mentioned in the District Regulations, the provision for a use which is similar should apply. Combination of any uses shall provide the total of the number of stalls required for each individual use.
- 1-43.2 Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one and two-family dwellings and a minimum of twenty-four (24) feet wide for all other uses.
- 1-43.3 Size of each parking space shall be not less than one hundred and eighty (180) square feet exclusive of the space required for ingress or egress. Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveways except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.
- 1-43.4 ~~In residence districts boats, campers, house trailers, trucks (other than pickups), boat trailers or similar vehicles or similar accessories to vehicles shall not be parked in front yards or required side yards.~~ In the A-2, R-1, R-2, R-3, R-4 and R-5 Zoning Districts non-operational or non-licensed boats, campers, trucks, boat trailers, or similar vehicles or similar accessories to vehicles shall not be parked in front yards, side yards or rear yards.
- ~~1-44 VEHICULAR ENTRANCES AND EXITS to drive-in theatres, banks and restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations; garages or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.~~
- 1-45 HIGHWAY ACCESS. Access to a state highway shall be subject to the regulation of the Iowa State Highway Commission. Access to a county road shall be subject to the regulations of the Board of Supervisors.
- ~~1-45.1 No direct public or private access shall be permitted to the existing or proposed right-of-ways of the following:~~
- (a) ~~Freeways, Interstate Highways and their interchanges or turning lanes nor to intersecting or interchanging streets within~~

~~fifteen hundred (1,500) feet of the most remote end of the taper of the turning lanes.~~

~~(b) Arterial Streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.~~

~~(c) Temporary Access to the above rights-of-way may be granted by the Board of Adjustment after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months. In all Residential Districts driveways shall be spaced at intervals no closer than six hundred (600) feet except to serve lots platted in accordance with the procedures and requirements of the County Subdivision Ordinance.~~

1-46 LIMITED ACCESS ROADS.

1-46.1 All properties located adjacent to or abutting upon roads, streets, county, state or federal highways which have been or are hereafter declared as limited access roads shall meet the following front yard setback requirements in addition to the front yard setback requirements specified in the applicable zoning district.

1-46.2 Front Yard Setback Fifty (50) feet from the right-of-way line or one hundred ten (110) feet from the centerline of the right-of-way whichever is greater. (In determining the total setback for a specific situation, add the setback requirements as specified in the applicable district regulations, plus a distance of fifty (50) feet from the right-of-way, or one hundred ten (110) feet from the centerline of the right-of-way, whichever is greater.

1-47 through 1-50 Reserved.

PART 5 MODIFICATIONS

1-51 HEIGHT. The following structures may exceed the height limitations set out in Section 1-15, District Regulations, but shall be subject to the procedures and limitations of the air navigation obstruction provisions set out in Section 1-17. [Amended December 12, 1983]

1-51.1 Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.

1-51.2 Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks.

1-51.3 Essential Services, utilities, water towers, electric power and communication transmission lines.

- 1-51.4 Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, ~~shall not exceed in height three (3) times their distance from the nearest lot line.~~ setbacks on all sides shall be a distance equal to the height of the tower, measured from the base of the structure to the property line.
- 1-52 YARDS.
- 1-52.1 Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- 1-52.2 The required street yards may be decreased in any residential or business districts to the average of the abutting structures on each side but in no case less than fifteen (15) feet in any residential district.
- 1-53 NOISE. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are permitted.
- 1-54 through 1-60 Reserved.

PART 6

~~MOBILE HOMES, MOBILE HOME PARKS AND TRAILER CAMPS~~

~~All mobile homes shall be placed or located only in mobile home parks, or as provided for in the "A-1" District.~~

- ~~1-61 MOBILE HOME AND TRAILER CAMP PARKS PROCEDURE.
Mobile home parks shall be located in the "R-4" District subject to the following permit procedure:~~
- ~~1-61.1 Trailer camps shall be located in the "B-2" District subject to the following permit procedure:~~
- ~~a The owner or owners of any tract of ground located within the unincorporated areas of Dubuque County who may wish to establish a mobile home park or trailer camp, shall submit six (6) copies of a preliminary plan detailing such features as are necessary to establish the fact of compliance with the specific terms of the Ordinance to the Board of Supervisors for consideration. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]~~
 - ~~b The Board of Supervisors shall refer three (3) copies of said plans to the Zoning Commission and one (1) copy to the County Engineer for review.~~
 - ~~c The Zoning Commission shall hold a public hearing on the proposed plans and after due consideration, shall render to the Board of Supervisors a report including, but not limited to, a treatment of the following factors:~~
 - ~~(1) The relation of the proposed mobile home park to the public interest.~~

- (2) ~~The effect of the proposed mobile home park on adjacent property values.~~
- (3) ~~The consistence and compliance of the proposed mobile home park with the provisions of this Ordinance.~~
- (4) ~~The suitability of the site for present development with special attention to topography, subsurface conditions and the availability of necessary utility services.~~
- (5) ~~The relation of the population density resulting from the proposed mobile home park to the public interest.~~
- (6) ~~The exhibition of sound planning and engineering practices.~~
- (7) ~~The availability of access from existing highways and the nature of the altered traffic pattern resulting from the trailer park.~~
- (8) ~~The availability of schools, police protection, fire protection and other community services.~~
- (9) ~~A recommendation as to the approval or disapproval of proposed plans and location.~~
- d ~~The Zoning Commission may require the owner to appear before it and make such changes as may be required. These changes shall be made promptly and the Commission shall render its report to the Supervisors within thirty (30) days after the receipt of the revisions. If the Commission requires no revision, it shall render its recommendation within thirty (30) days after its public hearing.~~
- e ~~Upon receipt of recommendations from the Zoning Commission, Iowa Board of Health and the County Engineer, the Supervisors shall take action upon the proposed location and plans and approve or disapprove the same.~~
- 1-61.2 ~~The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.~~
- a ~~A mobile home park shall contain at least three (3) acres.~~
- b ~~No more than eight (8) mobile homes shall be allowed per acre of land in the mobile home park.~~
- e ~~Mobile homes shall have a clearance of at least twenty (20) feet from any other mobile home or any building in the park, except in end-to-end clearance. For mobile homes parked end-to-end, the clearance shall be at least fifteen (15) feet.~~
- d ~~Mobile homes shall not be located closer than twenty five (25) feet to any property line of the park abutting upon a public street or highway.~~
- e ~~All mobile home spaces shall abut a driveway of not less than twenty four (24) feet in width, which shall have unobstructed access to a public street, alley or highway.~~
- f ~~All thoroughfares within the park shall be hard-surfaced.~~ g ~~All thoroughfares shall be adequately lighted at night.~~
- h ~~An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces~~

- ~~within the park.~~
- ~~i Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation and plumbing and sanitation systems.~~
- ~~1-62 SEWAGE AND REFUSE DISPOSAL. Waste from showers, toilets, slop sinks and laundries shall be discharged into a public sewer system or into a private sewer and disposal plant or septic tank system in compliance with the applicable statutes.~~
- ~~1-62.1 Sanitary Equipment and Facilities. Trailer and tent camps shall be provided with toilets, showers, slop sinks and other sanitation facilities which shall conform to the following requirements. When such facilities are provided in a mobile home park, they shall also conform.~~
 - ~~a Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart or shall be separated, if in the same building, by a soundproofed wall.~~
 - ~~b Toilet facilities for women shall consist of not less than one (1) flush toilet for each ten (10) spaces or fraction thereof, one (1) shower for each twenty (20) spaces or fraction thereof, one (1) lavatory or its equivalent for each ten (10) spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.~~
 - ~~e Toilet facilities for men shall consist of not less than one (1) flush toilet for each fifteen (15) spaces or fraction thereof, one (1) shower for each twenty (20) spaces or fraction thereof, one (1) lavatory or its equivalent for each ten (10) spaces or fraction thereof, one (1) urinal for each twenty-five (25) spaces or fraction thereof, and one (1) slop sink. Each toilet and shower shall be in a private compartment.~~
 - ~~d Service buildings housing the toilet facilities shall be permanent structures and shall be located not nearer than ten (10) feet nor farther than two hundred fifty (250) feet from any space. Service buildings shall be well lighted, shall be well ventilated with screened openings, shall be constructed of such moisture-proof material, including painted woodwork, and shall permit repeated cleaning and washing. They shall be maintained at a temperature of not less than seventy (70) degrees Fahrenheit. The floors of said buildings shall be of a water-impervious material and shall slope to a floor drain connected with the sewage system of the park.~~
 - ~~e Each service building and park grounds shall be maintained in a clean, slightly building and park grounds shall be maintained in a clean, sightly condition and kept free from any condition that will menace the health of any occupant or the public or constitute a nuisance.~~
- ~~1-62.2 Garbage, Waste and Rubbish. 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.~~

- ~~1-63 FIRE PROTECTION. Each service building shall be equipped with approved fire extinguishers. An approved incinerator or specially equipped stove shall be provided to burn all paper and rubbish and shall be supervised by the management. No open fires shall be permitted at any place or time on the property, other than at the approved incinerator.~~
- ~~1-64 ADDITIONS TO MOBILE HOMES. No additions shall be built onto any mobile home other than a porch or entry way which shall leave a clearance of not less than fifteen (15) clear feet between said appurtenance or porch and the next mobile home. No additions shall be permitted in a trailer camp to any mobile units.~~
- ~~1-65 SUSPENSION OF PERMIT. Any mobile home park permit issued under this Ordinance may be suspended by the Administrative Officer when the permit holder violates or is in violation of any of the provision of this Ordinance.~~
- ~~1-66 PERMIT NOT TRANSFERABLE. No permit granted under the provisions of this Ordinance shall be transferred to any other person. Upon every change in ownership, management and operation of any Mobile Home Park, the permit previously issued for the park shall be null and void.~~
- ~~1-67 PERMITS FOR TEMPORARY OCCUPANCY OF MOBILE HOMES OUTSIDE OF A MOBILE HOME PARK~~
- ~~1-67.1 Application for permit: Within a period of ten (10) days an application for a permit to occupy a mobile home for dwelling or sleeping purposes outside of a mobile home park upon a lot or premises occupied by a dwelling shall be made at the office of the administrative officer. Said application shall set forth the location of the occupied dwelling where such mobile home is to be used and occupied, the name of the occupant in control of such dwelling. [Amended December 9, 1991]~~
- ~~1-67.2 A fee may be required as provided in Section 1-95. The provisions of Part 6 as to locations of a mobile home do not include this situation. [Amended December 9, 1991] [Amended June 8, 2001]~~
- ~~1-67.3 Issuing of Permit: The Administrative Officer may issue a permit for the temporary occupancy of a mobile home outside of a Mobile Home Park upon receipt of the applications as set forth in the previous paragraph. The permit may be issued for a period not to exceed six (6) months from the date of the granting permit. Holder of a temporary occupancy permit for a mobile home shall not be subject to the occupancy certificate requirements of Part 9.~~
- ~~1-68 INSPECTION. It shall be the duty of the Administrative Officer to enforce all of the provisions of this Section. For the purpose of securing enforcement of the provisions of this Section, the Administrative Officer or any of his duly authorized representatives or any officer of Dubuque County,~~

~~shall have authority to enter and inspect any Mobile Home Park and the location of any mobile home parked outside of a Mobile Home Park on a temporary occupancy permit.~~

1-69 ~~USE OF A MOBILE HOME AS A HOUSE. [Repealed December 9, 1991]~~

1-70 through 1-72 Reserved.

Strike “Part 6 Mobile Homes, Mobile Home Parks and Trailer Camps” and replace with the following:

Part 6-Draft

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

Manufactured Home A factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by HUD, and was constructed on or after June 15, 1976.

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 also include any such vehicle with motive power not registered as a motor vehicle in the Iowa. A mobile home is factory-built housing on a chassis. A mobile home shall not be constructed to be a travel trailer or other form of recreational vehicle. A mobile home shall be constructed 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. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this Code shall be construed as permitting a mobile home in other than a mobile home park, unless such mobile home is classified as a manufactured home.

Mobile Home Park A parcel of land under single ownership that has been planned and improved for the placement of mobile housing used or to be used for dwelling purposes and where mobile home spaces are not offered for sale or sold. The term “mobile home park” does not include sales lots on which new or used mobile homes are parked for the purposes of storage, inspection, or sale.

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 a smooth, hard and dense surface, 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.

Recreational Vehicle Park A tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by residential vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

Recreational Vehicle (RV) A vehicular unit designed for recreational camping or travel under its own power or designed to be mounted or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, and camping trailer.

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.

1-70 through 1-72 Reserved.

PART 7

NONCONFORMING USES, STRUCTURES AND LOTS

1-73 EXISTING NONCONFORMING USES. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

1-73.1 Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance. ~~Total lifetime structural repairs or alterations shall not exceed fifty (50) per cent of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.~~

1-73.2 Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the Nonconforming use with the neighboring uses.

1-74 ABOLISHMENT OR REPLACEMENT. Whenever the lawful nonconforming use of a building, structure or land has been abandoned, such building, structure or land shall thereafter be used only in such manner as to conform to all of the provisions of that ordinance. A nonconforming use shall be considered abandoned where the intent of the owner to discontinue the use is apparent, or when the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within twelve (12) months, or when it has been replaced by a conforming use, or when it has been changed to another use under permit from the Board of Adjustment.

1-75 EXISTING NONCONFORMING STRUCTURES.

- 1-75.1 The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- 1.75.2 A lawful nonconforming use may be extended or enlarged, permitted within the classification of the existing use, if the Board of Adjustment shall determine, after a public hearing of which public notice has been given, that such extension or enlargement will meet a county need without adversely affecting the neighborhood, and that such extension or enlargement will not defeat the spirit and intent of this Ordinance. [Amended June 27, 1977]
- 1-75.3 A lawful non-conforming single family residence in actual use, may be replaced, enlarged, or structurally altered in an A-1, Agricultural or C-1, Conservancy district. ~~as long as the total square footage of the original non-conforming structure is not increased by more than 50%.~~ Any well and septic systems for the structure must meet all County Board of Health regulations before replacing or adding onto the structure. ~~When replacing or adding onto the structure in the C-1 Conservancy District all such changes must have approval from the Dubuque County Conservation Board.~~ One accessory building of up to 600 square feet is also allowed in the ~~C-1, Conservancy District.~~ All setbacks and variances will be required. [Added March 25, 2002]
- 1-76 CHANGES AND SUBSTITUTIONS. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Adjustment.
- 1-77 SUBSTANDARD LOTS. [Amended December 9, 1991]
- 1-77.1 In any residential district, a ~~one-family-detached~~ dwelling and its accessory structures may be erected on any legal lot or parcel, which was recorded in the County Recorder's Office before the effective date or amendment of this Ordinance. However, no lot of any size may be built upon unless the County Health Director approved the method of sewage disposal and source of water for any structure of such lot. [Amended December 9, 1991]
- 1-77.2 Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the

provisions of this Ordinance. If in separate ownership, all the yard requirements of this district shall be complied with. [Amended December 9, 1991]

1-78 through 1-80 Reserved.

PART 8
TELECOMMUNICATIONS TOWERS

[Added June 8, 2001]

1-81 EXEMPT TOWERS. This ordinance does not apply to private radio operators with personal telecommunication towers for private use, not exceeding 100' in total height.

1-82 REGISTRATION OF TOWERS. All owners or operators of existing telecommunication towers over 150' in the unincorporated areas of Dubuque County, shall register their towers with the Dubuque County Zoning Department within one hundred twenty (120) days of publication of this ordinance. All owners or operators of new or proposed telecommunication towers subject to these regulations shall register their towers with the Dubuque County Zoning Department within one hundred twenty (120) days of completing the tower structure. Registration shall include the following:

1-82.1 Name and address of the tower owner;

1-82.2 Name, address, phone number and title of primary contact person;

1-82.3 Address and legal description of the tower location;

1-82.4 Principal use of the tower;

1-82.5 Latitude, Longitude, Tower Height and Ground elevation;

1-82.6 Date of the last inspection of the tower;

1-82.7 Date the tower was originally erected.

1-82.8 FCC Registration #

1-83 SPECIAL PERMIT USE. A telecommunications tower may be permitted as a Special Permitted Use upon determination that all of the applicable conditions in this ordinance are met. A Special Use Permit must be granted by the Board of Adjustment in accordance with Section 1-103 of the Dubuque County Zoning Ordinance to place a telecommunication tower in the unincorporated areas of Dubuque County. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

1-84 ZONING CERTIFICATE. A Zoning Certificate shall be issued by the Dubuque County Zoning Department before a new telecommunication tower may be built. A fee may be required as provided in Section 1-95. [Amended June 8, 2001]

- 1-85 PERMITTED LOCATIONS. Telecommunications towers may be permitted as a Special Permit Use ~~except R-2, R-3, Single Family Residential; and R-4, and R-5 Multi-Family Residential~~ in any district. Any telecommunication tower within 500' of the incorporated limits of a city shall be less than 200' in height.
- 1-86 APPLICATION REQUIREMENTS. The applicant for a Special Permit Use for construction of a telecommunications tower shall file an application with the Dubuque County Zoning Administrator. The application shall include the following documents, accompanied by a fee as provided in Section 1-95: [Amended June 8, 2001]
- 1-86.1 A site plan, drawn to scale, identifying the telecommunication tower structure site boundary; tower location; tower setback from property lines and height; location of guy wires and anchors; existing and proposed structures, including accessory structures; photographs or elevation drawings depicting the design of proposed structures, access roads, parking areas, fences, lighting, signage and landscape plans; and existing uses on abutting parcels;
- 1-86.2 A report from a structural engineer containing the following:
- a A report, including a description and visual depiction, showing the visual and aesthetic impact of the tower on the surrounding area, with technical reasons for its design and an explanation of why existing towers or other structures cannot be utilized;
 - b Engineered plans for the structure and foundation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and that the tower meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222 "Structural Standards for Steel Antenna Towers and Antenna Support Structures";
 - c The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate;
- 1-86.3 Pursuant to Section 1-87.1, letters from owners of telecommunication towers within a four mile radius of the proposed new tower site, including county-owned property, stating that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;
- 1-86.4 Evidence that the applicable conditions of Section 1-87 of this ordinance have been met;
- 1-86.5 Additional information as required to determine that all applicable conditions of this ordinance have been met.
- 1-86.6 A fee may be required as provided in Section 1-95.

- 1-87 APPLICABLE CONDITIONS. Any applicant must show that all of the following applicable conditions are met:
- 1-87.1 Prior to consideration of a permit for location on private property which must be acquired or leased, applicant must show that available publicly owned sites, and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A new telecommunication tower is not allowed if technically suitable space can be found on an existing or alternative tower structure which meets the engineering requirements of an applicant's cellular or wireless network or other broadcasting needs within a four mile radius of the proposed new tower site.
- 1-87.2 The applicant must meet all applicable health, nuisance, noise, fire, building and safety code requirements.
- 1-87.3 Where possible, towers and telecommunications facilities shall be of camouflage design standards. Examples of camouflage facilities include, but are not limited to, architecturally screened roof-mounted towers and antennas, antennas integrated into architectural elements, telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees. At a minimum, all towers not requiring FAA painting or markings shall have an exterior finish which is galvanized or painted dull blue, gray or black to reduce visual impact.
- 1-87.4 For all registered telecommunications towers, pursuant to Section 1-82, the tower owner must file with the Dubuque County Zoning Administrator, proof of liability insurance of at least one-million dollars (\$1,000,000.00) in the aggregate which may arise from operation of the facility during its life. This information shall be updated annually by the owner.
- 1-87.5 Land use regulations, visibility, fencing, screening, landscaping, parking, access, exterior illumination, sign, storage, and all other general zoning regulations except setback and height shall apply to the telecommunications tower.
- 1-87.6 All towers will include signage attached to the fencing or mounted on the tower stating the following information: Tower ID#, Site Name, E-911 Address, Emergency Contact name and #, General Information (company name, address and phone number), FCC Registration # and County Registration #. For all telecommunication towers regulated by this ordinance, setbacks on all sides shall be a distance equal to the height of the tower, measured from the base of the structure to the property line.
- 1-87.7 The base of any telecommunications tower shall be screened from view with a solid screening fence a minimum of eight feet in height and

- shrubbery which will grow to at least eight-feet (8') in height and must be four-feet (4') high when planted.
- 1-87.8 No guy anchors or towers shall be located in an existing easement located on the property. No tower accessories or appurtenances shall defeat the purpose of any easement on the property.
- 1-87.9 1-88 INSPECTIONS.
- 1-88.1 At the county's discretion or by complaint, telecommunications towers may be required to be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of telecommunications towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."
- 1-88.2 If, upon inspection, a tower fails to comply with such standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the Dubuque County Zoning Administrator may order the removal or cause the removal of such tower. All costs for such inspection, repair or removal shall be paid for by the owner of the telecommunication tower.
- 1-89 ABANDONMENT. In the event the use of any telecommunications tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Dubuque County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional one-hundred eighty (180) days within which to (1) Reactivate the use of the tower, or (2) Dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384.
- 1-90 Reserved.

PART 9 ADMINISTRATION AND ENFORCEMENT

- 1-91 ADMINISTRATIVE OFFICER. The Board of Supervisors shall appoint an Administrative Officer and necessary assistants and it shall be the duty of said Officer to enforce this Ordinance. It shall also be ~~his~~ **their** duty to examine all applications for certificates and permits, issue certificates and permits for construction and the establishment of uses which are in accordance with the requirements of this Ordinance, record

and file all applications for certificates and permits with accompanying plans and documents, and make such reports as the Board of Supervisors or the Board of Adjustment may require. Certificates and permits for construction and uses which are a special exception or variance to requirements of this Ordinance shall be issued only upon order of the Board of Adjustment. The 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 and necessary assistants out of the general fund such compensation as it shall deem fit.

1-92 ZONING AND OCCUPANCY CERTIFICATES.

1-92.1 Zoning Certificates Required. A Zoning Certificate shall be obtained by the administrative officer before starting or proceeding with the erection, construction, moving in or the structural alteration of a building or structure, including signs. No contractor shall commence work on a building or structure which requires a zoning certificate until ascertaining that the appropriate zoning certificate has been issued for the building or structure. [Amended May 17, 2004]

1-92.2 Occupancy Certificates Required. An Occupancy Certificate shall be obtained from the Administrative Officer before the use or occupancy of any building, structure, mobile home or land, may commence for any use.

1-92.3 Procedure for Certificates. To secure a Zoning Certificate and an Occupancy Certificate, the applicant shall file with the Administrative Officer a written application on forms approved by the Zoning Commission and shall state the legal description of the property as of public record and the names of the owner and applicant. The applicant shall describe the uses to be established or expanded, the proposed cost of the erection, construction or structural alteration of the building or structure and any other information the Administrative Officer deems essential for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing ~~in duplicate~~ of the lot showing the location of buildings, dimensions of the lot and size of yards. The lot and the location of the building thereon shall be staked out on the ground before construction is started. When public sanitary sewers are not available the application shall include the approval of the Iowa State Department of Health as to plans and specifications of proposed private sanitary sewerage disposal system when said facilities are of a magnitude as to be subject to the State Department of Health requirements.

1-92.4 Fees. A fee may be required as provided in Section 1-95 for the issuance of Zoning Certificates and Occupancy Certificates. [Amended May 10, 1999] [Amended June 8, 2001]

- 1-92.5 Payment of Fees. Fees shall be paid to Dubuque County at the office of the Administrative Officer.
- 1-92.6 Construction Notice. The applicant or his agent shall give the Administrative Officer forty-eight (48) hours' notice of beginning date of construction and the Administrative Officer or his duly authorized representative shall have access to such premises from such time on, during construction, for any inspection he deems necessary.
- 1-92.7 Issuance of Certificates. The Administrative Officer shall issue, within seven (7) days of the completed application, a written Zoning Certificate or Occupancy Certificate or denial thereof with reasons in writing from the Administrative Officer, certificates hereafter issued shall expire within ninety (90) days if a substantial beginning has not been made in the construction or if the use applied for has not been established within one (1) year. Nothing herein contained shall require any change in plans or construction of a lawful use, the construction of which is completed within one (1) year of the effective date of this Ordinance.
- 1-92.8 Records. All applications for Certificates, Permits and copies of those issued shall be systematically kept for ready public reference by the Administrative Officer, who shall also account to Dubuque County for all fees collected.
- 1-92.9 No zoning or occupancy certificate shall be issued for a residential, commercial or industrial structure located on property where the only public road access is to a road which has been designated area service 'B' by the Board of Supervisors under Iowa Code Section 309.57. [Added June 8, 2001]
- 1-93 INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other power granted by the Iowa Statutes.
- 1-94 VIOLATION AND PENALTY.
- 1-94.1 Violation. 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, may institute any proper action to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent any illegal act, conduct, business or use in or about such premises.
- 1-94.2 Simple Misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon

conviction, be subject to a penalty of not more than ~~\$500.00~~ \$750.00 and imprisoned for not more than 30 days for each offense. Each day that a violation is permitted by the defendant to exist shall constitute a separate offense. [Amended June 8, 2001]

- 1-94.3. County Infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be guilty of a county infraction and shall be subject to the penalties and remedies provided in Iowa Code Section 331.307. Each day that a violation occurs or is permitted by the defendant to exist shall constitute a separate infraction. A violation of Section 1-92.1 by a contractor shall constitute a county infraction and not a simple misdemeanor. [Added June 8, 2001] [Amended May 17, 2004]
- 1-95 FEES. [Added June 8, 2001]
- 1-95.1 Fees Required. Applications for the following services shall be accompanied by the required fee:
- a Applications for special use permits.
 - b Applications for Mobile Home Park and ~~trailer camp park~~ Recreational Vehicle Park permits under Section 1-61.
 - c Applications for temporary occupancy of a mobile home under Section 1-67.
 - d Zoning Certificates except for accessory buildings up to 180 square feet. [Amended March 25, 2002]
 - e ~~Occupancy Certificates.~~
 - f Petitions to the Board of Adjustment for appeals, special exceptions and variances.
 - g Zoning and Text Amendments to this Ordinance.
- 1-95.2 Amount of Fee. The amount of each fee shall be established by a resolution of the Dubuque County Board of Supervisors in an official schedule of fees for zoning and development services.
- 1-95.3 All fees shall be collected by the Zoning Administrator at the time the application is filed.
- 1-95.4 Fee Exemption. No fee shall be required for applications filed in the public interest by the Board of Supervisors, the Zoning Commission, the Zoning Board of Adjustment or the Zoning Administrator.

1-96 through 1-100 Reserved.

PART 10

BOARD OF ADJUSTMENT

- 1-101 CREATION AND MEMBERSHIP. A Board of Adjustment, to be hereinafter referred to as the Board, is hereby established. The Board shall consist of five (5) members appointed by the County Board of Supervisors. The five members of the first Board appointed shall serve

terms of one (1), two (2), three (3), and four (4) and five (5) years, respectively. Thereafter, terms shall be for five (5) years and vacancies shall be filled for the unexpired time of any member whose term becomes vacant. The County Board of Supervisors shall have power to remove any member of the Board for cause upon written charges and after public hearing. [Amended May 29, 1990]

- 1-102 CHAIRMAN, MEETING AND RECORDS. The Board shall adopt its own rules of procedure, not in conflict with this Ordinance or the Code of Iowa, to enable it to perform its functions and duties. The Board shall elect its own ~~Chairman~~ Chairperson, who shall serve for one (1) year. Such ~~Chairman~~ Chairperson, or in his absence, the acting ~~Chairman~~ Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be held at the call of the ~~Chairman~~ Chairperson and at such time and place within the County as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be of public record.
- 1-103 SPECIAL PERMIT USES AND STRUCTURES. A special permit use or structure shall not be granted by the Board of Adjustment unless and until:
- 1-103.1 A written application for a special permit is submitted on forms supplied by the Administrative Officer stating the grounds on which it is requested.
- 1-103.2 A public hearing shall be held. ~~Any person~~ You may appear in person or virtually represented by an agent, attorney or applicant.
- 1-103.3 Notice shall be given at least 15 days in advance of the public hearing by publication in a newspaper of general circulation in Dubuque County, stating the legal description of the property and general statement of its location by including adjacent streets and roads.
- 1-103.4 The Board of Adjustment, in reviewing an application for a Special Use Permit, shall consider the most appropriate use of the land; the conservation and stabilization of property; adequate open spaces for light and air; concentration of population; congestion of public streets; the promotion of the public safety, morale, health, convenience and comfort; and the general welfare of the persons residing or working in the neighborhood of such use.
- 1-103.5 In addition to the general requirements of this Ordinance in granting a special permit the Board of Adjustment may recommend conditions be attached which it finds are necessary to carry out the purpose of this Ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the

property, limit the number of signs, limit coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, require screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

- 1-103.6 The Board of Adjustment will make its findings and recommendations in writing within forty (40) days after the public hearing on proposed special permit use or structure. All actions by the Board of Adjustment with regard to special permits

shall be maintained by the Administrative Officer. The Administrative Officer shall notify the applicant for a special permit use or structure in writing of the Board of Adjustment's action within seven (7) days after the Board of Adjustment has rendered its decision.

1-104 APPEALS.

- 1-104.1 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 any decision of the Administrative Officer. Such appeal shall be taken within thirty (30) days of that grievance by filing with the Administrative Officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of an appeal and shall decide the appeal or application within a reasonable time. It shall give public notice and shall conduct a public hearing before making a decision on any appeal. The provisions of Section 335.6 of the Code of Iowa, relative to official notice of public hearing shall apply. Due notice by letter from the Administrative Officer shall be given to all owners of abutting property to the property for which the variation is sought. The letters shall state the location of the property and a brief description of the nature of the appeal, and shall state the time and place of public hearing.

- 1-104.2 An appeal stays all proceeding in furtherance of the action appealed from, unless the Administrative Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application of notice to the Officer from whom the appeal is taken and on due cause shown.

- 1-105 POWERS OF BOARD. The Board of Adjustment shall have the following powers:

- 1-105.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance or of the Code of Iowa.
- 1-105.2 To hear and decide the following special exceptions to the terms of this Ordinance:
 - a Those special exceptions of Use, Height and Area Regulations which are enumerated in this Ordinance.
 - b Yard variances for lots of record as enumerated in this Ordinance.
 - c Exceeding of height limitations as enumerated in this Ordinance.
 - d Off-site parking provisions as enumerated in this Ordinance.
- 1-105.3 To authorize upon appeal, in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. The Board shall be satisfied, by the evidence heard before it, that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from special privilege sought by the owner.
- 1-106 DECISION. In exercising the above mentioned powers such Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from or as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
- 1-107 VOTE REQUIRED. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.
- 1-108 RELIEF FROM DECISION. Any person or persons, jointly or severally aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer, or any officer, department, board or bureau of Dubuque County, Iowa, may seek such relief through the courts as provided by the Statute.
- 1-109 FEES. A fee may be required as provided in Section 1-95 for petitions for appeal, special exceptions or variances. [Amended August 27, 1979] [Amended June 8, 2001]
- 1-110 1-110 Reserved.

PART 11

CHANGES, AMENDMENTS AND FEES

- 1-111 **CHANGES AND AMENDMENTS.** The regulations, restrictions and boundaries established by this Ordinance may from time to time, be amended, supplemented, changed, modified or repealed by the Board of Supervisors or by petition for change by any person or corporation who owns some or all of the subject land to be affected by the petition of change; but no such amendments shall be made by the Board of Supervisors without first having received a report on such amendment from the Zoning Commission and without first having given official notice of and having held a public hearing on such amendment as provided by the Code of Iowa. As part of an ordinance amendment changing land from one zoning district to another zoning district, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations. Such conditions shall only limit the permitted uses listed for the area proposed for rezoning. The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case of a protest against such change signed by the owners of twenty (20) per cent or more either of the area included in such proposed change, or of the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by favorable vote of a majority of the Board of Supervisors. [Amended December 27, 1989]
- 1-112 **FEES.** A fee may be required as provided in Section 1-95. The Administrator with concurrence of the Chairperson and Vice Chairperson of the Zoning Commission, may waive all or part of said fee and costs, if, in their opinion, the proposed change primarily serves a public rather than a private interest, or where the primary purpose of the proposed change is to correct an error not caused by the applicant. [Amended February 27, 1995] [Amended June 8, 2001]

1-113 through 1-120 Reserved.

PART 12

CONFLICT AND VALIDITY

- 1-121 **CONFLICT.** Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.

- 1-122 VALIDITY. Should any section, sentence, clause or provision of this Ordinance be declared by a court to be invalid, the same shall not affect the validity of this Ordinance as a whole or the remaining portions of this Ordinance.
- 1-123 SEVERABILITY. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 1-124 REPEAL. All other ordinances or parts of ordinances of the County inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- 1-125 through 1-130 Reserved.

**PART 13
ENACTMENT**

- 1-131 This Ordinance shall be in full force and effect one day from and after its final passage, adoption and publication, as provided by law.

ADDENDUM A

[Added May 10, 1999] [Repealed June 8, 2001]

Ms. Henry said they are adding the definitions of Manufactured Homes, Mobile Home and Mobile Home park that are in red in Part 6.

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve Part 3 thru Part 13. The motions passes unanimously. Vote: 6-0.**

Ms. Steffens said they would remove what is in red lettering and adding what is in yellow lettering in the following solar ordinance.

**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.

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 annual 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 & maintenance plan. (Remove: explained under 2.1o)~~
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

- 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.** A ~~NEC~~ **NESC (National Electrical Safety Code)** 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, stormwater 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. **Stormwater management considerations.** For the purposes of pollutant removal, stormwater rate and runoff management, flood reduction and associated impacts, the applicant ~~shall provide a detailed analysis of pre and post development stormwater runoff rates for review by local jurisdictional authorities~~ must meet and be in compliance with the Dubuque County Erosion and Sediment Control and Stormwater Ordinance. This requirement may be met by providing a copy of the applicant's Stormwater 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 permanently 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.~~ Soils shall be planted and maintained in short stature perennial

vegetation capable of enhancing soil health and supporting pollinators. 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.~~

Landowner, farmer, tenant and adjoining landowner notification must be conducted per the terms of an easement or land use agreement, or as otherwise required by the specific Candidate Conservation Agreement or Habitat Conservation Plan under the Endangered Species Act.

- 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 with guided access from the project owner or their representative 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. ~~The cost of the decommissioning will be the responsibility of the company who owns the equipment and/or applies for or receives the permit.~~

~~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 success roads.~~
- ~~2. Re-vegetation of restored soil areas with crops, native seed mixes, plat 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.

Ms. Caitlin was concerned about having the word “ permanently” in in paragraph 1. Under letter r. Ed Raber, Dubuque County, explained that when they install the solar array they generally move the soil around and try to keep the soil in the same area. This means the the dirt will be moved around while they are working on the solar array the soil will get moved around but will not leave the property.

Mr. Raber said that Justin Voss from Alliant Energy suggested taking out Paragraph 1 & 2 in the Decommissioning and Site Reclamation Plan. He said the next few paragraphs cover that information. Ms. Caitlin suggested adding to the third paragraph “The cost of the decommissioning and reclamation will be the responsibility of the company who owns the equipment and/or applies for or receives the permit.”

A motion was made by Mr. Runde, **seconded by Mr. Soppe to approve the solar ordinance. The motion passed unanimously. Vote: 6-0.**

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to adjourn the meeting. The motion passed unanimously. Vote:6-0 . The meeting ended at 6:38 p.m.**